

BOARD OF ZONING APPEALS

DECEMBER 14, 2015

The meeting was called to order at 5:30 p.m. by Chairman Jonathan Smith. Board members present were John Brown, Jason Decker, Craig Pickerel, Jonathan Smith and Becky Williams (5). Also present was Brody Walters, Planning and Zoning Administrator.

Ms. Williams moved to approve the minutes of the November 9, 2015 meeting as submitted. Mr. Decker seconded and they were unanimously approved.

APPLICATION 19-15 - Prakash Karamchandani of Balance Grille requests one zoning variance to permit the installation of a permanent wall sign. The subject property is located at N.E. corner of the intersection of Dixie Highway and Eckel Junction Road. The property address is 26520 N. Dixie Highway and the zoning is C-4 (Highway Commercial).

The requested variance would permit the applicant to install a wall sign that is 89 SF in size which is 14 SF larger than otherwise permitted.

NOTE: 1250.32(a) *Permanent Signs Allowed*
C-4 Zoning:

Max Size: 10% of the façade, up to 75 SF
Max Qty: 1 per façade, up to 3 façades

NOTE: 1250.39 *Other Administrative Procedures*

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. (see factors 1-6)
- (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, refuse).
- (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 by 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 to enlarge the area of an existing sign to include a triangular logo placed above the entrance door on the west façade of the building. The continuous perimeter around the “Balance” sign and the “triangular logo” can be calculated at 89 SF in size.

Recommendation:

1. No recommendation provided.

Mr. Walters reviewed Zoning Variance 19-15. Mr. Karamchandani was present and said that since the last time he appeared before the Board they have revised their signage package. He said that the size of the triangle was reduced to keep in line with what is permitted. He said that the reason for the variance is that they are over by 14 square feet because the triangle and name are being considered as one sign and the area between the triangle and name is 17 square feet. Mr. Smith asked if there were any comments from neighboring property owners. Mr. Walters said that no comments were received. There was discussion regarding whether the location of the sign was on an architectural feature. Mr. Walters said that he determined the location was not on a significant architectural feature based on the internal layout of the building. Mr. Karamchandani discussed the importance of having a sign over their main entrance. Mr. Pickerel asked whether this meets the criteria of minimum variance necessary to provide relief. Mr. Walters said that the criteria was written to achieve the goal with the minimum amount of signage. Mr. Brown said that since this is the main entrance he believes that is justification for putting in the signage. Ms. Williams noted that the applicant made an adjustment to the size of the triangle to try and downsize, and she added that the building was not designed specifically for this tenant so they are trying to work with the space they have.

Ms. Williams moved to approve Zoning Variance 19-15 as submitted. Mr. Brown seconded and it was unanimously approved.

APPLICATION 20-15 – Donald and Sandra Billmaier request a zoning exception to permit the construction of an addition within the required rear yard setback. The subject property is located at 110 Wentworth Court and is zoned R-4 (Single Family Residential).

NOTE: *1230.01 Intensity and Dimensional Standards*

R-4 Zoning:

Front Yard = 35'
Rear Yard = 30'
Side Yard Min = 6'
Side Yard Total = 16'
Min. Dwelling Size = 1,100 SF

1. The applicant is requesting a zoning variance to permit the construction of an 18' x 18' addition to the rear of their home. As proposed the closest point of the addition would be located approximately 17' from the rear property line.

Recommendation:

The Planning and Zoning Administrator recommends approval of the zoning variance based on the fact that the rear yard is heavily wooded, the yard features a common space that separates the property from White Road and there are no rear neighbors that would be impacted by the variance. (Ch. 1275.02(c)(3) – C, D, E, F)

Mr. Walters reviewed Zoning Variance 20-15. Mr. and Mrs. Billmaier were in attendance. Mr. Billmaier said that the size of the addition is actually 16' x 18'. Mr. Smith asked if any comments were received from neighbors. Mr. Walters said that no comments were received. Ms. Williams said that the Board reviewed a similar request from a neighbor several years ago. Mr. Pickerel asked Mr. Billmaier if he knew about the zoning setbacks when he purchased the property. Mr. Billmaier said he did not.

Ms. Williams moved to approve Zoning Variance 20-15 based on finding C, D, E and F of Chapter 1275.02(c)(3) to be true. Mr. Decker seconded and it was unanimously approved.

APPLICATION 21-15 - Ramesh Patel on behalf of Sunrise Hospitality, Inc. requests one variance to permit the construction of a building that is taller than otherwise permitted. The subject property is located on parcel #s; Q61-400-090105004000, Q61-400-090105005000 and Q61-400-090105001007. The closest address to this site is 27350 Lake Vue Drive.

NOTE: 1250.03 Maximum Building Height

The following provisions shall apply to buildings located in A1, C4, OS, I1, I2, INS and PBP zoning districts within the City of Perrysburg.

- (a) The Board of Zoning Appeals may grant a height variance for any portion of a building that is taller than the maximum permitted height specified in Chapter 1230 "Intensity & Dimensional Standards" providing the variance does not exceed 50% of the maximum height specified in Chapter 1230.
- (b) The height regulations of Chapter 1230 "Intensity & Dimensional Standards" shall not apply to communication towers, monuments, water/cooling towers, ornamental towers and spires, chimneys, silos, elevator bulkheads, smoke stacks, conveyors and other similar items as determined by the Planning & Zoning Administrator.

The chart below provides an example of the relief this code section could provide:

Zoning	Max Height (ft.)	Max BZA Approval (ft.)
C4	35	52.5

1. The applicant is requesting a height variance to allow a building that is 52' 6" tall.

Recommendation:

1. The Planning and Zoning Administrator recommends approval of the zoning variance based on the surrounding land uses, setbacks to other buildings, streets, and property lines. (Ch. 1275.02(c)(3) – C, D, F, G)

Mr. Walters reviewed Zoning Variance 21-15. Mr. Patel was in attendance. Mr. Pickerel asked how tall Candlewood Suites is. Mr. Patel said that it is 35' tall. Mr. Smith asked if any comments were received from neighboring property owners. Mr. Walters said that no comments were received. Ms. Williams asked if this site plan has been approved by the Planning Commission yet. Mr. Walters said that it has not and the preliminary site plan will be on the December Planning Commission agenda. Mr. Walters noted that the height of 52.5' is the measurement of the upper cornice and that the primary building is only 49.5' in height.

Mr. Pickerel moved to approve Zoning Variance 21-15 as submitted finding C, D, F and G of Chapter 1275.02(c)(3) to be true. It was seconded by Ms. Williams and was unanimously approved.

OTHER BUSINESS

Mr. Walters thanked Ms. Williams and Mr. Smith for their service and wished them well as they begin their terms on City Council.

There being no further business, the meeting adjourned at 6:06 p.m.

Respectfully submitted,

Mary Jo Sutton