

BOARD OF ZONING APPEALS

NOVEMBER 13, 2017

The meeting was called to order at 5:30 p.m. by Chairman Craig Pickerel. Board members present were Jason Decker, Niki Decker and Craig Pickerel (3). Greg Bade and Rob Vela were absent (2). Also present were Mark Easterling, Deputy Planning and Zoning Administrator, and Cody Grodi, Zoning Inspector.

Mr. Pickerel moved to approve the minutes of the October 9, 2017 meeting as written. Mr. Decker seconded the motion, and it was unanimously approved.

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

APPLICATION 41-17 – Eric J. Eynon is requesting one zoning variance that would allow him to exceed the maximum square feet allowable for accessory structures on his property. The property is located at 127 West Seventh Street and is zoned R-3 (Single Family Residential).

NOTE: *Chapter 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 him to have up to seven (7) percent of the lot size in accessory structures in order to keep a newly installed shed that is 8' x 14', in addition to an existing detached garage that is 22' x 28'. The lot size is 10,890 square feet, which would allow, by code, 544 square feet of accessory structures. The variance would allow for 728 square feet of accessory structures on the property.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and E of Ch. 1275.02(3). The newly constructed shed will be used to store miscellaneous objects that would otherwise be stored outside. The shed would be replacing an old steel shed.

Mr. Grodi reviewed Application 41-17. The applicant, Eric Eynon, was in attendance. Mr. Eynon presented letters from his neighbors at 127 West Seventh Street and 122 West Sixth Street stating that they are agreeable to the variance request. Mr. Decker asked if any other comments were received. Mr. Grodi said none were received. Mr. Decker asked if the new shed is in the same location as the old steel shed that was removed. Mr. Eynon said it almost in the same spot but the new one is larger and is oriented differently. Ms. Decker asked how long the shed has been up, and Mr. Eynon said it has been up almost two years. Mr. Decker moved to approve Application 41-17 finding B, C, D and E of Ch.

1275.02(c)(3) to be true. The motion was seconded by Ms. Decker and was unanimously approved.

APPLICATION 42-17 - Robert Cannon is requesting one zoning variance to permit an existing accessory structure to remain within five (5) feet of the rear property line. The property is located 518 East Indiana Avenue and is zoned R-3 (Single Family Residential).

NOTE: *1250.61(b) Accessory Buildings and Uses: Accessory buildings such as garages and utility buildings, may be located in a rear yard, provided that such buildings are separate from the main structure by at least ten (10) feet and are set back at least five (5) feet from the side and rear lot lines.*

1. The applicant is requesting approval to keep the existing accessory structure within the rear property five (5) foot set back. (Structure is currently approximately one (1) foot from the property line).

Recommendation:

1. The Deputy Administrator recommends approval of the zoning variance meeting the criteria for variances B, C, D, and E of Ch. 1275.02(3). The structure does not purpose any visibility or safety concerns, but can pose maintenance concerns with its elevation and proximity to the property line.

Mr. Grodi reviewed Application 42-17. Mr. Cannon was present. He said that they did some work on their house and the materials used for this structure were the materials removed from the house. He said that he knew the structure had to be 5' off the property line, but he thought the property line was the alley. Ms. Decker asked if it is built around a tree. Mr. Cannon said it is not. Mr. Grodi said that the Planning and Zoning Division received an email from the neighbor at 550 E. Indiana and they are okay with the structure remaining where it is. Mr. Decker moved to approve Application 42-17 finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. The motion was seconded by Ms. Decker and was unanimously approved.

APPLICATION 43-17 - Joe Blythe is requesting one zoning variance to keep an existing attached deck in the rear yard. The property is located at 225 Marie Place 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 fifty (50) percent variance to reduce the minimum rear yard setback to seventeen (17) feet so that the applicant may keep a deck around the pool.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and E of Ch. 1275.02(3). If the deck was not extending from the house, the deck would be permitted to be a minimum to five (5) feet to the property line. The rear property line is lined with trees, creating a privacy barrier between the applicant's property and the neighboring property.

