

Agenda
Board of Zoning Appeals

Date: February 6, 2023
To: Board of Zoning Appeals
From: Cody Grodi, Zoning Inspector
Re: **Items for the February 13, 2023 Meeting**

1. Call to Order - 5:30 PM
2. Roll Call
3. Approval of January 9, 2023 Meeting Minutes
4. Administer Oath
5. Zoning Permit Obligation
6. New Business

APPLICATION 02-23

ANDREA REES IS REQUESTING TWO ZONING VARIANCES IN ORDER TO KEEP A RECENTLY INSTALLED ACCESSORY STRUCTURE. THE PROPERTY IS LOCATED AT 140 W. SIXTH STREET AND IS ZONED R-3 (SINGLE FAMILY RESIDENTIAL).

NOTE: 1250.61(B) ACCESSORY BUILDINGS, SUCH AS GARAGES AND UTILITY BUILDINGS, MAY BE LOCATED IN A REAR YARD, PROVIDED THAT SUCH BUILDINGS ARE SEPARATED FROM THE MAIN STRUCTURE BY AT LEAST TEN (10) FEET AND ARE SET BACK AT LEAST FIVE (5) FEET FROM THE SIDE AND REAR LOT LINES.

NOTE: 1250.61(F) THE COMBINED FOOTPRINTS OF ALL ACCESSORY BUILDINGS ON A LOT SHALL NOT EXCEED THE LESSER OF 5% OF THE LOT SIZE OR 4,000 SF. HOWEVER, THE BOARD OF ZONING APPEALS MAY CONSIDER AN EXCEPTION TO THE MAXIMUM SIZE REQUIREMENT PROVIDING THAT THE REQUESTED SIZE DOES NOT EXCEED 8% OF THE LOT SIZE.

1. THE APPLICANT IS REQUESTING A ZONING VARIANCE TO KEEP A

RECENTLY INSTALLED SHED FOUR (4) FEET FROM THE PROPERTY LINE.

2. THE APPLICANT IS REQUESTING A VARIANCE THAT WOULD ALLOW FOR 5.66% OF THE LOT SIZE IN ACCESSORY STRUCTURES. THE PROPERTY OWNER HAS CONSTRUCTED A SHED THAT HAS NOW EXCEEDED THE TOTAL AMOUNT OF ACCESSORY STRUCTURE SQUARE FOOTAGE ALLOWED. THE PROPERTY HAS TWO ACCESSORY STRUCTURES THAT TOTAL SIX HUNDRED AND FOURTEEN (614) SQUARE FEET, WHILE BY CODE ONLY FIVE HUNDRED AND FORTY-FOUR (544) SQUARE FEET WOULD BE ALLOWED.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and E of Chapter 1275.02(c)(3). The location of the shed still allows for maintenance around the structure.
2. No recommendation provided.

APPLICATION 03-23

JAMES BEGELL IS REQUESTING A ZONING VARIANCE TO INSTALL AN ADDITION. THE PROPERTY IS LOCATED AT 12178 JEFFERSON STREET AND IS ZONED R-4 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1230.01 INTENSITY AND DIMENSIONAL STANDARDS

R-4 ZONING:

FRONT YARD = 35'
REAR YARD = 30'
SIDE YARD MIN = 6'
SIDE YARD TOTAL = 16'

1. THE APPLICANT IS REQUESTING A ZONING VARIANCE TO CONSTRUCT AN ADDITION ONTO THE REAR OF THE HOUSE. THE ADDITION WILL BE SETBACK TWENTY-SIX (26) FEET OFF OF THE REAR PROPERTY LINE.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, D, E, and F of Chapter 1275.02(c)(3). There is not a neighboring property on the back of the lot. The house backs up to a pond. Additionally, there is more land beyond the

rear property line, however it does not get factored into the setback as it is part of a shared parcel owned by multiple residents.

APPLICATION 04-23

CHCT OHIO LLC IS REQUESTING TWO ZONING VARIANCES IN ORDER TO MODIFY AN EXISTING SIGN. THE PROPERTY IS LOCATED AT 1103 VILLAGE SQUARE DRIVE AND IS ZONED C-4 (HIGHWAY COMMERCIAL).

