

BOARD OF ZONING APPEALS

MAY 14, 2018

The meeting was called to order at 5:30 p.m. by Chairman Rob Vela. Board members present were Jason Decker, Niki Decker, Nathan Duricek, and Rob Vela (4). Brian Elmer was absent (1). Also present were Mark Easterling, Deputy Planning and Zoning Administrator, and Cody Grodi, Zoning Inspector.

APPROVAL OF MINUTES

Mr. Decker moved to approve the minutes of the April 9, 2018 meeting as written. Seconded by Mr. Vela. Ayes: (4). Nays: (0).

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

APPLICATION, 12-18 – Ray Frick is requesting three zoning variances that would allow him to exceed the maximum square feet allowable for accessory structures, to exceed the maximum width for a residential driveway, and to be within the required setback for a patio. The property is located at 617 Louisiana Avenue 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.*

NOTE: *Chapter 1250.51(c)(2) Curb Cuts and Driveways: Residential driveways shall be a minimum of ten (10) feet wide and a maximum of twenty four (24) feet wide where it meets the curb, alley or street.*

NOTE: *Chapter 1250.58(c) Location of Swimming Pools: In all cases, swimming pools shall maintain a minimum setback of five (5) feet from a property line to any deck or patio.*

1. The applicant is requesting a variance that would allow up to eight (8) percent of the lot size in accessory structures in order to install a garage that is 22' x 24'. The lot size is 7,257.096 square feet, which would allow, by code, 362.8 square feet of accessory structures. The variance would allow for 528 square feet of accessory structures on the property.
2. The applicant is requesting a variance to install a driveway that would have a greater width than the maximum twenty-four (24) feet allowed. The applicant is seeking a variance that would allow for an approximately ninety (90) foot wide driveway.

3. The applicant is requesting a variance that would allow for a patio to be installed closer than the minimum five (5) feet to the property line. The proposed patio will be 16'x14' and will be approximately one (1) foot off the property line.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and E of Ch. 1275.02(c)(3). The new garage will be within the same footprint as the old garage, only the orientation of the garage is being altered. The allowed square footage for accessory structures would only allow for a small single car garage.
2. The Zoning Inspector recommends denial of the zoning variance as it does not meet enough of the required criteria to grant a variance. The existing curb cut and existing concrete could be removed, as it will not be needed to access the garage. The variance is substantial and the property owner's predicament can be obviated feasibly through another method other than a variance.
3. The Zoning Inspector recommends denial of the zoning variance as it does not meet enough of the required criteria to grant a variance. The patio could be installed in the rear yard as opposed to the side yard. This location would cause less infringement on the neighboring property.

Mr. Grodi reviewed Application 12-18. Rick Ruffner, 20468 Anderson Road, Bowling Green, Ohio, was present on behalf of the applicant. Mr. Ruffner stated that the garage was torn down by the builder who had not pulled permits prior to the work being done. He added that the driveway fits with the neighboring driveways across the alley. There was discussion about the orientation of the new garage door and the addition of the concrete patio. Mr. Grodi added that the driveway variance is not for two curb cuts, but for a driveway that is ninety (90) feet in length. Mr. Vela stated that a different option is needed for the driveway to be separated from the alley to the concrete pad, whether that be a greenspace, or a fence, that option is the homeowner's decision. Ms. Decker confirmed that the privacy fence will not be going through the patio, and Mr. Ruffner added that it will not. Mr. Grodi stated that a neighboring property did call in with a concern about the width of the driveway and the closeness of the patio to the property line. Mr. Decker added that in order to meet the code the applicant would need to cut four (4) feet off of the patio. Mr. Ruffner said that a portion of the patio will tuck around the back of the property. Mr. Duricek stated that it's going to be a lot of concrete, much like paving the back yard.

Mr. Vela moved to approve Application 12-18 part 1 finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes (4). Nays: (0).

Mr. Vela moved to deny Application 12-18 parts 2 and 3. Seconded by Ms. Decker. Ayes: (4). Nays (0).

APPLICATION, 13-18 – 1021 Sandusky LLC is requesting two zoning variances that would allow for the installation of one free standing sign within the required setback and

that would exceed the maximum height permitted. The property is located at 1021 Sandusky Street and is zoned C-1 (Neighborhood Commercial).

