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May 30, 2014

TO: Board of Zoning Appeals
FROM: Brodin L. Walters, Planning and Zoning Administrator
SUBJECT: June 9, 2014 Meeting Agenda

AGENDA

5:30 PM: Call Meeting to Order
Roll Call
Approval of May 12, 2014 Meeting Minutes
Administer Oath
Zoning Permit Obligation

ZONING VARIANCE, 13-14 – Dennis Beaver requests 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. Additionally, it is not recommended to permit the installation of wind screening as described on the fence quote that is provided.

ZONING VARIANCE, 14-14 – Jeffrey Wagner on behalf of 5/3 Bank, requests two (2) zoning variances to permit the installation of commercial signs within the required setback. The subject property is located at 22651 N. Dixie Hwy. and is zoned C-4 (Highway Commercial).

NOTE: 1250.32(a) *Permanent Signs Allowed*
C-4 Zoning:

If sign height is $\leq 10'$
Max size – 72 SF
Setback – 10'

If sign height is $\leq 20'$
Max size – 48 SF
Setback – 40'

With $> 200'$ of freeway
Frontage, one additional sign
 ≤ 200 SF area

NOTE: 1250.39 *Other Administrative Procedures*

The Board of Zoning Appeals may grant a variance only if it finds that all of the following apply:

- (a) That the literal enforcement of the requirements of this chapter would involve practical difficulties based on the presence of special conditions and circumstances which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district. (see factors 1-6 which typically include dimensional irregularities of the lot, impact on neighboring properties, beneficial use of the property, alternative options that are less convenient or costly)
 - (b) That granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied or of this chapter, and is the minimum variance necessary to provide relief.
 - (c) That the variance would not adversely affect the delivery of governmental services (e.g. water, sewer, refuse).
 - (d) That the variance as granted would not confer on the applicant any special privilege, or deprive the applicant of rights, when compared with those rights commonly enjoyed by immediately adjoining properties.
 - (e) That the variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.
1. The applicant is requesting a zoning variance to permit a sign that is 10' closer to the right-of-way than otherwise permitted (Eckel Junction side) resulting in a 0' setback.
 2. The applicant is requesting a zoning variance to permit a sign that is 7' closer to the right-of-way than otherwise permitted (Intersection of SR25 and Eckel Junction) resulting in a setback of approximately 3'.

Recommendation:

1. No recommendation provided.
2. No recommendation provided.

ZONING VARIANCE, 15-14 – Scott Brady (Harmon Sign), on behalf of Owens Illinois requests one (1) zoning variance to permit the construction of a commercial sign within the required setback. The subject property is located at 2055 N. Wilkinson Way and is zoned I-2 (General Industrial).

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

If sign height is $\leq 10'$
Max size – 72 SF
Setback – 25'

If sign height is $\leq 20'$
Max size – 48 SF
Setback – 50'

NOTE: 1250.39 *Other Administrative Procedures*

The Board of Zoning Appeals may grant a variance only if it finds that all of the following apply:

- (a) That the literal enforcement of the requirements of this chapter would involve practical difficulties based on the presence of special conditions and circumstances which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district. (see factors 1-6 which typically include dimensional irregularities of the lot, impact on neighboring properties, beneficial use of the property, alternative options that are less convenient or costly)
- (b) That granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied or of this chapter, and is the minimum variance necessary to provide relief.
- (c) That the variance would not adversely affect the delivery of governmental services (e.g. water, sewer, refuse).
- (d) That the variance as granted would not confer on the applicant any special privilege, or deprive the applicant of rights, when compared with those rights commonly enjoyed by immediately adjoining properties.
- (e) That the variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.

1. Originally the applicant requested to install a new sign 10' from the edge of the sidewalk which would place the sign within the public right-of-way and not on OI's property. The applicant has since revised the request to ask for a 0' setback to the right-of-way so that the sign can be placed 25' back from the edge of the sidewalk.

Recommendation:

1. No recommendation provided.

ZONING VARIANCE, 16-14 – Adam and Kimberley Szuch request one (1) zoning variance to permit the construction of a 6' fence in a residential side yard. The subject property is located at 430 E. Fifth 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 the side of his residence. The proposed fencing includes approximately forty feet of 6' tall fencing in the 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, D and G would be satisfied.

OTHER BUSINESS

TABLED ZONING VARIANCE, 09-14 - Steve Taylor on behalf of Taylor Hyundai requests one (1) zoning variance to permit the modification of an existing free-standing sign. The subject property is located at 12681 Eckel Junction Rd. and is zoned C-4 (Highway Commercial).

NOTE: 1250.32(a) *Permanent Signs Allowed*
C-4 Zoning:

If sign height is $\leq 10'$
Max size – 72 SF
Setback – 10'

If sign height is $\leq 20'$
Max size – 48 SF
Setback – 40'

With $> 200'$ of freeway
Frontage, one additional sign
 ≤ 200 SF area

NOTE: 1250.39 *Other Administrative Procedures*

The Board of Zoning Appeals may grant a variance only if it finds that all of the following apply:

- (a) That the literal enforcement of the requirements of this chapter would involve practical difficulties based on the presence of special conditions and circumstances which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district. (see factors 1-6 which typically include dimensional irregularities of the lot, impact on neighboring properties, beneficial use of the property, alternative options that are less convenient or costly)
- (b) That granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied or of this chapter, and is the minimum variance necessary to provide relief.
- (c) That the variance would not adversely affect the delivery of governmental services (e.g. water, sewer, refuse).
- (d) That the variance as granted would not confer on the applicant any special privilege, or deprive the applicant of rights, when compared with those rights commonly enjoyed by immediately adjoining properties.
- (e) That the variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.

1. The applicant is requesting a zoning variance to permit a sign that is 56 SF larger than otherwise permitted. The total square footage of the sign is proposed to be 256 SF.

Recommendation:

1. It is recommended to deny the applicant's request based on the perceived inability to convincingly address conditions A, B, D and E of Ch. 1250.39. However, it is recommended to request the applicant's testimony as it relates to these criteria and any issues that may not have been identified by the applicant in the submission.

ADJOURNMENT