



Agenda

Board of Zoning Appeals

Date: August 11, 2023
To: Board of Zoning Appeals
From: Cody Grodi, Zoning Inspector
Re: **Items for the August 14, 2023 Meeting**

1. Call to Order - 5:30 PM
2. Roll Call
3. Approval of July 10, 2023 Meeting Minutes
4. Administer Oath
5. Zoning Permit Obligation
6. New Business

APPLICATION 24-23

BAZO CONSTRUCTION, ON BEHALF OF S&G, IS REQUESTING A ZONING VARIANCE IN ORDER TO KEEP A RECENTLY INSTALLED SIGN. THE PROPERTY IS LOCATED AT 25570 N DIXIE HIGHWAY AND IS ZONED C-4 (HIGHWAY COMMERCIAL).

NOTE: CHAPTER 1250.32(A) PERMANENT SIGNS ALLOWED
C-4 ZONING DISTRICT: AWNING SIGN
MAXIMUM SIZE: 35% OF AWNING SIZE

NOTE: CHAPTER 1250.39 VARIANCES

1. THE BOARD OF ZONING APPEALS MAY GRANT A VARIANCE ONLY IF IT FINDS THAT ALL OF THE FOLLOWING APPLY:
 - (A) THAT THE LITERAL ENFORCEMENT OF THE REQUIREMENTS OF THIS CHAPTER WOULD INVOLVE PRACTICAL DIFFICULTIES BASED ON THE PRESENCE OF SPECIAL CONDITIONS AND CIRCUMSTANCES WHICH ARE PECULIAR TO THE LAND OR STRUCTURE INVOLVED AND WHICH ARE NOT APPLICABLE TO OTHER LANDS OR STRUCTURES IN THE SAME ZONING DISTRICT. A FINDING OF SUCH SPECIAL CONDITIONS OR CIRCUMSTANCES SHALL BE BASED ON A REVIEW OF FACTORS INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(1) EXCEPTIONAL NARROWNESS, SHALLOWNESS OR SHAPE OF A SPECIFIC PROPERTY ON THE EFFECTIVE DATE OF THIS CHAPTER OR AMENDMENT; OR

(2) EXCEPTIONAL TOPOGRAPHIC OR ENVIRONMENTAL CONDITIONS OR OTHER EXTRAORDINARY SITUATION ON THE LAND, BUILDING OR STRUCTURE; OR

(3) THE IMPACT ON THE PROPERTY OF USES OR DEVELOPMENT OF IMMEDIATELY ADJOINING PROPERTY OR PROPERTIES.

(4) WHETHER THE APPLICANT WAS AWARE OF THE RELEVANT CODE LIMITATION WHEN THE PROPERTY WAS SOLD OR LEASED TO IT.

(5) WHETHER THE PROPERTY IN QUESTION WILL YIELD A REASONABLE RATE OF RETURN IN THE ABSENCE OF THE PROPOSED VARIANCE, OR WHETHER THERE CAN BE ANY BENEFICIAL USE OF THE PROPERTY WITHOUT THE PROPOSED VARIANCE.

(6) WHETHER THE ISSUE COULD BE RESOLVED BY SOME OTHER METHOD, EVEN IF THIS ALTERNATE METHOD IS LESS CONVENIENT OR MOST COSTLY TO ACHIEVE.

(B) THAT GRANTING THE VARIANCE WILL NOT CAUSE A SUBSTANTIAL ADVERSE EFFECT TO PROPERTY OR IMPROVEMENTS IN THE VICINITY OR WILL NOT MATERIALLY IMPAIR THE INTENT AND PURPOSES OF THE REQUIREMENT BEING VARIED OR OF THIS CHAPTER, AND IS THE MINIMUM VARIANCE NECESSARY TO PROVIDE RELIEF.

(C) THAT THE VARIANCE WOULD NOT ADVERSELY AFFECT THE DELIVERY OF GOVERNMENTAL SERVICES (E.G., WATER, SEWER, GARBAGE).

(D) THAT THE VARIANCE AS GRANTED WOULD NOT CONFER ON THE APPLICANT ANY SPECIAL PRIVILEGE, OR DEPRIVE THE APPLICANT OF RIGHTS, WHEN COMPARED WITH THOSE RIGHTS COMMONLY ENJOYED IMMEDIATELY ADJOINING PROPERTIES;

(E) THAT THE VARIANCE REQUEST IS NOT ONE WHERE THE SPECIFIC CONDITIONS PERTAINING TO THE PROPERTY ARE SO GENERAL OR RECURRENT IN NATURE AS TO MAKE THE FORMULATION OF A GENERAL REGULATION FOR THOSE CONDITIONS REASONABLY PRACTICABLE.

