

BOARD OF ZONING APPEALS

AUGUST 12, 2013

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

Mr. Smith moved to approve the minutes of the July 8, 2013 meeting as written. Mr. Nicely seconded and they were approved 4-0. Ayes: Decker, Nicely, Smith, Williams (4). Abstain: Brown (1).

ZONING EXCEPTION, 25-13 – Charles Reynolds (Reynolds Construction) requests one (1) zoning exception to permit the construction of a new residence. The subject property is located at 27135 W. River Road and is split zoned R1 (Single Family Residential) and S1 (Scenic and Open Space). The requested exception would permit the applicant to construct a residence with a 35' setback from the front property line.

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. The applicant is requesting a zoning exception to reduce the required front yard setback. The exception would permit the front yard to be 35', rather than the normally required 50'.

Recommendation:

1. The Planning and Zoning Administrator recommends approval of the zoning exception based on the topography of the land and the similar setback already enjoyed by neighboring properties.

Mr. Walters reviewed the application for the zoning exception. Mr. Reynolds said that this property was annexed to the City within the last ten years. Geraldine Brock of 27123 W. River Road was present to express her concern regarding the elevation of the house to be built. She said she has no objections to the variance; she is just concerned about elevation. Ms. Williams explained that the elevation does not fall in the jurisdiction of the Board of Zoning Appeals; they are looking only at the reduced front yard setback. Ms. Williams read a letter from Ms. Brock's attorney; a copy of this letter is attached hereto and made a part of these minutes.

Mr. Nicely moved to approve Zoning Exception 25-13. Mr. Decker seconded and it was unanimously approved.

ZONING EXCEPTION, 26-13 – Michelle Self and Bill Bentley request one (1) zoning exception to permit the construction of an addition to the rear of their home. The subject property is located at 13812 Otusso Drive and is zoned R2 (Single Family Residential). This exception would permit the applicant to construct a deck and an addition to the rear of their home, within the required 40' rear yard setback.

NOTE: *1230.01 Intensity and Dimensional Standards*

R-2 Zoning:

Front Yard = 40'

Rear Yard = 40'

Side Yard Min = 10'

Side Yard Total = 25'

1. The applicant is requesting a zoning exception to reduce the required rear yard setback for a sunroom and deck addition. The exception would permit the rear yard to be 32', rather than the normally required 40'.

Recommendation:

1. The Planning and Zoning Administrator recommends approval of the zoning exception. The reduced setback would still remain outside of the drainage and utility easement (D.U.E.) and would not allow any structure to be unusually close to adjacent properties.

Mr. Walters reviewed the application for a zoning exception. Mr. Bentley stated that they would like to add a sunroom on the rear of their property. He said that it will increase property values, and it will not be visible from the street nor will it obstruct his neighbors' view. Ms. Williams said she spoke to the neighbor to the north when she visited the site and the neighbor had no objection.

Mr. Smith moved to approve Zoning Exception 26-13. Mr. Nicely seconded and it was unanimously approved.

ZONING VARIANCE, 27-13 – Randolph Katz on behalf of Midas Auto Service requests one (2) zoning variances to reduce the required amount of off-street parking and to permit parking within the required front yard. The subject property is located at 26420 N. Dixie Highway and is zoned C4 (Highway Commercial). These variances would permit the applicant to park cars within the first 50' of the front property line and allow for less than the required number of off-street parking spaces.

NOTE: 1250.02(r) *The number of off-street parking spaces required for the uses located in and permitted in C-1, C-3, C-4 and INS districts may be reduced up to thirty-three percent (33%) of the total required, provided that the following:*

(1) The number of off-street parking spaces required for the use or uses exceed fifteen.

(2) The applicant shall submit an acceptable site plan showing that an adequate reserve of land is set aside for additional parking spaces, so that the total depicted on the plan is adequate to meet the requirements under 1250.03 of this Chapter. The plan shall indicate the reserve area so that all dimensional requirements as to spaces, aisles and other applicable requirements of this Chapter can be met. The reserve area shall not be used for water retention, for required greenbelts or as the location for replacement trees or other deciduous or evergreen trees required by this Chapter. The landscape plan submitted for the site shall include a plan for the reserve area.

(3) The City has determined that the applicant has submitted substantial evidence showing that the parking needs of the specific occupant will be less than would be required by this Chapter.

