

# Board of Zoning Appeals

## June 13, 2019

**Members present:** Chairman, Phil Rooney; Vice-Chairman, Doug Warren; Brett Gies; and Sarah Gillespie

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

The following was introduced by Mr. Erik Adkins:

**Case Number: 58352-BA-19**

**Address: 1807 Imperial Lane**

**Zone: R-1 Single Family, Low Density**

Filed by Seth Wurm, regarding a variance from section 1163.12(A)(2) of the City of Findlay Zoning Ordinance concerning a swimming pool setback at 1807 Imperial Lane. The applicant has constructed an above ground pool 3-feet from the side yard property line. This section requires that a swimming pool must be a minimum 5-foot from all property lines.

Mr. Wurm obtained his zoning permit for his swimming pool on June 20, 2018, in which the site-plan that was submitted stated that the pool would be 4-feet from both the house and new vinyl fence. At the time of applying, Mr. Wurm mentioned that the fence was going to be placed 2-feet from the western property line. This would have given a distance of 6-feet, a foot further than the required setback, from the western property line to the base of the swimming pool. Two days later, after finding out that Brothers Construction constructed the fence without a permit, Mr. Wurm came in and applied for the penalized fence permit.

Upon inspection of the fence and swimming pool, it was discovered that neither contractor followed the site plan. The fence was constructed right along the property line, and the swimming pool was constructed only 3-feet from the vinyl fence. By the fence contractor not erecting the fence 2-feet away from the property line, it eliminated the guideline for the installation of the swimming pool to be accurate. Had Brothers Construction constructed the fence 2-feet from the property line, the swimming pool would have ended up at 5-feet from the property line.

Property owner, Mr. Wurm, was sworn in and gave photos of the pool, behind the fence, to members of the board. Mr. Wurm stated he had spoken to all of his neighbors and has a letter signed from them with their contact information, stating that no neighbor is opposed to the pool staying where it is and cannot be seen since it is inside the privacy fence. He is asking the board to allow the pool to stay in the current location due to the financial burden it will cause him to have it moved two (2) feet.

Mr. Rooney asked if the fence is in compliance now. Mr. Adkins stated, yes, it is now in compliance.

Mr. Warren asked if the contractor told Mr. Wurm he obtained the permit, but did not. Mr. Wurm stated that the contractor did tell him they obtained the permit, to find out later from zoning staff, that he did not.

Mr. Adkins stated that Brothers Construction is no longer doing work for Lowes due to multiple problems with them throughout the city.

No communications were received on this case.

Mr. Warren stated that he feels the homeowner tried to do everything right and was left hanging by the contractor. The magnitude of the variance is minimal and moving the pool inside the fence will not make a difference visually to the neighbors. Mr. Warren made a motion to approve the variance as requested.

Ms. Gillespie second the motion.

Mr. Rooney amended the motion: If the pool is ever removed the variance will terminate.

Motion passed 4-0.

**Case Number: 58429-BA-19**  
**Address: 841 Hawthorne Road**  
**Zone: R-1 Single Family, Low Density**

Filed by Gregory Mohr, regarding a variance from section 1121.05(A) of the City of Findlay Zoning Ordinance concerning an addition to the dwelling at 841 Hawthorne Road. The applicant is proposing to construct a new attached garage with a front yard setback of 22.6-feet. This section requires that the building must meet a 30-foot front yard setback.

Currently, the neighborhood is in unison beyond a 30-foot setback building line stretching towards the west, and by allowing for a 6-foot encroachment into the setback, it would affect the harmony of the neighborhood. The city would not be for the variance as requested. Had the request been made for a variance in the rear, the city would be more in favor of a request in the rear due to it abutting up to an unimproved right-of-way.

Though the city remains adamant that a 30-foot setback be kept; however, if the variance request is approved, this property is located within the 100-year flood plain and the owner will have other flood proofing requirements via the flood code that would need to be met prior to construction.

Mr. Mohr was sworn in. He stated that since the request for a variance was turned in, the plan was revised requesting a three (3) foot variance instead of a 7.5 foot variance. They need to have the garage in the front of the house due to the layout of the house, the need for an addition to the garage, along with more square footage to the house. This would be in harmony with the neighborhood.

Mr. Warren asked what the depth of the garage is with the revised plan.

Mr. Mohr stated 24 feet, which includes a mudroom.

Mr. Gies stated that he appreciates their revision of the setback. His initial concern looking at the original request was the length of a vehicle parked in front of the garage would overhang into the right of way.

Mr. Adkins stated communications were received on this case by Matthias Leguire.

Kyle Inbody read the letter from Matthias Leguire into record.

No other communications were received on this case.

Mr. Gies made a motion to approve the variance request. He stated he appreciates the revised layout and the smaller variance request of 3 feet instead of 7.5 feet, and the hardship the home owners had to go through to revise the plans. The new plan is in harmony with the neighborhood.

Mr. Warren second the motion and stated that the owners looked at other options and this is the best option.

Mr. Rooney abstained from voting.

Motion of amended plan passed 3-0.

Mr. Adkins stated that since the property is within the 100 year floodplain, an Elevation Certificate would need to be obtained. Mr. Mohr stated they do have one and will get a copy of it to Zoning staff. Erik Adkins explained the flood proofing materials requirement stating that the lowest floor joist must be at or above the base flood elevation; and explained the substantial improvement percentage requirements. He stated the permits must be obtained with 60 days.

Minutes for May 09, 2019 Board of Zoning Appeals meeting approved 4-0.

The meeting was adjourned.

  
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Chairman

  
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Secretary