



City of Perrysburg

Division of Planning and Zoning

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June 2, 2016

TO: Board of Zoning Appeals
FROM: Mark Easterling, Zoning Inspector
SUBJECT: June 13, 2016 Meeting Agenda

AGENDA

5:30 PM: Call Meeting to Order
Roll Call
Approval of May 9, 2016 Meeting Minutes
Administer Oath
Zoning Permit Obligation

APPLICATION, 19-16 – Ray Corrigan is requesting one zoning variance that would allow him to keep the existing five (5) foot and six (6) foot fences in the side yard. The property is located at 223 W. Second Street, and is zoned “R-3” Single Family Residential. The requested variance would allow the applicant to keep the unpermitted five (5) and six (6) foot privacy fence in his side yard.

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 permission to keep the existing unpermitted five (5) and six (6) foot fence in his side yard.

Recommendation:

1. No recommendation provided.

APPLICATION, 20-16 – Ted and Diane Barnes are requesting one zoning variance to permit an existing accessory structure to remain within five (5) feet of the side property line. The accessory structure is located at 800 Ashbury Drive and is currently zoned “R-3” Single Family Residential. The requested variance would permit the applicants to keep the structure in the five (5) foot rear setback.

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 approval to keep the existing accessory structure within the rear property five (5) foot set back (structure is currently approximately 1’ from the property line).

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance. The existing landscaping provides very little room to move the shed and the adjacent neighbor has expressed that they have no issue with the current placement of the shed. It would also be the recommendation of the Zoning Inspector that the shed be approved for relief up to two (2) feet from the property line to allow for future maintenance of the shed. (Ch. 1275.02(c)(3) –B, C, D, F)

APPLICATION, 21-16 – Stephen Chovanec is requesting one zoning variance for front yard setback relief to permit the construction of a patio in his front yard up to the property line. The property is located on a corner lot at 402 E. Seventh Street and is currently zoned “R-3” Single Family Residential. The requested variance would permit the applicant to construct a deck within the thirty-five (35) foot front yard setback.

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 variance to reduce the required front yard setback. The variance would permit the front yard setback to be reduced to six (6) inches, rather than the required thirty-five (35) feet.

Recommendation:

1. The Zoning Inspector recommends approval of the variance based on the uniqueness and size of the lot. The applicant, in 2013, had received a variance that allowed their front yard setback to be reduced to six and one half (6.5) feet. It is this variance that the applicant is requesting a setback reduction but did not include an indication of a potential patio. (Ch. 1275.02(c)(3) –C, D, E, F)

APPLICATION, 22-16 – Michael Skaff is requesting one zoning variance to permit the installation of a six (6”) fence in his side yard. The property is a corner lot located at 160 Aspen Drive, is zoned as R-4 Single Family Residential.

NOTE: *1250.42(a)(5) Fences, Walls, Structural Screen, Hedges and Screen Plantings: For fencing purposes the side yard shall consist of the area between the front of the house to the midpoint of the side yard. Any portion of yard between the midpoint of the house and the rear façade of the home shall constitute a rear yard for fencing purposes only.*

1. The applicant is requesting permission to install a 6' tall fence along the side of his residence that extends beyond the midpoint of said residence.

Recommendation:

1. The Zoning Inspector recommends approval of the variance. The resident has large dogs whom have and are able to jump over the current four (4) foot fence. (Ch. 1275.02(c)(3) –B, C, D, F)

APPLICATION, 23-16 – Northcreek Properties, LLC is requesting one zoning exception to permit rear yard setback relief. The property is located at 1013 Wilderness Court, and is zoned “R-1” Single Family Residential. The requested exception would permit the applicant to construct a covered porch within the required sixty (60) foot setback from the rear property line.

NOTE: Chapter 1230.01 Intensity and Dimensional Standards:

R-1 Zoning:

Front Yard = 50'

Rear Yard = 60'

Side Yard Min = 10'

Side Yard Total = 25'

1. The applicant is requesting a zoning exception to reduce the required rear yard setback. The exception would permit the rear yard setback to be reduced to approximately fifty-three (33) feet, rather than the required sixty (60) feet.

Recommendation:

1. The Zoning Inspector recommends approval as the current property sits in a cul-de-sac, and the shape of the parcel does provide difficulty in design. The proposed layout would meet the requirements of the front and side setbacks without encroaching on the sixteen (16) foot utility easement in the rear. (Ch. 1275.02(c)(3) – B, C, D, F)

APPLICATION, 24-16 – Don Wietrzykowski is requesting one zoning variance to permit the expansion of a driveway within the five (5) foot setback from the side property line. The property is located at 260 Birchdale Road, and is zoned “R-3” Single Family Residential. The variance would allow the applicant to expand his driveway.

