

Minutes of Perrysburg Board of Zoning Appeals

Meeting Held May 8, 2023

CALL TO ORDER - 5:30 PM

The meeting was called to order at 5:32 p.m. by Chairman, Nathan Duricek.

ROLL CALL

Board members present were Scott Anderson, Nathan Duricek, Michael McIntyre, and Matthew Sutter (4). Brian Elmer was absent (1). Also present was Zoning Inspector, Cody Grodi.

APPROVAL OF APRIL 10, 2023 MEETING MINUTES

Mr. Duricek moved to approve the April 10, 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 tonight, they will still need to apply for a permit with the Planning & Zoning Division.

NEW BUSINESS

APPLICATION 14-23

EnviroTrac Ltd. is requesting a zoning variance in order to modify an existing sign. The property is located at 26471 Southpoint Road and is zoned PBP (Planned Business Park).

NOTE: Chapter 1250.33(a) Permanent Freestanding Signage

PBP Zoning District:
Maximum Height: 6'
Maximum Size: 48 Square Feet
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 meet the required setback. The sign is setback eight (8) feet from the property line instead of the required ten (10) 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 owner still has beneficial use of the property with the variance. Even if denied, the property owner can install a new sign the will conform to the guidelines set forth in the Perrysburg Codified Ordinances. The code section is very clear that the intent of the code section is to not encourage the continued use of nonconforming signs.

Mr. Grodi reviewed Application 14-23. Stace Bieber, EnviroTrac Ltd., was present on behalf of the application. He said that they are a new tenant at this location, and that they have placed a new panel over the existing monument sign for their business. Mr. Duricek noted that this variance request is an ongoing issue with only changing a panel on existing signage.

Mr. Sutter moved to approve Application 14-23, 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 15-23

Deborah Labadie is requesting a zoning variance to install a shed. The property is located at 143 W. Seventh Street and is zoned R-3 (Single Family Residential).

NOTE: 1250.61(f) *Accessory Buildings and Uses: 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 7.25% of the lot size in accessory structures. The property owner would like to construct a shed that will be one hundred and twenty (120) square feet. The property would have two accessory structures that total seven hundred and eighty-seven (787) 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 15-23. Deborah Labadie was present, and added that she would like to install a custom shed for gardening. Mr. Grodi confirmed that the shed is 120 SF, and that neighboring comments had not been received. He added that he did not provide a recommendation, as the request was not causing a zoning concern.

Mr. Anderson moved to approve Application 15-23, and finding B, C, D, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Sutter. Ayes: (4). Nays: (0).

APPLICATION 16-23

Brett Pohlman is requesting a zoning variance to construct an addition. The property is located at 840 Little Creek Drive 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 to the front of the house. The addition will be setback eighteen (18) feet off of the front property line.

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 variance is substantial as the request will allow a portion of the house to be constructed half way into the front yard building area setback. This will alter the character of the neighborhood as no other corner lots within the vicinity encroach into the front yard building setback. The property owners do have other options

to explore that would not require a variance.

Mr. Grodi reviewed Application 16-23. Brett Pohlman was present, and added that there is a thirty-eight (38) foot gas easement in the rear of their yard, which is why he had requested a setback addition off of the front property line. The Board asked Mr. Grodi about his recommendation, and Mr. Grodi noted that the structure could be a lien-to building if it's for storage. Mr. Pohlman said that his daughter will be driving soon, and so it could be additional parking in the future. Mr. Grodi confirmed that the side yard setback is six (6) feet, and added that expanding the driveway should not be a problem. He said that neighboring comments were not received.

Michael McIntyre moved to approve Application 16-23, and finding A, C, D, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Anderson. Ayes: (4). Nays: (0).

APPLICATION 17-23

M. Farooq and Grace Afridi are requesting a zoning variance to allow for a driveway to be installed. The property is located at 102 Walnut Street and is zoned R-4 (Single Family Residential).

NOTE: *Chapter 1250.51(c)(2) Residential Driveways:* Residential driveways shall be a minimum of ten (10) feet wide and a maximum of twenty-four (24) feet wide where it meets the curb, alley or street.

