



City of Perrysburg

Division of Planning and Zoning

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May 2, 2016

TO: Board of Zoning Appeals
FROM: Mark Easterling, Zoning Inspector
SUBJECT: May 9, 2016 Meeting Agenda

AGENDA

5:30 PM: Call Meeting to Order
Roll Call
Approval of April 11, 2016 Meeting Minutes
Administer Oath
Zoning Permit Obligation

APPLICATION, 13-16 – Donald Weiss is requesting one zoning variance to permit a six (6) foot chain link fence to be installed past the halfway point of his residence in the side yard. The property is located at 28693 Hufford Road and is zoned R-2 Single Family Residential.

The request would allow the applicant to place the fence approximately four (4) feet in front of the air conditioning unit, ten (10) feet from the front edge on the north side of the residence. The fence would also be six (6) feet from the front edge of the residence on the south side of the property.

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 install a six (6) foot fence past the midpoint of his home in the side yards on the north and south sides of the property. The owner has expressed concern over his neighbor's dogs and would like the fencing for additional security to protect his family and property.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance to allow air condition unit to be enclosed in the fence. I would also recommend that the fence on the south side of the property be kept to the half way point of the home for aesthetics purposes as it would not diminish the purpose of the fence. (Ch. 1275.02(c)(3) – B, C, D, F)

APPLICATION, 14-16 – Florence Espenis requesting two zoning variances to permit front yard setback relief. The property is a corner lot located at 226 Cherry Street and is zoned R-3 Single Family Residential. The requested variances would permit the applicant to construct an addition to the home within both the fifteen (15) foot and the thirty-five (35) foot front yard setbacks from the property line.

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'

NOTE: Chapter 1230.02(b) 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. This exception shall not apply in rural areas where density of development is less than one (1) family per acre

1. The applicant is requesting a zoning exception to reduce the required front yard setback. The exception would permit the front yard setback to be reduced to two (2) feet, rather than the required fifteen (15) feet.
2. The applicant is requesting a zoning exception to reduce the required front yard setback. The exception would permit the front yard setback to be reduced to seventeen (17) feet, rather than the required fifteen (35) feet.

Recommendation:

1. The Zoning Inspector recommends approval of the variance based on the fact the applicant had a fire forcing them to rebuild the garage. The uniqueness in location, size, and shape of the property limits the building requirements. The average front yard setback on neighboring properties sits at zero. Therefore, per Ch. 1230.02(b), the minimum setback would default to fifteen (15) feet not allowing the home owner to replace the previous existing structure. (Ch. 1275.02(c)(3) – A, C, D, F)
2. The Zoning Inspector recommends approval of the variance based on the fact the applicant had a fire forcing them to rebuild the garage. The uniqueness in location, size, and shape of the property limits the building requirements. (Ch. 1275.02(c)(3) – A, C, D, F)

APPLICATION, 15-16 – Michael and Brenda Stewart are requesting one zoning exception to permit front yard setback relief. The property is located at 963 Locust, and is zoned "R-3" Single Family Residential. The requested exception would permit the applicant to construct a porch within the required thirty-five (35) foot setback from the front property line.

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 front yard setback. The exception would permit the front yard setback to be reduced to approximately twenty-three (23) feet, rather than the required thirty-five (35) feet.

Recommendation:

1. The Zoning Inspector recommends approval of the variance based on the uniqueness of the property in terms of setbacks throughout Locust Street. The two houses to the north and south of the property both have front yard set back distances less than thirty (30) feet. This would allow the resident to build a new porch on the home as to replace the old one the resident would have to remove the old footer and they are unable to do so. (Ch. 1275.02(c)(3) – B, C, D, F)

APPLICATION, 16-16 – Stephen Fowler is requesting one zoning variance to permit six (6') foot fence panels in his front yard. The property is a corner lot located at 201 Walnut Street, and is zoned "R-4" Single Family Residential. The requested variance would allow the applicant to install six (6) foot privacy fence in his 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 applicant is requesting approval to build a six (6) foot privacy fence in the 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