

CITY COUNCIL
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PUBLIC HEARING MINUTES

A Public Hearing was held on July 21, 2015 at 7:20 PM in the Council Chambers, Municipal Building to rezone 101 Shinkle Street from R-2 Single Family Medium Density to R-4 Two Family for the property situated in the City of Findlay (Ordinance No. 2015-054).

Situated in the City of Findlay, County of Hancock, State of Ohio:

Situated in the City of Findlay, County of Hancock, State of Ohio, and being Lot No. 17433 in the Shinkle Subdivision.

President Pro-Tem Monday asked if anyone wished to address Council.

Philip Rooney, attorney, came before Council on behalf of petitioner Ms. Snoke. While he was in law school, he was taught that you cannot argue the law, but to argue the equity which is what he's going to argue now. He does not have a legal reason on why to change this into a multi-family zoning district since it is around a bunch of single-family zoning. The applicant purchased this property ten (10) years ago without any knowledge that it was in violation of the City's Zoning Code. It has been a tri-plex for fifteen (15) years and the City has not come crashing down because of the violation. It is a no harm, no foul situation. The only reason to vote against this would be because of spot zoning, but with the new Zoning Code and map that was put in place, there is spot zoning all over Findlay, so that would not be a great reason to not allow this zoning change and would cause a financial hardship on the applicant. The applicant is asking for relief from the problem that she did not cause but is now suffering the consequences of it.

Councilman Van Dyne informed Council that the property was bought in 2005. From a legal or zoning perspective, there may not be a good reason to rezone it, the fact that someone went forward and did what they thought they should do in refinancing the property in order to improve it and was not told by anyone that it was zoned improperly until recently is unfair.


Councilman Harrington clarified that during the Planning & Zoning Committee meeting on this, it was proposed to them as a tri-plex, as requested. At that time, it was a 2-2 vote and where it was decided that it would be presented to Council as an R-4 duplex which was the recommendation that came from the Planning Commission.

Councilwoman Frische agrees with Councilman Van Dyne that it is not fair. The owner had the property for ten (10) years with no issues of it being a tri-plex. That area is a transitioning area and may allow for a tri-plex down the road. By not having it zoned properly, it causes a hardship to the owner based on the current zoning and not knowing and not doing anything wrong.

Councilwoman Spence asked if current zoning on a property is checked before or during the process of purchasing them as this seems to happen a lot. Maybe the previous owner(s) had illegally changed the home to make it a duplex or tri-plex. She asked if steps are in place to make sure its zoned properly so that potential buyers know what they are getting. While she does not have a problem with changing the zoning on this, this problem seems to continue to happen. Mayor Mihalik replied that if a Realtor is utilized on the sale of a property, the Realtor would ensure what the property is zoned as. She is unsure if this property owner was represented by a Realtor at the time of the acquisition. The problem is not that the current owner acquired the property, it is that previous owner(s) illegally converted the property without a change of use permit, which happens a lot. Re-zoning requests like this have been denied in the past. Potential owners should know when they acquire a piece of property if it is or is not a legal conforming use to the Zoning Code. When a property is refinanced, the bank ensures that it is a legal and conforming use. There are a few levels of protection when purchasing a property: the potential owner would have their own knowledge, the Realtor's knowledge, and the bank's knowledge.

President Pro-Tem Monday adjourned the Public Hearing at 7:27 PM


Acting Clerk of Council
Kathy Launder


President of Council Pro-Tem
R. Ronald Monday