Mr. Grodi reviewed Application 43-17. The applicant, Joe Blythe, was present. Mr. Blythe said that he did not realize that by attaching the deck to an existing deck, which is attached to the house, that he created a zoning issue. Mr. Decker asked if any comments were received from neighbors, and Mr. Grodi said that no comments were received. Mr. Blythe said that he talked to the neighbors and they are okay with it. He said that the neighbors are appreciative of all of the improvements they've made to the house since they moved in. Mr. Pickerel asked when it was constructed, and Mr. Blythe said in June of this year. Mr. Decker moved to approve Application 43-17 finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. The motion was seconded by Mr. Pickerel and was unanimously approved.

APPLICATION 44-17 - Mike Eckhart is requesting one zoning variance that would allow him to exceed the maximum square feet allowable for accessory structures on his property. The property is located at 993 Pine Street and is zoned R-3 (Single Family Residential).

NOTE: *Chapter 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 him to have up to seven (7) percent of the lot size in accessory structures in order to keep an existing shed that is 12' x 24', in addition to an existing detached garage that is 24' x 24'. The lot size is 13,599 square feet, which would allow, by code, 679 square feet of accessory structures. The variance would allow for 864 square feet of accessory structures on the property.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and E of Ch. 1275.02(3). The newly constructed shed will be used to store lawn equipment that would otherwise be

stored outside. The shed will be located behind the existing garage, out of sight from the street view.

Mr. Grodi reviewed Application 44-17. John Conley, 854 Mulberry Street, was present on behalf of the applicant. Mr. Conley said that the shed has been up for a year. Bernard Barr, 955 Pine Street, was present. He said he lives next door to the property and he feels it is a good looking shed and he has no problems with it. Mr. Pickerel moved to approve Application 44-17 finding B, C, D, and E of Chapter 1275.02(c)(3). The motion was seconded by Mr. Decker and was unanimously approved.

APPLICATION 45-17 - Judith Justus, on behalf of the Perrysburg Area Historic Museum is requesting one zoning variance that would allow them to exceed the maximum square feet allowable for accessory structures on the property. The property is located at 27340 West River Road and is zoned INS (Institutional Use).

NOTE: *Chapter 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 Perrysburg Area Historic Museum to have up to six (6) percent of the lot size in accessory structures in order to construct a storage barn that would be 30' x 60'. The lot size is 31,644 square feet, which would allow, by code, 1,582 square feet of accessory structures. The variance would allow for 1,800 square feet of accessory structures on the property.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, B, C, D and F of Ch. 1275.02(3). The requested size of the storage barn will allow for the museum to store a historic firetruck indoors. The request is not substantial in that the proposed structure is only a few feet longer than what they would be permitted to construct.

Mr. Grodi reviewed Application 45-17. Judy Justus, 129 Carolin Court, was present on behalf of the Perrysburg Area Historic Museum. Ms. Justus said that they have a 1919 fire truck that they want to store in the proposed accessory structure. She said they were going to make it 30' x 40', but they have received a grant and one of the grant requirements is that they also have a school room inside of the building, so they have enlarged it to 30' x 60'. Andrew Black, 1499 Rivercrest Drive, was present on behalf of the Rivercrest Homeowners' Association. Mr. Black explained that when the Museum bought the property, there were six homes that were impacted so the Museum entered into a memorandum of understanding with these six property owners. Mr. Black said that per the memorandum of understanding, they should have been notified by the museum prior to this. He requested that the application be delayed 30 days so the homeowners

can review the plans and reach a consensus. Dawn Hoover, 1481 Rivercrest, said that she is the most impacted since she lives right behind the museum. She agreed with Mr. Black that the application should be delayed 30 days. Mr. Pickerel explained that the Board is tasked with deciding the application in front of them, and the memorandum of understanding is a private issue. Doug Fatica, 1521 Rivercrest, said that 30 days is nothing and the memorandum of understanding is a gentleman's agreement, and he understands that there is no enforcement by the City with regards to the memorandum. Ms. Justus said that a delay would interfere with the grant because there is a time element. Mr. Pickerel moved to approve Application 45-17 finding A, B, C, D, and F of Chapter 1275.02(c)(3) to be true. The motion was seconded by Ms. Decker and was unanimously approved.

