

Board of Zoning Appeals

August 08, 2019

Members present: Chairman, Phil Rooney; Blaine Wells; Kerry Trombley; 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: 58619-BA-19

Address: 1400 Byal Avenue

Zone: R-2 Single Family, Medium Density

Filed by Melissa Egon, regarding a variance from section 1122.05(D) of the City of Findlay Zoning Ordinance concerning a street side yard setback at 1400 Byal Avenue. The applicant is proposing to construct a new privacy fence with a 1/2-foot street side yard setback. This section requires that the fence must meet a 15-foot street side yard setback.

The proposed location of this fence will remain in harmony within the immediate neighborhood, and be in line with other fences, dwellings and accessory structures on Byal Avenue. There is a shed already on this property, which is a 1/2-foot from the Byal Avenue right-of-way, and approximately 22-feet from the edge of pavement. The property to the east has a fence that is approximately 6-feet from the property line, making this fence not in compliance with the zoning code. However, for this particular fence and permit, Todd Richard and Matt Cordonnier administratively approved the location of the fence and deemed it as infill. In addition, the property to the north, has a dwelling, a fence, and an accessory structure that was constructed on or very close to the Greenwood Street right-of-way.

Prior to applying for the permit, the Egon's reached out to the zoning department to find out exactly where they could erect a fence on their property and what the zoning code allowed. During that initial call, one of the zoning inspectors stated that they could construct a 4-foot high shadowboxed fence along their property line, which the zoning code allows for a 4-foot high fence that must be 50-percent open. If the variance was granted, the proposed location of the fence will be a continuance of the building line and remain in harmony with the properties on the west side of Byal Avenue. The city would be for the approval of the variance.

Jason Egon, property owner, was sworn in. Mr. Egon stated that he was authorized to do a shadow box fence when he obtained the permit; then later, after he spent the money to purchase the shadow box fence and had already put the 6 foot posts in, he was told that it had to be a picket fence that could not exceed 4 feet in height. Mr. Egon stated he is asking to be allowed to have the 6 foot shadow box fence so he can have some privacy in his yard.

Mr. Kerry Trombley asked how tall Mr. Egon wanted to make the fence? Mr. Egon replied he would like the fence to be 6 feet high. He will cut down the 6 foot posts that he has already installed if the variance is denied.

No other communications were received on this case.

Mr. Blaine Wells made a motion to approve the variance.

Ms. Sarah Gillespie seconded the motion to approve the variance.

Motion to approve the request for variance 4-0.

Case Number: 58679-BA-19

Address: 1600 Logan Avenue

Zone: R-2 Single Family, Medium Density

Filed by Melissa Heath, regarding a variance from section 1122.05(A) of the City of Findlay Zoning Ordinance concerning a front yard setback at 1600 Logan Avenue. The applicant is proposing to construct a new detached garage with a 10-foot front yard setback. This section requires that the accessory building must meet a 25-foot front yard setback.

In the near future, this parcel will be rezoned via a map update to R-3 Single Family, High Density, and the proposed setback of the detached garage of 10-feet will be the new front yard setback permanently for this parcel once the map gets adopted. With that being said, knowing that the map change will take place soon, the city is for the approval of the variance.

Melissa Heath, property owner, was sworn in. Ms. Heath stated they would like to start building as soon as possible to get the garage completed before winter arrives instead of waiting for the zoning change to take place.

Mr. Wells asked if when the zoning changes to an R3, will it be a 10-foot setback for this property only or for all properties in an R3?

Mr. Adkins stated that all R3 zones will have a 10-foot front setback.

Mr. Trombley thanked Ms. Heath for reaching out to her neighbors about the variance request since they will be impacted by it.

No other communications were received on this case.

Mr. Trombley made a motion to approve the variance.

Mr. Wells seconded the motion to approve the variance.

Motion to approve the request for variance 4-0.

