

Board of Zoning Appeals

January 12, 2017

Members present: Chairman Phil Rooney, Sharon Rooney, George McAfee, and Doug Warren. Present on behalf of the City of Findlay is Todd Richard, Zoning Department Administrator, Erik Adkins, Zoning Department Code Enforcement Officer, and Deidre Ramthun, Recording Secretary.

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

Case #55462-BA-17 (900 W. Melrose Avenue) was introduced. Mr. Richard read his comments as follows: Filed by Findlay Elks Home Association regarding a variance from section 1135.04 of the City of Findlay Zoning Ordinance. The applicant has proposed an addition to the existing building that will be 28 feet from the front lot line rather than the required 30 feet.

This project was reviewed and approved by the City Planning Commission (CPC) in error. The site plan was not made available during the staff review and somehow the encroachment was not detected at the CPC meeting, so the plan was approved with a 2-foot encroachment.

When the application was made for the zoning permit, the Zoning Department noticed the encroachment and could not issue the permit. The error should have been discovered either at the staff review or during the CPC meeting. The applicant is under a time constraint and the engineered drawings have been approved by Wood County Building Inspection.

Although the error is regrettable, the encroachment is minor and will have no direct impact on any property within the city limits. The property is bordered by Liberty Township to the west and south and by I-75 to the east. The only property within the city limits that abuts the subject property is an apartment complex to the north.

We're hoping that you will see that the spirit and intent is being met and that you'll grant the variance.

Mr. Rooney swore in Ervin Reinhart, RCM Architects, 322 South Main Street, Findlay, Ohio, representative for the Elks. This was an inadvertent issue. They were not attempting to subvert the code. It was just a design feature trying to create the most aesthetically pleasing design. In the multiple phases that they went through, they did maybe skip a step and didn't get this caught. Unfortunately, as Todd shared, it did go through City Planning, they were ready to roll and here we are today. Thankfully the weather has held off and they can get the foundations in if you see fit to approve this variance.

There were no communications.

Mr. McAfee moved to approve the variance and amend the existing permit. Said motion was seconded by Mrs. Rooney and the motion passed by a vote of 3-0. Mr. Rooney abstained since he is a member.

Case #55463-BA-17 (Hunter's Creek 10th Addition – Lots 5, 8, 13, 17, 18, 22, 23, 27-37-41-45, 58) was introduced. Mr. Richard read his comments as follows: Filed by Country Club Acres, Inc., a variance request from section 1121.05A of the City of Findlay Zoning Ordinance. The applicant is seeking to have the front yard setback requirements returned to the 25-foot setback as was originally platted under the PUD. The current zoning district requires a 30-foot front yard setback. Lot 23 has a proposed 15-foot front yard setback from the north lot line.

This request is nearly identical to the one we had in Lakeview Park. Had these lots been rezoned to the R-2 District, rather than R-1, the request would be unnecessary. The applicant has chosen to ask for a variance rather than a zone change since the variance request is a quicker route. These lots will most likely be changed to the R-2 district once the map gets updated according to H.R.P.C.

The request should be granted for these undeveloped lots. The remaining lots in the subdivision are either already built upon or they are owned by someone else.

The only exception we have to the request is regarding lot 23. It is a corner lot that should meet the 25-foot setback from the north lot line. Having a 15-foot setback will cause the building lines to be inconsistent. The lot is wide enough to accommodate a 25-foot setback requirement.

Additionally, lot 58 will be allowed a 15-foot street side yard setback regardless of what the Board's decision is because the code will allow it. Lot 58 was included in the request but it wasn't necessary. It's not being impacted by this request. The setback along the south lot line is actually a street side yard setback which is 15 feet because that's what the code is going to require.

Mr. Warren asked if that's what they originally platted. Dan Stone replied that the original plat did show that side yard setback to be 30 feet. They are okay with the 30 feet, but if you read the law of the current Findlay code, it says its 15 feet. Todd said that he would issue permits based on the code. Lot 58 is a moot point.

Mr. Warren asked why that one is different, why would that one be 15 feet by code. Mr. Richard replied that by definition it is called a street side yard. Mr. Warren asked if that is true of the East Lincoln/Remington property too. Mr. Richard replied, No, because there are a series of lots on the south side of East Lincoln Street. Mr. Richard described it as follows: When you have a street, two lots, and then another street, those two lots sandwiched between those two parallel streets, the perpendicular street that looks like a side yard is called a street side yard. That's what they were trying to apply on lot 23. Mr. Warren asked, so in this request they're asking for 15 feet on the street side yard on lot 58? Mr. Richard stated that is what we would grant a permit for because that is what the code is allowing. Mr. Warren stated that we should qualify that it is a 15-foot setback in their request? Mr. Richard commented, No; the applicant is okay with it being 30 feet. If somewhere down the road somebody wants to put an addition onto the existing home, or whatever, our Zoning code is going to allow a 15-foot setback. Mr. Warren asked if there was a house there. Mr. Richard replied, No; it's a vacant lot. Mr. Stone commented that all of the lots that they are requesting are vacant lots currently owned by Country Club Acres. Mr. Warren asked why we don't just make it 15 feet and out. Mr. Stone replied that we can do that. Mr. Richard stated that if you want to do that, that's fine. We'll say it shall have a 15-foot side yard setback; that's not a problem.

