

Minutes of Perrysburg Board of Zoning Appeals

Meeting Held April 10, 2023

CALL TO ORDER - 5:30 PM

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

ROLL CALL

Board members present were Scott Anderson, Nathan Duricek, Brian Elmer, Michael McIntyre, and Matthew Sutter (5). Also present was Cody Grodi, Zoning Inspector.

APPROVAL OF MARCH 13, 2023 MEETING MINUTES

Mr. Duricek moved to approve the minutes of the March 13, 2023 meeting as written. Seconded by Mr. Elmer. Ayes: Duricek, Elmer, McIntyre, and Sutter (4). Abstain: Anderson (1).

ADMINISTER OATH

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

ZONING PERMIT OBLIGATION

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

NEW BUSINESS

APPLICATION 09-23

American Fence and Supply is requesting a zoning variance to keep a fence. The property is located at 485 Edgewood Drive and is zoned R-3 (Single Family Residential).

NOTE: Chapter 1250.42 Fences, Walls, Structural Screens, Hedges, and Screen Plantings:

R1 - R5 Zoning:

4' Maximum in Front Yard

4' Maximum in Side Yard

6' Maximum in Rear Yard

1. The applicant is requesting a zoning variance to keep a recently installed six (6) foot fence. The fence has been installed in the side yard beyond the midpoint of the home.

Recommendation:

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 property is a corner lot. Due to the yard determinations, the homeowner's yard area directly behind the house is considered the side yard. If the property owners were to install the fence at the mid-point, it would run directly into a window and limit the amount of usable yard space.

Mr. Grodi reviewed Application 9-23. A representative for the applicant was present. Mr. Duricek confirmed that the fence has already been installed. Mr. Grodi said it has already been installed; he found it during inspections. Mr. Duricek asked if the picture represents where the fence was originally. Mr. Grodi said there was a fence there at one time, but the layout switched a little. Mr. Sutter asked for clarification on one of the pictures. Mr. Grodi explained that what he is referring to in the picture is the applicant's rear yard, and the variance is needed for the side yard.

Mr. McIntyre moved to approve Application 9-23 based on finding B, C, D and E of Ch. 1275.02(c)(3) to be true. Seconded by Mr. Elmer. Ayes: (5). Nays: (0).

APPLICATION 10-23

Jane Weedon and Leanne Rock are requesting a zoning variance to install a fence. The property is located at 1025 Brampton Park Road and is zoned R-4 (Single Family Residential).

NOTE: Chapter 1250.42 Fences, Walls, Structural Screens, Hedges, and Screen Plantings:

R1 - R5 Zoning:

4' Maximum in Front Yard

4' Maximum in Side Yard

6' Maximum in Rear Yard

1. The applicant is requesting a zoning variance to install a fifty-four (54) inch tall fence in the front and side yard.

Recommendation:

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 property is a corner lot. Due to the HOA requirements, this is the only fence that the property owners can install. If installed where permitted by code, the property owners would lose a large amount of usable yard space.

Mr. Grodi reviewed Application 10-23. The applicant, Jane Weedon, 1025 Brampton Park Road, was present. She said that their home is new construction and the HOA has stringent regulations. She said they can't comply with the HOA and the City's Code. She added that they want to keep their dog safe. Mr. McIntyre asked how many homes in their neighborhood have 54" fences. Ms. Weedon said that in Plat 3, 60-70% of the

homes have that fence or no fence at all. She said that they are the first on their street.

Mr. Sutter moved to approve Application 10-23 based on finding B, C D and E of Ch. 1275.02(c)(3) to be true. Seconded by Mr. Anderson. Ayes: (5). Nays: (0).

APPLICATION 11-23

Cassie Campbell is requesting a zoning variance to keep a fence. The property is located at 411 W. Second Street and is zoned R-3 (Single Family Residential).

NOTE: Chapter 1250.42 Fences, Walls, Structural Screens, Hedges, and Screen Plantings:

R1 - R5 Zoning:

4' Maximum in Front Yard

4' Maximum in Side Yard

6' Maximum in Rear Yard

1. The applicant is requesting a zoning variance to keep a recently installed six (6) foot fence. The fence has been installed in the side yard beyond the midpoint of the home.

Recommendation:

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 six (6) foot portion of the fence sits behind the neighbor's house. The fence then transitions to a four (4) foot fence as it runs along the side of the neighbor's house.

Mr. Grodi reviewed Application 11-23. The applicant, Cassie Campbell, 411 W. Second Street, was present. Mr. Anderson asked if they got approval for the fence. Ms. Campbell explained that the fence company got a permit, but it didn't match what they built. Mr. Anderson asked if the fence was built the way they wanted, and Ms. Campbell said it was. Mr. Duricek asked how far past the mid-section the fence goes. Ms. Campbell said it is about six feet. Mr. Duricek noted that both neighbors submitted statements saying that they are okay with it, and one of the neighbors was in attendance.

Mr. Elmer moved to approve Application 11-23 finding B, C, D and E of Ch. 1275.02(c)(3) to be true. Seconded by Mr. Sutter. Ayes: 5). Nays: (0).

APPLICATION 12-23

Melchior Building Company is requesting a zoning variance in order to modify an existing sign. The property is located at 900 W. South Boundary Street and is zoned C-4 (Highway Commercial).

NOTE: Chapter 1250.33(a) Permanent Freestanding Signage

C-4 Zoning District:

Maximum Height: 10'

Maximum Size: 72 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 does not currently meet the required setback. The sign is setback eight (8) feet off of the property line instead of the required ten (10) feet.

Recommendation:

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 not to encourage the continued use of nonconforming signs.

Mr. Grodi reviewed Application 12-23. Laurie Melhior Huskisson, 26180 Hull Prairie Road, was present on behalf of Melchior Building Company. Mr. Duricek asked what on the sign is being modified. Ms. Huskisson said a tenant identification sign is being changed. Mr. Anderson said that he contacted City Council and requested that they change the Code. Ms. Huskisson said that their sign is one of the most conforming at the business park. Mr. Anderson said if they were tearing down the whole sign, it should be in compliance. Mr. Duricek said that he can't ask small businesses to pay thousands of dollars because of a Code change.

Mr. McIntyre moved to approve Application 12-23. He then withdrew his motion.

Mr. Sutter moved to approve Application 12-23 finding B, C, D & G of Ch. 1275.02(c)(3) to be true. Seconded by Mr. Duricek. Ayes: (5). Nays: (0).

APPLICATION 13-23

Scott Burns is requesting a zoning variance in order to install a new sign. The property is located at 25481 N. Dixie Highway and is zoned C-4 (Highway Commercial).

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

C-4 Zoning District:

Maximum Size: 10% of facade, up to 75 SF

Quantity: 1 per facade, up to 3 facades

1. The applicant is requesting a variance to install a new sign. The sign will exceed the maximum square footage. The sign is one hundred and sixteen (116) square feet, which exceeds the maximum of seventy-five (75) square feet permitted by code.

Recommendation:

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 can conform to the guidelines set forth in the Perrysburg Codified Ordinances. There is not a hardship that would prevent the applicant from meeting the size requirement.

Mr. Sutter moved to table Application 13-23 until the applicant can be present. Seconded by Mr. Anderson. Ayes: (5). Nays: (0).

OTHER BUSINESS

Mr. Anderson said that he will draft a letter for the Board to send to City Council regarding the Sign Code.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:52 p.m.

Respectfully submitted,



Mary Jo Sutton

The next meeting is scheduled for May 8, 2023 at 5:30 p.m.