

BOARD OF ZONING APPEALS

SEPTEMBER 10, 2018

The meeting was called to order at 5:30 p.m. by Chairman Rob Vela. Board members present were Brian Elmer, Niki Decker, Nathan Duricek, and Rob Vela (4). Jason Decker was absent (1). Also present were Cody Grodi, Zoning Inspector, and Mark Easterling, Deputy Planning and Zoning Administrator.

APPROVAL OF MINUTES

Mr. Elmer moved to approve the minutes of the August 13, 2018 meeting as written. Seconded by Ms. Decker. Ayes: Elmer, Duricek, and Vela (3). Nays: (0). Abstain: N. Decker (1).

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

APPLICATION 34-18 – Christino and Jason Moreno are requesting a zoning variance that would allow for the installation of a six (6) foot fence in the side yard. The property is located at 528 Plum 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 applicants are requesting a variance that would allow for them to install a six (6) foot fence past the midpoint of the house.

Recommendation:

1. The Zoning Inspector recommends denial of the zoning variance as it does not meet enough of the criteria to grant a variance. The predicament can be feasibly resolved through another method other than a variance. The six (6) foot fence could transition into a four (4) foot fence at the mid-point of the house, if the property owner desires to extend the fence to the front of the house.

Mr. Grodi reviewed Application 34-18. Mr. Moreno was present. He added that the current wooden fence is falling apart, and that he would like to replace the fence with a six (6) foot privacy fence that is past the midpoint of the house. Mr. Elmer asked why a privacy fence was needed, and Mr. Moreno stated that the extra height is for their Huskies. Ms. Decker asked if he would be replacing the whole fence, and Mr. Moreno added that currently he is only looking to replace three sections due to the cost. Mr. Vela asked if any comments were received from neighbors, and Mr. Grodi confirmed that no comments were received. There was a brief discussion about the dimensions, and visual aesthetics of the fence if it were to be flush with the front of the garage.

Mr. Duricek made a motion to approve Application 34-18 finding A, B, C, and D of Chapter 1275.02(c)(3) to be true, with the conditions that the fence is set twenty (20) feet back from the front of the garage. Seconded by Mr. Vela. Ayes: (4). Nays: (0).

APPLICATION 35-18 – Katy Pannell is requesting two zoning variances to permit the installation of a shed on the property. The requested variance would permit the applicant to install the shed within the required setback and locate a portion of the shed within the side yard. The property is located at 610 Hickory Street and is zoned R-3 (Single Family Residential).

NOTE: 1250.61(a) Accessory Buildings and Uses: 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: 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 a variance to install a shed that will be partially located within the side yard. The rest of the shed will be located in the rear yard.
2. The applicant is requesting a variance to place a shed within the five (5) foot setback from the property lines. The shed would be placed within one (1) foot of the side property line and within two (2) feet from the rear property line.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances C, D, E, and F of Chapter 1275.02(c)(3). The lot is particularly small and the lots in this neighborhood are typically much larger. The side yard that the shed will be located in abuts an alley, it will not be abutting a direct neighbor. Additionally, the shed is located within a privacy fence, obscuring the view from any public street or alley.
2. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances C, D, E, and F of Chapter 1275.02(c)(3). Due to the location of the house and the shallowness of the lot, managing to place the shed with the required ten (10) feet from the house, while also maintaining the five (5) foot setback off the property lines is very challenging.

Mr. Grodi reviewed Application 35-18. Ms. Pannell was present. She stated that her shed used to be in the backyard, but that she wanted to place it elsewhere so that it would be less intrusive to her neighbors. Ms. Pannell added that she does not have a garage, and that she did not know that the placement of a shed in the side yard was not allowed. Mr. Vela noted that Ms. Pannell's backyard is shallow. Mr. Grodi added that a letter was received from a nearby neighbor stating their concerns.

Micki Greenburg, 616 Hickory Street, stated that she is a direct neighbor across the alley, and that she has no complaints with the shed.