1. The applicant is requesting a variance that would allow for the driveway to extend sixty (60) feet in width along the alley. A portion will be driveway access to the garage, which will then connect into a large parking area on the side of the garage.

Recommendation:

1. The Zoning Inspector recommends denial of the variance, as the request does not meet enough of the conditions required to grant a variance. The homeowner could have built the garage in a way in which a variance would not be required. The hardship has been brought on by the homeowner and not due to a pre-existing condition. The request is substantial as the proposed driveway width is more than double what is permitted by code. It is reasonable for the owners to install a driveway at twenty-four (24) feet and if additional parking is needed, on-street parking is permitted.

Mr. Grodi reviewed Application 17-23. Attorney John Spore, and Grace Afridi, were present on behalf of the application. Mr. Spore presented additional information to the Board, and added that parking along this portion of West Second Street is not permitted. He said that Ms. Afridi's son has epilepsy, which presents a hardship if they

are not able to park in their driveway. Mr. Spore noted that there are thirty-three properties along West Front Street and West Second Street, and that less than one-third of them have a twenty-four (24) foot wide driveway. Mr. Anderson confirmed that the Afridi's parked in their driveway previously, and Mr. Grodi clarified that the issue arose due to the driveway surface being changed to pavers. Mr. Grodi added that the change in material for the driveway means that it's no longer considered a direct replacement, and stated that the footprint of the driveway has also changed. Ms. Afridi noted the width of the driveway extension that was approved at 308 W. Front Street off of the alley, and added that her nearby neighbors are on board with this request. The Board briefly discussed the width of the driveway request, and asked if tapering it down by ten (10) feet would be an option.

Mr. Anderson made a motion to approve Application 17-23, and finding B, C, D, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Sutter. Mr. McIntyre asked if the application is denied, if they would be able to resubmit an alternate request, and Mr. Grodi confirmed that would be appropriate. The Board briefly discussed the suitable factors for granting this variance with relation to Chapter 1275.02(c)(3). Mr. Anderson withdrew his motion.

Mr. Anderson made a motion to approve Application 17-23, and finding C, D, E, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. McIntyre. Ayes: (4). Nays: (0).

APPLICATION 18-23

Chelsea Killian is requesting a zoning variance to exceed the maximum height of a fence permitted in a side yard. The property is located at 202 Quail Road 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 that would allow for a six (6) foot fence to be installed in the side yard past the midpoint of the house.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting criteria for variances B, C, D, and E of Chapter 1275.02(c)(3). Due to this property being a corner lot, the area directly behind the house is the side yard. There is a deck located in this area that would create difficulties if the fence were to be installed at the midpoint of the house.

Mr. Grodi reviewed Application 18-23. Aaron Brossia was present on behalf of the application, and added that they had a fence prior to the previous tenants. He said that they will use the same fence line and extend it less than twelve (12) feet to the corner. Mr. Grodi said that neighboring comments had not been received.

Mr. Sutter moved to approve Application 18-23, and finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Duricek. Ayes: (4). Nays: (0).

OTHER BUSINESS

APPLICATION 13-23 (TABLED)

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 façade, up to 75 square feet

Quantity: 1 per façade up to 3 façades

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 seventy-five (75) 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 still install a new sign that conforms 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. Anderson made a motion to untable Application 13-23. Seconded by Mr. Sutter. Ayes: (4). Nays: (0).

Mr. Grodi reviewed Application 13-23. Scott Burns was present on behalf of the application, and added that they are removing the existing sign along North Dixie Highway. He noted that the sign is actually ninety (90) SF in size, which is less than the request in this application. Mr. Grodi added that a letter was received from Greenbriar stating that they are in favor of this request.

Mr. Sutter moved to approve Application 13-23 with the condition that the sign be ninety

(90) SF in size, and finding B, C, D, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Duricek. Ayes: (4). Nays: (0).

The Board briefly discussed the draft letter that Mr. Anderson prepared to send to City Council regarding Chapter 1250.38. Mr. Anderson said that he would submit it to City Council prior to their May 16, 2023 meeting.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:37 p.m.

Respectfully submitted,

Heather Alfaro
Zoning Clerk

Next meeting is scheduled for June 12, 2023 at 5:30 p.m.