

# Board of Zoning Appeals

## June 11, 2020

**Members present:** Chairman, Phil Rooney; Blaine Wells; Kerry Trombley; 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. Adkins:

**Case Number: 59556-BA-20**

**Address: 505 Edith Avenue**

**Zone: R2 – Single Family, Medium Density**

Filed by Joe Frasure, regarding a variance from section 1161.03(C)(1)(a) of the City of Findlay Zoning Ordinance concerning a fence at 505 Edith Avenue. The applicant has constructed a new privacy fence with the structural side facing outwards. This section requires that the fence must have the non-structural side facing outwards.

The fence was constructed with a permit, however when installed, the smooth side of the fence was built facing inwards. Upon investigating the area, multiple fences within the immediate area are facing the same direction as the one at 505 Edith Avenue, but they were built prior to the 2012 zoning code change.

If the variance were approved, the fence would be in harmony with neighboring properties.

Mr. Joe Frasure was sworn in. He stated this is just an extension of the existing fence and cannot be seen from the road. He stated he spoke with the neighbors and they do not have any problems with the request for variance.

Mr. Rooney asked if anyone had any questions? Is there were any communications on this case?

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

Mr. Rooney asked if there were anyone else that would like to speak on this matter?

Gail Palmer, 501 Edith Ave. was sworn in. She stated Mr. Frasure has fixed up the house inside and out and it is the prime house in the neighborhood and is gorgeous. She is in favor of the request made by Mr. Frasure.

Mr. Wells made a motion to approve the request.

Mr. Trombley seconded the motion.

Motion to approve the variance as requested, 5-0.

The following was introduced by Mr. Adkins:

**Case Numbers: 59708-BA-20**

**Address: 430 Walnut Street**

**Zone: Future R-3 – Single Family, High Density an I-1 – Light Industrial**

Filed by Kevin Cavitt, regarding a variance from section 1141.04(B)(1) of the City of Findlay Zoning Ordinance concerning a side yard setback at 430 Walnut Street. The applicant is proposing to split the parcel in half and is seeking a 5.18-foot side yard setback to make the north structure conform to the zoning code after the parcel split. This section requires that the existing structure must meet a 30-foot side yard setback after the parcel split.

After the lot split takes place, the section that will be zone R-3 – Single Family, High Density, will meet all setback requirements. However, this split will leave the northern section of this parcel with an existing building line at the south with a 5.18-foot setback, making the building non-conforming. The city does not see an issue with an approval to make the lot conforming.

Mr. Kevin Cavitt was sworn in. He stated he does not want the house and wants to sell it but wants to keep the building in the back in line so it can be rented at some point.

Mr. Rooney asked Mr. Adkins if there were any communications on this case?

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

Mr. Trombley asked Mr. Adkins if the entire area will be rezoned to an R-3 from the current zoning of Light Industrial?

Mr. Adkins stated that with the lot split he would have to make it a conforming lot to the parcel to the North which is I-1 and he will have to go to HRCF to propose a zoning change. When it changes to a R-3, he would not be able to rent the building out for a business without a zoning change.

Mr. Rooney asked if there were any more questions? Does anyone want to make a motion?

Mr. Wells made a motion to approve the request for variance as requested.

Ms. Gillespie seconded the motion.

Motion to approve the variance as requested, 5-0.

The following was introduced by Mr. Adkins:

**Case Numbers: 59724-BA-20**

**Address: 135 W Hobart Avenue**

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

Filed by Rick Watson, regarding a variance from section 1122.08(B) and 1161.01(C)(2) of the City of Findlay Zoning Ordinance concerning an accessory structure at 135 W. Hobart Avenue. The applicant is proposing to construct a 36 X 22 addition to an existing accessory structure, which will exceed the maximum floor area by over 550 square-feet, and the proposed height of the peak at 20'9". These

sections require that the addition may not exceed 18-feet in height and may not exceed 1200 square-foot of floored area.

Mr. Watson recently combined four parcels into one parcel, creating a 200 by 375 square foot lot. With that being said, theoretically, he could have up to four 900-square foot accessory structures on each of the prior lots if there were a dwelling on each. When you put that into perspective, the overage is not very large, making the first variance request minimal.

The second request is for the height of the peak whenever the building is complete. At 20'9", the peak would be nearing some structures in the immediate area, creating a sense of harmony. If approved, the zoning department will make sure to put wording into the permit, that will prohibit any conversion of the loft into a living area.

