

Board of Zoning Appeals

July 09, 2020

Members present: Chairman, Phil Rooney; 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. Adkins:

Case Number: 59852-BA-20
Address: 1901 Eastview Drive
Zone: R1 – Single Family, Low Density

Filed by Don Hough, regarding a variance from section 1161.03(B)(1) of the City of Findlay Zoning Ordinance concerning a fence at 1901 Eastview Drive. The applicant has constructed a new six-foot high privacy fence that exceeds the allowed height for a fence located within the required front yard. This section states that the fence may not exceed four-feet in height and must remain 50-percent open in the required front yard.

The owner received a permit to install a 4-foot high split rail fence on his property this past August. Upon the original final inspection, the fence was constructed and installed per plan. In April, the zoning department received notice that there was a 6-foot high fence was being installed at 1901 Eastview Drive, upon inspection it was noticed that the fence was being erected along the existing split rail.

This property has a deceiving side yard being that it abuts an unimproved Redbird Drive right-of-way. With the right-of-way running parallel to Mr. Hough's property, a 30-foot front yard setback must be maintained in case of future development of a new neighborhood in the future.

If the BZA were to grant the variance, an amount of footage should be specified to allow for a 6-foot high fence.

Mr. Bob Hough was sworn in and stated the extension of Redbird may not happen but if it does, he has no problem taking the fence down if needed. Right now, it is a side yard and having the fence there does not affect anyone.

Mr. Rooney asked if anyone had any questions for Mr. Hough.

Mr. Trombley asked Mr. Hough to show him on the map where the fence location is. Mr. Hough complied.

Mr. Hough explained the location of the fence to the board.

Mr. Trombley stated that even if Redbird was extended, the fence would not impact the 25 foot corner triangle and oncoming traffic would have clear visibility.

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

Mr. Adkins stated there were no communications on this case. He asked Mr. Hough if he plans on adding more fencing.

Mr. Hough stated he would like to continue the fencing all the way down to the woods; and if the road is extended and continues through, if the fence causes a problem, he has no problem with taking the fence down.

Mr. Adkins stated that Mr. Hough would need to disclose this condition to potential buyers if he were to ever sell the property. Mr. Hough agreed.

Mr. Rooney made a motion to grant the variance with the condition that if Redbird is ever developed, Mr. Hough would have to remove the fence and meet all zoning requirements that are in place at that time.

Mr. Trombley seconded the motion.

Motion to approve the variance with the condition that if Redbird is ever developed, Mr. Hough would have to remove the fence and meet zoning requirements that are in place at that time, 3-0.

Mr. Adkins stated zoning can amend the current Zoning Permit.

The following was introduced by Mr. Adkins:

Case Numbers: 59905-BA-20
Address: 315 E. Lincoln Street
Zone: C-2 – General Commercial

Filed by Robert McKenney, regarding a variance from section 1161.01.3(F) of the City of Findlay Zoning Ordinance concerning maximum allowed floor area at 315 E. Lincoln Street. The applicant is proposing to combine a neighboring lot with the owners existing lot. The maximum floor area of accessory structures will exceed 125-percent of the primary structure upon combining. This section allows for 75-percent of the primary structure for the total allowable floor area for an accessory structure.

The existing dwelling at 315 E. Lincoln is a combined 2451-square feet, which would allow for 1,838-square foot accessory structure per the zoning code. The existing accessory structure on the lot is 2,540-square feet, which was built prior to the zoning code update in 2012. The detached garage on the abutting parcel is a total of 491-square feet. Once combined, the maximum floor area would exceed the allowable amount by 1,193-square feet, and be 123-percent of the main structure.

Being these are two existing structures; the variance request is different from that of new construction. The city would not be against approval based off the pre-existing nature of the two parcels.

Nick Nye, representing the owner, Mr. McKenney, was sworn in. He stated the owner owns 315 and wants to buy 311 but he wants to keep the garage on the property for storage. There used to be a house on the property, however, it burnt down.

Mr. Rooney asked if there were any questions?

Mr. Trombley stated he understands why he wants to buy it, but why combine the lots?

Mr. Nye stated it is being required from the Zoning Department.

Mr. Adkins explained, per the Zoning requirements, an accessory structure cannot be on a parcel without having a dwelling on the parcel.

Mr. Rooney asked Mr. Adkins if once the parcels are combined, if there needed to be a statement on the deed stating the lots cannot be split without a dwelling on each lot?

Mr. Adkins stated "Yes, the appropriate language will need to be added to the deed."

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

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

Ms. Gillespie made a motion to approve the request for variance with the condition the appropriate language be added to the deed to combine the parcels meeting the requirements of the City and Hancock County Regional Planning.

Mr. Trombley seconded the motion.

Motion to approve the variance, 3-0.

The following was introduced by Mr. Adkins:

Case Numbers: 59890-BA-20

Address: 130 Edith Avenue

Zone: R2 – Single Family, Medium Density

Filed by Engelyne Craft, regarding a variance from section 1122.05(B) of the City of Findlay Zoning Ordinance concerning a side yard setback at 130 Edith Avenue. The applicant is proposing to construct an addition to the dwelling with a 1.1-foot side yard setback. This section requires that the addition meet a 5-foot side yard setback from the property line.

Being that the dwelling was built with a 1.1-foot setback from the property line, and the owner is looking to construct the addition at the existing established building line, the city has no objection to allowing the owner to continue that line that has already been pre-established.

Mr. Timothy Fenner, husband of the owner, was sworn in. He stated he wants to extend the current roof line to have a covered patio. The concrete patio is existing. This would make things easier to get in and out of the house without falling.

Mr. Rooney asked if there were any 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. Trombley stated that having an extended roofline is in harmony with the neighborhood. Mr. Trombley made a motion to approve the variance as requested.

Ms. Gillespie seconded the motion.

Motion to approve the variance as requested, 3-0.

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

Minutes for June 11, 2020 Board of Zoning Appeals meeting approved.

The meeting was adjourned.



Chairman



Secretary