

BOARD OF ZONING APPEALS

JUNE 10, 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 May 13, 2013 meeting as written. Mr. Brown seconded and they were approved 4-0. Ayes: Brown, Decker, Smith, Williams (4). Abstain: Nicely (1).

ZONING VARIANCE, 12-13 – Tim Gruber on behalf of Ridge Stone Builders requests one (1) zoning variance to permit the construction of a single-family residence within the required rear yard setback. The subject property is located at 1863 Watermill Lane and is zoned R-2 (Single-Family Residential). The variance would permit the applicant to construct a residence 9.88' from the rear property.

NOTE: *1230.01 Intensity and Dimensional Standards*

R-2 Zoning:

Front Yard = 40'

Rear Yard = 40'

Side Yard Min = 10'

Side Yard Total = 25'

Min. Dwelling Size = 1,600 S.F.

1. The applicant is requesting a zoning exception to permit the construction of a residence 9.88' from the rear property line, which is 30.12' closer than would otherwise be permitted.

Recommendation:

1. The Planning and Zoning staff recommends approval of the applicant's request. This is a uniquely situation property along a cul-de-sac that is significantly challenged by a deep ravine that divides the property and limits the building envelope. Although the amount of relief being sought is substantial, the proposed location for the residence would not interfere with established drainage and utility easements, nor would it be unusually close to existing residences. Based on the variance criteria of Chapter 1275.02(c)(3) it is believed that criteria C, D, F and G would be satisfied.

Mr. Gruber said that this is a unique lot and the ravine is 40'-50' deep with a couple of football fields between this property and the adjacent property. Dave Gemmill, 102 Ottekee Drive, said that his back property line abuts this property. He said it is an unusual lot and the backyard is a plateau with a ravine. Mr. Gemmill asked to see the diagram of what is proposed. After looking at the diagram, Mr. Gemmill said that he would have to speak against this proposal. Mr. Gruber said that he is not trying to ruin anyone's view. This would be a 3,000 square foot house and no trees would be cut down. Dave Mowry, owner of the lot, said when they bought the lot, the area was cleared, there was just brush. He added that the only trees that will be removed are some dead ash trees.

The Board reviewed the criteria in 1275.02(c)(3) finding C, D, E, F, and G to be true. Mr. Smith made a motion to approve Zoning Variance 12-13. Mr. Nicely seconded, and it was unanimously approved.

ZONING VARIANCE, 13-13 – Hal Munger requests one (1) zoning variance and one (1) zoning exception to permit the construction of a new single-family residence. The subject property is located at 120 Locust Street and is zoned R-3 (Single-Family Residential). The variance would permit the applicant to construct a new residence 12' from the rear property line and 12' from the front property line (Locust Street side).

NOTE: *1230.01 Intensity and Dimensional Standards*

R-3 Zoning:

Front Yard = 35'

Rear Yard = 35'

Side Yard Min = 8'

Side Yard Total = 20'

Min. Dwelling Size = 1,200 S.F.

NOTE: *1230.02(b) Provisions Governing Interpretation and Application of Yard Requirements*

Front Yard Exception. In "R-2", "R-3" or "R-4" 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 requesting a zoning variance to permit the construction of a new residence 12' from the rear property line, which is 23' closer than would otherwise be permitted.

2. The applicant is requesting a zoning exception to permit the construction of a new residence 12' from the front property line, which is 3' closer than would otherwise be permitted. The planning & zoning code always for the calculation of the front yard setback to change based on the average setback of a block (1 side of the same block: west Locust Street from Front Street to Second Street). In accordance with this code provision (Ch the average setback of the block is less than 15' therefore the house could be built with a 15' front yard setback without action by the Board of Zoning Appeals.

Recommendation:

1. It is recommended to approve the applicant's request. The subject property is unique in that it is approximately 66' x 65' or 4,290 SF and is contained within the City of Perrysburg's Historic District. The current structure was built between 1920 and 1940 and the current placement of the structure has blended well with the neighborhood. The proposed residence does not require significant changes in the setbacks of the existing residence and is therefore not likely to create any practical or aesthetic issues. Additionally, it is important to note that additional approval by the Historic Landmarks Commission will be necessary before construction can be approved. Based on the variance criteria of Chapter 1275.02(c)(3) it is believed that criteria A, B, C, D, F and G would be satisfied.
2. See recommendation #1.