1. THE APPLICANT IS REQUESTING A VARIANCE TO KEEP AN AWNING SIGN. THE SIGN WILL EXCEED THE MAXIMUM SQUARE FOOTAGE ALLOWED FOR AN AWNING SIGN. THE SIGN IS SIXTY (60) SQUARE FEET, WHICH IS 40% OF THE AWNING AREA.

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 size of the sign would not be in following with the intent of the Corridor Overlay. 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, as it would only reduce the size of the sign by 5%. There is not a hardship that would prevent the applicant from meeting the size requirement.

APPLICATION 25-23

TROY CLAYTON IS REQUESTING A ZONING VARIANCE TO EXCEED THE MAXIMUM HEIGHT OF A FENCE PERMITTED IN A SIDE YARD. THE PROPERTY IS LOCATED AT 1531 WATERMILL LANE AND IS ZONED R-2 (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

4' MAXIMUM IN REAR YARD

1. THE APPLICANT IS REQUESTING A VARIANCE THAT WOULD ALLOW FOR A FIVE (5) FOOT - FOUR (4) INCH FENCE TO BE INSTALLED IN THE SIDE YARD.

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. Placing a fence greater than the required maximum height is not in following with the character of the neighborhood. If screening the toters is the purpose of the fence, I would recommend a hedge or screen planting as those are permitted to be up to eight (8) feet in height. The homeowner still has beneficial use of their property even if the variance is not granted.

APPLICATION 26-23

BRIAN WAHL IS REQUESTING A ZONING VARIANCE TO INSTALL A DRIVEWAY. THE PROPERTY IS LOCATED AT 233 W. FIFTH STREET AND IS ZONED R-3 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1250.51(C)(3) CURB CUTS AND DRIVEWAYS: ONLY ONE (1) ACCESS/CURB-CUT ONTO A PUBLIC STREET SHALL BE PERMITTED.

1. THE APPLICANT IS REQUESTING A ZONING VARIANCE TO ALLOW FOR A SECOND DRIVEWAY TO BE INSTALLED ON THE PROPERTY.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria of A, C, D, & F of Chapter 1275.02(c)(3). The homeowner purchased a house with an existing garage. The driveway to the existing garage has not been maintained and, as a result, the majority of the driveway is now grass. Due to this, the driveway has lost its legal non-conforming status. Without the variance, there would be no way to access the garage without violating zoning regulations. The garage would have no beneficial use without the variance. The variance would allow for a second driveway on the property, this one having access off of the alley. This is in addition to an existing driveway that is off of W Fifth Street, which runs to a different garage.

APPLICATION 27-23

ROB HALL, ON BEHALF OF TOLEDO SIGN, IS REQUESTING TWO ZONING VARIANCES TO INSTALL TWO SIGNS. THE PROPERTY IS LOCATED AT 27375 CARRONADE DRIVE AND IS ZONED C-4 (HIGHWAY COMMERCIAL).

NOTE: CHAPTER 1250.32(A) PERMANENT SIGNS ALLOWED

C-4 ZONING DISTRICT: WALL SIGN

MAXIMUM SIZE: 10% OF FAÇADE

QUANTITY: 1 PER FAÇADE UP TO 2 FAÇADES

C-4 ZONING DISTRICT: FREESTANDING SIGN

MAXIMUM HEIGHT: 10'

MAXIMUM SIZE: 72 SQUARE FEET

LOCATION: 10' SETBACK

QUANTITY: 1 PER STREET FRONTAGE

NOTE: CHAPTER 1250.39 VARIANCES

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(A) THAT THE LITERAL ENFORCEMENT OF THE REQUIREMENTS OF THIS CHAPTER WOULD INVOLVE PRACTICAL DIFFICULTIES BASED ON THE PRESENCE OF SPECIAL CONDITIONS AND CIRCUMSTANCES WHICH ARE PECULIAR TO THE LAND OR STRUCTURE INVOLVED AND WHICH ARE NOT APPLICABLE TO OTHER LANDS OR STRUCTURES IN THE SAME ZONING DISTRICT. A FINDING OF SUCH SPECIAL CONDITIONS OR CIRCUMSTANCES SHALL BE BASED ON A REVIEW OF FACTORS INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(1) EXCEPTIONAL NARROWNESS, SHALLOWNESS OR SHAPE OF A SPECIFIC PROPERTY ON THE EFFECTIVE DATE OF THIS CHAPTER OR AMENDMENT; OR

(2) EXCEPTIONAL TOPOGRAPHIC OR ENVIRONMENTAL CONDITIONS OR OTHER EXTRAORDINARY SITUATION ON THE LAND, BUILDING OR STRUCTURE; OR

(3) THE IMPACT ON THE PROPERTY OF USES OR DEVELOPMENT OF IMMEDIATELY ADJOINING PROPERTY OR PROPERTIES.

