

BOARD OF ZONING APPEALS

July 13, 2020

The meeting was called to order at 5:30 p.m. by Vice Chairperson Niki Decker. Board members present were Niki Decker, Nathan Duricek, and Becky Williams (3). Also present was Mark Easterling, Deputy Planning & Zoning Administrator.

Ms. Decker administered an oath to those that would be speaking at the meeting.

APPLICATION 21-20 – Nick and Sarah Sochacki are requesting a zoning variance that would allow for a driveway to be installed with two access points. The property is located at 27896 White Road and is zoned R-2 (Single Family Residential).

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 zoning variance that would allow for a driveway with two access points to be installed. The proposed plan would allow for a “U” shaped driveway to be located in front of the house.

Recommendation:

1. The Zoning Inspector recommends denial of the variance as it does not meet enough of the conditions needed to grant a variance. There is a private driveway that leads to the garage and serves for vehicular access into the garage. A circular driveway with only one access point onto White Road would be allowed without a variance and is what the Planning and Zoning Division would recommend.

Mr. Easterling reviewed Application 21-20. Nick and Sarah Sochacki were present, and added that they currently have a shared easement that connects to their driveway. She stated that there is also no driveway access to White Road from her house except for the shared easement that is owned by the property behind them. Ms. Sochacki added that they are requesting a “U” shaped driveway for the safety of their young children, and for additional parking for guests, as parking along White Road is not allowed, and that she believes that a circular driveway as recommended would be awkward. Ms. Williams asked when the house was purchased, and Ms. Sochacki added that they bought it as an estate sale on March 25, 2019. Mr. Easterling clarified that the shared driveway from the property owners behind the Sochacki’s is referred to as a shared access easement, and he added that there should be an agreement on file with the Wood County Recorder’s Office. Ms. Williams confirmed that there were not any specific arrangements when the property was bought in 2019, and noted that the property was originally built in the Township. Ms. Williams asked the Sochacki’s about their issue with the Zoning Inspector’s recommendation for a circular driveway. Mr. Sochacki added that it’s not aesthetically pleasing, especially for Perrysburg, and Ms. Sochacki stated that their front yard is not deep enough for a circular driveway without disturbing existing vegetation. Mr. Sochacki added that they have been working with Allied Paving for the “U” shaped driveway. There was a brief discussion about their

options outside of their proposal, and Mr. Grodi's recommendation. Ms. Sochacki said that neighboring properties are in agreement with their request, and Ms. Williams confirmed that there were no comments received by the City from neighboring properties. Ms. Williams recommended that the Sochacki's contact the Wood County Recorder's Office to see if there is an agreement on file for the shared access easement, and she added that the application can be tabled. Mr. Duricek stated that he is concerned with confirmation of the property lines, and potential access issues that may arise in the future. Mr. Easterling added that an official survey of their property would also be beneficial to the property owners. Ms. Sochacki asked about a nearby driveway that was allowed to install a "U" shaped driveway, and Mr. Easterling added that each variance request is reviewed in a case-by-case basis, and that the needs are circumstantial. He stated that he would be able to provide the Sochacki's with documentation if a variance was granted for the neighboring property in question. Mr. Easterling added that if there is not an agreement on file with the Wood County Recorder's Office about the shared access easement, then there is no guarantee with new neighboring property owners with regards to accessing their driveway along their garage. There were no further questions or concerns from the Board, nor the public.

Ms. Williams moved to table Application 21-20. Seconded by Mr. Duricek.
Ayes: (3). Nays: (0).

APPLICATION 22-20 – Marty Thorp is requesting a zoning exception to allow for an addition to be installed within the side yard setback. The property is located at 343 Twinbrook Drive 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 Min = 8'

Side Yard Total = 20'

1. The applicant is requesting a zoning exception for side yard setback relief that would reduce the minimum side yard setback from eight (8) feet to five (5) feet.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning exception. Due to the lot shape any addition onto the house would be difficult as the lot is narrower closer to the road. The addition will be five (5) feet from the property line near the front, however towards the back of the addition it is setback fourteen (14) feet off of the property line. The neighboring house is approximately fourteen (14) feet off of the property line. If the garage were to be standalone it would be allowed to be five (5) feet off of the property line, however because it is attached to the house it follows a different set of regulations.

