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December 31, 2015

TO: Board of Zoning Appeals
FROM: Brody Walters, Planning & Zoning Administrator
SUBJECT: January 11, 2016 Meeting Agenda

AGENDA

5:30 PM: Call Meeting to Order
Roll Call
Approval of November 9, 2015 Meeting Minutes
Administer Oath
Zoning Permit Obligation

APPLICATION, 01-16 – Ramesh Patel of Sunrise Hospitality, Inc. requests one zoning variance to permit an off-street parking facility to be located within a required front yard setback. The subject property is located near the intersection of Carronade Drive and Hulls Trace. The parcel numbers associated with this request include; Q61-400-090105001007, Q61-400-090105005000 and Q61-400-090105004000. The zoning of these parcels is C-4 (Highway Commercial).

The requested variance would permit the applicant to install a parking lot within the required front yard setback.

NOTE: 1230.02(i) Accessory Uses: Off-Street Parking 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. Ord. 103-2007. Passed 7-10-2007.

1. The applicant is requesting approval to construct an off-street parking facility part of which would be located within the required front yards of both Carronade Drive and Lake Vue Drive. In total the area within the required front yard setback would provide parking for approximately 56 vehicles.

Recommendation:

1. Variance criteria C and D could be met.

APPLICATION, 02-16 – Bob Hemminger on behalf of Owens Illinois (OI) requests a zoning variance to permit the installation of a sign within the required setback along N. Wilkinson Way. The subject property is located at 1899 N. Wilkinson Way and is zoned I-2 (General Industrial).

The requested variance would permit the applicant to install a permanent freestanding sign with a zero foot setback from the public right-of-way (25' closer than is otherwise permitted).

NOTE: 1250.32(a) *Permanent Signs Allowed*

I-2 Zoning:

Setback: 25' from right-of-way

NOTE: 1250.39 *Other Administrative Procedures*

The Board of Zoning Appeals may grant a variance only if it finds that all of the following apply:

- (a) That the literal enforcement of the requirements of this chapter would involve practical difficulties based on the presence of special conditions and circumstances which are peculiar to the land or structure involved and which are not applicable to other lands or structures in the same zoning district. (see factors 1-6)
 - (b) That granting the variance will not cause a substantial adverse effect to property or improvements in the vicinity or will not materially impair the intent and purposes of the requirement being varied or of this chapter, and is the minimum variance necessary to provide relief.
 - (c) That the variance would not adversely affect the delivery of governmental services (e.g. water, sewer, refuse).
 - (d) That the variance as granted would not confer on the applicant any special privilege, or deprive the applicant of rights, when compared with those rights commonly enjoyed by immediately adjoining properties.
 - (e) That the variance request is not one where the specific conditions pertaining to the property are so general or recurrent in nature as to make the formulation of a general regulation for those conditions reasonably practicable.
1. The applicant is requesting approval to install a permanent freestanding sign within the public right-of-way (as shown on the application). Signs other than those maintained by governmental agencies are not permitted to be located within the right-of-way so this request has been modified administratively to change the location of the sign from the right-of-way to the closest point outside of the right-of-way. This change was made because a variance to permit a sign in the right-of-way is not a valid request and could not be approved.

Recommendation:

1. No recommendation provided.

APPLICATION, 03-16 – Eric Vlaz on behalf of B&B Repairs, Ltd. requests an administrative appeal pertaining to the zoning classification of a business use. The subject property is located at 25481 N. Dixie Highway and is zoned C4 (Highway Commercial).

NOTE: 1215.02 *Definitions*

“Automotive Repair – Light” – Includes repair or replacement of automotive components for maintenance purposes, such as tires, mufflers, glass, etc. This does not include any item described by the definition of General Automobile Repair.

“Automotive Repair – General” – Includes engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service, such as body, frame or fender straightening and repair, overall painting, undercoating or steam cleaning of automobiles.

“Commercial Vehicle” – A vehicle designed or licensed by the state for the carriage of freight or merchandise.

NOTE: *1225.08 Use Regulations*

C4 zoning district:

“Automotive Repair – Light” = Permitted

“Automotive Repair – General” = Requires Special Approval

“Commercial Semi-Truck Sales/Service” = Not Permitted

1. The applicant is requesting an appeal to the decision to place the B&B Repairs use in the use category of “Commercial Semi-Truck Sales/Service”. The applicant is requesting this use be reclassified to “Automotive Repair – Light”. Upholding the current category of “Commercial Semi-Truck Sales/Service” would not permit the business to continue their business operations at this location.

Recommendation:

1. No recommendation provided.