

BOARD OF ZONING APPEALS

MAY 8, 2017

The meeting was called to order at 5:30 p.m. by Chairman Craig Pickerel. Board members present were Greg Bade, Jason Decker, Niki Decker, Craig Pickerel and Rob Vela (5). Also present was Mark Easterling, Deputy Planning and Zoning Administrator.

Mr. Pickerel moved to approve the minutes of the April 10, 2017 meeting as written. Mr. Decker seconded. Ayes: J. Decker, N. Decker, Pickerel, and Vela (4). Abstain: Bade (1).

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

APPLICATION 13-17 - Pete Kimball is requesting one zoning variance that would allow him to replace a damaged fence with a new style six (6) foot fence in the side yard. The property is a corner lot located at 1047 E. Boundary 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 replace six (6) foot fence and enclose his side yard.

Recommendation:

1. The Deputy Administrator recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and F of Ch. 1275.02(3). Also, a storm caused damage to the original fence and the applicant would be placing the new fence in the same location as the existing damaged fence.

Mr. Easterling reviewed Application 13-17. Pete Kimball, 1047 East Boundary Street, was present. He said that his fence blew down. It was a shadowbox fence and he wants to replace it with white vinyl fencing. Mr. Vela asked about the property lines, and Mr. Easterling said that the picture included in their packet is from the Wood County Auditor's website. Mr. Kimball said that he found the peg in his backyard so he's confident where the property line is. Ms. Decker asked if the fence was around the whole yard before. Mr. Kimball said that it was and they are putting the new fence in the same location. Mr. Bade asked why the application was necessary, and Mr. Easterling said that because it is a new style of fencing. Mr. Pickerel asked if any of the posts are taller than 6', and Mr.

Kimball said maybe the cap is taller. Mr. Easterling said that they are allowed 6" for that. Mr. Pickerel asked if any comments were received from neighbors, and Mr. Easterling said no comments were received.

Mr. Bade moved to approve Application 13-17 as submitted. Ms. Decker seconded and it was unanimously approved.

APPLICATION 14-17 - Mark Rich on behalf of Canterbury REV, Inc. is requesting one zoning variance to allow the construction of one sign larger than the maximum of 18 SF. The property is parcel number Q61-100-230000001000 located on Hull Prairie Road just south of Roachton Road and is zoned "R-4" (Single Family Residential).

NOTE: *Chapter 1250.34(d)(1):* In the A-1, R-1 through R-5, and RM districts, the maximum dimensions permitted shall be ten feet high and twenty feet long

1. The requested variance would permit the applicant to install a permanent freestanding sign at the corner of Hull Prairie Road and what will be Canterbury Boulevard. The sign would be approximately 50' longer than what is permitted.

Recommendation:

1. No recommendation provided.

Mr. Easterling reviewed Application 14-17. Mark Rich was present on behalf of Canterbury Real Estate Ventures. Mr. Rich explained that the 18 square feet is not the problem. He said this meets the height requirement but the Code only allows twenty feet in length. Mr. Decker asked if this is the only entrance to the subdivision, and Mr. Rich said there are two other entrances on Hull Prairie with about a quarter of a mile between each of them. Mr. Decker asked if this is just for screening. Mr. Rich said that it is architecturally appealing and it will help screen Lot 1. Mr. Vela asked how big the actual Villages at Canterbury portion is. Mr. Rich said it is under 18 square feet. Mr. Bade said that even though this is architecturally pleasing, it is three times what the Code allows. Mr. Rich asked if the wings could be considered fencing. Mr. Bade said they could not be. Mr. Pickerel asked if any comments were received from neighbors. Mr. Easterling said there were not. Mr. Pickerel asked if there are any neighborhoods around this and Mr. Rich said the closest subdivision is Saddlebrook. Mr. Bade said that it is designed very well, but if approved, it starts the ball rolling for other applications in excess of what the Code permits. He said he has nothing against the development, and he is sure that Mr. Rich will do it right. Mr. Decker asked if Mr. Rich explored different sizes and how he landed on this size. Mr. Rich said that it is right across from the new school and the school is so large, he felt this was reasonable and attractive.

Mr. Bade moved to deny Application 14-17 as submitted. Mr. Pickerel seconded and the motion was unanimously approved.