Mr. Easterling reviewed Application 22-20. Marty Thorp was present, and added that this addition to the garage will create a three bay garage, and Mr. Easterling confirmed that there will be additional driveway to access this addition. Ms. Williams confirmed that

there were no comments received by the City from neighboring properties. Ms. Williams asked Mr. Thorp if he had spoken to the neighbors at 333 Twinbrook, and he said that he had, and that they are also interested in the same variance for their property. Brittany Dilworth, 1330 Running Brook Drive, stated that she is okay with the addition to the garage, and that she is a rear neighbor. There were no further questions or concerns from the Board, nor the public.

Ms. Decker moved to approve the exception for Application 22-20. Seconded by Ms. Williams. Ayes: (3). Nays: (0).

APPLICATION 23-20 – Zac and Cortney Nunn are requesting a zoning variance to install a shed that would exceed the maximum square footage allowed for accessory structures. The property is located at 238 W. Sixth Street and is zoned R-3 (Single Family Residential).

NOTE: *Chapter 1250.61(f) Accessory Buildings and Uses: The combined footprints of all accessory buildings on a lot shall not exceed the lesser of 5% of the lot size or 4,000 SF. However, the Board of Zoning Appeals may consider an exception to the maximum size requirement providing that the requested size does not exceed 8% of the lot size.*

1. The applicant is requesting a variance that would allow for 6.25% of the lot size in accessory structures. The property owners would install a shed that is 8' x 12', this is in addition to an existing detached garage that is 24' x 24'. The lot size is 10,890 square feet, which would allow, by code, 544 square feet of accessory structures. The variance would allow for 672 square feet of accessory structures on the property.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and F of Ch. 1275.02(c)(3). The shed is relatively small and will be enclosed within a privacy fence. It will keep the required setback from the side property line and will exceed the required setback from the rear property line.

Mr. Easterling reviewed Application 23-20. Zac Nunn was present, and added that there are many neighbors that have similar structures. He stated that the shed will match the house material-wise, and will be lower in height at about eight (8) feet - five (5) inches tall, and will be enclosed within the privacy fence. Ms. Decker confirmed that there were no comments received by the City from neighboring properties. Ms. Williams noted that the base has been poured for the shed, and Mr. Nunn confirmed. There were no further questions or concerns from the Board, nor the public.

Ms. Decker moved to approve Application 23-20, and finding B, C, D, and F of Chapter 1275.02(c)(3). Seconded by Ms. Williams. Ayes: (3). Nays: (0).

APPLICATION 24-20 – David Nejman Jr. is requesting a zoning exception to construct a deck off of the house within the rear yard setback. The property is located at 1330 Running Brook Drive 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 Min = 8'

Side Yard Total = 20'

1. The applicant is requesting a zoning exception to reduce the required rear yard setback. The exception would permit the homeowner to construct a deck off of the home within the setback. The deck would be twenty-seven (27) feet off of the property line, rather than the required thirty-five (35) feet.

Recommendation:

1. The Zoning Inspector recommends denial of the zoning exception. This house is already closer to the rear property lines than the surrounding properties. I would recommend that a deck be installed in a manner that would square off the back of the house, but not extend past the farthest part of the current structure. Another option the property owners have is to install a standalone deck around the swimming pool. This type of deck would follow different guidelines and may be easier to fit on the property.