NOTE: *Chapter 1250.32(a) Permanent Signs Allowed:*

Freestanding/Ground Sign

Zoning District: C-1

Maximum Height: 6'

Maximum Size: 24 SF

Setback: 30'

Quantity: 1

1. The first requested variance would permit the applicant to install a permanent freestanding sign with a seven (7) foot setback off of Sandusky Street and a one (1) foot setback off of Three Meadows Boulevard, contrary from the minimum thirty (30) foot setback from the property line.
2. The second requested variance would permit the applicant to install a permanent freestanding sign that would be eight (8) feet in height, contrary from the maximum six (6) foot height restriction.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, D, E, and F of Ch. 1275.02(c)(3). Due to the location of the parking lot, installing the sign at the required thirty (30) foot setback would position the sign somewhere within the parking lot.
2. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, D, E, and F of Ch. 1275.02(c)(3). There is an elevated planter located within the City right-of-way, which would block a portion of the sign if installed at six (6) feet.

Mr. Grodi reviewed Application 13-18. Kelly Styachich, 1021 Sandusky Street, was present. Ms. Styachich added that the sign will not obstruct the view, and that her tenants have asked for a free-standing sign. Mr. Vela asked about the current location of the realtor's sign, and Ms. Styachich stated that is about where the new sign will be located. Mr. Decker asked if there were any comments from the neighbors, and Mr. Grodi confirmed that no comments were received. Ms. Styachich added that they purchased the building in February and that they were trying to make improvements and update the property.

Mr. Decker moved to approve Application 13-18 parts 1 and 2 finding A, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Vela. Ayes: (4). Nays: (0).

APPLICATION, 14-18 – J.D. Youngblood and Megan Gorey are requesting one zoning variance that would allow them to construct a six (6) foot fence in the front yard. The property is a corner lot located at 240 East Indiana Avenue, 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 applicants are requesting a variance that would allow for them to construct a six (6) foot fence in the front yard for noise and safety purposes.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and E of Ch. 1275.02(3). The variance is not substantial as there are already portions of six (6) foot fence panels in the front yard. The new fence would provide safety for the homeowner's pets and screening from the arterial street (Sandusky Street).

Mr. Grodi reviewed Application 14-18. J.D. Youngblood and Megan Gorey, 240 E. Indiana Avenue, were present. Mr. Youngblood added that the current fence is beat up, and that they want to replace it. Ms. Gorey stated that they currently have a split rail with a few privacy panels behind the split rail, and so they would like one privacy fence. Mr. Vela stated that they are on a corner lot, off of two busy streets, and with a unique lot. Ms. Decker asked if they were removing both of the fences, and Ms. Gorey said yes. Mr. Vela confirmed that the location of the fence is okay, and Mr. Grodi agreed. Mr. Decker asked if there were any comments from the neighbors, and Mr. Grodi said that no comments were received.

Mr. Decker moved to approve Application 14-18 finding B, C, D, and E of Ch. 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

APPLICATION, 15-18 – Royal Deli Foods is requesting one zoning variance that would allow them to install two sign graphics in the windows, covering more than 25% of the windows. The property is located at 112 West Front Street and is zoned C-2 (Central Business).

NOTE: Chapter 1250.33(a) Temporary Signs Allowed:

Table 1250.33(a) Temporary Signs Allowed			See Sections 1250.33(b) - (h) for explanation and restrictions.		
Within Non-Residential Districts	Number of Signs	Max. Size	Other Restrictions	Location & Height	Permit Y/N
Window Sign	unlimited	No more than 25% window coverage on facade			N

1. The requested variance would permit the applicant to install two sign graphics in the windows that face towards West Front Street. The signs would cover 100% of the windows, as opposed to the maximum 25% window coverage.

