

# Board of Zoning Appeals

## May 12, 2016

**Members present:** Chairman Phil Rooney; David Russell, Secretary; George McAfee; and Doug Warren. Present on behalf of the City is Todd Richard, Zoning Administrator, from the Zoning Department and Deidre Ramthun, Recording Secretary.

The meeting was called to order at 6:00 p.m. by Mr. Rooney. Mr. Rooney introduced the members to the audience and the general rules were reviewed.

**Case #54621-BA-16 (429 Walnut Street and 420/422 Prospect Street)** was introduced. Mr. Richard read his comments as follows: Filed by Enforce Enterprises, the applicant is seeking a variance from the City of Findlay Zoning Ordinance, sections 1124.05A4 (required 30-foot rear yard setback); 1124.05A2 (required 3-foot side yard setback); and 1124.06A (4,500 square foot minimum lot size). The applicant is splitting a lot that contains two duplexes. The lot split will cause one duplex to have a 6-foot rear yard setback and another duplex and detached garage to have a 2.5-foot side yard setback. Additionally, one lot will have an area of 4,225 square feet.

This property came to light when an appraiser asked about the legality of the use of the property. Upon doing a history search and review, it was discovered that the duplex at 420/422 Prospect was built in 1975 without a zoning permit and without any action taken by the City to enforce any permit requirements.

The dwelling at 429 Walnut Street was built in 1900 and a permit to convert it into a triplex was issued in 1973; however, it does not appear this ever happened. It seems to have been converted into a duplex in approximately 1980 without a permit.

The result is two duplexes on one lot in a C-2 General Commercial zoning district. This needs to be cleaned up to satisfy banking requirements. The solution is to have the property rezoned to the R-4 Duplex/Triplex District which is basically designed for the old neighborhoods that have small lots. The request to change the zoning district was presented to the City Planning Commission today and they approved it with some minor conditions. The lot split, to further clean this up, has created some setback issues that can be remedied with the variance. One is the rear yard setback on the southern duplex will now have about a 6-foot rear yard setback instead of the required 30 feet, and the other issue was the side yard setback which has nothing to do with the lot split but it was decided to include it because we were looking at the compliance of the entire site. The existing duplex and garage are only 2.5 feet from the side yard and it is required to be at least 3 feet. Everything that is here has been here whether it be because of the City's lack of enforcement or other events, getting the variance granted and the lot split in the rezone is going to probably make the financial instruction more comfortable with the situation.

Mr. Warren stated that it appears that you are supporting a 95/105 split versus a 100/100 split. Why wouldn't you split it in half? Mr. Richard replied that what they were trying to do and what we advised was to put the lot line in a location which would require the fewest number of variances. The split reduced the need for a setback for the rear yard on the duplex on Walnut Street. They are maintaining a 30 foot rear yard. Mr. Warren commented that it looks like the solution to 50/50 would be to move the

proposed lot line 5 feet south which would increase the side yard setback for the detached garage to 11 feet and it would still maintain 14.5 feet which is not a variance requirement on the newer duplex. Mr. Richard said that there is an asphalt drive and a stone drive and they were trying to keep the lot line so that they weren't interfering with existing parking areas. If you move that 5 feet, you will probably cut off part of the asphalt. Mr. Warren clarified, not cutting it off but including it in the other property. Mr. Richard commented, yes, and if these ever get sold separately, it could be an issue.

To clarify, Mr. McAfee asked, the rezoning to R-4 is what was approved by the Planning Commission today. Mr. Richard replied, yes; that allows a duplex on each lot.

Chairman Rooney swore in Chuck Wilson, 2927 Ennisbrook Drive, Findlay, Ohio, on behalf of Enforce Enterprises, Inc. Mr. Wilson stated that this all came about when they tried to refinance the bank loan for this property purchased, as is, in 2000. When it was purchased, 429 was an upstairs/downstairs duplex and Prospect was a side by side duplex. They have maintained it as such and haven't made any changes to it. It all came about with the application for the refinance.

