

BOARD OF ZONING APPEALS

NOVEMBER 10, 2014

The meeting was called to order by Chairperson Becky Williams at 5:30 p.m. Board members present were: John Brown, Jason Decker, Eric Nicely and Becky Williams (4). Jonathan Smith was absent. Also present was Julie Liebenthal, Zoning Inspector.

Mr. Nicely moved to approve the minutes of the October 13, 2014 meeting as written. Mr. Brown seconded. Ayes: Brown, Nicely, Williams (3). Abstain: Decker (1).

ZONING EXCEPTION 30-14 - Jamie and Maureen Karubas request one (1) zoning exception to permit the construction of a new residence. The subject property is located at 26089 Seminary Road and is zoned R1 (Single Family Residential). The requested exception would permit the applicant to construct a residence within either the required 50' setback from the front property line (Option A), or within the required 60' rear yard setback (Option B). The Applicants prefers Option A.

NOTE: *1230.01 Intensity and Dimensional Standards*

R-1 Zoning:

Front Yard = 50'

Rear Yard = 60'

Side Yard Min = 10'

Side Yard Total = 25'

Min. Dwelling Size = 1,800 SF

1. Option A: The applicant is requesting a zoning exception to reduce the required front yard setback. The exception would permit the front yard to be 41.2', rather than the normally required 50'. Option B: The applicant is requesting a zoning exception to reduce the required rear yard setback. The exception would permit the rear yard to be 51.2, rather than the normally required 60'.

Recommendation:

The Zoning Inspector recommends denying Option A and approving Option B. Option B will have little or no impact on the character and appearance of the neighborhood and will provide for the continued consistent front yard setbacks that are currently present.

Ms. Liebenthal reviewed Zoning Exception 30-14. Ms. Williams called attention to emails received from Gary Johns, Laura Franchetti, Denise & Scott Mortemore, and Andrew Pawuk, copies of which are attached hereto and made a part of these minutes. Mr. Karubas was present and stated that they had a survey done and the house as designed does not fit on the lot. They would be encroaching approximately 9' into the setback. Ms. Williams stated that the applicant has asked that only Option A be considered.

Mr. Brown asked if it is the back porch that extends out. Mr. Karubas said it is; it's 14' x 12'. Mr. Nicely clarified that the applicant does not want Option B to be considered. Mr. Karubas said that is correct; he has small kids and he does not want to take from the backyard.

Gary Johns, 26132 Willowbend, was in attendance. He said that his property abuts this property and it is one of the two smallest lots and he does not want either option approved. He said that the house is too large for the lot and he is concerned about drainage issues.

Andrew Pawuk, 26040 Willowbend, was in attendance. He requested that both options be denied. He said Option A would affect residents in the Sanctuary and Option B would affect residents in Willowbend.

Mr. Decker clarified that there are no other houses encroaching into the front yard setback. Ms. Liebenthal said that is correct.

Mr. Decker made a motion to deny Zoning Exception 30-14. Mr. Nicely seconded, and it was unanimously approved.

Ms. Williams recused herself from discussion on Zoning Variances 28-14 and 29-14. Mr. Brown nominated Mr. Nicely as Acting Chairman. Mr. Decker seconded and it was approved 3-0. Ayes: Brown, Decker, Williams (3). Abstain: Nicely (1).

ZONING VARIANCE 28-14 - Kendall Williams, of MulvannyG2 Architecture, on behalf of Costco Wholesale Corporation, requests three (3) zoning variances to permit the installation of warehouse wall signs that exceed the permitted maximum 75 square feet of a respective façade. The subject property is located at 26400 North Dixie Hwy and is zoned C-4 (Highway Commercial), within the Corridor Overlay.