(4) The property owner shall execute an agreement prepared by the City Law Director requiring the construction of the additional spaces within one hundred and eighty (180) days of notification that the City has determined a need exists for such spaces. The agreement shall run with the land, be binding upon successors and assigns and shall be recorded with the County Recorder.

(5) A permit for change of occupancy shall not be issued until the City has reevaluated the need for parking by the new occupant relative to the number of spaces required by this Chapter.

NOTE: 1250.03(c)(r) *Required Off-Street Parking – Business and Commercial*

Oil Change and Lubrication Station: One (1) for each employee plus reserve parking spaces equal in number to three (3) times the maximum capacity of service stalls provided at the facility.

NOTE: 1230.02(i) *Provisions governing interpretation and application of yard requirements*

No accessory use of structure, off-street parking facility or material or equipments storage shall be located in the required front yard without the approval of the Board of Zoning Appeals.

1. The applicant is requesting a zoning variance to permit the installation of 16 parking spaces within the required front yard setback.
2. The applicant is requesting a zoning variance to provide less than the required off-street parking spaces. The applicant shows 25 parking spaces for an 8 bay service shop. The code requires 24 parking spaces plus one for each employee. Currently the applicant only meets this requirement if he has 1 employee. The employee numbers will need to be obtained from the applicant.

Recommendation:

1. The Planning and Zoning Administrator recommends approval of the 16 parking spaces in the required front yard. This site is within the Corridor Overlay and is therefore required to provide a screen wall and landscaping to screen the view of the parking area.
2. The Planning and Zoning Administrator recommends approval of the reduction in required off-street parking spaces. The applicant has provided a traffic summary that shows a very low volume use. Additionally the large site provides the opportunity for additional parking area if it is determined in the future that additional area is necessary.

Mr. Walters reviewed Zoning Variance 27-13 and his recommendations. Ian Katz was present on behalf of Midas. He said that they will be diminishing the amount of asphalt on the property considerably. He said that they are requesting parking in front, and it will be screened per the Code for the Overlay District. He stated that they most likely will have four employees. Mr. Katz said that they do not normally keep cars overnight but if they do, they will put them in the bays for safety. Ms. Williams noted that the plans show only one curb cut. Mr. Katz said that as it is drawn now, yes there is only one curb cut. Ms. Williams asked if the landscape shown on the plans that the Board members received is all of the landscape. Mr. Katz said that they will have to submit a landscape plan stamped by a landscape architect as part of the Final Site Plan process. He added that the area on the north side of the building where there is currently parking will be grass.

Mr. Smith moved to approve Zoning Variance 27-13. Mr. Nicely seconded and it was unanimously approved.

There being no further business, the meeting adjourned at 5:47 p.m.

Respectfully submitted,

Mary Jo Sutton

LAW OFFICES OF
JOSEPH H. PILKINGTON & CO., P.C.
ONE SEAGATE, SUITE 620
TOLEDO, OHIO 43604
Telephone (419) 247-1600
Facsimile (419) 247-1602

July 23, 2013

Department of Engineering
City of Perrysburg
201 W. Indiana
Perrysburg, Ohio 43551

Re: Geraldine B. Brock

Gentlemen:

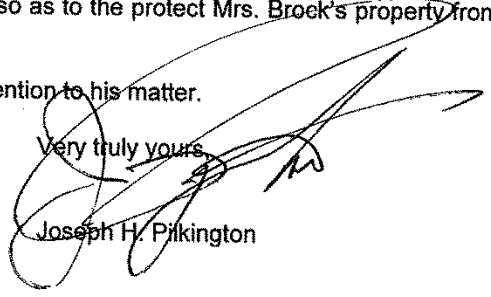
We represent Geraldine Brock who resides at 27123 W. River Road in Perrysburg.

The parcel adjacent on the east of Mrs. Brock's property is owned by a Mr. Reynolds who is planning to build a new house on the parcel. The plans indicate a potential drainage and erosion problem which would cause damage to Mrs. Brock's property. Enclosed are copies of survey reports for both parcels.

We ask that you require that the improvements on Mr. Reynolds' property be designed and constructed so as to protect Mrs. Brock's property from any adverse effects.

We appreciate your attention to this matter.

Very truly yours,


Joseph H. Pilkington

JHP:nh
Enclosure
cc: Mr. Michael Rudley
Mr. John Musteric
Mrs. Geraldine Brock