

# Board of Zoning Appeals

## October 10, 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.

Mr. Kerry Trombley made a motion to bring case number 58762-BA-19, for 867 Fox Run Road, off the table.

Mr. David Russell seconded the motion.

Case was brought off the table and 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. Michael Barney, contractor with Exterior Quality's Home Improvement, was sworn in; and stated they spoke with the neighbors on both sides of the property, and with the H.O.A. approximately six weeks ago and they received the approval from all three. He stated he is now aware there is a concern, however, not sure what it is. He stated they are proposing to build a sun room addition that will be composed of mostly vinyl and glass. He stated his only concern would be the neighbor's view to the lake; but when they spoke with her about it, she did give her approval.

Mr. Trombley asked why the variance request is for 21 feet but the drawing shows 15 feet.

Mr. Barney stated they sent in new plans because the first site plan submitted was not correct and the request for variance is for 21 feet.

Mr. Trombley asked Mr. Barney what options they looked at to meet the 30 feet setback.

Mr. Barney stated they could move the room approximately 14 feet over; however, it would mess up access from the existing sliding patio doors and the existing concrete pad and pergola.

Mara Draiss, 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. Rooney asked Ms. Drais if she spoke to the condominium association. Ms. Drais stated she has not.

Mr. Russell clarified with Ms. Drais that she is alright with this variance one time but she does not want this to set a precedence. Ms. Drais stated that is correct.

Mr. Adkins stated there were no communications.

Mr. Trombley stated his thoughts are that the property in question has more depth than the neighboring properties do and questions if there is a hardship. Since they have more depth, he doesn't see why they shouldn't be able to meet the code; although it is a minor request, it is not substantial.

Mr. Rooney stated the boards job is based strictly on zoning issues. Generally, they would grant such requests since the property butts up against a pond and not to another land owner.

Mr. Trombley asked Mr. Barney about there being several other sunroom additions to condos within this H.O.A. as it stated in the variance request.

Mr. Barney stated after going back to the job, he could not confirm that those additions to the condos around the lake, where actually within the same H.O.A.

Mr. Rooney made a motion to approve the variance as requested, based on the fact that the request is not large, and as a special circumstance with it being a condominium district, and it will not affect the neighboring properties.

Mr. Russell seconded the motion.

Mr. Trombley stated he would add to the reasoning, the room will be mostly glass, which makes it mostly transparent, and it is minimal in nature.

Motion to approve the request for variance, 3-0.

Mr. Adkins informed Mr. Barney he will need to get the required permits within 60 days.

The following was introduced by Mr. Erik Adkins:

**Case Number: 58916-BA-19**

**Address: 2321 N. Main Street**

**Zone: Currently - C-2 – General Commercial**

**Future – R-3 – Single Family, High Density**

Filed by Ralph Vanderlucht, regarding a variance from section 1123.05(D) of the City of Findlay Zoning Ordinance in regards to a rear yard setback at 2321 N. Main Street. The applicant is proposing to construct an attached garage with a rear yard setback of 11.4-feet. The required rear yard setback is 15-percent of the depth of the lot or 30-feet.

The owner is looking to convert the existing church into a dwelling unit, and has already converted the former daycare center into a framing shop. The existing parcel is proposed to be split, and Mr. Vanderlucht will be applying for a zone change to make the existing church section of the parcel, R-3, single family, high density. Once the split and zone change gets approved, the setbacks for the future

dwelling will become; 3-feet from the south lot line; 10-feet from the north and west lot lines; and 15-percent of the lot depth of the lot for east lot, which once calculated is 17.7-feet.

After completion of the lot split and zoning re-classification, in order to fit a two-car garage, the owner would need a minimal 6.3-foot rear yard variance. This would allow the owner to have enclosed, on-site parking for the dwelling. The city is not opposed to the variance, with the condition that the lot split and zoning change is completed.

Mr. Adkins stated the zoning change has been applied for and new plans have been given to the board with the lot split.

Mr. Ralph Vanderlucht was sworn in and stated he purchased 2321 N. Main St., 2319 N. Main St. and 115 Ely as a bundle from the church that owned it. He would like to split the frame shop and the church lots. The church is being converted into a residence and he would like to add an attached garage to the dwelling. The setbacks on Ely would match the existing building line of the church.