Case Numbers: 58538-BA-19 & 58552-BA-19

Address: 701 Adams Street

Zone: M-2 – Multiple Family, High Density

Filed by Tony Scanlon, on behalf of G & H Enterprises, LLC, regarding a variance from section 1126.05(A) and a variance from section 1126.09(A) of the City of Findlay Zoning Ordinance concerning a proposed apartment complex at 701 Adams Street. The applicant is proposing to construct a new 30-unit apartment complex which will match existing neighboring front yard setbacks along Adams Street (18-

feet) and Putnam Street (21-feet) and each building will have a separation of 10-feet. Section 1126.05(A) requires that the buildings must meet a 25-foot front yard setback and section 1126.09(A) requires that the buildings must have a building separation of 20-feet.

This site is the location of the former St. Michaels Catholic School, and is currently is a paved parking lot located at the intersections of Putnam Street, Adams Street and Western Avenue. This parcel has recently gone through a zoning amendment this past December, which changed it from R-3 – Single Family, High Density to M-2 – Multifamily, High Density.

The previous zoning district (R-3) would have had a front yard building setback of 10-feet, and a side yard setback of three feet, which would have created building separation of six feet in between dwellings. Had the developers decided to create separate lots within the parcels, they could have requested a zoning amendment to R-4 – Duplex/Triplex, and created 14 buildings, with a total of 42 units. The R-4 districts infill development, would have had the same setbacks as a R-3 district.

The preliminary sketch maintains the front building line located on Adams Street and Putnam Street in harmony with the front building line of the abutting neighborhood.

Mr. Tony Scanlon was sworn in. Mr. Scanlon stated when they went through the zoning change in December, it was for multiple six-unit buildings. Since then, they modified their plans to make the neighborhood feel more comfortable.

Mr. Trombley asked Mr. Scanlon if his request for variance is to match existing setbacks; and what would happen if they had to meet the setback requirements?

Mr. Scanlon stated he would have to go back to his original plan of having the six-unit buildings facing Western Avenue.

Mr. Wells asked what the point was of changing from the six units, three story high down to three units, one and a half story high to two-story high units?

Mr. Scanlon stated the neighborhood did not like the three-story high buildings.

Michelle Landis, 823 Adams Street, was sworn in. Ms. Landis stated that the neighborhood is not happy about this but these people are doing everything they can to make this project fit in with the neighborhood.

Pat Wright, 724 Adams Street, was sworn in. Ms. Wright stated she is concerned about the setback on Western Avenue; if they were ever to widen the road, this would create a problem. Ms. Wright also stated she would like to see a lot of green space and a lot of screening with more mature trees. Another concern is the alley entrance.

One communication was received on this case by Pat Wright, which she already communicated. No other communications were received on this case.

Mr. Trombley stated that in looking at the variances requested on this project, it looks like the developer has done a good job trying to work with the community to match the harmony of the existing neighborhood and he is in support of them.

Mr. Trombley asked Mr. Adkins if there is any way to move the driveway entrance off Adams closer to the intersection?

Mr. Adkins stated that would be a question for Engineering.

Mr. Trombley made a motion to approve the requests for variance on the setbacks on Adams, Putman Streets, as well the building separations setbacks.

Ms. Gillespie seconded the motion to approve the requests for variance.

Mr. Rooney abstained from the voting.

Motion to approve both the requests for variances 3-0.

Mr. Adkins stated that Mr. Scanlon has requested 90 days, instead of 60 days, to get the permits, due to still having to go in front of City Planning Commission.

Mr. Rooney stated they could give 60 days after receiving City Planning Commission approval to get the permits.

Mr. Trombley suggested a cap be put on it.

Mr. Rooney suggested 60 days after receiving City Planning Commission approval, but not more than 120 days from today.

Mr. Rooney amended the motion to grant the variances as requested as long as applicant gets the permits within 60 days of City Planning Commission approval, but not longer than 120 days after the date of this meeting.

Motion to approve amendment for both the requests for variances 3-0.

Mr. Rooney abstained from the voting.

Minutes for July 18, 2019 Board of Zoning Appeals meeting approved 3-0.

The meeting was adjourned.


Chairman


Secretary