NOTE: Chapter 1230.02(g) Driveways: *In all Residential Districts, driveways shall be a minimum of five (5) feet from the side and rear property lines. All driveways shall be improved with a concrete, asphalt, driveway paver or similar impervious and dustless surface. In those instances where driveway pavers are utilized, a compacted depth of fine grade sand or screening six (6) inches of #304 and six (6) inches of #411 for a total of twelve (12) inches depth thick shall be provided and maintained. There is hereby established a minimum twenty- five (25) foot side yard setback between the side property line and the garage for all residential dwellings with side-loading garages. In these instances the required sum of the side yards would be twenty five (25) feet plus the minimum setback for either side yard established above, or the stated sum of the side yards, whichever is greater.*

NOTE: Chapter 1250.02(l) General Parking Requirements: *Parking in residential districts shall not be permitted in any required front yard area or in the street side yard area of a corner lot except in a driveway or a defined parking area. The aggregate area of the driveway or defined parking area shall not exceed thirty-five percent (35%) of the front yard. The parking area shall be paved with concrete, asphalt, driveway pavers or similar impervious and dustless surface. In those instances where driveway pavers are utilized, a compacted depth of fine grade sand or screening six (6) inches of #304 and six (6) inches of #411 for a total of twelve inches (12”) depth thick shall be provided and maintained.*

1. The applicant is requesting a zoning variance to reduce the five (5) foot setback from the property required for driveways.

Recommendation:

1. The Zoning Inspector recommends denial of the zoning variance to allow the expansion of the driveway. Neighbors have expressed concern in reference to encroaching distance from the property line, as well as existing and future property values. The street is also uncurbed which provides addition parking in the right-of-way. Therefore, only conditions D of Chapter 1275.02 have been satisfied. If approved, it shall be required that the expansion remain within the 35% maximum parking area set forth in Ch. 1250.02(l).

APPLICATION, 25-16 – David and Mary Heather Munger are requesting one zoning variance that would allow them to construct a six (6) foot fence in their side and front yard. The property is located at 425 W. Front Street, and is zoned “R-3” Single Family Residential. The requested variance would allow the applicant to construct a six (6) foot fence past the half way point of the side house and partially into the front yard.

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 permission to build a six (6) foot fence in their side and front yard.

Recommendation:

1. No recommendation provided.

APPLICATION, 17-16 – Steve Wise is requesting an administrative appeal on the interpretation of Chapter 1250.02(r) in reference to the amount of parking relief allowed and whether or not it could be reviewed by the Board of Zoning Appeals. The properties are identified as parcels Q61-000-901206005001, Q61-000-901205004000, Q61-000-901205003000 (located along Water Street), and are zoned “C-1” Neighborhood Commercial and “P” Parks.

The request would allow for the applicant to submit an application to the Board of Zoning in which the board would have the option to provide 100% parking relief for both of the proposed structures.

NOTE: Chapter 1275.02(1): Appeals to the Board of Zoning Appeals may be taken after the initial applications to the Zoning Inspector for permit or, where it is apparent that such application would be in vain and useless, appeals may be made by initial applications to the Board. In either event, the procedural provisions of this chapter shall apply and be followed.

NOTE: Chapter 1250.02 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 conditions are met:
(Ord. 151-2007. Passed 10-2-07.)

- (1) The number of off-street parking spaces required for the use or uses exceed fifteen (15).

- (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: Chapter 1275.02(b)(5): *To vary the parking requirements applicable, whenever it has been clearly demonstrated that the providing of full parking facilities is unnecessary or where such a requirement would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.*

1. The applicant is requesting an administrative appeal on the whether the Board of Zoning Appeal can grant 100% parking relief for properties zoned as “C-1” Neighborhood Commercial.

Recommendation:

1. No recommendation provided.

APPLICATION, 18-16 – Steve Wise is requesting an administrative appeal on the interpretation of the southern property as an accessory structure as defined in Chapter 1215.02(2) and 1215.02(3). The property is identified as parcel Q61-000-901206005001 (located along Water Street), and are zoned “C-1” Neighborhood Commercial.

NOTE: Chapter 1215.02(2): *Accessory Structure (or Building): A subordinate structure, located on the same lot as the principal building, the use of which is naturally and normally incidental to the principal use of the principal building or land.*

NOTE: Chapter 1215.02(3): *Accessory Use, or Accessory: An "accessory use" is a use that is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same zoning lot as the principal use to which it is related. When "accessory" is used in the text, it shall have the same meaning as "accessory use". An "accessory use" includes, but is not limited to, the following:*

- A. *Swimming pools for use of the occupants of a residence or their guests.*
- B. *Domestic or agricultural storage in a barn, shed, tool room, or similar accessory building or other structure.*
- C. *Home occupations when carried on by the owner - resident of the dwelling and when no physical or visual affects are observed beyond the walls of the residence.*
- D. *Storage of merchandise normally carried in stock in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.*

- E. Storage of goods used in or produced by industrial uses or related activities, unless such storage is excluded in the applicable district regulations.*
- F. Accessory off-street parking spaces, open or enclosed, subject to the accessory off-street parking regulations for the district in which the zoning lot is located.*
- G. Accessory signs, subject to the sign regulations for the district in which the zoning lot is located.*

1. The applicant is requesting an administrative appeal on the decision to classify the potential building south of Water Street as an accessory structure based on the definitions provided and potential uses listed.

Recommendation:

1. No recommendation provided.

OTHER BUSINESS
ADJOURNMENT