

BOARD OF ZONING APPEALS

JUNE 12, 2017

The meeting was called to order at 5:31 p.m. by Chairman Craig Pickerel. Board members present were Niki Decker, Craig Pickerel and Rob Vela (3). Greg Bade and Jason Decker were absent (2). Also present were Brody Walters, Planning and Zoning Administrator, and Mark Easterling, Deputy Planning and Zoning Administrator.

Mr. Pickerel moved to approve the minutes of the May 8, 2017 meeting as written. Mr. Vela seconded and they were unanimously approved.

Mr. Pickerel moved to approve the minutes of the May 25, 2017 special meeting as written. Ms. Decker seconded and they were unanimously approved.

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

APPLICATION 18-17 – David Bish is requesting one zoning variance that would allow him to construct a five (5) foot fence in the front yard. The property is located at 737 Mulberry 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 applicant is requesting a variance to construct a five (5) foot fence and enclose a portion of a front yard (which is in the rear of the home).

Recommendation:

1. The Deputy Administrator recommends approval of the zoning variance based on meeting the criteria for variances C, D, E, and F of Ch. 1275.02(3). Also, the uniqueness of this corner lot leaves the applicant with no rear yard and would not completely enclose the yard in the rear of the home.

Mr. Easterling reviewed Application 18-17. David Bish was present and said that he has a dog that can jump a four foot fence and that is why he wants the five foot fence. Mr. Vela asked if any comments were received from neighbors. Mr. Easterling said that he did not receive any comments. Mr. Vela asked if it is a wood fence, and Mr. Bish said it is, and he showed the Board a picture of the style of fence he plans on installing. Ms. Decker clarified where the fence will be going. Mr. Bish said the fence will face Findlay

Street. Mr. Pickerel asked Mr. Bish if he was aware of the rules regarding fences when he purchased the property. Mr. Bish said he was not.

Mr. Vela moved to approve Application 18-17 based on finding criteria C, D, E and F of Section 1275.02(c)(3) to be true. Mr. Pickerel seconded and it was unanimously approved.

APPLICATION 19-17 – Joy Roberts is requesting one zoning variance that would allow her to construct a six (6) foot fence in her side yards. The property is located at 2181 Coe Court, 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 to construct a six (6) foot fence and fully enclose the side yards on both sides of the home.

Recommendation:

1. The Deputy Administrator recommends approval of the variance based on meeting the criteria for variances B, C, D, and F of Ch. 1275.02(3). The proposed fence location does not pose any safety/visibility concerns. Additionally, the fence is high quality and visually attractive and would allow for additional screening from pool area.

Mr. Easterling reviewed Application 19-17. Chad Roberts, 2181 Coe Court, was present. Mr. Vela asked if they are connecting to the neighbor’s fence. Mr. Roberts said they are not; the neighbor’s fence branches off of theirs. Mr. Vela asked if any comments were received from neighbors and Mr. Easterling said there were not.

Mr. Vela moved to approve Application 19-17 based on finding criteria B, C, D and F of Section 1275.02(c)(3) to be true. Ms. Decker seconded and it was unanimously approved.

APPLICATION 20-17 – Mark Becker on behalf of Mark Becker DDS is requesting a zoning variance that would allow the installation of one free standing sign within the thirty (30) foot setback from the front property line. The property is located at 116 W. Second Street and is zoned as C-2 (Central Business).

NOTE: *Chapter 1250.32(a) Permanent Signs Allowed:*
C-2 Zoning:

Setback: 30' from right-of-way

1. The requested variance would permit the applicant to install a permanent freestanding sign with a 1.5 foot setback from the public right-of-way.

Recommendation:

1. No recommendation provided.

Mr. Easterling reviewed Application 20-17. Mark Becker was present and said that he was unaware of the setback. He said that two years ago the parking was changed from parallel to slot parking. The 30' setback would take him to the doorway. He said that he was unaware of the requirements and he already installed the sign using the sign at Parker & Parker as a guidepost. He said it is the same height and is in line with the Parker & Parker sign. Mr. Vela asked if it hangs over the sidewalk and Mr. Becker said it does not. Ms. Decker asked if there is a sign on the building, and Mr. Becker said there is not, this is his only sign. Jim Hagen, Avenue Road, asked if a variance is granted for this sign if the variance stays in perpetuity and follows the property. Mr. Easterling said it does not, every new sign would require a new variance.

Mr. Pickerel moved to approve Application 20-17. Ms. Decker seconded and it was unanimously approved.

APPLICATION 21-17 – Mercy Health Systems is requesting one variance to permit the construction of a building that is taller than otherwise permitted. The subject property is located 12621 Eckel Junction Road zoned “INS” (Institutional Uses).

NOTE: *Chapter 1250.03 Maximum Building Height:* The following provisions shall apply to buildings located in A1, C4, OS, I1, I2, INS and PBP zoning districts within the City of Perrysburg.

