

BOARD OF ZONING APPEALS

APRIL 10, 2017

The meeting was called to order at 5:30 p.m. by Chairman Craig Pickerel. Board members present were Jason Decker, Niki Decker, Craig Pickerel and Rob Vela (4). Greg Bade was absent (1). Also present was Mark Easterling, Deputy Planning and Zoning Administrator.

Mr. Pickerel moved to approve the minutes of the March 13, 2017 meeting as written. Mr. Decker seconded. Ayes: (4). Nays: (0).

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

APPLICATION, 6-17 - Anne Yager on behalf of The Collaborative and Perrysburg Schools is requesting two zoning variances to allow the construction of two signs larger than the maximum of 48 SF. The property is located at 25480 Hull Prairie Road and is zoned "INS" (Institutional Uses).

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

INS Zoning:

Maximum Size: 48 SF

1. The requested variance would permit the applicant to install a permanent freestanding sign along Roachton Road with a size of approximately 70 SF.
2. The requested variance would permit the applicant to install a permanent freestanding sign along Hull Prairie Road with a size of approximately 70 SF.

Recommendation:

1. The Deputy Administrator recommends approval based on meeting the criteria for variances B, C, D, and E of Ch. 1275.02(3). Sign is of good quality, design, and matches the design and quality of other schools throughout the city.
2. The Deputy Administrator recommends approval based on meeting the criteria for variances B, C, D, and E of Ch. 1275.02(3). Sign is of good quality, design, and matches the design of other schools throughout the city.

Mr. Easterling reviewed Application 6-17. Anne Yager, the applicant, was present. Ms. Yager stated that this sign will be identical to the sign down the road at Perrysburg High School. She said that the reason it exceeds the limit is because it's two-sided. Ms. Decker asked if the size is the same as the sign at the High School or if it's just the design that is the same. Ms. Yager said the size is also the same. The only change is the brick will match the new school. Mr. Decker stated that the application lists issues with the setback. Mr. Easterling said that those issues have been resolved. Mr. Pickerel asked if any comments have been received by neighbors. Mr. Easterling said that they have received no comments.

Mr. Decker moved to approve Application 6-17, parts 1 and 2, finding B, C, D. and E of 1275.02(c)(3) to be true. Mr. Vela seconded and it was unanimously approved.

APPLICATION, 7-17 - Ramesh Patel on behalf of Sunrise Hospitality, Inc. is requesting one variance to permit the construction of a building that is taller than otherwise permitted. The subject property is located on parcel #s; Q61-400-090105004000, Q61-400-090105005000 and Q61-400-090105001007 and all are zoned “C-4” (Highway Commercial).

NOTE: *Chapter 1250.03 Maximum Building Height:* The following provisions shall apply to buildings located in A1, C4, OS, I1, I2, INS and PBP zoning districts within the City of Perrysburg.

- (a) The Board of Zoning Appeals may grant a height variance for any portion of a building that is taller than the maximum permitted height specified in Chapter 1230 “Intensity & Dimensional Standards” providing the variance does not exceed 50% of the maximum height specified in Chapter 1230.
- (b) The height regulations of Chapter 1230 “Intensity & Dimensional Standards” shall not apply to communication towers, monuments, water/cooling towers, ornamental towers and spires, chimneys, silos, elevator bulkheads, smoke stacks, conveyors and other similar items as determined by the Planning & Zoning Administrator.

The chart below provides an example of the relief this code section could provide:

Zoning		Max BZA Approval
Max Height (ft.)		(ft.)
C4	35	52.5

1. The applicant is requesting a height variance to allow a building that is 52’ 6” tall. *(Note: Application was previously approved 12/14/15 and has since expired. There were no changes made to this application)*

Recommendation:

1. The Deputy Administrator recommends approval of the zoning variance based on meeting the criteria for variances B, C, D, and E of Ch. 1275.02(3) and the surrounding land uses, setbacks to other buildings, streets, and property lines.