(4) WHETHER THE APPLICANT WAS AWARE OF THE RELEVANT CODE LIMITATION WHEN THE PROPERTY WAS SOLD OR LEASED TO IT.

(5) WHETHER THE PROPERTY IN QUESTION WILL YIELD A REASONABLE RATE OF RETURN IN THE ABSENCE OF THE PROPOSED VARIANCE, OR WHETHER THERE CAN BE ANY BENEFICIAL USE OF THE PROPERTY WITHOUT THE PROPOSED VARIANCE.

(6) WHETHER THE ISSUE COULD BE RESOLVED BY SOME OTHER METHOD, EVEN IF THIS ALTERNATE METHOD IS LESS CONVENIENT OR MOST COSTLY TO ACHIEVE.

(B) THAT GRANTING THE VARIANCE WILL NOT CAUSE A SUBSTANTIAL ADVERSE EFFECT TO PROPERTY OR IMPROVEMENTS IN THE VICINITY OR WILL NOT MATERIALLY IMPAIR THE INTENT AND PURPOSES OF THE REQUIREMENT BEING VARIED OR OF THIS CHAPTER, AND IS THE MINIMUM VARIANCE NECESSARY TO PROVIDE RELIEF.

(C) THAT THE VARIANCE WOULD NOT ADVERSELY AFFECT THE DELIVERY OF GOVERNMENTAL SERVICES (E.G., WATER, SEWER, GARBAGE).

(D) THAT THE VARIANCE AS GRANTED WOULD NOT CONFER ON THE APPLICANT ANY SPECIAL PRIVILEGE, OR DEPRIVE THE APPLICANT OF RIGHTS, WHEN COMPARED WITH THOSE RIGHTS COMMONLY ENJOYED IMMEDIATELY ADJOINING PROPERTIES;

(E) THAT THE VARIANCE REQUEST IS NOT ONE WHERE THE SPECIFIC CONDITIONS PERTAINING TO THE PROPERTY ARE SO GENERAL OR RECURRENT IN NATURE AS TO MAKE THE FORMULATION OF A GENERAL REGULATION FOR THOSE CONDITIONS REASONABLY PRACTICABLE.

1. THE APPLICANT IS REQUESTING A VARIANCE TO INSTALL A WALL SIGN. THE SIGN WILL EXCEED THE MAXIMUM SQUARE FOOTAGE ALLOWED FOR A WALL SIGN. THE SIGN IS THIRTY-THREE AND A HALF (33.5) SQUARE FEET, WHICH IS 10.64% OF THE AWNING AREA.

2. THE APPLICANT IS REQUESTING A VARIANCE TO REFACE AN EXISTING FREESTANDING SIGN. THE SIGN WILL NOT MEET THE REQUIRED SETBACK. THE SIGN IS LOCATED FIVE (5) FEET FROM THE 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 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. Denial of the variance would only require the sign to be reduced by two (2) square feet. There is not a hardship that would prevent the applicant from meeting the size requirement.

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 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 setback.

APPLICATION 28-23

SENECA BUILDERS IS REQUESTING A ZONING VARIANCE IN ORDER TO INSTALL A DRIVEWAY. THE PROPERTY IS LOCATED AT 506 CHIPPEWA LANE AND IS ZONED R-3 (SINGLE FAMILY RESIDENTIAL).

NOTE: *CHAPTER 1250.51(B)(7)* NO PORTION OF A DRIVEWAY SHALL BE CLOSER THAN FIVE (5) FEET TO A SIDE OR REAR PROPERTY LINE.

1. THE APPLICANT IS REQUESTING A ZONING VARIANCE THAT WOULD ALLOW FOR A DRIVEWAY TO BE INSTALLED WITHIN THE REQUIRED FIVE (5) FOOT SETBACK FROM THE SIDE PROPERTY LINE. THE DRIVEWAY WILL BE INSTALLED ONE (1) FOOT OFF OF THE PROPERTY LINE.