**NOTE: CHAPTER 1250.33(A) PERMANENT FREESTANDING SIGNAGE
C-4 ZONING DISTRICT:**

MAXIMUM HEIGHT: 20'

MAXIMUM SIZE: 48 SQUARE FEET

LOCATION: 40' SETBACK

QUANTITY: 1 PER STREET FRONTAGE

NOTE: CHAPTER 1250.38 NONCONFORMING SIGNS

(A) IT IS THE INTENT OF THIS SECTION THAT THE CONTINUED USE OF NONCONFORMING SIGNS SHALL NOT BE ENCOURAGED.

(B) A NONCONFORMING SIGN SHALL IMMEDIATELY LOSE ITS NONCONFORMING DESIGNATION IF:

1. THE STRUCTURE OF THE SIGN IS ALTERED IN ANY WAY, WHICH TENDS TO OR MAKES THE SIGN LESS IN COMPLIANCE WITH THE REQUIREMENTS OF THIS ZONING CODE THAN IT WAS BEFORE THE ALTERATION.
2. THE SIGN IS RELOCATED TO A POSITION MAKING IT LESS IN COMPLIANCE WITH THE REQUIREMENTS OF THIS ZONING CODE.
3. THE SIGN STRUCTURE IS REPLACED.
4. AFTER THE DATE OF DECEMBER 31, 2022, ANY CHANGE IS MADE TO THE SIGN FACE, ITS MESSAGE OR STRUCTURE.

(C) ON THE OCCURRENCE OF ANY ONE OF ONE (1), TWO (2), OR THREE (3) THE SIGN SHALL BE IMMEDIATELY BROUGHT INTO COMPLIANCE WITH THIS ZONING CODE WITH A NEW PERMIT SECURED THEREFORE, OR THE SIGN SHALL BE REMOVED.

1. THE APPLICANT IS REQUESTING A VARIANCE TO MODIFY THE EXISTING SIGN. THE SIGN DOES NOT CURRENTLY MEET THE REQUIRED SETBACK. THE SIGN IS SETBACK ELEVEN AND A HALF (11.5) FEET OFF OF THE PROPERTY LINE INSTEAD OF THE REQUIRED FORTY (40) FEET.

2. THE APPLICANT IS REQUESTING A VARIANCE TO MODIFY THE

EXISTING SIGN. THE SIGN CURRENTLY EXCEEDS THE MAXIMUM SQUARE FOOTAGE. THE SIGN IS NINETY-EIGHT (98) SQUARE FEET, WHICH EXCEEDS THE MAXIMUM OF FORTY-EIGHT (48) SQUARE FEET.

Recommendation:

1. The Zoning Inspector recommends denial of the zoning variance as the request does not meet enough of the conditions required to grant a variance. The property still has beneficial use without the variance. Even if denied, the property owner can install a new sign that will conform to the guidelines set forth in the Perrysburg Codified Ordinances. The code is very clear that the intent of the code section is to not encourage the continued use of nonconforming signs. If there is a hardship present (ie. easements), then a variance might be reasonable, however preference or monetary reasons are not enough to grant a variance. In this case, there is not a hardship present. The sign does make it visually difficult to see when using the service drive, due to the overall size and setback of the road. The variance is substantial as it will set a precedence for nonconforming signs.

2. The Zoning Inspector recommends denial of the zoning variance as the request does not meet enough of the conditions required to grant a variance. The property still has beneficial use without the variance. Even if denied, the property owner can install a new sign that will conform to the guidelines set forth in the Perrysburg Codified Ordinances. The code is very clear that the intent of the code section is to not encourage the continued use of nonconforming signs. If there is a hardship present (ie. easements), then a variance might be reasonable, however preference or monetary reasons are not enough to grant a variance. In this case, there is not a hardship present. The sign does make it visually difficult to see when using the service drive, due to the overall size and setback of the road. The variance is substantial as it will set a precedence for nonconforming signs.

7. Other Business

8. Adjournment

The next Board of Zoning Appeals meeting is scheduled for March 13, 2023 at 5:30 P.M.

cc: Media