Mr. Easterling reviewed Application 24-20. Brittany Dilworth and David Nejman Jr. were present. Mr. Easterling clarified the definition of the Code related to a deck. Ms. Dilworth then proposed two different decks, one that is attached to the home, and the other that is around the pool, and Mr. Easterling confirmed that there would need to be a distance separating the two different decks. Ms. Williams noted that if the Zoning Inspector's recommendation were installed, then it would not need a variance. Ms. Dilworth added that there will be a pool installed in the rear yard too, and that there is a gas line that prohibits them from building the deck in that easement. Ms. Dilworth added that her rear neighbors at 333 Twinbrook and 343 Twinbrook do not have any issues with the variance as submitted. Ms. Dilworth noted that there is a negative slope on the property, and that there is also a safety concern with the recommendation provided by Planning & Zoning. Mr. Easterling reminded the BZA that they are allowed to change the recommendation to find common ground with the applicant. Mr. Duricek stated that he is willing to meet in the middle with this variance request. There was a brief discussion about the building line setbacks. There were no further questions or concerns from the Board, nor the public.

Ms. Williams moved to deny the exception for Application 24-20 as submitted. Seconded by Ms. Decker. Ayes: Duricek and Williams (2). Nays: Decker (1).

Ms. Dilworth asked if the Zoning Inspector would have another recommendation, and Mr. Easterling added that they will meet the owners out at their property this week to further discuss their options.

APPLICATION 25-20 – Richard Thompson is requesting a zoning exception that would allow for the construction of an addition within the front yard setback. The property is located at 887 Walnut 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 Min = 8'

Side Yard Total = 20'

1. The applicant is requesting a zoning exception to reduce the required front yard setback. The addition would be twenty-five (25) feet off of the property line, rather than the required thirty-five (35) feet.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning exception. The front of the existing house does not currently meet the required front yard setback. The addition will line up with the front of the house and not extend anymore into the front yard setback than the current structure. The addition will meet all other setback requirements and does not pose any safety concerns.

Mr. Easterling reviewed Application 25-20. Richard Thompson was present, and added that the application was approved years ago when the house was originally built. He added that they adding two sides to the existing porch, and that it will be very similar to what is existing. Ms. Williams confirmed that there were no comments received by the City from neighboring properties. There were no further questions or concerns from the Board, nor the public.

Ms. Decker moved to approve the exception for Application 25-20. Seconded by Mr. Duricek. Ayes: (3). Nays: (0).

APPLICATION 26-20 –Jeffrey Schramm is requesting two zoning variances to construct a new garage with a reduced setback, and exceeding the maximum size. The property is located at 322 E. Seventh Street and is zoned R-3 (Single Family Residential).

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.*

NOTE: *Chapter 1250.61(f) Accessory Buildings and Uses: The combined footprints of all accessory buildings on a lot shall not exceed the lesser of 5% of the lot size or 4,000 SF. However, the Board of Zoning Appeals may consider an*

exception to the maximum size requirement providing that the requested size does not exceed 8% of the lot size.

1. The applicant is requesting a zoning variance to construct a new garage in the location of the existing garage. The current structure sits approximately two (2) feet off of the property line and the new garage would sit two (2) feet off of the side property line.
2. The applicant is requesting a zoning variance to construct a garage that will exceed more than five (5) percent of the square footage of the lot. The proposed new garage is 480 square feet, and eight (8) percent of the lot size.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances C, D, E, & F of Chapter 1275.02(c)(3). Due to the narrow size of the lot, meeting the required setback on the side while not pushing the garage into the front yard would be difficult. The structure will not come any closer to the property line than the garage that was previously there. Neighboring properties also have structures that are within a few feet off the property line.
2. The Zoning Inspector recommends approval of the zoning variance. The maximum five (5) percent would make it difficult for fitting a larger vehicle within the garage. Many garages in the neighborhood are of similar size to the proposed garage.

Mr. Easterling reviewed Application 26-20. Jeffrey Schramm was present, and added that this is a renewal of a previous variance that has since expired as he was unable to gain a contractor last year. Mr. Duricek added that he remembers the neighbors' concerns from the previous year. There were no further questions or concerns from the Board, nor the public.

Ms. Williams moved to approve variances #1 and #2 of Application 26-20, and finding C, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Duricek. Ayes: (3). Nays: (0).

There being no further business, the meeting adjourned at 6:33 p.m.

Respectfully submitted,

Heather Alfaro