

BOARD OF ZONING APPEALS

DECEMBER 11, 2017

The meeting was called to order at 5:30 p.m. by Chairman Craig Pickerel. Board members present were Jason Decker, Craig Pickerel, and Rob Vela (3). Greg Bade and Niki Decker were absent (2). Also present were Mark Easterling, Deputy Planning and Zoning Administrator, and Cody Grodi, Zoning Inspector.

Mr. Decker moved to approve the minutes of the November 13, 2017 meeting as written. Mr. Pickerel seconded the motion. Ayes: Decker and Pickerel (2). Abstain: Vela (1).

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

APPLICATION 48-17 – Joe Berry is requesting one zoning exception to retain a newly constructed patio in the rear yard. The property is located at 136 Birchcrest Drive and is zoned 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 an exception to reduce the minimum side yard setback to six and a half (6 ½) feet to allow him to keep the concrete patio that has been installed in the rear yard.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning exception. The patio is replacing a similar sized patio that was in the rear yard. The patio is not substantial and was placed in this location so that the pergola would not block windows and doors. There is also a tree barrier along the property line, where the section of the patio comes closest to the neighboring property.

Mr. Grodi reviewed Application 48-17. The applicant was not present. Mr. Vela asked if any comments were received from neighbors. Mr. Grodi said there were no comments received. Mr. Decker clarified that the request is to reduce the side yard setback from 8' to 6.5'. Mr. Grodi said that is correct. Mr. Vela asked how the applicant became aware he needed a variance. Mr. Grodi said that the Planning and Zoning Division sent him a letter, and he added that the old patio was conforming. Mr. Decker moved to approve Application 48-17. Mr. Vela seconded, and it was unanimously approved.

APPLICATION 49-17 - Perry's Crossing Apartments is requesting one zoning variance that would allow for the installation of one free standing sign within the required setback from the front property line. The property is located at 1080 Valley Bluff Road and is zoned as RM (Multiple Family Residential).

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

Setback: 25' from property line

1. The requested variance would permit the applicant to install a permanent freestanding sign with a seven (7) foot setback, opposed from the required twenty-five (25) foot setback from the property line.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, B, C, and D of Ch. 1275.02(c)(3). Due to a large public right-of-way, installing the sign at the required twenty-five (25) foot setback would make the sign difficult to see from the road.

Mr. Grodi reviewed Application 49-17. John Grigoli of Epic Signs was present on behalf of the applicant. Mr. Grigoli said that they are replacing an existing sign and if they moved it back, they would have to remove trees. Mr. Decker asked if the sign is the same size as the existing sign. Mr. Grigoli said that the size has been reduced a little to meet the Code requirements. Mr. Vela asked if the Planning and Zoning Division has checked the size of the sign, and Mr. Grodi said that they have. Mr. Grigoli said that they want to move the sign over approximately five feet to the right. Mr. Decker asked if there were any comments received from neighbors. Mr. Grodi said no comments were received. Mr. Vela moved to approve Application 49-17 finding A, B, C & D of Chapter 1275.02(c)(3) to be true. Mr. Decker seconded, and it was unanimously approved.

APPLICATION 50-17 - Chad Helbert, on behalf of Pak Mail, is requesting an administrative appeal concerning the interpretation and application of Chapter 1225.08, pertaining to the classification of land use made by the Perrysburg Planning and Zoning Division. The property is located at 150 W. South Boundary and is zoned C-3 (Community Shopping).

NOTE: *Chapter 1275.02(e)(1) Appeals to the Board:* 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: *1225.08 Land Use and Base Zoning District Table:*

	Ag	Residential						Commercial				Office Service	Industrial		Special			Institutional INS
Commercial	A-1	R-1	R-2	R-3	R-4	R-5	RM	C-1	C-2	C-3	C-4	OS	I-1	I-2	PBP	P	S-1	
Automotive Sales or Lease for New and Used Vehicles-Outdoor											S		S	S	S			

	Ag	Residential						Commercial				Office Service	Industrial		Special			Institutional INS
Industrial	A-1	R-1	R-2	R-3	R-4	R-5	RM	C-1	C-2	C-3	C-4	OS	I-1	I-2	PBP	P	S-1	
Transport & Trucking													S	S				

NOTE: Chapter 1215.02(17) Definitions: Automotive Sales or Lease of New or Used Vehicles - The use of any building or portion thereof, or other premises or portion thereof, for the display, sale, or lease of new and/or used motor vehicles.

