

Minutes of Perrysburg Board of Zoning Appeals

Meeting Held February 13, 2023

CALL TO ORDER - 5:30 PM

The meeting was called to order at 5:31 p.m. by Chairperson, Nathan Duricek.

ROLL CALL

Board members present were Nathan Duricek, Brian Elmer, Michael McIntyre, and Matthew Sutter (4). Scott Anderson was absent (1). Also present were Cody Grodi, Zoning Inspector, and Mark Easterling, Deputy Planning & Zoning Administrator arrived at 5:55 p.m.

APPROVAL OF JANUARY 9, 2023 MEETING MINUTES

Mr. Elmer moved to approve the minutes of the January 9, 2023 meeting as written. Seconded by Mr. Duricek. Ayes: (4). Nays: (0).

ADMINISTER OATH

Mr. Duricek administered an oath to those that would be speaking at the meeting.

ZONING PERMIT OBLIGATION

Mr. Duricek reminded the applicants that if their application is approved, they will still need to get a permit from the Planning & Zoning Division.

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.

Mr. Grodi reviewed Application 02-23. Andrea Rees was present, and added that they would like the shed to remain so that they can park in the garage. Mr. Grodi noted that the shed that was installed did not match the square footage that was approved on the permit. He added that a nearby neighbor called wishing to remain anonymous and said that he is concerned about asking for forgiveness on projects such as this at Ms. Rees's property. Mr. Grodi clarified that the shed that had been installed was roughly 170-190 square feet larger than what was approved on the permit.

Mr. Sutter moved to approve variance #1 and #2 of Application 02-23, and finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Duricek. Ayes: (4). Nays: (0).

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.

Mr. Grodi reviewed Application 03-23. James Begell was present, and brought additional pictures to show his property in conjunction with his variance request to the Board. He added that the structure will be 20' by 16' with a one (1) foot setback from the roofline. Mr. Grodi noted that neighbor David Smart, Sanctuary Shores, sent an email in support of the variance request.

Mr. McIntyre moved to approve Application 03-23, and finding B, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Sutter. Ayes: (4). Nays: (0).

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.

Mr. Grodi reviewed Application 04-23. Mr. Grodi reviewed Application 04-23. Amy Disbrow, on behalf of CHCT OHIO LLC, and Joe Dianda, Colonial Sign, were present. Mr. Dianda said that he originally spoke with the Planning & Zoning office in November or December 2022 and was unaware of the Code change effective January 1, 2023 to non-conforming signs. He added that they are changing the lettering on two (2) of the panels that comprise the monument sign, and that they would like to keep the two current locations of both monument signs near the exterior of the property. Mr. Grodi confirmed that per the Code only one freestanding sign is allowed to remain per street frontage, and added that there is no variance for Mr. Dianda's request regarding the quantity of monument signs. The Board briefly discussed the intent behind this change in the Code. Ms. Disbrow said that building ownership understands that they will have

to remove one of the monument signs, but that they haven't decided which one it will be yet. Mr. Grodi noted that he was under the impression that the permits would be pulled the next day after the initial conversation with Colonial Sign. Mr. Duricek noted that the Board is in a tough spot since this could set a precedent going forward.

Mr. Sutter moved to approve variance #1 and #2 of Application 04-23, and finding B, C, D, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Duricek. Ayes: (4). Nays: (0).

OTHER BUSINESS

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:58 p.m.

Respectfully submitted,

Heather Alfaro
Zoning Clerk