They did not have these issues at the time of the purchase and during two other property refinancing. To reiterate what Todd was talking about on the proposed lot line, one of the considerations was the asphalt driveway. It is not the intention to sell the properties as two separate properties; but should that happen in the future, you're not cutting off the asphalt driveway and having disputes about parking. It was conditionally approved this morning by the Planning Commission and this afternoon by the Zoning Commission contingent that we have separate water for the Prospect property. Right now it's a shared service. They intend to comply and get separate water meter service for Prospect. They are doing the lot split and the deeds are in the process of being prepared and approved.

Mr. Richard stated that there are no other communications.

A motion was made by Mr. Warren that the Board of Zoning Appeals approve the variances as requested. He stated that he's not sure if there is any permit to pick up. Mr. Richard stated that since the City neglected permitting in the past, to at least have a record of it and get a permit issued to establish these once the split has been received. Mr. Warren asked if it would be one permit or two. Mr. Richard stated that one permit will be required for each property. Mr. Warren included in his motion that the permits be obtained within 60 days. The motion was seconded by Mr. McAfee. The motion was approved unanimously, 4-0.

**Case #54625-BA-16 (1763 South Romick Parkway)** was introduced. Mr. Richard read his comments as follows: Filed by Ron Pehrson, regarding a side yard setback variance to section 1141.04B1 of the City of Findlay Zoning Ordinance. The applicant is proposing to construct a mini-storage building 25 feet from the side lot line. The minimum setback is 30 feet.

Two of the storage buildings were erected in 2009 and 2010. At that time, the side yard setback was related to the height of the buildings, or 25 feet. Those buildings were constructed to meet those setbacks.

Since the completion of the last storage building, the setback requirement has increased to 30 feet. Since the other two storage buildings are a continuation of what was previously approved and the request is minor, we have no issue with the request.

This was reviewed by City Planning Commission and was approved today as presented.

Chairman Rooney swore in Ron Pehrson, 2957 Spyglass Drive. As Todd said, this is the last phase of two phases done on the buildings. They were originally in compliance when they laid everything out and planned ahead. They contacted the F.O.P. who is the property owner on the side they're dealing with; they had no objections. The spacing between the buildings is important in that he has a number of customers with automobiles and trailers that need the maneuvering space. They also have placed security camera poles in the center of those driveways which need to be spaced for each building. Mr. Pehrson asked that he be allowed to complete what was started.

Mr. Warren asked if this layout was approved by the City Planning Commission. Mr. Pehrson replied that yes, all four buildings were approved. Mr. Warren commented that this is a unique condition that seems justified since it was previously approved.

**Communication:**

Mr. Richard read the following communication from the F.O.P. dated May 10, 2016 to Whom It May Concern: In reference to Case #54625-BA-16, the Fort Findlay Fraternal Order of Police Lodge #20 has no objection to the proposed twenty-five (25) foot side yard setback for the mini-storage buildings instead of the required thirty (30) foot side yard setback at 1763 S. Romick Parkway. Ron Pehrson's business filed for the variance request to the City of Findlay Zoning Ordinance section 1141.04B1. We are the property owners at 1769 S. Romick Parkway and we thank you for the notification for the Public Hearing through the Board of Appeals. Respectfully, Gregory Smith, Vice President – Ft. Findlay FOP Lodge #20.

Mr. Richard stated that this letter should assist in the deciding factor.

A motion was made by Mr. Warren that the Board of Zoning Appeals approve the unique circumstance that the layout was previously approved before the setback change so he feels that it's consistent that the variance be granted as requested as long as they pick up permits within 60 days for construction. The motion was seconded by Mr. Russell and was unanimously passed 4-0.

A motion was made by Mr. Rooney to approve the April minutes as written. The motion was seconded by Mr. Russell. The motion to approve the minutes passed 4-0.

The meeting was adjourned.



---

Chairman



---

Secretary