

Board of Zoning Appeals

September 12, 2019

Members present: Chairman, Phil Rooney; Kerry Trombley; and David Russell.

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: 58762-BA-19
Address: 867 Fox Run Road
Zone: CD – Condominium District

Filed by Elaine Langenderfer, regarding a variance from section 1127.05(C) of the City of Findlay Zoning Ordinance concerning a rear yard setback at 867 Fox Run Road. The applicant is proposing to construct a new addition to the rear of dwelling with a 21-foot rear yard setback. This section requires that the addition must meet a 30-foot rear yard setback.

This dwelling is part of a condo association and located the southern tip of the development. With approval of the variance, the addition will have zero impact since it will abut up to a lake, which will mean there will not be any neighboring properties to the rear. The only properties impacted will be those sharing the same building footprint. The city does not see an issue in granting this variance.

Mr. Rooney asked if the applicant was present and wished to speak. The applicant is not present.

Mr. Rooney asked if anyone else would like to speak on this case.

Mara Drais, of 861 Fox Run Road, was sworn in and stated she is opposed to the granting of the variance. She stated others follow the city guidelines and if this is granted, it will set the precedence for others to not follow the city guidelines, which could result in the site line and view being obstructed.

Mr. Adkins stated the only correspondence received was a phone call from Ms. Drais.

Mr. Trombley stated it is difficult to decide without the applicant present; since there are some concerns raised by neighbors. He asked if the request for variance is denied, does the applicant have to wait a year to re-apply?

Mr. Adkins stated yes, typically, that is what the legality is.

Mr. Trombley made a motion to table the case until the October 10, 2019 meeting to be able to hear from the applicant, since there are concerns from neighbors.

Mr. Adkins informed Ms. Drais that she can come back next month to voice her concerns when the applicant is present.

Mr. Trombley advised Ms. Drais that if she cannot make it to next months meeting, her comments/concerns are now part of the record and can be read at next months meeting if she cannot make it.

Mr. Russell seconded the motion to table the request for variance until next month.

Motion to table the request for variance until October 10, 2019 meeting 3-0.

Case Number: 58843-BA-19

Address: Future development on Birchaven Lane

Zone: M-2 Multi-Family, High Density

Filed by Penrose, LLC, regarding a variance from section 1161.11.3 of the City of Findlay Zoning Ordinance in regards to parking space requirements at a future development on Birchaven Lane. The applicant is proposing to construct a new senior living apartment complex with a proposed 1.3 parking spaces per unit. This section requires 2.2 parking spaces per unit.

The applicant is seeking a similar variance granted to the senior apartment complex developed at 11815 Township Road 145 to alleviate their parking requirements. Per BZA case number 54140-BA-15 (enclosed), the quorum at the time approved a parking requirement of 2-spaces per unit instead of the required 2.5-spaces, and a "banked" parking for the remainder of the requirement. Since that case was presented in 2015, the zoning code has been updated the required parking for multi-family units from 2.5-spaces to 2-spaces per unit, and in regards to visitor parking from 1-space per every two units to 1-space per every five units.

With the senior apartments at 11815 Township Road 145, being granted a variance for 2-spaces per unit instead of the required 2.5-spaces, with the excess being "banked", if the board were to grant a variance for 1.3-spaces with the remaining required "banked", instead of the 2.2-spaces per unit the zoning code requires, the city would still have concerns that after time, this development could turn into a more traditional apartment complex with higher parking needs, though it may be unlikely due to its proximity and location, there are still concerns.

Mr. Lasserre Bradley, Sr. Vice President of Penrose, was sworn in and stated the required age for housing is 55, the average age is 70+, with a 30-year deed restriction. The average is 1 to 1 ratio for residential unit to parking and typically do not utilize all of the parking. This development will have 50 units, 44 one-bedroom units, and 6 two-bedroom units.

Mr. Trombley asked how they came up with the 1.3 parking spaces per unit.

Mr. Bradley stated their typical standard is 1.1, however, when they came in and met with City of Findlay personnel, they detected some concern in the case of over flow if an event was going on and holidays, so working with Peterman and Associates, they came up with the 1.3 parking spaces per unit, which is 65 spaces for 50 units.

Mr. Trombley stated his understanding by what Mr. Bradley is saying is some people do not have a vehicle so that is less than 1 car per unit?

Mr. Bradley stated that is correct. Some people, because of their age, do not have a vehicle. If every resident did have a car, they would be covered with the 50 parking spaces, plus 15 additional spaces.

Mr. Trombley asked if they were looking at maximum parking for peak times and holidays, other events, etc.

Mr. Bradley stated that one advantage is they are partnered with Blanchard Valley Health Systems and Birchaven Village is the neighboring property. They are working with Blanchard Valley to partner in events and are looking into possibly holding some events at Birchaven which would then have the Birchaven parking lot to accommodate additional parking. He stated that lot could also be used for occasional overflow parking.

Mr. Trombley asked if the parking at Birchaven is a guarantee in an easement or a written agreement with Blanchard Valley that will go with the land if they were to sell?

Mr. Bradley stated they have not created an easement for that but they are co-owners with Blanchard Valley so that would not be a problem. Mr. Bradley passed out a revised parking lot diagram to Board members.

Mr. Rooney asked if the footprint of the land for development has been determined yet.

Mr. Bradley stated that was correct. There has not been a parcel split yet but they are in the process of finalizing the property line.

Mr. Rooney asked if it was a matter of space, is that the issue.

Mr. Bradley stated no.

Mr. Trombley asked if there was any kind of assistance in the complex; like nursing, assisted living?

Mr. Bradley stated no. With the financing they are using, it is strictly independent living.