APPLICATION 15-17 - Brian Hufford is requesting one zoning exception for side yard setback relief. The property is located at 932 Maple Street and is zoned as R-3 (Single Family Residential).

NOTE: *Chapter 1230.01 Intensity and Dimensional Standards:*

P Zoning:

Front Yard = 35'

Rear Yard = 35'

Side Yard Min = 8'

Side Yard Total = 20'

1. The applicant is requesting the exception as to allow for an addition to be placed on the rear of the primary residence. The addition is approximately 930 Sq. Ft. and would sit approximately 5' from the side yard property line.

Recommendation:

1. The Zoning Inspector recommends approval of the exception based on size of the lot. The addition is not expanding any further into the side yard than what is already existing and would therefore not add to the property's nonconforming status.

Mr. Easterling reviewed Application 15-17. Brian Hufford was present on behalf of Cindy Frost, the property owner. Mr. Hufford said that Ms. Frost needs the space and it does not infringe any closer to the property line than what is already there.

Mr. Decker asked if any comments were received from neighbors. Mr. Easterling said that the neighbor directly behind called and they have no problem with the request. Mr. Bade asked if the addition will match the existing structure. Mr. Hufford said it will be four inches shorter because there will be no brick. Mr. Vela asked if there is a fence on that side, and Mr. Hufford said he believes there is a privacy fence.

Mr. Decker moved to approve Application 15-17. Mr. Vela seconded and it was unanimously approved.

APPLICATION 16-17 - Jerry Abair is requesting two zoning variances to permit front and side setback relief. The properties are identified as parcel numbers Q61-000-901205004000, Q61-000-901205003000 (located along Water Street), and are zoned "P" (Parks). The requested variances would permit the applicant to construct a structure within the required setbacks from the front and rear property lines. *(Note: Application was variances were previously approved and denied 4/11/16 and has since expired. There were no changes made to this application)*

NOTE: *Chapter 1230.01 Intensity and Dimensional Standards:*

P Zoning:

Front Yard = 50'

Rear Yard = 75'

Side Yard Min = 20'

Side Yard Total = 50'

NOTE: *Chapter 1230.02(h):* No building, structure, fence or planting shall be permitted closer than fifteen (15) feet from a public watercourse or drainage ditch as measured from the top of the slope. A means of access shall be provided to permit the movement of maintenance equipment along an unobstructed travel way on at least one (1) side of the watercourse or drainage ditch.

1. The applicant is requesting a zoning variance to reduce the required side yard setback. The variance would permit the side yard setback to be reduced to 2', rather than the required twenty 20'. (*Previously approved*)
2. The applicant is requesting a zoning variance to reduce the required setback distance to a public watercourse. The variance would permit the setback to be reduced to 5', rather than the required 15'. (*Previously approved*)

Recommendation:

1. The Deputy Administrator recommends approval of the variance. The side setbacks do not infringe on neighboring properties, nor city properties or the city right of way. The setbacks would not interfere with access to the road. (Ch. 1275.02(c)(3) – A, D, C, F)
2. The Deputy Administrator recommends denial of the variance based on purposed setbacks from watercourse. The currently purposed setback of five (5) feet not only sits on a slope but also sits in a floodplain area. A distance this close to the watercourse in an active floodplain area poses both risk and hazard for the potential development.

Mr. Easterling reviewed Application 16-17. He said that the application that was filed last year contained another variance request which was denied and then subsequently overturned by City Council, but that request has not expired. Jerry Abair was present on behalf of the Perrysburg Boat Club. He said that the Code says if an approved variance request is not acted on within a year then it expires. He said that they have acted on it because they've been to the Planning Commission and Historic Landmarks Commission. Mr. Bade stated that no other applicant has come in and continuously explained the Code to them. He said that the Code is the Code for everyone.

Mr. Abair said that they are not in the floodplain; they are above it. Mr. Vela asked Mr. Easterling if we still believe they are in the floodplain. Mr. Easterling said that he has not seen anything from the Army Corps of Engineers to say that they are not in the floodplain. Mr. Abair showed the Board a letter from the Army Corps of Engineers. Mr. Decker read the letter and it said that they are above the ordinary high water mark. Mr. Pickerel said for the sake of this discussion, the Board will base its vote on the assumption that they can build on the site. Mr. Easterling said that this still needs to go through the Planning

Commission and construction plans will be reviewed by the City Engineer. Mr. Abair said that there are four additional parcels that should be part of this application. Those parcel numbers end in 4001, 5000, 6000 and 8000. Ms. Decker clarified that this application is concerning the side yard and rear yard setbacks. Mr. Abair said that is correct; the rear side is the water side and the front faces Water Street. Dan Judson, W. Front Street, said that he is an engineer and he has researched the floodplain and this is not in the floodplain.

