

BOARD OF ZONING APPEALS

APRIL 9, 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. Vela moved to approve the minutes of the March 12, 2018 meeting as written. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

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

APPLICATION 08-18 – Jerry Abair and Kate MacPherson, on behalf of Perrysburg Boat Club, are requesting one zoning variance to permit parking relief. The properties are identified as parcel numbers Q61-000-901206004001 and Q61-000-901206005001 (southern parcels 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 southern properties which would reduce the required parking from 11 spaces to 0 spaces.

Recommendation:

1. The Deputy Administrator recommends approval of the variance based on meeting the criteria for variances A, C, D, and F of Ch. 1275.02(3). The orientation of the building does not allow for adequate room to place parking spaces in a format that does not allow for vehicles to not infringe on the multi-use path as well as pedestrian traffic.

Mr. Easterling reviewed Application 8-18. He noted that all four applications on the agenda have been approved by the Board of Zoning Appeals in the past. Mr. Abair apologized for bringing these to the Board again. Mr. Vela asked if anything has changed since this application was last approved. Mr. Abair said nothing has changed. Mr. Vela asked if there were any comments from neighbors, and Mr. Easterling said no comments were received.

Mr. Decker moved to approve Application 8-18 finding A, C, D and F of Ch. 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

APPLICATION 09-18 - Jerry Abair and Kate MacPherson, on behalf of Perrysburg Boat Club, are requesting one zoning variance to permit front yard setback relief. The properties are identified as parcel numbers Q61-000-901206004001 and Q61-000-901206005001 (southern parcels located along Water Street), and are zoned "C-1" (Neighborhood Commercial).

NOTE: *Chapter 1230.01 Intensity and Dimensional Standards:*
C-1 Zoning:

Front Yard = 30'
Rear Yard = 25'
Side Yard Min = 0'
Side Yard Total = 0'.

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 fifteen (15) feet, rather than the required thirty (30) feet.

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). 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 multi-use path.

Mr. Easterling reviewed Application 9-18. Mr. Vela asked if anything has changed since this application was last approved. Mr. Abair said nothing has changed. Mr. Vela asked if we have gotten any further on the multi-use path. Mr. Easterling said there have been no changes that he is aware of. Mr. Vela asked if there were any comments from neighbors, and Mr. Easterling said no comments were received.

Mr. Decker moved to approve Application 9-18 finding A, C, D and F of Ch. 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

APPLICATION 10-18 - Jerry Abair and Kate MacPherson, on behalf of Perrysburg Boat Club, are requesting one zoning variance to permit parking relief. The properties are identified as parcel numbers Q61-000-901205003000, Q61-000-901205004000, Q61-000-901205004001, Q61-000-901205005000, Q61-000-901205006000 (northern parcels located along Water Street), and are zoned P Parks.

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 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 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 14 spaces to 0 spaces.

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). The uniqueness of the lot does not provide adequate space to provide the standard 10'x20' parking spaces as the land begins to descend three (3) feet beyond the property line.

Mr. Easterling reviewed Application 10-18. Mr. Vela asked if anything has changed since this application was last approved. Mr. Abair said nothing has changed. Mr. Vela asked if there were any comments from neighbors, and Mr. Easterling said no comments were received. Mr. Vela said that he is not aware of any significant parking changes for the City near the riverfront.

Mr. Decker moved to approve Application 10-18 finding A, C, D and F of Ch. 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

APPLICATION 11-18 - Jerry Abair and Kate MacPherson, on behalf of Perrysburg Boat Club, are requesting one zoning variance to permit front, side, and rear yard setback relief. The properties are identified as parcel numbers Q61-000-901205003000, Q61-000-901205004000, Q61-000-901205004001, Q61-000-901205005000, Q61-000-901205006000 (northern parcels located along Water Street), and are zoned "P" (Parks). The requested variance would permit the applicant to construct a structure within the required setback from the front yard property line.

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(f) Setbacks from Public Watercourses and Drainage Ditches. No building or structure shall be permitted closer than fifteen (15) feet from a public watercourse or drainage ditch as measured from the top of the slope.*

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 three (3) feet, rather than the required fifty (50) feet
2. The applicant is requesting a zoning variance to reduce the required minimum side yard setback. The variance would permit the side yard setback to be reduced to two (2) feet, rather than the required twenty (20) feet
3. The applicant is requesting a zoning variance to reduce the required setback from watercourse and rear yard setback reduced to five (5) feet from the rear yard property line/watercourse.

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). 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 multi-use path.
2. 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). 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 multi-use path.
3. 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). The side setbacks do not infringe on neighboring properties, nor city properties or the city right of way.

Mr. Easterling reviewed Application 11-18. Mr. Vela asked if anything has changed since this application was last approved. Mr. Abair said nothing has changed. Mr. Vela asked if

there were any comments from neighbors, and Mr. Easterling said no comments were received.

Mr. Decker moved to approve Application 11-18 parts 1, 2 and 3, finding A, C, D and F of Ch. 1275.02(c)(3) to be true. Seconded by Ms. Decker. Ayes: (4). Nays: (0).

There being no further business, the meeting adjourned at 5:43 p.m.

Respectfully submitted,

Mary Jo Sutton