Mr. Rick Watson was sworn in. He stated he just wants to put an addition onto the back garage to store a travel trailer in. They could not find another way to do the roof height to look right or function to fit the travel trailer in. The height of the overhead door raised the peak to 20'9". With the addition of the square footage, the lot will only be at 3% lot coverage which is not much. The structure will look lower than the house because of the slope at the rear of the property. He stated he spoke with all of the neighbors and they are all fine with this.

Mr. Rooney asked if there were any more questions?

Mr. Rooney asked Mr. Adkins if there were any communications on this case?

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

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

Mr. Rooney asked Mr. Watson if he was okay with the Zoning Department putting a stipulation on the permit prohibiting it from ever being converted into a living area.

Mr. Watson stated "Yes".

Mr. Rooney asked: Does anyone want to make a motion?

Ms. Gillespie made a motion to approve the request for variance as requested for the size of the building.

Mr. Trombley seconded the motion.

Motion to approve the variance as requested to exceed the allotted size of the accessory structure, 5-0.

Mr. Wells made a motion to approve the request for variance as requested on the height of the building at 20'9".

Ms. Gillespie seconded the motion.

Motion to approve the variance as requested for the height of the building to be 20'9", 5-0.

Mr. Adkins informed Mr. Watson to come to the Zoning Department to get the required permit within 60 days.

The following was introduced by Mr. Adkins:

**Case Numbers: 59709-BA-20**

**Address: 1225 Tiffin Avenue**

**Zone: C-2 – General Commercial**

Filed by Brian Heil, on behalf of Plaza Street Fund 64, LLC, regarding a variance from section 1161.12.8(C)(1) and 1161.12.8(H)(1) of the City of Findlay Zoning Ordinance concerning signage at 1225 Tiffin Avenue. The applicant has installed a low profile and directional within the required 10-foot setback from all property lines. This section requires that both signs must meet a 10-foot setback from all property lines.

The low-profile sign was installed at 9'9" and the directional signage was installed at 2'. Both signs were constructed in a similar location as the former Lee's Chinese restaurant signage, and neither poses a visibility issue. Being there are no visual impediments, and the directional sign is in harmony with other grandfathered directional signs in the area, if the BZA were to grant the variance, the city would be supportive of that decision.

Mr. Brian Heil was sworn in. He stated he was hired to pull permits and install signs on the concrete slabs that were poured by the general contractor. He was unaware of the setbacks. He made an honest mistake that would cost a lot of money to have to re-do.

Mr. Rooney asked if there were any questions?

Mr. Trombley asked why the monument sign is 8' to close?

Mr. Heil stated the general contractor informed them that they could not move the sign back further due to wires located under that location for the parking lot lights.

Mr. Trombley asked if the original plans show the sign at 10' back?

Mr. Heil stated yes it was. In order for the permit to be issued, it would have had to meet the required setback.

Mr. Adkins stated he had Mr. Heil submit an updated plan with the exact locations of the signs on it.

Mr. Trombley asked if there were other issues with the signs that don't meet the code.

Mr. Adkins stated no there were not. The square footage of the sign is why the code requires that setback.

Mr. Trombley asked the size of the sign.

Mr. Heil stated it is 15" tall x 27" long.

Mr. Wells stated the Taco Bell sign has the same issue but is grandfathered.

Mr. Trombley stated that his concern is that in the event the sign is moved and the foundation is impacted, he thinks the sign should then be moved back to meet the 10' setback.

Mr. Wells agreed. If the variance is granted, if the sign is moved or altered, the variance is voided. He asked Mr. Rooney if this is possible.

Mr. Rooney stated yes, it is. If the non-conforming item is removed, the variance goes away; if the structure moves, the variance is voided.

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

Mr. Trombley made a motion to approve the request for variance for the directional sign for an 8' setback.

Mr. Wells seconded the motion.

Motion to approve the variance as requested for the variance for the directional sign for an 8' setback, 5-0.

Mr. Trombley made a motion to approve the 9'9" setback for the monument sign with the condition if the structure is ever damaged 75% or removed, it will need to be conforming to the 10' setback (the variance would be voided).

Mr. Wells seconded the motion.

Motion to approve the variance as requested for the monument sign, with the condition, if the structure is ever damaged 75% or removed, it will need to be conforming to the 10' required setback (the variance will be voided)., 5-0.

Minutes for March 12, 2020 Board of Zoning Appeals meeting approved.

The meeting was adjourned.



Chairman



Secretary