Recommendation:

1. The Zoning Inspector recommends denial of the variance as it does not meet enough of the conditions needed to grant a variance. The proposal is on an empty lot. If the driveway is not meeting the setbacks, I would recommend a different footprint for the house that would allow for a driveway to be installed that meets the setbacks. This lot is not significantly different from any of the other lots within this plat and has no physical hardships that would suggest a variance being needed. Although it might not be the desired layout, there is still a beneficial use of the property without a variance. The variance is substantial as this could potentially be the first house within this plat and will set a precedence for the remaining lots.

APPLICATION 29-23

JEROME PARKER, ON BEHALF OF HARBOR TOWN SOUTH LLC, IS REQUESTING A USE VARIANCE IN ORDER TO ALLOW FOR MULTI-FAMILY HOUSING. THE PROPERTY IS LOCATED AT 0 LIGHTHOUSE WAY (Q61-400-190001010000) AND IS ZONED PBP (PLANNED BUSINESS PARK).

NOTE: *CHAPTER 1275.02 JURISDICTION OF BOARD OF ZONING APPEALS*
THE BOARD OF ZONING APPEALS SHALL NOT HAVE THE POWER TO ALTER OR CHANGE THE ZONING DISTRICT CLASSIFICATION OF ANY PROPERTY, NOR TO MAKE ANY CHANGE IN THE TERMS OF THIS ZONING CODE, BUT DOES HAVE POWER TO ACT ON THOSE MATTERS WHERE THIS ZONING CODE PROVIDES FOR AN ADMINISTRATIVE REVIEW, INTERPRETATION OR EXCEPTION AND TO AUTHORIZE A VARIANCE AS DEFINED IN THIS CHAPTER AND THE LAWS OF THE STATE OF OHIO. SUCH POWERS

1275.02(D) USE VARIANCE

A. APPLICANT'S PROPERTY CANNOT BE USED FOR THE PURPOSES PERMITTED IN THE ZONING DISTRICT.

C. APPLICANT'S SUGGESTED USE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE AREA.

E. THE UNAVAILABILITY OF ADMINISTRATIVE RELIEF WHICH MIGHT AFFORD REASONABLE USE OF APPLICANT'S PROPERTY.

F. IN ADDITION TO THE INFORMATION REQUIRED FOR OTHER VARIANCE REQUESTS, AN APPLICATION FOR A USE VARIANCE UNDER THIS CHAPTER SHALL INCLUDE A PLAN DRAWN TO SCALE DETAILING THE SPECIFIC USE AND IMPROVEMENTS PROPOSED BY THE APPLICANT AND A SUMMARY OF THE FACTS WHICH SUPPORT THE ALLEGED HARDSHIP.

NOTE: CHAPTER 1225.08 LAND USE AND BASE ZONING DISTRICT TABLE

[illegible]

1. THE APPLICANT IS REQUESTING A ZONING VARIANCE FOR A FRONT YARD SETBACK. THE GARAGE WILL BE CONSTRUCTED TWO (2) FEET OFF OF THE FRONT PROPERTY LINE.
2. THE APPLICANT IS REQUESTING A ZONING VARIANCE FOR A SIDE YARD SETBACK. THE GARAGE WILL BE CONSTRUCTED TWO (2) FEET OFF OF THE SIDE PROPERTY LINE.
3. THE APPLICANT IS REQUESTING A ZONING VARIANCE FOR A REAR YARD SETBACK. THE GARAGE WILL BE CONSTRUCTED ONE (1) FOOT TWO (2) INCHES OFF OF THE REAR PROPERTY LINE.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria of A, D, E & F of Chapter 1275.02(c)(3). The homeowner is looking to rebuild an attached garage. The garage will have a larger setback than the existing garage. The lot is extremely narrow and without a variance a garage would not be possible on this property. Additionally, there are no neighbors on this side of the property.
2. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria of A, D, E & F of Chapter 1275.02(c)(3). The homeowner is looking to rebuild an attached garage. The garage will have a larger setback than the existing garage. The lot is extremely narrow and without a variance a garage would not be possible on this property. Additionally, there are no neighbors on this side of the property.
3. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria of A, D, E & F of Chapter 1275.02(c)(3). The homeowner is looking to rebuild an attached garage. The garage will have a larger setback than the existing garage. The lot is extremely narrow and without a variance a garage would not be possible on this property. Additionally, there are no neighbors on this side of the property.
7. Other Business
8. Adjournment

The next meeting is scheduled for September 11, 2023 at 5:30 P.M. in the Municipal Building, located at 201 W. Indiana Avenue.

cc: Media