Mr. Elmer made a motion to approve variance #1 and #2 of Application 35-18 finding C, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

APPLICATION 36-18 – Richard Puhl is requesting two zoning variances to permit a driveway that will exceed the maximum width and will create a second curb cut. The property is located at 132 East Fifth Street and is zoned R-4 (Single Family Residential).

NOTE: *Chapter 1250.51(c)(2) Curb Cuts and Driveways: Residential driveways shall be a minimum of ten (10) feet wide and a maximum of twenty four (24) feet wide where it meets the curb, alley or street.*

NOTE: *Chapter 1250.51(c)(3) Curb Cuts and Driveways: Only one (1) access/curb-cut onto a public street shall be permitted.*

1. The applicant is requesting a variance to install a driveway that would have a greater width than the maximum twenty-four (24) feet allowed. The applicant is seeking a variance that would allow for a twenty-eight (28) foot wide driveway.
2. The applicant is requesting a zoning variance that would allow for a second driveway to be installed on the property. The proposed driveway would allow access to the garage from the alley. The existing driveway is off of Fifth Street and allows access to a different garage on the property.

Recommendation:

1. The Zoning Inspector recommends denial of the zoning variance as it does not meet enough of the required criteria to grant a variance. The driveway could be installed at the maximum twenty-four (24) feet and would still allow for access to the garage.
2. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances C, D, E, and F of Chapter 1275.02(c)(3). The property owner has installed a stone driveway that must be removed due to City regulations. Removal of this driveway will eliminate access to the garage. In order to allow access to the garage, the Zoning Inspector would recommend a second curb cut.

Mr. Grodi reviewed Application 36-18. Mr. Puhl was present. He added that a twenty-eight (28) foot wide driveway would make it easier to get in and out, especially with the one-lane alley. There was a brief discussion about the width of the curb cut at the street versus the width of the driveway beyond the city right-of-way. Mr. Puhl noted that the second curb cut is off of Fifth Street, which is a busy street. Mr. Elmer added that Mr. Puhl has a neighbor with the similar orientation. Mr. Vela asked if any comments were received from the neighbors, and Mr. Grodi stated that David Rex, 138 E. Fifth Street, called and said that he has no objection to either request.

Greg Williams, 126 E. Fifth Street, added that he has no objections to the twenty-eight (28) foot driveway, and that a twenty-four (24) foot driveway makes no sense. He noted that there is a fence on the south side of the alley that makes it difficult to get in and out of the driveways off of the alley.

Mr. Elmer moved to approve variance #1 and #2 of Application 36-18 finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Vela. Ayes: (4). Nays: (0).

APPLICATION 37-18 – Perry Sandlin is requesting two zoning variances that would allow for the installation of a driveway exceeding the maximum width allowed for a residential driveway and for an addition that would be within the front yard setback. The property is located at 1000 East Boundary 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 = 8'
Side Yard Total = 20'

NOTE: *Chapter 1250.51(c)(2) Curb Cuts and Driveways: Residential driveways shall be a minimum of ten (10) feet wide and a maximum of twenty four (24) feet wide where it meets the curb, alley or street.*

1. The applicant is requesting a variance for an addition to be constructed onto the house to allow for an attached garage. The addition would be four (4) feet off of the property line that runs parallel to Orchard Street and nineteen (19) feet off of the property line that runs parallel with East Boundary Street, rather than the minimum thirty five (35) foot required setback.
2. The applicant is requesting a variance to install a driveway that would have a greater width than the maximum twenty-four (24) feet allowed. The applicant is seeking a variance that would allow for a thirty-five (35) foot wide driveway.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, D, E, and F of Chapter 1275.02(c)(3). This lot is particularly smaller than the surrounding neighborhood lots. The house, as it currently sits, is legal non-conforming as it does not meet the thirty-five (35) foot setback. The addition will not bring the house any closer to the East Boundary Street property line than the current house. Due to the large City right-of-way along Orchard Street, the requested addition will still sit approximately thirty-nine (39) feet off of the road.

2. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances C, D, E, and F of Chapter 1275.02(c)(3). The current driveway, which has two curb-cuts will be eliminated. The new driveway will be twenty-four (24) wide at the street and will not expand to the requested thirty-five (35) feet until after the sidewalk.

Mr. Grodi reviewed Application 37-18. Mr. Sandlin was present. He added that there is currently an L-shaped driveway, and that he is willing to remove the portion off of E. Boundary, so that there will then only be only one curb cut. Mr. Sandlin said that it will be safer for his family to back out of the driveway onto Orchard Street, and that in eliminating the second curb cut there will be more green space. Mr. Grodi stated that the homeowner at 1010 E. Boundary said that he has no objections to the requests. It was confirmed that Mr. Sandlin will be building off of the existing structure. Mr. Vela asked about the curb cut off of E. Boundary, and Mr. Easterling confirmed that there is no actual curb. There were no further questions or concerns from the board or the audience.

Mr. Elmer moved to approve variance #1 and #2 of Application 37-18 finding A, D, G, and E of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Duricek. Ayes: (4). Nays: (0).

APPLICATION 38-18 – Shannon Frick is requesting a zoning variance that would allow for the installation of a six (6) foot fence in the side yard. The property is located at 617 Louisiana Avenue 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 that would allow for the installation of a six foot fence that would exceed past the midpoint of the house.

Recommendation:

1. The Zoning Inspector recommends denial of the zoning variance as it does not meet enough of the criteria to grant a variance. The predicament can be feasibly resolved through another method other than a variance. The six (6) foot fence could transition into a four (4) foot fence at the mid-point of the house, if the property owner desires to extend the fence past the midpoint. If privacy is of concern the six (6) foot fence could stop before the midpoint of the house.

Mr. Grodi reviewed Application 38-18. Rick Ruffner, was present on behalf of the applicant. He added that the six (6) foot fence is on the south side of the property and then turns to the north side about five (5) feet past the midway point of the house. Mr.

Ruffner stated that a privacy fence is more aesthetically pleasing and, that there are two air conditioning units that they would like to enclose inside the fence. He added that the privacy fence is also enclosing a door that comes off side of the house near the air conditioning units. There was a brief discussion about the location of the air conditioning units. Mr. Elmer asked if the fence has already been installed, and Mr. Ruffner confirmed that it has, and that he does not know why the contractor did ask for permission first. Mr. Vela asked how far off the fence is from the midpoint of the house, and Mr. Ruffner said that the fence has been moved forward to the west by five (5) feet. Ms. Decker asked how far the fence is from the front of the house, and Mr. Grodi added that it's about fifteen (15) to twenty (20) feet from the front of the house. Mr. Vela asked if any comments were received from the neighbors, and Mr. Grodi said that no comments were received.

Mr. Vela moved to approve Application 38-18 finding A, B, C, and D of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

APPLICATION 39-18 – James Seibold is requesting a zoning variance to install a shed in the front yard. The property is located at 27149 West River Road and is zoned R-1 and S-1 (Single Family Residential and Scenic and Open Space).

NOTE: *1250.61(a) Accessory Buildings and Uses:* 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.

1. The applicant is requesting a variance to install a shed that will be located in the front yard.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, D, E, and F of Ch. 1275.02(c)(3). Due to the slope in the rear yard, placing the shed would be challenging. The portion after the slope is zoned S-1, which does not allow for any buildings to be constructed in that area. Additionally, the location proposed is heavily wooded which will conceal the shed and limit the views of the shed from the street and neighboring properties.

Mr. Grodi reviewed Application 39-18. Mr. Seibold was present. He added that his property used to be township, and that he replaced an old shed due to dis-repair. Mr. Seibold stated that his lot is not traditional in that his rear yard is very steep, and that his neighbors cannot see the shed. There were additional pictures shown to view the hardship, and the need to place the shed in the front yard. Mr. Seibold added that he spoke with his neighbors and that they are fine with the variance. Mr. Vela asked if any comments were received from the neighbors, and Mr. Grodi said that no comments were received. Mr. Seibold added that the shed will match the house in roof style and color.