Recommendation:

1. No recommendation provided.

Mr. Grodi reviewed Application 15-18. Nancy Avalos, 112 West Front Street, was present. Ms. Avalos stated that they just bought the property, and that they have had a lot of growth. She added that they installed a cooler on one end, which backs up to one window. Ms. Avalos said that she likes having two window signs due to the symmetry, and because it is a temporary fix to block the view of the cooler. Ms. Decker asked if the signs are up already, and Ms. Avalos confirmed that they are, and that she was unaware of the signage process. Ms. Decker asked if customers enter from the front, and Ms. Avalos stated that they do not have many customers per say because they are wholesale, but that they do have truck access in the rear. Ms. Avalos added that the new signage has since gained an increase in foot traffic, and people noting that they did not know that the business was even there, even though it has been there since 1950. Mr. Vela asked about the temporary window reference, and Mr. Grodi stated that is the only part where window signage is referenced in the code. Ms. Avalos said that the window sun shade idea originated from the Perrysburg Messenger Journal windows that face Louisiana Avenue. Mr. Duricek confirmed that they are looking for a way to block out the window that is covered by the cooler. Ms. Decker asked if there were any comments from neighbors, and Mr. Grodi said that no comments were received.

Mr. Vela moved to approve Application 15-18 finding B, D, E, and G of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

APPLICATION, 16-18 – Randy Rasure is requesting one zoning variance that would allow him to exceed the maximum width for a residential driveway. The property is located at 12100 Eckel Junction Road and is zoned R-3 (Single Family Residential).

NOTE: Chapter 1250.51(c)(2) Curb Cuts and Driveways: Residential driveways shall be a minimum of ten (10) feet wide and a maximum of twenty four (24) feet wide where it meets the curb, alley or street.

1. The applicant is requesting a variance to install a driveway that would have a greater width than the maximum twenty-four (24) feet allowed. The driveway would be a re-installation of a previous non-conforming driveway that had a width of thirty-six (36) feet.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and E of Ch. 1275.02(c)(3). The driveway will be a direct replacement of what was previously there, however the driveway has changed from asphalt to concrete. The new driveway would meet up with the pre-existing curb cuts.

Mr. Grodi review Application 16-18. Randy Rasure, 12100 Eckel Junction Road, was present. Mr. Rasure added that they are just replacing what was already there, along a very busy street, with many neighboring properties that have the same width of thirty-six (36) feet wide or wider. Mr. Grodi stated that non-conforming driveways are allowed as a direct replacement as long as a pre-inspection is performed, however in this case the contractor failed to gain a pre-inspection. Mr. Easterling added that the contractor was made aware of this process when he applied for the permits. Mr. Vela asked if the footprint was changing, and Mr. Rasure added that they do have the ability to turn around now due to a bump out close to the garage. Mr. Vela asked if there were any comments from neighbors, and Mr. Grodi said that no comments were received.

Mr. Decker moved to approve Application 16-18 finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

APPLICATION, 17-18 – Eric and Katie Himich are requesting one zoning variance to permit the construction of an accessory structure within the front and side yard. The property is located at 349 East Sixth Street and is zoned R-3 (Single Family Residential).

NOTE: 1250.61(a) Accessory Buildings and Uses: No accessory building or uses shall be located in any front or side yard setback except under unusual circumstances where such activity will not conflict with the intent and purposes of this Zoning Code or where enforcement would result in extreme hardship. Either exception shall require approval of the Board of Zoning Appeals.

1. The applicant is requesting approval to construct a garage in the front and side yard of the property.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances C, D, E, and F of Ch. 1275.02(c)(3). The garage would not be able to be installed in the rear yard due to a pre-existing in-ground pool. This lot has a front yard on two of the three sides of property, leaving no place to construct an accessory structure within the regulations.

Mr. Grodi reviewed Application 17-18. Katie Himich, 349 East Sixth Street, was present. Ms. Himich added that there is a current structure already in place that is in poor condition, and they are hoping to replace what is currently there. Mr. Vela asked if there is already a garage there, and Mr. Grodi confirmed that there is. Mr. Vela asked if the footprint was changing, and Ms. Himich stated that it will be a little larger at twenty-four (24) feet by twenty-four (24) feet. Mr. Decker asked if there were any comments from neighbors, and Mr. Grodi added that Joe Lawless, 403 East Sixth Street, did call and stated that he is in approval of the orientation of the garage. Ms. Decker confirmed that the driveway is off of Maple Street, and Ms. Himich agreed that it is. Ms. Himich noted that the driveway will stay in its current place, and that the garage will look aesthetically nicer.

Mr. Decker moved to approve Application 17-18 finding B, C, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (4). Nays (0).

