

BOARD OF ZONING APPEALS

JULY 14, 2014

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

Mr. Smith moved to approve the minutes of the June 9, 2014 meeting as written. Mr. Nicely seconded, and the minutes were unanimously approved.

ZONING VARIANCE 17-14 - Joe Lawless requests one (1) zoning variance to permit the construction of a new attached garage. The subject property is located at 403 E. Sixth Street and is zoned R-3 (Single-Family Residential). The requested variance is for 10'5" which represents a 69% reduction in the required front yard setback of 15'. The average front yard setback of houses in the same block was determined to be less than 15'.

NOTE: *Provisions governing interpretation and application of yard requirements (1230.02(b)) Front Yard Exception. R-3 Districts, when fifty percent (50 %) of the developed frontage in one (1) block on one (1) side of the street has front yards that are greater or less than the minimum front yard required, any building to be erected thereon shall not project beyond the average of the existing front yards, except that a minimum front yard of fifteen (15) feet shall be maintained in all instances.*

1. The applicant is seeking a 10'5" front yard setback reduction in the form of a variance.

Recommendation:

1. It is recommended to approve the zoning variance of 10'5" to accommodate the construction of a new attached garage structure. Due to the large existing right-of-way along Maple Street there are no foreseeable negative impacts associated with this variance. (Ch. 1275.02(c)(3) criteria – C, D, E and G)

Mr. Walters reviewed Zoning Variance 17-14. Mr. Lawless was present and said that his existing garage is only 18' long which is small by today's standards. He said that they plan on bringing the garage up even with the front of the house. Mr. Nicely moved to approve Zoning Variance 17-14 based on finding C, D, E and G of Chapter 1275.02(c)(3) to be true. Mr. Smith seconded and it was unanimously approved.

ZONING VARIANCE 18-14 - Dan Stone (Van Horn Hoover & Associates) on behalf of George Kentris (Taco Bell) requests one (1) zoning variance to permit the construction of parking spaces in the required front yard as part of a proposed new Taco Bell restaurant. The subject property is located between Lincoln Blvd. and Gloria Street.

along N. Dixie Highway (SR25) and is zoned C4 (Highway Commercial). This variance would permit the construction of 21 parking spaces in the required front yard.

NOTE: *1230.01 Intensity and Dimensional Standards*

C-4 Zoning:

Front Yard = 50'

Rear Yard = 30'

Side Yard Min = 10'

Side Yard Total = 20'

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

No accessory use of structure, off-street parking facility or material or equipment 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 allow 21 (whole or partial), parking spaces to be installed in the required front yard. Permission is typically dependent upon the use of appropriate landscaping/screening.

Recommendation:

1. The Planning and Zoning Administrator recommends approval of the zoning variance. This property is within the SR25 Corridor Overlay and will be required to provide a screen wall along the SR25 frontage along with required landscaping and street trees. The areas along Gloria St. and Lincoln Blvd. are large enough to accommodate street trees and screening/landscaping which can be prescribed by the BZA and reviewed as part of the final site plan. (Ch. 1275.02(c)(3) – B, C, D, and G were found to be true)

Mr. Walters reviewed Zoning Variance 18-14. Dan Stone of Van Horn Hoover & Associates was present. Mr. Stone said that they are aware of the requirement about the screen wall. He said the final design of the wall has not been done, but they will work with the Planning and Zoning Administrator to make sure it meets the requirements. There was a discussion about the number of parking spots required, and Mr. Walters said that they will be meeting or exceeding the parking requirements.

Mr. Nicely moved to approve Zoning Variance 18-14, finding, B, C, D and G of Chapter 1275.02(c)(3) to be true. Mr. Smith seconded, and it was unanimously approved.

ZONING VARIANCE 19-14 - Jason Case on behalf of the Kroger Company requests one (1) zoning variance to permit the construction of parking spaces associated with a proposed new Kroger grocery store. The subject property is located at 27386 Carronade Drive and is zoned C3 (Community Shopping). This variance would permit the construction of 87 parking spaces in the required front yard.

NOTE: *1230.01 Intensity and Dimensional Standards*

C-3 Zoning:

Front Yard = 50'

Rear Yard = 35'

Side Yard Total = 20'

NOTE: *1250.02(b) Coverage Requirements (Streets)*

A landscape strip ten (10) feet in depth shall be located between the abutting right-of-way and the parking lot.

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 allow 87 (whole or partial), parking spaces to be installed in the required front yard. Permission is typically dependent upon the use of appropriate landscaping/screening.

Recommendation:

1. The Planning and Zoning Administrator recommends denying the requested zoning variance. The current and proposed parking lot layout fails to meet Chapter 1250.02(b) which requires a 10' landscape buffer along roadways. This requirement could be met by the applicant if the parking was not present in the current and proposed location. Some locations of front yard parking could accommodate the 10' landscape strip but the majority of the 87 parking spaces could not. Additionally, the Planning and Zoning Code generally provides for generous minimum parking quantities and the applicant has proposed to exceed this minimum by adding an additional 171 parking spaces, which would suggest there is more than the necessary onsite parking without the referenced 87 spaces. (Ch. 1275.02(c)(3) – only criteria D was found to be true)

Mr. Walters reviewed Zoning Variance 19-14. Andrew Gardner of Bird & Bull Engineers was present to represent Kroger. He said they plan to tear down the old Kmart, build a Kroger Marketplace, then tear down the existing Kroger and put in a retail strip. He said they would like to maintain the existing spaces but they would be resurfaced and restriped. He said the number of parking spaces is in excess of Perrysburg's code requirements, but Kroger has their own internal requirements. Mr. Gardner handed out an updated drawing showing additional landscape islands. He noted that there will be new street trees along Carronade and significant landscape upgrades. Mr. Smith asked if this new plan would change Mr. Walter's recommendation. Mr. Walters said that it is closer to where the Code wants us to be. There was discussion regarding what other

changes could be made. Mr. Gardner proposed eliminating 34 of the parking spots in the required front yard and still doing the bump-outs as proposed on the drawing submitted at the meeting. Mr. Walters clarified what Mr. Gardner was proposing as follows: there are three drives along Carronade Drive (numbered 1 to 3, left to right as shown on the site plan). Between drive 1 and drive 2 the applicant will install proper landscape islands as shown on the site plan submitted at tonight's meeting and the parking spots between drives 2 and 3 would be eliminated.

Mr. Smith moved to approve Zoning Variance 19-14 with the changes as summarized by Mr. Walters, finding C, D, E and G of Chapter 1275.02(c)(3) to be true. Mr. Nicely seconded, and it was unanimously approved.

There being no further business, the meeting adjourned at 5:57 p.m.

Respectfully submitted,

Mary Jo Sutton