NOTE: 1250.32(a) *Permanent Signs Allowed*
Corridor Overlay Zoning: 10% up to 75 square feet per façade

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. Canopy Sign (Entry) – 125 Square feet, 6.4% of façade
- 2. Building Sign 2 (West Façade) – 282 Square feet, 3% of façade
- 3. Building Sign 3 (South Façade) – 69 Square feet, 65% of facade

Recommendation:

- 1. The Zoning Inspector recommends approval of the zoning variance application 28-14, the Canopy Sign. Variance criteria a, b c, d and e are satisfied; the immense length and overall size of the warehouse is none like that of any other structure in the area. The proposed variance can be concluded as the minimum necessary, it will not affect any governmental services and it is proportionally congruent with the façade it is to be placed upon, as the other signs in the Corridor Overlay are desired to be.
- 2. See above for Building Sign 2 recommendation.
- 3. See above for Building Sign 3 recommendation.

Ms. Liebenthal reviewed Zoning Variance 28-14. Matt Keersenaker was present on behalf of Costco. Mr. Keersenaker said that there are long walls on the warehouse and these signs are proportional to the building size. Mr. Decker asked if they are standard Costco signs. Mr. Keersenaker said they are the standard size for a 150,000 square foot warehouse.

Mr. Brown moved to approve Zoning Variance 28-14 per the revised drawing. Mr. Nicely seconded and it was approved 3-0. Ayes: Brown, Decker, Nicely (3). Abstain: Williams (1).

ZONING VARIANCE 29-14 - Kendall Williams, of MulvannyG2 Architecture, on behalf Costco Wholesale Corporation, requests one (1) zoning variance to permit the installation of a fuel facility wall sign that exceeds the permitted maximum 10% maximum square feet per façade. The subject property is located at 26410 North Dixie Hwy and is zoned C-4 (Highway Commercial), within the CO (Corridor Overlay).

NOTE: 1250.32(a) *Permanent Signs Allowed*

Corridor Overlay Zoning: 10% up to 75 square feet per façade

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. Proposed Sign at Fuel Facility is Fuel Sign 3 - 20.85 square feet, 21.7% of façade.

Recommendation:

1. The Zoning Inspector recommends denying the applicant's request for sign variance application 29-14. Only variance criteria c is met. Furthermore, the sketch on exhibit 4 conveys proportional and sufficient dimensions for signage meeting the code requirements.

Ms. Liebenthal reviewed Zoning Variance 29-14. Mr. Keersenaker stated that this request is regarding the gas station canopy. He said the canopy is much longer than it is wide. They are not proposing a sign on the east side which faces the building, but they would like the sign on the other three façades to be the same size. He said it is their standard package. Mr. Nicely asked if there is any way to come within the Code requirements. Mr. Keersenaker said that they don't feel that a smaller sign looks right.

Jim Hagen, 10741 Avenue Road, said that they were already given bigger letters on the building.

Judy Hagen, 10741 Avenue Road, said that Costco knew the Sign Code when they decided to build in Perrysburg and they should not be given a variance.

Mr. Decker moved to deny Zoning Variance 29-14. Seconded by Mr. Brown and the motion was approved 3-0. Ayes: Brown, Decker, Nicely (3). Abstain: Williams (1).

There being no further business, the meeting adjourned at 5:59 p.m.

Respectfully submitted,

Mary Jo Sutton

Mary Jo Sutton

From: Gary Johns [gary.johns@jpl.com]
Sent: Thursday, November 06, 2014 10:14 AM
To: Mary Jo Sutton
Subject: RE: Board of Zoning application

Thank you for emailing this over. I am not sure I can make the planning/zoning meeting on Monday.

As the person most impacted by someone thinking Option B is the better alternative....I have to disagree. Neither option seems satisfactory to me.

Moving a large home 9 feet closer than allowed means more water flowing into our property from rain and winter thaw. That is not acceptable. Nor has water flowing off properties there been properly addressed.

Maybe property owners should consider resizing their home or relocating to another lot. They chose possibly the most narrow lot available. They did not choose wisely.