APPLICATION, 18-18 – Scott Shealy is requesting one zoning variance to permit a driveway, with two curb cuts, to be constructed. The property is located at 4002 McCallister Drive and is zoned R-1 (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 curb cuts to be installed. The purposed plan would allow for a curb cut off of McCallister Drive and a curb cut off of Chapel Creek Drive, creating a “U” shaped driveway.

Recommendation:

1. The Zoning Inspector recommends denial of the variance as it does not meet enough of the conditions needed to grant a variance. In place of a second curb cut, a turn-around driveway could be installed if the amount of parking area is of concern. The front yard is very larger and a turn-around driveway would most likely not exceed the 35% front yard lot coverage maximum. There are methods available that may resolve the issue outside of receiving a variance. This is a new construction house and the driveway design does not qualify for a hardship.

Mr. Grodi reviewed Application 18-18. Scott Shealy, 4002 McCallister Drive, was present. Mr. Shealy added that they would like to put a driveway in that is unique to the property. He noted various reasons that he heard as to why his application was turned down. Mr. Shealy stated that their hardship is that the home is mainly ranch style, and

that his father-in-law will be living with them, and for ease of accessibility a U-shaped driveway will fit their need. He also added that many neighboring homes have U-shaped driveways. Mr. Easterling clarified that the neighboring properties with the U-shaped driveways were annexed into the City of Perrysburg from Perrysburg Township, and when built they were approved by township zoning standards. Mr. Easterling also added that the Board of Zoning Appeals has not approved a U-shaped driveway within the last year due to the recent code amendment allowing for multiple curb cuts to be presented to the Board of Zoning Appeals. Mr. Shealy added that he invited board members to walk the lot to see how it looks in person. Todd Berman, 6711 Monroe Street, Sylvania, Ohio, with the Berman Building Company, was also present. Mr. Berman spoke in conjunction with Mr. Shealy, as his builder and an advocate for the application. Mr. Berman stated that he did not understand why the City is reluctant to allow U-shaped driveways. Mr. Vela stated that the applicants are able to come before the Board of Zoning Appeals, in this instance, and state their case. Mr. Berman added that with the angled placement of the house on the lot that it fits the neighborhood, and that a U-shaped driveway would complement the house. He also stated that two fire hydrants will be situated on this lot, and that a circular driveway (with one curb cut) would allow for less street parking, which can help to reduce street safety. Mr. Grodi added that lot size is not a hardship, and Mr. Decker asked if this can even be approved. Mr. Easterling stated that variances are granted out of a necessity, and so a hardship is one of the criteria that needs to be met. Mr. Duricek asked about the issue with a single curb cut driveway with a loop, and Mr. Berman added the ease of access. Mr. Berman stated that he did not see a hardship in some of the previous variances that were previously approved before this application. Ms. Decker asked about the percentage of parking surface in the front yard with a single curb cut loop driveway, and Mr. Easterling stated that it would have to be under thirty-five (35) percent of the front yard coverage. Mr. Grodi added that because this is a corner lot, the Shealy's do have two front yards. Mr. Shealy addressed his concerns with backing out of a single curb cut driveway, and Ms. Decker added that with a circular driveway one would not be backing out per say. Mr. Easterling confirmed that variances aren't out of preference, but out of necessity. Mr. Decker asked the board how this application can be approved, and Mr. Grodi added that there has to be enough need to grant a variance. Ms. Decker stated that this is a difficult application because this is brand new structure, and that the applicants are starting from scratch. She also stated that the Board of Zoning Appeals has not approved an application like this before, and questioned what precedent the board would be stating. Mr. Berman and Mr. Shealy addressed their thoughts on the uniqueness of this lot, and Ms. Decker added that she understands the aesthetics and design, but the code does not support this application. Mr. Vela asked what options the board has with this application. Mr. Grodi added that the board can approve or deny the application, and if it were to be denied the applicant could then appeal to City Council. Mr. Easterling added that this is one neighborhood within the entire city that are R-1 properties, which are the largest lots. Mr. Vela stated that in his opinion that the code was written for typical city lots, and Mr. Easterling added that the code was actually just

