

Minutes of Perrysburg Board of Zoning Appeals

Meeting Held September 11, 2023

CALL TO ORDER - 5:30 PM

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

ROLL CALL

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

APPROVAL OF AUGUST 14, 2023 MEETING MINUTES

Mr. Sutter moved to approve the August 14, 2023 meeting minutes as written. Seconded by Mr. Elmer, and it was unanimously approved (5-0).

ADMINISTER OATH

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

ZONING PERMIT OBLIGATION

Mr. Grodi 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 31-23

Jerl Machine is requesting a zoning variance in order to install a sign. The property is located at 11140 Avenue Road and is zoned I2 (General Industrial).

NOTE: *Chapter 1250.32(a) Permanent Signs Allowed*

I2 Zoning District: Freestanding sign

Maximum Size: 72 Square Feet

Maximum Height: 10 Feet

Setback: 25'

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 install a sign. The sign is installed closer to the property line than what is permitted. The sign is setback twenty-three (23) 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. There is not a hardship that would prevent the applicant from meeting the size requirement.

Mr. Grodi reviewed Application 31-23. Jason Coy and Kristi Coe, Jerl Machine, were present on behalf of the application. Mr. Coy noted that the foundation of the sign was installed in 2001 when this location was located in Perrysburg Township. Ms. Coe

confirmed that only the face of the sign is changing, and not the foundation. Mr. Grodi stated that there are no issues with the size and height of the sign, and Mr. Duricek noted that the location of the sign does not impede line of sight.

Mr. Sutter moved to approve Application 31-23 as submitted. Seconded by Mr. McIntyre, and it was unanimously approved (5-0).

APPLICATION 32-23

Cynthia Gray is requesting two zoning variances in order to install a pavilion and a swimming pool in a side yard. The property is located at 14720 Wood Creek Court and is zoned R-1 (Single Family Residential).

NOTE: 1250.61(a) No accessory building or uses shall be located in any front or side yard setback except under unusual circumstances where such activity will not conflict with the intent and purposes of this Zoning Code or where enforcement would result in extreme hardship. Either exception shall require approval of the Board of Zoning Appeals.

NOTE: Chapter 1250.58(c) Location of Swimming Pools: Swimming pools, whirlpools, hot tubs, or similar features shall be permitted in the rear yard or within the side yard if a variance is approved by the Board of Zoning Appeals. In all cases, swimming pools shall maintain a minimum setback of five (5) feet from a property line to any deck or patio and of fifteen (15) feet to the water's edge. In all cases, whirlpools, hot tubs or similar features shall maintain a minimum setback of five (5) feet from any property line. The allowable distance from a residence to the above features is subject to any applicable building codes. No such structures may be placed within recorded easements for any purpose.

1. The applicant is requesting a variance that would allow for a pavilion to be installed in the side yard.
2. The applicant is requesting a variance that would allow for an in-ground swimming pool to be installed in the side yard.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances D, E, F, and G of Chapter 1275.02(c)(3). The rear yard of the property has a steep grade that would make placement of a pavilion difficult. The pavilion will exceed the setback required for an accessory structure.
2. The Zoning Inspector recommends approval of the zoning variance based on meeting criteria for variances D, E, F, and G of Chapter 1275.02(c)(3). The rear yard of the property has a steep grade that would make placement of a swimming pool difficult. The swimming pool will exceed the setback required for a swimming pool.

Mr. Grodi reviewed Application 32-23. Jeff & Cynthia Gray were present, and added that there is a fifteen (15) foot drop behind their house that is quite severe. Mr. Gray

stated that their neighbor is in favor of the variance requests as long as the Gray's keep as many trees as possible.

Mr. Sutter made a motion to approve variance #1 and #2 of Application 32-23, and finding D, E, F, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Anderson, and it was unanimously approved (5-0),

APPLICATION 33-23

Lindell Stewart is requesting a zoning exception to construct a deck. The property is located at 1046 Hickory Street and is zoned R-3 (Single Family Residential).

NOTE: *Chapter 1230.01 Intensity and Dimensional Standards*

R-3 Zoning:

Front Yard = 35'

Rear Yard = 35'

Side Yard Min = 8'

Side Yard Total = 20'

1. The applicant is requesting a zoning exception for a front yard setback. The deck will be constructed twenty-two (22) feet off of the front property line.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning exception. The deck will only be thirty-six (36) square feet to provide for safer access to the front door. The footprint will be the same as the existing patio and concrete slab.

Mr. Grodi reviewed Application 33-23. Lindell Stewart was present on behalf of the application, and added that he would like to extend his front porch away from the front door with a thirty-six (36) square foot wood material. He stated that there would be a step off the side of the front porch towards the driveway.

Mr. Sutter made a motion to approve the zoning exception for Application 33-23. Seconded by Mr. McIntyre, and it was unanimously approved (5-0).

APPLICATION 34-23

Justin Blecharczyk is requesting a zoning variance to construct an accessory building. The property is located at 321 E. Second Street and is zoned R-3 (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 5.83% of the lot size in accessory structures. The property owner would like to construct an accessory building that will be seven hundred twenty-nine (729) square feet. The total square footage of accessory buildings on the property would be one thousand four hundred seventy (1,470) square feet if granted a variance. By code, only one thousand two hundred sixty-two (1262) square feet would be allowed.

Recommendation:

1. No recommendation provided.

Mr. Grodi reviewed Application 34-23. Justin Blecharczyk was present, and said that he would like to construct a pool house that would put his total accessory structures at two hundred (200) square feet over five (5) percent of his lot size. He noted that the size of the accessory structure includes a covered patio area, and that there will be more than sixty (60) feet on either side of the pool from his property lines. Mr. Blecharczyk added that he has spoken with his neighbors about these plans and that there are no concerns, and Mr. Grodi confirmed that comments from neighbors had not been received.

Mr. Anderson moved to approve Application 34-23 as submitted, and finding B, C, D, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Duricek, and it was unanimously approved (5-0).

OTHER BUSINESS

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:55 p.m.

Respectfully submitted,

Heather Alfaro
Zoning Clerk

Next meeting is scheduled for October 9, 2023 at 5:30 p.m.