- (a) The Board of Zoning Appeals may grant a height variance for any portion of a building that is taller than the maximum permitted height specified in Chapter 1230 “Intensity & Dimensional Standards” providing the variance does not exceed 50% of the maximum height specified in Chapter 1230.
- (b) The height regulations of Chapter 1230 “Intensity & Dimensional Standards” shall not apply to communication towers, monuments, water/cooling towers, ornamental towers and spires, chimneys, silos, elevator bulkheads, smoke stacks, conveyors and other similar items as determined by the Planning & Zoning Administrator.

The chart below provides an example of the relief this code section could provide:

Zoning		Max BZA Approval
Max Height (ft.)		(ft.)
INS	45	67.5

1. The applicant is requesting a height variance to allow a building that is fifty-two (52) feet tall.

Recommendation:

1. The Deputy Administrator recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and E of Ch. 1275.02(3) and the surrounding land uses, setbacks to other buildings, streets, and property lines.

Mr. Easterling reviewed Application 21-17. Troy Barman, Lewandowski Engineering, was present on behalf of Mercy Health Systems. Mr. Barman said that this variance request matches the variance for the existing building. It will be a three story building with screened in mechanicals on the roof top. Mr. Pickerel asked if the height with the mechanicals is what makes the variance necessary and if so, what is the height of the parapets. Mr. Barman said it is the mechanicals that put them over 45' and the height of the parapet is 42' or 43'; it will match the existing roofline. Mr. Pickerel asked if any comments were received from neighboring property owners. Mr. Easterling said he received no comments. Mr. Barman noted that this is an existing parcel and is an addition to the existing building; it will not be free-standing.

Mr. Pickerel moved to approve Application 21-17 finding criteria B, C, D and E of Section 1275.02(c)(3) to be true. Ms. Decker seconded. Ayes: Decker and Pickerel (2). Abstain: Vela (1).

APPLICATION 22-17 – Michael Eckhart is requesting an administrative appeal concerning the interpretation and application of Chapter 1250.61(f) pertaining to total accessory structures not exceeding the maximum of 5% of square footage of the lot size. The property is located at 993 Pine Street and is zoned R-3 Single Family Residential.

NOTE: *Chapter 1275.02(e)(1) Appeals to the Board:* 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: *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 square feet.

1. The applicant is requesting an administrative appeal on the interpretation of 5% of his lot size. The applicant has two adjoining lots totaling 13503.6 square feet. The maximum for all accessory structures allowed for his property would therefore be 675.18 square feet. The applicant currently has an accessory structure on the

property that is approximately 525SF and would like to construct an addition on to the structure that would put him over the maximum square footage allowed for his property.

Recommendation:

1. No recommendation provided.

Mr. Easterling reviewed Application 22-17. Mr. Eckhart was present at the meeting. He said that he put this shed in a year ago, and he did not get a permit because he didn't think he needed one if it wasn't mounted to a foundation. He said that you can't see it from the road, and he has talked to all of his neighbors with a view of the shed and they are okay with it. Mr. Eckhart said he needs the shed for things like his snow blower and tiller. He added that his neighbors have larger structures than what he wants. Mr. Vela asked how big the structure is, and Mr. Eckhart said it is 12' x 24'.

Bernard Barr, 955 Pine Street, and John Conley, 854 Mulberry, both spoke about the 5% limitation for accessory structures and that there should be an appeals process. Mr. Conley said that he supports Mr. Eckhart's request.

Mr. Vela said that he does not understand why this request is before them because they can't approve it. They can't vote on whether they want him to have the shed, they can only vote on the interpretation of the Code. Mr. Easterling said that to change the Code to allow variances on this issue, the applicants would need to petition the Planning Commission. Mr. Walters explained that the Code was changed within the last year to limit the combined size of all accessory buildings to 5%. He said that it is not what he proposed, but it is what the Planning Commission and City Council approved.

Mr. Vela moved to deny Application 22-17. Ms. Decker seconded and it was unanimously approved.

APPLICATION 23-17 – Christopher & Beth Bayes are requesting one zoning exception to permit rear yard setback relief. The property is located at 28612 Woodland Avenue 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 rear yard setback to be reduced to 23' 4", rather than the required thirty-five (35) feet.

Recommendation:

1. The Deputy Administrator recommends approval of the exception. The applicant would like the addition to be able to make the home wheelchair and handicap accessible through the kitchen and ramps on and leading to the rear entrance.

Mr. Easterling reviewed Application 23-17. Mr. Bayes was present and said that they are requesting the zoning exception to allow easier access around their house for his wife who is handicapped. He said there is already a deck and they would build a ramp up to the deck. Mr. Vela asked if any comments were received from neighbors. Mr. Easterling said there were not.