Ms. Decker moved to approve Application 39-18 finding A, B, C, and D of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Vela. Ayes: (4). Nays: (0).

APPLICATION 40-18 – Jennifer and Ellsworth Shriver are requesting one zoning variance that would allow for the installation of a driveway exceeding the maximum width allowed for a residential driveway. The property is located at 26278 Carrington Boulevard and is zoned R-1 (Single Family Residential).

NOTE: *Chapter 1250.51(c)(2) Curb Cuts and Driveways: Residential driveways shall be a minimum of ten (10) feet wide and a maximum of twenty four (24) feet wide where it meets the curb, alley or street.*

1. The applicant is seeking a variance that would allow for a thirty-two (32) foot wide driveway. A pre-inspection was never requested for the existing non-conforming driveway prior to being removed.

Recommendation:

1. The Zoning Inspector recommends denial of the zoning variance. The driveway would still be functional if it were to be installed at twenty-four (24) feet in the City right-of-way and then flare to the desired thirty-two (32) feet once the driveway crosses the property line. There are other reasonable options for the driveway other than a variance.

Mr. Grodi reviewed Application 40-18. Tom Gibson, RCO Law, was present on behalf of the applicant. He added that this was originally a replacement project, contracted by Perrysburg Asphalt, and that he did not know why a pre-inspection was not requested by the contractor. Mr. Gibson stated that the driveway is aesthetically pleasing, and that the neighboring homeowners have signed their approval of the variance. Mr. Grodi stated that a neighboring property owner called and stated that they did not have any objection to the variance. There was a brief discussion about the before and after of the driveway. Mr. Ellsworth noted that it was a huge surprise to him that Perrysburg Asphalt did not do their due diligence in following city procedures for the replacement of their driveway. He added that he solely wants to replace the driveway as it had previously been installed from when the home was built. Mr. Gibson noted that the board previously approved Application 16-18 which was a straight replacement, and very similar situation.

Mr. Elmer moved to approve Application 16-18 finding C, D, E, and G of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

APPLICATION 41-18 – Jenny Pflieghaar, on behalf of Pfliegmed, is requesting a zoning variance that would allow for the installation of a freestanding sign within the required setback. The property is located at 140 West Front Street and is zoned OS (Office and Service).

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

Freestanding/Ground Sign

Zoning District: OS
Maximum Height: 6'
Maximum Size: 48 SF
Setback: 10'
Quantity: 1

1. The applicant is requesting a variance that would permit the installation of a permanent freestanding sign with a one (1) foot setback off of the property line, instead of the minimum ten (10) foot setback from the property line.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, D, E, and F of Ch. 1275.02(c)(3). Due to the location of the building, the required setback leaves one (1) foot of area to place the sign.

Mr. Grodi reviewed Application 41-18. Chip Pflgebraar, 401 W. Front Street, was present on behalf of the applicant. Mr. Pflgebraar added that they didn't realize that a sign variance was possible until a neighboring business displayed a similar sign. Mr. Vela asked if there was a possibility to move the sign farther back from the driveway so that the view is not blocked, and Ms. Decker added that there is a porch. Mr. Pflgebraar added that they are not looking to make the sign tall. Ms. Decker confirmed that the sign is currently hard to see. Mr. Vela asked if any comments were received from the neighbors, and Mr. Grodi said that no comments were received. There was a brief discussion about the size of the sign. Mr. Pflgebraar added that there is a sign on the front of the building that was approved, but that it is hard to see.

Ms. Decker moved to approve Application 41-18 finding A, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Vela. Ayes: (4). Nays: (0).

There being no further business, the meeting adjourned at 6:30 p.m.

Respectfully submitted,

Heather Alfaro