NOTE: Chapter 1215.02(189) Definitions: Transportation and Trucking - Any premises used by a motor freight company as a carrier of goods, which is the origin or destination point of goods being transported, for the purpose of storing, transferring, loading and unloading goods.

1. The applicant is requesting an administrative appeal on the classification of land use made by the Planning and Zoning Division. The applicant has begun providing U-Haul services, in addition to the services that are currently provided by Pak Mail. Since the new services change the existing land use of the property, a new occupancy permit is required.

Recommendation:

1. No recommendation provided.

Mr. Easterling reviewed Application 50-17. Chad Helbert, 150 West South Boundary Street, was present. He said that this process has been confusing, and he did not know that he was violating the Code. Mr. Easterling explained that Mr. Helbert's business added an additional use that is not permitted in C3 zoning districts. This administrative appeal is based on how the additional use is being classified by the Planning and Zoning Division. Mr. Helbert said that they do not lease the vehicles. Mr. Decker noted that they are renting them and that is pretty much the same. Mr. Pickerel asked Mr. Helbert if there is a category that he feels is a better fit. Mr. Helbert asked if they could just add restrictions like limiting the number of vehicles permitted. Mr. Pickerel asked if any comments were received from neighboring businesses. Mr. Grodi said that they received no comments.

Mr. Helbert said that he had trucks parked on the outside of the parking lot and there was a complaint so he moved them into the center of the lot. He added that after he was approached by U-Haul, he went to the Board of the plaza and they put a restriction on the number of vehicles that could be parked in the parking lot. The remainder of the trucks have to be parked in the rear of the building. Mr. Decker said that with how it is written, they really have no choice but to deny the request. There was discussion regarding what Mr. Helbert could do moving forward. Mr. Easterling said that if the Board denies the request, Mr. Helbert could appeal to City Council, or he could request that the Planning Commission recommend approval of a code amendment to add an additional category that would be permitted in C3 zoning districts. Mr. Decker moved to deny Application 50-17. The motion was seconded by Mr. Vela, and it was unanimously approved.

APPLICATION 51-17 - Otterbein Perrysburg is requesting four zoning variances to retain newly constructed accessory structures within the side yard. The property is located at 3529 Rivers Edge Drive and is zoned as RM (Multiple 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 of four accessory structures (7' x 7') in the side yard of the property.

Recommendation:

1. The Zoning Inspector recommends approval of the four zoning variance based on meeting the criteria for variances A, C, D, and F of Ch. 1275.02(c)(3). Due to the orientation of the main buildings, placing the accessory structures behind the main buildings would put the structures in the side yard of the property. A hardship would be created for the residents, due to the regular need to access the items in the accessory structures, if the accessory structures were placed in the rear yard. Additionally, landscaping will be installed to limit visibility from both external and internal views. The Board has the authority to approve or deny the request for a variance for each individual accessory structure.

Mr. Grodi reviewed Application 51-17. Lisa Chalk and Jeff Kmet of Otterbein were present. Mr. Kmet said that these sheds are used by residents as additional storage for their belongings. He said that is the reason for the proximity to the housing units. Mr. Vela asked if they are on a foundation or pad. Ms. Chalk said that they have wooden floors. Mr. Kmet added that the sheds were chosen based on the architecture of the buildings. Mr. Decker asked if any comments were received from neighbors, and Mr. Grodi said no comments were received. There was a discussion regarding the exact location of the sheds as indicated on the application. Mr. Vela asked if the setback off the property line is acceptable, and Mr. Grodi said that it is. Mr. Decker moved to approve Application 51-

17 finding A, C, D, and F of Chapter 1275.02(c)(3) to be true. The motion was seconded by Mr. Vela, and it was unanimously approved.

There being no further business, the meeting adjourned at 5:58 p.m.

Respectfully submitted,

Mary Jo Sutton