

BOARD OF ZONING APPEALS

NOVEMBER 9, 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 October 12, 2015 meeting as submitted. Mr. Brown seconded and they were approved 4-0. Ayes: Brown, Pickerel, Smith, Williams (4). Abstain: Decker (1).

ZONING VARIANCE 17-15: Myra Gueli of Toledo Sign, on behalf of the Country Charm shopping center requests two (2) zoning variances to permit the installation of two free-standing signs. The subject property is located at S.W. corner of the intersection of Louisiana Avenue and South Boundary St. (Parcel numbers; Q61-400-080102003000 and Q61-400-080102006000) with the closest address being 110 W. South Boundary St. The subject property is zoned C-3 (Community Shopping).

The requested variances would permit the applicant to install two free-standing signs within the required 10' sign setback at a distance of 0' from the property line along both Louisiana Avenue and W. South Boundary.

NOTE: 1250.32(a) Permanent Signs Allowed
C-3 Zoning:

Max Height: 10'
Max Size: 72 SF
Location: 10' setback

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 a 0' setback from the property line for the installation of a free-standing monument sign to be installed as shown on Exhibit A (attached).
 2. The applicant is requesting a 0' setback from the property line for the installation of a free-standing monument sign to be installed as shown on Exhibit B (attached).

Recommendation:

1. No recommendation provided.
2. No recommendation provided.

Mr. Walters reviewed Zoning Variance 17-15. Myra Gueli of Toledo Signs was present on behalf of the Country Charm Shopping Center. Ms. Gueli said that one of the existing signs is actually in the right of way, so they will move it back 5' to get it out of the right of way. Mr. Brown asked if the new signs will be the same size as the existing signs. Ms. Gueli said that the sign on Louisiana Avenue may be smaller, but the one on South Boundary will be larger. Mr. Walters said that the signs do meet the square footage and height requirement per the Code. Mr. Pickerel asked if there were any comments received from neighbors. Mr. Walters said no comments were received.

Mr. Pickerel moved to approve Zoning Variance 17-15 as submitted. Mr. Decker seconded and it was unanimously approved.

ZONING VARIANCE 18-15: Bob Bailey of DGL Engineers, on behalf of Schuetz Container requests a 4 zoning variances to permit the construction of a new warehouse building on a vacant property. The subject property is located between 1899 and 2105 Wilkinson Way and is proposed to be attached to the existing Schuetz Container property located to the south. The property is zoned I2 (General Industrial). These variances would permit the applicant to construct a 76,000 SF warehouse building with a parking lot and air handling units closer to the property lines than otherwise permitted.

NOTE: 1230.01 Intensity and Dimensional Standards

I-2 Zoning:

Front Yard = 60' (yards along Spafford Dr. & N Wilkinson Way)
Rear Yard = 40' (along northern property line)
Side Yard Min = 25' (along western property line)
Side Yard Total = 50'

1. The applicant is requesting a variance to locate 2 air handlers (accessory structures) in the side yard as opposed to the permitted rear yard.
2. The applicant is requesting a variance to permit 7 parking spaces within the required front yard.
3. The applicant is requesting a variance to allow the building to be located 21' from Spafford Dr. which is 39' closer than is otherwise permitted.
4. The applicant is requesting a variance to allow the construction of a bridge/conveyor to be installed up to the property line/ right-of-way of Spafford Dr. which is 60' closer than is otherwise permitted.

Recommendation:

1. The Planning and Zoning Administrator recommends approval of the zoning variance subject to the applicant providing a screening and/or landscaping plan of sufficient quality to minimize the visibility the units from the public right-of-ways. Variance criteria b, c, d and g could be satisfied.
2. The Planning and Zoning Administrator recommends denial of the zoning variance. The site plan appears to provide room elsewhere on site for the parking spaces to be located outside of the front yard setback, even if they are less convenient.
3. The Planning and Zoning Administrator recommends approval of the zoning variance. The existing Schuetz Container building is approximately the same distance from Spafford Drive. Variance criteria c, d, f, g could be satisfied.
4. The Planning and Zoning Administrator recommends approval of the zoning variance subject to approval of above variance #2 and an aerial easement being provided by the City of Perrysburg. Variance criteria b, c, d, and f could be met.