Mr. Easterling reviewed application 7-17 and noted that the variance was originally approved in 2015 but has expired. Ramesh Patel and Tom Worline of the JDI Group were present. Mr. Worline said that the variance request is the same as before and some site changes delayed construction. Mr. Vela asked if the Code has changed since 2015. Mr. Easterling said that relative to this request it has not. Mr. Vela asked if they plan to build this year and Mr. Patel said that is the plan.

Mr. Decker moved to approve Application 7-17 finding B, C, D and E of 1275.02(c)(3) to be true. Ms. Decker seconded and it was unanimously approved.

APPLICATION, 8-17 - Michael Karafa is requesting one zoning variance that would allow him to construct a six (6) foot fence in the side yard. The property is located at 201 E. Seventh 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 construct a 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 C, D, E, and F of Ch. 1275.02(3). Also, the uniqueness of this corner lot leaves this property with a small portion of rear yard.

Mr. Easterling reviewed Application 8-17. Mike Karafa, the applicant, was present. Mr. Decker asked if any comments had been received from neighbors. Mr. Easterling said that they received no comments. Mr. Karafa said that two of his neighbors approached him and said that they were okay with it. The Board discussed other fences in the general area of the applicant’s property.

Mr. Vela moved to approve Application 8-17 finding C, D, E, and F of 1275.02(c)(3) to be true. Ms. Decker seconded and it was unanimously approved.

APPLICATION, 9-17 - Andrew Peterson is requesting one zoning variance to permit the construction of an accessory structure within the front yard. The property is located at 26525 Ft. Meigs Court and is zoned as “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 (24’ x 40’) in the front yard of the property.

Recommendation:

1. The Deputy Administrator recommends approval of the zoning variance based on meeting the criteria for variances A, C, D, and F of Ch. 1275.02(3). This lot has a

front yard on each side of the home leaving no place to construct an accessory structure.

Mr. Easterling reviewed Application 9-17. Andrew Peterson, the applicant, said that he wants to add garage space and a workshop. Mr. Decker said that he is very familiar with the property. Mr. Vela asked if it meets the setbacks. Mr. Easterling said that it does. Mr. Pickerel asked if any comments were received from neighbors. Mr. Easterling said that his office received no comments. Charles Hablitzel, Fort Meigs Court, was present at the meeting and he said that he has no problems with it. Mr. Pickerel asked how tall the structure will be. Mr. Peterson said that it will have 10' sidewalls. Ms. Decker asked if it will match the house. Mr. Peterson said that it will have metal siding, but it will match the vinyl siding on the house. Ms. Decker asked if the workshop was just for a hobby, not a business. Mr. Peterson said it is just a hobby.

Mr. Decker moved to approve Application 9-17, finding C, D, E and F of Section 1275.02(c)(3) to be true. Mr. Vela seconded and it was unanimously approved.

APPLICATION, 10-17 - John Sperry on behalf of Thomas Dubose & Associates is requesting one zoning variance to permit the construction of a parking lot in the required front yards of the property. The property is located at 810 W. South Boundary Street and is zoned as "C-4" (Highway Commercial).

NOTE: *1230.02(g) Accessory Uses; Off Street Parking; Material Storage in Front Yard:* No accessory use or structure, off-street parking facility or material or equipment storage shall be located in the required front yard without the approval of the Board of Zoning Appeals.

1. The applicant is requesting approval to construct 31 parking spaces in the required front yards of the property.

Recommendation:

1. The Deputy Administrator recommends denial of the variance which would allow for the applicant to construct 31 parking spaces within the front yard setback. The total parking required for this site is 88 spaces, and this plan shows 107. This site is also within the Corridor Overlay and is therefore required to provide a screen wall and landscaping to screen the view of the parking area. The current site plan does not show a screening wall and area for potential landscaping along the corridor. Per the recommendations of the Planning Commission, the subject property could potentially see a change in the parking layout should a screening wall and landscaping be required by Planning Commission.