Mr. Rooney swore in Dan Stone, Van Horn, Hoover & Associates, 3200 North Main Street, Findlay, Ohio.

Mr. Warren asked Mr. Stone if there was a specific plan they had in mind for lot 23 that would make the footprint of the house not work with the 30-foot setback. To jump out 15 feet isn't going to look right because

everything else is set back. Mr. Stone commented, this was originally a PUD and when the City got rid of the PUD's they zoned it R-1. We started going through some of these now that this particular area has started to get some interest in home development. When we looked at lot 23, the original plat showed a 30-foot setback along both Remington and Lincoln Street. What that did is only give about a 42.5 to 45 foot wide footprint to build a home. Most of the homes in the Hunters Creek development area probably on average are about 50 feet wide. As requested by the developer, we are going through and trying to go back to the original plat and the original intent of the PUD with the setbacks, and are asking for a little bit more of a variance on this lot so they can get more of a standard home in there rather than something that's going to be a little bit longer and narrower. Mr. Warren commented, you're saying it's the narrowness of the lot that is an issue. It almost forces you to face the house toward East Lincoln. Mr. Stone agreed and Mr. Warren thanked him for his explanation.

Mr. Warren stated to Mr. Richard that it turns it into a long, narrow lot but it does appear if you take that line on up it gets pretty narrow, especially up at Remington Street. Mr. Richard asked Mr. Stone to clarify if they are looking to return the lots back to the way they were originally platted. Mr. Stone replied that is correct. The biggest concern were these hammerhead cul-de-sacs because you don't have a true circular cul-de-sac; you have a T cul-de-sac. Lots 31, 34, 41, and 44 – If you apply the 30-foot front setbacks, as well as 45, 40, 35, and 30, those lots become essentially undevelopable. The intent is to go ahead and push those back to the original development. The PUD, which granted a 25-foot setback there, which now allows those corner lots on those hammerheads to be able to get a driveway and be consistent with what has happened on the south end of the development. By virtue, lot 22 and 23 owned by Country Club Acres were lumped with all of the lots owned by CCA into this particular request. Mr. Richard clarified with Mr. Stone that they're not requesting a 25-foot setback for lot 22 in the front yard. Mr. Stone said no, keep that at 30 feet.

Mr. Richard explained that 35 of 80 feet will be lost in setbacks. The narrowest point of this house would be 45 feet. Mr. Warren stated that there is never going to be anybody behind them because of the drainage easement and there's actually utilities on all of the other properties. Their backyard is going to look bigger than it is because it's not going to be developed. If you have 45 feet width on a property, is that a reasonable width to build a house? Mr. Richard stated that the house will be allowed to have some depth to it because the setback from the west lot line now is 30 feet. Mr. Richard believes this is going to get rezoned to the R-2 anyway where the setback is going to be 25 feet. Mr. Warren stated that if he needs a variance, it would be better to get a variance on the rear or south or west side and hold the north setback. If you want to build a bigger house on that lot or find that the long, narrow shape is a problem, come back and explain that as a peculiar situation and ask for some grace on the rear or the west side. Mr. Stone stated that he and Todd spoke about this earlier and Mr. Stone understands where he's coming from but he wanted to present it to the BZA for their opinion and discussion. If you feel that is best, they're fine with that as well.

A motion was made by Mr. Warren to approve their request less the side street setback request on lot 23 should remain the standard. Lot 23 would have to just meet the standard front yard setback and include lot 58 as just having a street side yard setback of 15 feet. Mr. Richard clarified the motion. Mr. Warren asked if there is a permit to pick up. Mr. Richard said this is the same thing that we did in Lakeview and it will be documented because not all of the lots are under this. Mr. Stone said that the map could be updated based on the final determination by BZA. Mr. Warren said that it would be nice if the developer would let property owners know until the City reclassifies these properties that they have a unique situation individually too. Said motion was seconded by Mrs. Rooney to approve the variance as requested with the alteration from what they're asking for as to lot 23 and lot 58.

Mr. Rooney swore in Kari Evans, 690 Remington Street, Findlay, Ohio, which is lot 21. She is concerned about lots 22 and 23 and wants to be clear on what is happening and if the house on lot 23 is going to be facing Lincoln Street. Mr. Rooney said that would depend upon when they build it. The setback for both lots to the north will remain the same; both of the lots still have 30 feet on Remington. The issue is lot 23 has some frontage on East Lincoln Street. They wanted 15 feet but we're making them use 30 feet. If they want to ask for some relief when they try to build a house, we'll look at that. The lot next to Ms. Evans will have the same setback. Mr. Warren stated that we are going back to how it was originally platted which is how it probably was when she bought her property. The 30-foot line will be maintained.

The vote passed 3-0. Mr. Rooney abstained because he represents Country Club Acres.

A motion was made by Mr. Rooney to approve the December 8, 2016 minutes as written. The motion was seconded by Mr. Warren. The motion to approve the minutes passed unanimously.

Election of Officers: Mr. Rooney was elected as Chairman. Mrs. Rooney was elected as Secretary.

The meeting was adjourned.



Chairman



Secretary