Mr. Pickerel moved to approve Application 23-17. It was seconded by Ms. Decker and was unanimously approved.

APPLICATION 24-17 – Peter Demczuk is requesting two zoning variances to permit the installation of a landscape screen of spruce trees and arborvitaes in the front and rear yards. The property is located at 3 Maple Street and is zoned as R-1 (Single Family Residential).

NOTE: 1250.42(a)(3) *Fences, Walls, Structural Screens, Hedges, and Screen Plantings:* The height and location of a fence, wall, structural screen, hedge or screen planting shall conform to the style/dimensional chart.

NOTE: 1250.42(a)(4) *Fences, Walls, Structural Screens, Hedges, and Screen Plantings:* Fences, walls, structural screens, hedges and screen plantings shall include all structures, shrubs, plantings or trees used to separate, enclose, screen or demarcate a boundary.

NOTE: 1250.42(a)(5) *Fences, Walls, Structural Screens, 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.

	Max Height	
	Permitted	*Restricted
Front Yard	4'	6'
Side Yard	4'	6'
*Requires BZA Approval		

1. The applicant is requesting a zoning variance to plant a series of spruce trees in the rear yard to act as a plant screening wall.

2. The applicant is requesting a zoning variance to plant a series of arborvitaes in the front yard that would act as a plant screen wall.

Recommendation:

1. The Deputy Administrator recommends denial of the variance. The spruce trees would not be able to be held and maintained at the height maximum for screens and fences of six (6) feet and does not meet enough of the conditions needed to grant a variance.
2. The Deputy Administrator recommends approval of the variance based on meeting the criteria for variances C, D, E, and F of Ch. 1275.02(3) with the condition that the bushes be maintained at a height no higher than six (6) feet. The proposed plan offers an alternative to privacy fencing that is visually attractive.

Mr. Easterling reviewed Application 24-17. Mr. Demczuk was present and said that they are trying to combine their property at 445 E. Front Street with the property at 3 Maple Street. He said the property is unique because it is immediately adjacent to the Maple Street boat launch. He said the back of the house is glass and there are privacy issues. Mr. Demczuk said they are trying to create a boundary between the public and private space. They are also putting in a pool and would like privacy for the pool. Mr. Demczuk said that if the trees were staggered they would be exempt, but he prefers them in a straight line. He asked what the minimum spacing would be to not be deemed as a screen wall. Mr. Easterling said that the Planning and Zoning Division can discuss spacing with the applicant if the request is denied. Mr. Vela asked if it is a screen because they are in a line or because of the location in the yard. Matt Whetstone and Bill Whetstone, Greater Detroit Landscape Co., were also present. Matt Whetstone asked if there is a magic number to determine spacing. Mr. Easterling said that it depends on the size of the tree and possible growth. Mr. Walters said there is not a quantifiable number; they look at the overall mature size and intent.

John and Mia Fish, 5 Maple Street, said that they very much appreciate the work that has been done on the property. They had some concerns about what is a side yard versus a front yard and questions about the arborvitaes and whether that will be a screen wall. She said that the application is vague and they have not had time to have a survey done and they are not sure where the property lines are relative to the proposed driveway. Mr. Demczuk said that they had a survey done so they will definitely be on their property. Mr. Fish also asked how high the fence on the plan will be. Mr. Demczuk said it is a 4' white picket fence.

Bill Whetstone said that the trees on the lot line are staying, they aren't removing any. He added that they want to walk out and see mature trees so these will not be 6' evergreens they will be about 30'.

Sally Goligoski, 8 Maple Street, said that she would prefer that the trees be staggered.

Alex Heard, 333 E. Front Street, said that he shares a property line with the Taylors and a couple of the plantings near the fence will have problems in the future because they are too close to the fence.

Jim Hagen, Avenue Road, said that arborvitae are deer candy. Bill Whetstone said that the deer don't feed on western seeders, they don't get touched. Ms. Fish said that if the arborvitae aren't staggered, it would look like a big green wall.

Mr. Pickerel made a motion to deny Application 24-17 #1 regarding the spruce trees. The motion was seconded by Ms. Decker and was unanimously approved.

Mr. Pickerel made a motion to approve Application 24-17 #2 subject to the condition that the bushes be maintained at a height no higher than six (6) feet. Seconded by Ms. Decker. Mr. Walters suggested that the applicant be consulted on whether they are agreeable to maintaining the bushes at the 6' height. If not, the applicant may prefer a denial so they can appeal, should they choose to do so.

Mr. Pickerel withdrew his motion.

Mr. Pickerel made a motion to deny Application 24-17 #2 regarding the arborvitaes. Mr. Vela seconded the motion and it was unanimously approved.

There being no further business, the meeting adjourned at 7:02 p.m.

Respectfully submitted,

Mary Jo Sutton