Mr. Trombley stated his concern is that the code does not necessarily address this specific type of use. It addresses retirement communities, that has lived in, nursing support that might need additional parking space. It seems that you have over flow parking space potentially available. How many spaces would be available to you, should you need it, in the Blanchard Valley facility?

Mr. Bradley stated they have not tied to a specific number but would like to have Bridgett Mundy give her opinion.

Bridgett Mundy, of Birchaven Village, was sworn in and stated the property we are discussing is located directly across from the Heights and the Oaks, which are the Assisted Living and the Independent Living facilities at Birchaven Village. She estimates approximately 100 parking spaces for these units, which are approximately 70% full in the day time. She stated that even on a busy day, there are approximately 25 – 30 available parking spaces.

Mr. Trombley stated his concern is that we need to make sure there is enough parking available. What if something were to happen where the partnership with Blanchard Valley were to split and the extra parking with Birchaven is no longer available. If there was some kind of agreement between the two that was formalized, in some sort of permanent easement that is tied with the land then that would give some sort of comfort that the parking will always be available.

Mr. Trombley continued to state that the second concern would be, in the event that there would be a lot of extra spots needed at both facilities at the same time, such as for Christmas, that would be a concern.

Ms. Mundy stated that if the campus were to expand in the future, they would plan for additional spaces needed for the expansion.

Mr. Bradley stated they will utilize housing tax credits (1-1) and will have tax credit investors that will also be looking at if the operation and efficiency.

Mr. Adkins stated no communications were received on this case.

Mr. Rooney stated he understands the use is different and a reduction is not unreasonable, but that allowing 45 spots less than what is required, is a lot of spots and seems a little steep, unless they can get a cross easement with Birchaven, that may help.

Mr. Trombley stated that this would help and if it would be sold, it guarantees the parking would still be available and they would not have to try to jam everyone into one lot.

Mr. Trombley stated that it was mentioned that approximately 30 spots would be available in the Birchaven facility, they are 45 short of the requirement, so if they were willing to add 15 spots and do the cross easement, that would be acceptable to him since it is a unique use not necessarily recognized by the zoning code.

Mr. Rooney asked how they would feel about 80.

Mr. Bradley clarified: the 65 proposed in the design, expanded by 15, plus 30 with a cross easement with Birchaven.

Mr. Bradley stated that in speaking with Bridgett Mundy, Birchaven is a board led institution, and she cannot commit to that tonight; and he cannot commit to that tonight. It is something they are both willing to work on.

Mr. Trombley stated we usually give 60 days to get permits; however, they would be willing to extend that.

Mr. Rooney stated they have not been to City Planning Commission yet, so that gives them more time to come up with the agreement.

Mr. Adkins stated we could give 60 days to get permits after City Planning Commission.

Mr. Trombley stated that would be if that gives them enough time to get the parking easement dedicated.

Mr. Bradley asked if they run into any snags for doing a formal easement, would a bank for additional parking be an alternative?

Mr. Rooney informed Mr. Bradley that in the past, they allowed a bank because they felt the number of parking spaces proposed, was enough to accommodate what they needed. He continued to state that with the proposed 65 parking spaces, he does not feel that will be enough.

Mr. Bradley stated that by doing a bank of parking, that gives them some flexibility until their master plan is completed.

Mr. Trombley stated the code says 110, we are allowing 80 (1.6 spaces instead of 2), and we are allowing the remaining spaces to be made up in a shared parking agreement. So, if they can't come up with some kind of shared parking agreement with the partners, they could come back and have further discussion on where to go from there.

Mr. Bradley stated there will be a process to get board approval from Blanchard Valley, and they do not have an exact time line.

Mr. Rooney stated to get the permit within 60 days from receiving approval from City Planning.

Mr. Adkins stated that locks the variance into place. If you get it on the 61st day, you have to come back to BZA.

Mr. Bradley stated they have a submission to OFA at the end of the month which they will revise the plans adding the 15 additional parking spaces, then they will meet for the financing, probably in December, which will put the closing for the financing after the 1st of next year. Looking at January or February next year before going in front of City Planning.

Mr. Adkins stated there still needs to be a time restraint on it so this is not hanging out there for years.

Mr. Bradley asked the board to consider one more tweak, to build the 65 and have the 15 as banked, and do the 30 as the easement?

Mr. Trombley voiced his concern about banked till when, and what criteria for parking becoming an issue, and enforcing that, and inspections...

Mr. Rooney stated that in 2015 when they allowed a bank, it was an ugly compromise.

Mr. Trombley does not see it as the boards role to go do inspection or get reports. He feels it would be more straight forward and transparent and easier without the banked parking. He stated he feels they (the board) suggested a fair compromise.

Mr. Rooney stated Mr. Trombley made a motion. The motion is to approve the request for the variance with the requirement that 80 spaces be required and that the applicant enter into a recorded shared parking agreement (easement) with the adjoining/neighbor property owner; and to get required permits within 60 days of City Planning approval, no later than June 30, 2020. The board can extent the date, if needed.

Mr. Russell seconded the motion.

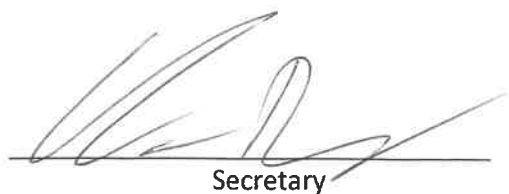
Motion to approve the request for variance with conditions, as listed above, 3-0.

Minutes for August 08, 2019 Board of Zoning Appeals meeting tabled.

The meeting was adjourned.



Chairman



Secretary