APPLICATION 46-17 - Scott Fenneken is requesting one zoning variance to build an addition onto his home within the rear yard setback. The property is located at 25794 Edinborough Circle and is zoned R-1 (Single Family Residential).

NOTE: *Chapter 1230.01 Intensity and Dimensional Standards:*
R-1 Zoning:

Front Yard = 50'

Rear Yard = 60'

Side Yard Min = 10'

Side Yard Total = 25'

1. The applicant is requesting a variance that would allow for an addition to be built onto the back of his attached garage. The addition would sit approximately twenty (20) feet from the rear property line.

Recommendation:

1. The Deputy Administrator recommends approval of the zoning variance based the uniqueness of the lot and meeting the criteria for variances C, D, E, and F of Ch. 1275.02(3). The property has three (3) front yards and the home sits back into the rear yard setback limiting the amount of rear yard. The owners HOA also does not allow for sheds to be built on properties.

Mr. Grodi reviewed Application 46-17. The applicant, Scott Fenneken, was present. Mr. Fenneken said that they only have a two car garage and they can't store their garbage cans outside and they can't have a shed per the homeowners' association, so he wants to add on to his garage. Mr. Easterling said that it would be 18' from the property line instead of the 20' indicated on the agenda. Mr. Pickerel said that the required rear yard setback is 60' and he asked how close the garage is to the property line now. Mr. Easterling said it is about 28'. Ms. Decker stated that it is already not in compliance. Mr. Grodi noted that the house was constructed while in Perrysburg Township so it was not subject to the same setbacks. Mr. Fenneken said that he put a new roof on his house and

he saved some shingles so the roof on the addition will match. Mr. Pickerel asked if any of the adjacent properties project out. Mr. Easterling said they do not, but this property was built at an odd angle and was built very far back. Mr. Decker moved to approve Application 46-17 finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Ms. Decker seconded the motion, and it was unanimously approved.

APPLICATION 47-17 - Orlando Perez is requesting one zoning variance that would allow him to construct a (6) foot fence in the side yard. The property is a corner lot located at 922 Cherry Street, and is zoned "R-3" Single Family Residential.

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

	Max Height	
	Permitted	*Restricted
Front Yard	4'	6'
Side Yard	4'	6'
	*Requires BZA Approval	

1. The applicant is requesting a variance to build six (6) foot fence in his side yard.

Recommendation:

1. The Deputy Administrator recommends approval of the zoning variance based on meeting the criteria for variances C, D, E, and F of Ch. 1275.02(3). The fence would allow for the resident to remove the overgrown landscape and to obscure the view of the neighboring property.

Mr. Grodi reviewed Application 47-17. The applicant was present and corrected the spelling of his first name. He said that his name is Omaldo Perez. His wife, Sonia Perez, was also present. Mr. Perez explained that the fence would only partly be a privacy fence. Ms. Perez said that their neighbor collects stuff and keeps it in their yard. She said that they would prefer not looking at it. Mr. Pickerel asked if the existing fence is 6', and Ms. Perez said that it is. Mr. Decker moved to approve Application 47-17 finding C, D, E, and F of Chapter 1275.02(c)(3) to be true. Ms. Decker seconded the motion, and it was unanimously approved.

There being no further business, the meeting adjourned at 6:27 p.m.

Respectfully submitted,

Mary Jo Sutton