amended last year by City Council, and that R-1 lots were in existence at that time. Jim Hagen, 10741 Avenue Road, asked if this is the first multiple curb cut driveway application, and if not what the other solutions that were proposed were. Mr. Hagen added that the code is in existence for a reason. Mr. Easterling stated that Builder, Aaron Schoen came two years ago with a similar two curb cut driveway request, and that he ended up doing a twenty-four (24) foot curb cut, and branched it out wide. Mr. Easterling added that Mr. Schoen now has enough area where he can almost make a circular path in his driveway. Mr. Vela stated that the board's options are to approve or deny based upon the way the code is written. Mr. Shealy questioned their hardship, and Mr. Duricek stated that he does not know if there is a hardship in this application. Mr. Vela asked if there were any comments from neighbors, and Mr. Grodi said that no comments were received. Ms. Shealy spoke briefly about why she believes this should be approved. Mr. Vela asked whether this application can be formally taken to City Council. Mr. Decker stated that he is stuck on the demonstration of a hardship, and Mr. Easterling added that it needs to meet at least four of the criteria, and then from there would it be a good idea. Mr. Duricek added that this is setting a precedent for the neighborhood, if this application is to be approved. Brody Walters, Planning & Zoning Administrator, clarified comments behind the intention of the code amendment that was passed in November 2017 related to driveways. He stated that some examples the applicants have used, were exact examples that City Council stated at that time that they did not want to see. Mr. Walters also noted storm water considerations, and frontage on cul-de-sac streets. He added that he was not speaking to advocate for or against this project, but to clarify the intentions of the code.

Mr. Duricek moved to deny Application 18-18. Seconded by Mr. Vela. Ayes: N. Decker, Duricek, and Vela (3). Nays: J. Decker (1).

Mr. Easterling confirmed that the applicant would have thirty (30) days from the denial of this application to make an appeal to City Council. Mr. Berman asked about moving the project along, and pulling zoning permits for the home. Mr. Easterling stated that the Planning & Zoning Division would make an administrative approval in the meantime regarding the zoning permits for this home.

APPLICATION, 19-18 – Barney's Real Estate Investment, LLC is requesting one zoning variance to construct a new building within the required front yard setback. The property is located at 26475 North Dixie Highway and is zoned C-4 (Highway Commercial).

NOTE: *Chapter 1230.01 Intensity and Dimensional Standards:*

C-4 Zoning:

Front Yard = 50'

Rear Yard = 30'

Side Yard Min = 10'

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 thirty-six (36) feet, rather than the required fifty (50) feet.

Recommendation:

1. The Zoning Inspector recommends denial of the variance as it does not meet enough of the conditions needed to grant a variance. The length of the property is long enough to allow the building to be constructed at the required fifty (50) feet and still allow for the rear yard setback to be met. The purposed rear yard setback is one hundred and five (105) feet. If the building were to be constructed at the required fifty (50) foot front yard setback that would give the building a rear yard setback of ninety-two (92) feet. The requested variance does not qualify for a hardship and there would still be beneficial use on the property without a variance being issued. Additionally, the adjacent parcels meet the required front yard setback and because of this the character of the area may be altered if this variance were to be granted.

Mr. Grodi reviewed Application 19-18. Attorney Jerry Parker, One Seagate, Toledo, Ohio, was present on behalf of the applicant. Mr. Parker added that the applicant does not want to negatively impact the neighborhood, but they do want to get rid of the carwash, and build a new building that is aesthetically pleasing. Mr. Parker noted that the right-of-way is unique to the lot because it expands as it gets to the parcel. He added that he intends to split the lot into two parcels. Mr. Grodi added that the lot split has not yet been submitted, nor approved. Mr. Parker spoke about the drive-thru for Starbucks, and his desire to keep the stacking at a minimum. Mr. Parker added that if the right-of-way were angled differently he would not be before the board for this application. Mr. Vela asked why the right-of-way looks angled, and Mr. Grodi added that he does not believe that it has moved. Mr. Decker questioned the purpose or need for the thirteen or fourteen foot reduced front yard setback. Mr. Duricek asked about moving the building back and shortening the greenspace with the same layout. Mr. Parker stated that Starbucks has a prototype, and that this lot is narrow. Mr. Easterling added that if the board were to table this application, that he would be able to meet with Jerry Parker and discuss other layout options.

Mr. Vela moved to table Application 19-18. Seconded by Mr. Decker. Ayes: (4). Nays: (0).

There being no further business, the meeting adjourned at 7:16 p.m.

Respectfully submitted,

Heather Alfaro