Mr. Munger said that he would like to build a house for his daughter. He believes it will be an improvement to the neighborhood and will be more in scale and character with the property. The footprint of the new residence will be smaller than what is there now. Mr. Munger said the current garage is very close to the neighbor's property line and is in bad shape. Ms. Williams said she spoke to a neighbor of this property and they were excited about this project.

The Board reviewed the criteria in 1275.02(c)(3) finding A, B, C, and D to be true. Mr. Decker moved to approve Zoning Variance 13-13 as submitted. Mr. Smith seconded and it was unanimously approved.

ZONING VARIANCE, 14-13 – Matt Smith and Dennis Beaver request one (1) zoning variance to permit the construction of a 6' high fence in a commercial front yard. The subject property is located at 25680 N. Dixie Highway and is zoned C-4 (Highway Commercial).

NOTE: *1250.42 Fences, Walls and Structural Screens*

6' Structural Screens are permitted in commercial front yards with the approval of the Board of Zoning Appeals.

1. The applicant is requesting permission to install a 6' tall fence around the existing 20' x 40' patio on the south side of their tenant space. This property has 2 front yards since it is a corner lot with frontage on Harold Street and SR25.

Recommendation:

1. It is recommended to approve the applicants' request. Based on the variance criteria of Chapter 1275.02(c)(3) it is believed that criteria B, C, D and G would be satisfied.

Mr. Walters said that prior to the meeting he received a quote from Toledo Fence regarding this application that showed black windscreen attached to the fence. Due to this addition, Mr. Walters said that his recommendation would be to deny the zoning variance. There was no representative from Revolver in attendance at the meeting.

Mr. Smith moved to table Zoning Variance 14-13 until a representative could be in attendance to address concerns regarding the windscreen. Mr. Decker seconded and it was unanimously approved.

ZONING VARIANCE, 15-13 – Kirk Rudolph requests one (1) zoning variance to permit the construction of a 6' high fence in a residential side yard. The subject property is located at 556 E. Seventh Street and is zoned R-3 (Single Family Residential).

NOTE: *1250.42 Fences, Walls and Structural Screens*

6' Structural Screens are permitted in residential side yards with the approval of the Board of Zoning Appeals.

1. The applicant is requesting permission to install a 6' tall fence along in both side yards of the property. The proposed fencing includes 32' of 6' tall fencing in the western side yard and 19' of 6' tall fencing in the eastern side yard.

Recommendation:

1. It is recommended to approve the applicant's request. Based on the variance criteria of Chapter 1275.02(c)(3) it is believed that criteria B, C, F and G would be satisfied.

Mr. and Mrs. Rudolph were present. Mr. Smith asked if there had been any comments received from the neighbors. Mr. Walters said he had not received any comments. The Board reviewed the criteria in 1275.02(c)(3) and found B, C, D, and E to be true. Mr. Smith moved to approve Zoning Variance 15-13. Mr. Decker seconded and it was unanimously approved.

ZONING EXCEPTION, 16-13 – John DeFoe requests one (1) zoning exception to permit the construction of a single-family residence with a front porch that is within the required front yard setback. The subject property is located at 3299 Chapel Creek Drive and is zoned R-1 (Single Family Residential). This exception would permit the applicant to construct the front porch 49' 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 S.F.

1. The applicant is requesting a zoning exception to permit the construction of a residential front porch 49' from the front property line, which is 1' closer than would otherwise be permitted.

Recommendation:

1. It is recommended to approve the applicant's request. The amount of relief sought is insignificant and nearly undetectable. No negative impacts are foreseen.

Mr. Walters stated that Schoen Builders has provided elevations and the roof lines change slightly. The front porch will be extended from 7'6" to 9'6". Mr. DeFoe stated that the house is on a curve which causes the building line to change from the neighbors'. He said this will make his house more in line. Ms. Williams said that when she visited the site there were footers. Mr. DeFoe said the footers are based on the original 7'6" measurement and if the variance is approved, they will be extended.

Mr. Decker moved to approve Zoning Exception 16-13. Mr. Nicely seconded, and it was unanimously approved.

There being no further business, Mr. Smith moved to adjourn at 6:11 p.m. Mr. Nicely seconded and the meeting was adjourned.

Respectfully submitted,

Mary Jo Sutton