

Minutes of Perrysburg Board of Zoning Appeals

Meeting Held March 13, 2023

CALL TO ORDER - 5:30 PM

The meeting was called to order at 5:30 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 was Zoning Inspector, Cody Grodi.

APPROVAL OF FEBRUARY 13, 2023 MEETING MINUTES

Mr. Duricek moved to approve the February 13, 2023 meeting minutes as written. Seconded by Mr. Sutter. 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 apply for a permit with the Planning & Zoning Division.

NEW BUSINESS

APPLICATION 05-23

Michael and Shelley Provenza are requesting a zoning variance in order to construct a second main building. The property is located at 215 Walnut Street and is zoned C-2 (Central Business).

NOTE: 1275.02(b)(6) To permit, except in R-1 through R-5 Districts, the placing of more than one (1) main building on a lot when all of the buildings are intended to operate as a single enterprise and the lot and all portions of it are owned, leased or under the control of a single party. In such cases, the yard requirements shall apply along all edges of the lot, but shall not be required for the internal arrangement of the buildings on the lot, provided that adequate light and air will reach all habitable rooms. Height, bulk and lot area per family requirements shall apply, as in the case of one (1) main building on a lot.

1. The applicant is requesting a zoning variance to construct a second main building on the property. There is a house and garage on the property already. The garage will be demolished to allow for the second main building.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, C, D, and F of Chapter 1275.02(c)(3). The property is zoned commercial, allowing a second main building on the lot will allow the property owners to make beneficial use of their property. The building will adhere to the zoning setbacks and height requirements.

Mr. Grodi reviewed Application 05-23. Michael & Shelley Provenza were present, and Mr. Provenza said that they are planning to build a studio off of the alley, as he is an artist. Mr. McIntyre confirmed that the elevation of the structure will face the alley. Mr. Sutter noted that this will be an enhancement to the neighborhood.

Mr. McIntyre moved to approve Application 05-23, and finding A, C, D, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Elmer. Ayes: (4). Nays: (0).

APPLICATION 06-23

Douglas Alder and Mary Plouffe are requesting a zoning variance in order to keep a recently installed accessory structure. The property is located at 136 W. Fifth Street and is zoned R-4 (Single Family Residential).

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 variance that would allow for 5.1% of the lot size in accessory structures. The property owner has installed a carport that has now exceeded the total amount of accessory structure square footage allowed on the property. The property has two accessory structures that total five hundred and fifty-two (552) square feet, while by code only five hundred and forty-four (544) square feet would be allowed.

Recommendation:

1. No recommendation provided.

Mr. Grodi reviewed Application 06-23. The applicants were not available, and Mr. Grodi said that he would try to answer any questions on their behalf. He added that this structure is a temporary canvas carport. The Board confirmed that the location is compliant.

Mr. Elmer moved to approve Application 06-23, 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 07-23

Sign Design USA is requesting two zoning variances in order to modify an existing sign. The property is located at 26475 N. Dixie Highway and is zoned C-4 (Highway Commercial) and falls within the Corridor Overlay.

NOTE: Chapter 1250.33(a) Permanent Freestanding Signage

Corridor Overlay:

Maximum Height: 6'

Maximum Size: 48 SF

Location: 10'

SetbackQuantity: 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 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 currently exceeds the maximum height. The sign is twenty-six (26) feet in height, exceeding the maximum six (6) feet permitted by code.
2. The applicant is requesting a variance to modify the existing sign. The sign currently exceeds the maximum square footage. The sign is ninety-six (96) square feet, which exceeds the maximum of forty-eight (48) square feet permitted by code.

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 (i.e. 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 is more than four (4) times that of what is permitted in height in this overlay. Additionally, this property is located within the Corridor Overlay, which serves as the main commercial district in Perrysburg. The code is clear that within the Corridor Overlay, there is a specific design that is sought after in this area when it comes to signage.
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.

Mr. Grodi reviewed Application 07-23. James Sutphin was present on behalf of the application, and added that the previous ownership, Barney's, was bought out in 2021, and that they would like to switch out the old nameplate for the new business name. Mr. Duricek noted that this panel replacement is a small change, and that he understands the aesthetics.

Mr. Sutter moved to approve variance #1 and #2 of Application 07-23, and finding B, C, D, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Duricek. Ayes: (4). Nays: (0).

APPLICATION 08-23

Sign Design USA is requesting three zoning variances in order to modify an existing sign. The property is located at 10730 Fremont Pike and is zoned C-4 (Highway Commercial).

NOTE: *Chapter 1250.33(a) Permanent Freestanding Signage*

Corridor Overlay:
Maximum Height: 6'
Maximum Size: 48 SF
Location: 10' 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 currently exceeds the maximum height. The sign is twenty-two (22) feet in height, exceeding the maximum twenty (20) feet permitted by code.
2. The applicant is requesting a variance to modify the existing sign. The sign currently exceeds the maximum square footage. The sign is eighty-four (84) square feet, which exceeds the maximum of forty-eight (48) square feet permitted by code.
3. The applicant is requesting a variance to modify the existing sign. The sign does not currently meet the required setback. The sign is setback twelve (12) feet off of the property line instead of the required forty (40) 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 (i.e. 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.
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 (i.e. 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.
3. 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 (i.e. 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.

Mr. Grodi reviewed Application 08-23. James Sutphin was present on behalf of the application, and added that they would like to remove the previous owner's signage and replace the panel with the new business owner, S&G. Mr. Duricek said that this portion of the code is an unnecessary burden to the business owner for a replacement panel.

Mr. Duricek moved to approve variance #1, #2, and #3 of Application 08-23, and finding B, C, D, and F of Chapter 1275.02(c)(3). Seconded by Mr. Sutter. Ayes: (4). Nays: (0).

OTHER BUSINESS

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:50 p.m.

Respectfully submitted,

Heather Alfaro
Zoning Clerk

The next meeting is scheduled for April 10, 2023 at 5:30 p.m.