When the property was built at 26101 Seminary, that builder altered to the terrain to raise that property from the level it was prior to development. The drainage system that was put in the back of that property has proven to not be acceptable as it has caused us at 26132 and 26154 Willowbend to have basement precipitation issues.

Gary Johns
26132 Willowbend
Perrysburg, Ohio 43551
419.874.3458
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From: Mary Jo Sutton [mailto:msutton@ci.perrysburg.oh.us]
Sent: Thursday, November 6, 2014 10:00 AM
To: gary.johns@jpl.com
Subject: Board of Zoning application

Attached is information regarding the zoning exception request for the property at 26089 Seminary Road. If you have any questions, please let me know.

Mary Jo Sutton
City of Perrysburg
Planning and Zoning Division
201 West Indiana Avenue
Perrysburg, OH 43551
(419)872-8060
(419)872-8019 fax

Mary Jo Sutton

From: laura.franchetti@tnsglobal.com
Sent: Friday, November 07, 2014 4:50 PM
To: Mary Jo Sutton
Subject: The Sanctuary Zoning exception

Hi,

I live at 26066 Seminary Rd. in The Sanctuary. My husband and I received a post card in the mail stating that the owner of 26089 Seminary Rd. would like an exception to allow their residence to extend 9' over the build line in either the front or the back. Option A noted that the request would reduce the front yard by 9' and Option B would reduce the back yard by 9'. My husband and I would like to request that Option A NOT be allowed, which is in line with what the zoning inspector recommends. We are fine with Option B since the house is on the edge of the neighborhood and backs up to trees.

If there is someone in the neighborhood that is opposed to Option B, would the owner not be allowed to build their house 9' over the build line in the back? I'm just curious under what circumstances the owner would be granted approval for Option B.

Thanks,
Laura

Laura Franchetti
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<http://www.kantar.com/disclaimer.html>

Mary Jo Sutton

From: Denise & Scott Mortemore [dsmort@buckeye-express.com]
Sent: Saturday, November 08, 2014 10:20 AM
To: Mary Jo Sutton
Subject: 26089 Seminary Rd Zoning Exception

To Whom it May Concern,

At the zoning appeal hearing on Monday, November 10 you plan to review an exception for 26089 Seminary Road. We live at 26113 Seminary Road. We understand that there is an option A and an option B being proposed. We would like to strongly express our opinion that option B is acceptable, while option A is concerning. Moving the house forward of the build line would not only set a precedent, it would look odd in a neighborhood of very expensive houses that adhere to strict building guidelines. In contrast option B is acceptable. We have no concerns if they extend past the rear building line.

Unfortunately, due to prior commitments we cannot attend the zoning meeting. Please confirm your receipt of this email.

Thank you for your consideration.

Denise & Scott Mortemore
26113 Seminary Road

Mary Jo Sutton

From: The Pawuks [ampawuk@roadrunner.com]
Sent: Saturday, November 08, 2014 10:24 AM
To: Mary Jo Sutton
Cc: garyjohns@bex.net
Subject: Zoning Exception, 26089 Seminary Road

I respectfully request that the zoning exception for the property at 26089 Seminary Road be denied. Both Option A (to reduce the required setback to 41.2' from the normally required 50') and Option B (to reduce the rear yard required setback to 51.2' from the required 60') are unacceptable.

Although the Zoning Inspector's recommendation for Option B has little or no impact on the character and of the neighborhood and will provide for the continued consistent front yard setback, what he does not take into account on its affect on the adjacent properties to the rear. It will have a negative impact on the existing neighbors which adjoin the rear property line and change the setback which has been previously established and adhered to by the other structures. Once this precedent is set, it may encourage others to seek similar zoning exceptions.

The standards which were established for the development were set to ensure all the structures maintained similar setback - both in the front and the rear. Other structures have been able to meet this requirement and maintain the setback standard. It is requested that this zoning exception not be allowed.

Andrew M. Pawuk
26040 Willowbend Road
Perrysburg, Ohio 43551

419-872-4986