Mr. Walters reviewed Zoning Variance 18-15. Bob Bailey of DGL Consulting Engineers and Mike Miller, Plant Manager for Schuetz Containers were present. Mr. Bailey addressed the four variances as follows: 1) He explained that the air handling units will be abutting the property line and with the orientation of the building, this is a functional place to put them because one will service the north half of the building and the other will service the south half of the building. 2) Mr. Bailey requested that the second variance be amended to show the line for the dock area at 150' instead of 130' which would then change the number of parking spaces requested in the required front yard to be 27 instead of 7. He said that they have no intention of striping these spots because they do not need them for this facility, and they would like to keep the cars and trucks separate. 3) The 21' requested is to replicate what is at the other building. 4) Mr. Bailey explained that pallets

will be taken by conveyor to the other building. If they have to move the building, the span across Spafford Drive would have to be longer.

Mr. Miller added that there are 90 parking spaces at the current facility which is more than enough for their current employees and for potential growth.

Mr. Walters noted that the Site Plan was tabled by the Planning Commission.

Ms. Williams asked if there are any other aerial easements in the City. Mr. Walters said that he is not aware of any. He added that there is no agreement in place yet, but the city is open to the concept.

Mr. Brown asked why the air handling units are not proposed to be rooftop units, and Ms. Williams asked the dimensions of the units. Mr. Bailey explained that they do not have specific sizes at this point. What is shown on the plans is a placeholder, as they are out to bid for a design build. He said it will be a pre-engineered steel building so that is one factor driving them to be on the ground.

Ms. Williams moved to approve #1 of Zoning Variance 18-15 finding criteria b, c, d and e of Chapter 1275.02(c)(3) to be true, and provided there is screening and landscaping to minimize their visibility from the public right-of-ways. Mr. Decker seconded and it was unanimously approved.

Mr. Decker moved to approve #3 of Zoning Variance 18-15 finding criteria c, d, f and g of Chapter 1275.02(c)(3) to be true. Mr. Pickerel seconded and it was unanimously approved.

Mr. Brown asked if there is any reason the building is 76,000 square feet. Mr. Bailey said they had significant discussion regarding the number of units they'll be able to keep on site, but he was not privy to other discussions. Mr. Miller said that they are currently renting space at the former site of Willard & Kelsey and that is the amount of square footage they are renting.

Mr. Decker moved to approve #2 of Zoning Variance 18-15 which would permit 7 parking spaces within the required front yard, finding criteria b, c, d and g of Chapter 1275.02(c)(3) to be true and with the stipulation that the Planning Commission will address screening of the parking spaces. Mr. Brown seconded and it was approved 4-1. Ayes: Brown, Decker, Pickerel, and Smith. Nays: Williams (1).

Mr. Brown moved to approve #4 of Zoning Variance 18-15 based on finding criteria b, c, d, and g of Chapter 1275.02(c)(3) to be true. Mr. Decker seconded and it was unanimously approved.

The Board then discussed Mr. Bailey's request that #2 be amended to show the line for the dock area at 150' instead of 130' which would add an additional 20 parking spaces in the required front yard. Mr. Decker asked about neighboring properties. Mr. Walters said that Owens Illinois' parking is set back quite a bit and they would probably be the closest on Wilkinson. Mr. Decker stated that Schuetz does not plan on striping the additional

parking spaces. Mr. Walters explained that according to the Code you either have to show the parking spaces or demonstrate that they can provide them.

Mr. Pickerel moved to approve the amendment to Zoning Variance 18-15 finding criteria b, c, d and g of Chapter 1275.02(c)(3) to be true with the condition that screening be considered by the Planning Commission. There was no second to the motion.

Ms. Williams moved to deny the amendment to Zoning Variance 18-15, denying the request for the additional 20' and 20 parking spaces in the required front yard. Mr. Brown seconded and the motion was approved 3-2. Ayes: Brown, Decker, and Williams. Nays: Pickerel and Smith (2).

There being no further business, the meeting adjourned at 6:26 p.m.

Respectfully submitted,

Mary Jo Sutton