Mr. Vela moved to approve Application 16-17 Item 1, with the correction to the agenda that this application pertains to the rear and side yard setbacks. Mr. Decker seconded and the motion was unanimously approved.

Mr. Decker moved to approve Application 16-17 Item 2. Mr. Vela seconded and it was unanimously approved.

APPLICATION 17-17 - Jerry Abair is requesting one zoning variance to permit parking relief. The properties are identified as parcel numbers Q61-000-901206003000, Q61-000-901206004001, Q61-000-901206005001 (located along Water Street), and are zoned "C-1" (Neighborhood Commercial).

NOTE: *Chapter 1250.02(r) General Parking Requirements:* 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:

- (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

- (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 1250.03(b)(g) Private clubs or lodge halls: One (1) for each seventy-five (75) square feet of usable floor area.*

NOTE: *Chapter 1215.02(81) Floor Area, Usable:* For the purposes of computing off-street parking requirements, that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Such floor area that is used or intended to be used principally for the storage or processing of merchandise, for hallways or for utilities or sanitary facilities, shall be excluded from this computation of usable floor area. Measurement of usable floor area shall be the sum of the horizontal area of the several floors of the building, measured from the exterior faces of the exterior walls.

1. The applicant is requesting a zoning variance to reduce the required amount of parking on the northern properties which would reduce the required parking from 11 spaces to 0 spaces.

Recommendation:

1. The Deputy Administrator recommends denial of the variance. With the anticipated traffic of membership during events, this building would demonstrate a need for parking spaces. The applicant is requesting that parking be reduced by one hundred (100) percent (21 spaces), while the previous variance granted would reduce the parking requirement to 11 (50%).

Mr. Easterling reviewed Application 17-17. Mr. Abair said that the City decided to eliminate Water Street so they will no longer have vehicular access. He said that he met with the Administration and they said to redesign it as a walk-in facility. Mr. Abair said that City Council has approved \$435,000 for parking and he showed the design that the Mayor wants. Mr. Vela asked where that parking would be located. Mr. Abair said that it would be along Water Street at Hood Park. Mr. Abair said that once construction is finished the multi-use path will be extended to Hood Park. He added that they did not have a parking lot for 80 years and public parking in the area has worked. Mr. Bade said that if you have a building, you need parking places. He said that if they plan on relying on public parking, he wonders how much of the \$435,000 they are contributing. Mr. Bade asked Mr. Easterling if Water Street will be closed. Mr. Easterling said that he could not answer that. Mr. Decker asked how the Board could get an understanding about whether the Boat Club will have vehicular access because it makes no sense to put in parking if they can't access it. Mr. Easterling contacted Brody Walters, Planning and Zoning Administrator, by telephone. Mr. Easterling said that Mr. Walters stated that if the Boat Club is required to have parking, the City will have to allow them vehicular access. Mr. Vela said based on that statement, they would have to deny the variance. Mr. Easterling said that the Board should base their decision on whether they believe the request meets four of the criteria

of Section 1275.02(c)(3). Mr. Abair said that the Planning Commission thought it was a terrible plan to have bikes and people together. Mr. Bade clarified that if parking is required, there will be a road. Mr. Easterling reiterated that if parking is required, the Boat Club will be given vehicular access. Mr. Abair said that the Planning Commission won't approve it. Mr. Bade stated that they aren't the Planning Commission, and Mr. Abair is telling him how he has to vote. Mr. Pickerel said that based on the information the Board has, he does not think they can make an informed decision. Mr. Abair asked that if the request is going to be denied, if it can be tabled instead.

Mr. Bade moved to table Application 17-17. Mr. Pickerel seconded and it was unanimously approved.

There being no further business, the meeting adjourned at 6:41 p.m.

Respectfully submitted,

Mary Jo Sutton