Mr. Trombley asked how much space is going to be in between the end of parcel A and the building on parcel C. What is the setback?

Mr. Adkins stated the lot would remain a nonconforming lot. But by creating a conforming lot with lot A, there would only be one nonconforming lot instead of two.

Mr. Rooney asked if the frame shop would be the only nonconforming lot. Mr. Adkins stated yes.

Mr. Trombley asked what the zoning is on the frame shop. Mr. Adkins informed it is zoned C2.

Mr. Adkins stated there are no communications on this case.

Mr. Trombley made a motion to approve the variance contingent upon the lot split and the zoning change getting approved. He stated it is minimal in nature and the lot split makes one lot become a conforming lot.

Mr. Rooney added to pick up permit within 60 days and seconded the motion.

Motion to approve the request for variance with conditions, the lot split and the zoning change getting approved, 3-0.

The following was introduced by Mr. Erik Adkins:

**Case Numbers: 58948-BA-19 and 58981-BA-19**

**Address: 605 2<sup>nd</sup> Street**

**Zone: R-2 – Single Family, Medium Density**

Filed by Chris Routson, regarding a variance from section 1122.05(B) of the City of Findlay Zoning Ordinance in regards to side yard setback at 605 2nd Street. The applicant is proposing to construct a new 1176- square foot addition to the dwelling and has proposed to continue the building line, which is approximately 3-feet from the side property line. This section requires a 5-foot setback.

Also, Mr. Routson, is seeking a variance from section 1161.01.1(C)(2) of the City of Findlay Zoning Ordinance in regards to maximum accessory structure area allowed on a site at 605 2nd Street. The applicant has replaced a weather-damaged accessory with a replacement accessory structure, causing

the total floor area to exceed the allowable accessory structure area by 188-square feet. This section allows for a maximum of 900-square feet of accessory structure area.

In regards to case number 58948-BA-19, the owner is proposing to demolish the existing attached garage, and construct an 1176-square foot addition at the established building line of the dwelling. If approved, the city would prefer the variance to read as "a continuation of the existing building line" instead of "approximately three feet".

For case number 58981-BA-19, Mr. Routson stated that following inclement weather that damaged his old shed, he contacted Mr. Richard at the zoning department to determine if he needed a permit to replace the building. According to Mr. Routson stated he was told that he did not need a permit to replace the weather damaged shed. However, the accessory structure was replaced with a larger one in square footage and has caused the allowable area to exceed the amount allowed.

With an established building line of the dwelling, and due to the miscommunication and the minimal amount that the shed makes in excess, the city would be for the granting each of the variances if the board were to do so.

Mr. Chris Routson was sworn in and stated the existing garage that is attached to the house has a foundation that is dilapidated and he wants to tear it down and replace it with a larger garage.

Mr. Trombley asked how far south is Mr. Routson extending it.

Mr. Routson stated 24 feet.

Mr. Russell stated he felt this would not affect anybody.

Mr. Rooney got clarification from Mr. Routson on the drawings.

Mr. Routson stated he was told by Mr. Todd Richard that since his shed was damaged due to a storm, he would not need a permit to repair the shed. He decided to replace the damaged shed with a larger shed instead and stated he did not realize he would need a permit to replace the shed, instead of repairing it, and was not aware of the maximum 900 square footage allowance for accessory structures.

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

On case 58948-BA-19, the garage addition: Mr. Trombley made a motion to approve the request for variance; it should read a continuation of existing building line, and he feels that the neighborhood is an old neighborhood and a lot of the area does not meet the current zoning code, therefore, it would be in harmony with the neighborhood.

Mr. Russell seconded the motion.

Mr. Adkins stated Mr. Routson already has a permit and he will amend it tomorrow since he already has a current plan.

Motion to approve the request for variance with amendment, to read the addition to continue the existing building line, 3-0.

On case 58981-BA-19, over the 900 square footage allowance: Mr. Rooney made a motion to approve the request for variance, stating it seems like it was just a miscommunication and is such a minor change in size that it would not affect anyone.