Mr. Easterling reviewed Application 10-17. He distributed a map showing where the pipeline runs. He said that they are still gathering information regarding the easements that affect this property, but he is changing his recommendation. He stated that he is recommending that the variance be approved based on meeting the criteria for variances

of A, C, D and F of Chapter 1275.02(c)(3). Jon Modene was present representing the applicant. He stated that there are a lot of moving issues with the pipelines and ODOT drainage easements. He said that they are trying to honor the Code and foresee this property having a high restaurant use so they feel they will need the additional parking. Mr. Pickerel asked if the parking requirements are based on a mixed use. Mr. Easterling said that they are because the tenants are unknown. Mr. Modene said that they want to have more parking than needed. Mr. Decker clarified that the screen wall would need to be approved by the Planning Commission. Mr. Easterling said that is correct.

Jim Hagen, Avenue Road, asked if the parking in the front yard will all be on SR25 or if it will also be on South Boundary. Mr. Easterling said it will be on both streets.

Mr. Decker moved to approve Application 10-17, adding that it be a maximum of 31 parking spaces, finding A, C, D & F of Section 1275.02(c)(3) to be true. Mr. Vela seconded and it was unanimously approved.

APPLICATION, 11-17 - – Jay and Susan Gardener are requesting one zoning variance to permit front yard setback relief. The property is located at 27575 W. River Road and is zoned R-1 Single Family Residential.

NOTE: *Chapter 1230.01 Intensity and Dimensional Standards:*

R-1 Zoning:

Front Yard = 50'

Rear Yard = 60'

Side Yard Min = 10'

Side Yard Total = 25'

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 twenty (20) feet, rather than the required fifty (50) feet.

Recommendation:

1. The Deputy Administrator recommends approval of the variance based on the uniqueness in location, size, and shape of the property limits the building requirements. By allowing the potential home to reduce the front yard setback to 20', it would allow the home to meet all other setback requirements. (Ch. 1275.02(c)(3) – A, C, D, F)

Mr. Easterling reviewed Application 11-17, noting that this should be an exception, not a variance. Jay and Susan Gardener, the applicants, were present. Mr. Gardener stated that they will meet the setback to the west where there is an existing home. Mr. Decker said that it is an interesting lot. Mr. Vela asked if the Gardeners had purchased the lot yet. Mr. Gardener said that they have not, but they have an accepted offer contingent upon being granted the variance. Mr. Pickerel asked if there was a structure on the property previously. Mr. Gardener said there was not; it is undeveloped. Mr. Pickerel asked if there were any comments received from neighbors. Mr. Easterling said that they received some

phone calls with questions, but no positive or negative comments. There were several neighbors of the property in the audience. They asked about the orientation of the house and if the house would be built on the slope. Mr. Gardener said that the house would be square to the road and it would not be on the slope. Mr. Vela asked how long it has been since this property was laid out. Mr. Gardener said the survey was done three weeks ago.

Mr. Vela moved to approve Application 11-17 based on finding A, C, D and F of 1275.02(c)(3) to be true. Mr. Decker seconded and it was unanimously approved.

APPLICATION, 12-17 - William Sherman is requesting one zoning exception for side yard setback relief. The property is located at 4294 Morgan Lane and is zoned as R-3 (Single Family Residential).

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 the exception for an existing addition attached deck and pergola to remain within the side yard setback. The deck and pergola sit approximately 5.5' feet from the side yard property line.

Recommendation:

1. The Deputy Administrator recommends approval of the exception subject to input provided by neighboring property owners prior to and/or during the meeting. The existing structure location does not pose any safety or visibility concerns.

Mr. Easterling reviewed Application 12-17. William Sherman was present. Mr. Decker asked how long the structure has been up. Mr. Sherman said he put it up in August of 2015 before he left for Afghanistan. Mr. Easterling said that he heard from the neighbor directly behind the property and he said that he loves the structure; it adds character to the neighborhood. Mr. Vela asked if it is sitting on grade or cement. Mr. Sherman said that he used 3' of treated 4 x 4's and they are cemented down in there.

Mr. Decker moved to approve Application 12-17 as submitted. Mr. Vela seconded and it was unanimously approved.

There being no further business, the meeting adjourned at 6:09 p.m.

Respectfully submitted,

Mary Jo Sutton