

Agenda
Board of Zoning Appeals

Date: November 7, 2023
To: Board of Zoning Appeals
From: Cody Grodi, Zoning Inspector
Re: **Items for the November 13, 2023 Meeting**

1. Call to Order - 5:30 PM
2. Roll Call
3. Approval of October 9, 2023 Meeting Minutes
4. Administer Oath
5. Zoning Permit Obligation
6. New Business

APPLICATION 39-23

TERESA KRANJEC IS REQUESTING A ZONING VARIANCE TO ALLOW FOR A DRIVEWAY ADDITION. THE PROPERTY IS LOCATED AT 604 PRAIRIE ROSE DRIVE AND IS ZONED R-2 (SINGLE FAMILY RESIDENTIAL).

NOTE: *CHAPTER 1250.51(C)(2) RESIDENTIAL DRIVEWAYS:* RESIDENTIAL DRIVEWAYS SHALL BE A MINIMUM OF TEN (10) FEET WIDE AND A MAXIMUM OF TWENTY-FOUR (24) FEET WIDE WHERE IT MEETS THE CURB, ALLEY OR STREET.

1. THE APPLICANT IS REQUESTING A VARIANCE THAT WOULD ALLOW FOR THE DRIVEWAY TO BE INSTALLED AT TWENTY-SIX (26) FEET WIDE IN THE CITY RIGHT-OF-WAY.

Recommendation:

1. The Zoning Inspector recommends denial of the variance, as the request does not meet enough of the conditions required to grant a variance. The property will still have a reasonable return without the variance. The driveway can be installed at twenty-six (26) feet on the private property

side and then taper to twenty-four (24) feet in the city right-of-way.

APPLICATION 40-23

CONNIE CRONIN IS REQUESTING A ZONING VARIANCE TO INSTALL A SIGN. THE PROPERTY IS LOCATED AT 26875 N. DIXIE HIGHWAY AND IS ZONED C-4 (HIGHWAY COMMERCIAL).

NOTE: CHAPTER 1250.32(A) PERMANENT SIGNS ALLOWED
CO SPECIAL DISTRICT: FREESTANDING SIGN
MAXIMUM SIZE: 48 SQUARE FEET
MAXIMUM HEIGHT: 6 FEET
SETBACK: 10'

NOTE: CHAPTER 1250.39 VARIANCES

1. 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. A FINDING OF SUCH SPECIAL CONDITIONS OR CIRCUMSTANCES SHALL BE BASED ON A REVIEW OF FACTORS INCLUDING BUT NOT LIMITED TO THE FOLLOWING:

(1) EXCEPTIONAL NARROWNESS, SHALLOWNESS OR SHAPE OF A SPECIFIC PROPERTY ON THE EFFECTIVE DATE OF THIS CHAPTER OR AMENDMENT; OR

(2) EXCEPTIONAL TOPOGRAPHIC OR ENVIRONMENTAL CONDITIONS OR OTHER EXTRAORDINARY SITUATION ON THE LAND, BUILDING OR STRUCTURE; OR

(3) THE IMPACT ON THE PROPERTY OF USES OR DEVELOPMENT OF IMMEDIATELY ADJOINING PROPERTY OR PROPERTIES.

(4) WHETHER THE APPLICANT WAS AWARE OF THE RELEVANT CODE LIMITATION WHEN THE PROPERTY WAS SOLD OR LEASED TO IT.

(5) WHETHER THE PROPERTY IN QUESTION WILL YIELD A REASONABLE RATE OF RETURN IN THE ABSENCE OF THE PROPOSED VARIANCE, OR WHETHER THERE CAN BE ANY BENEFICIAL USE OF THE PROPERTY WITHOUT THE PROPOSED VARIANCE.

(6) WHETHER THE ISSUE COULD BE RESOLVED BY SOME OTHER METHOD, EVEN IF THIS ALTERNATE METHOD IS LESS CONVENIENT OR MOST COSTLY TO ACHIEVE.

(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, GARBAGE).

(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 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 A VARIANCE TO INSTALL A SIGN. THE SIGN WILL BE INSTALLED CLOSER TO THE PROPERTY LINE THAN WHAT IS PERMITTED. THE SIGN WILL BE SETBACK TWO (2) FEET FROM THE PROPERTY LINE.

Recommendation:

1. The Zoning Inspector recommends denial of the zoning variance as the request does not meet enough of the conditions required to grant a variance. The property still has beneficial use without the variance. Even if denied, the property owner can still install a sign at the required setback.

APPLICATION 41-23

KACY AND TYLOR DWORNIK ARE REQUESTING TWO ZONING VARIANCES IN ORDER TO KEEP A RECENTLY INSTALLED SHED. THE PROPERTY IS LOCATED AT 1471 INDIAN CREEK DRIVE AND IS ZONED R-4 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1250.61(A) ACCESSORY BUILDINGS AND USES: NO ACCESSORY BUILDINGS OR USES SHALL BE LOCATED IN ANY FRONT OR SIDE YARD SETBACK EXCEPT UNDER UNUSUAL CIRCUMSTANCES WHERE SUCH ACTIVITY WILL CONFLICT WITH THE INTENT AND PURPOSES OF THE ZONING CODE OR WHERE ENFORCEMENT WOULD RESULT IN EXTREME HARDSHIP. EITHER EXCEPTION SHALL REQUIRE

APPROVAL OF THE BOARD OF ZONING APPEALS.

NOTE: CHAPTER 1250.61(B) ACCESSORY BUILDINGS, SUCH AS GARAGES AND UTILITY BUILDINGS, MAY BE LOCATED IN A REAR YARD, PROVIDED THAT SUCH BUILDINGS ARE SEPARATED FROM THE MAIN STRUCTURE BY AT LEAST TEN (10) FEET AND ARE SET BACK AT LEAST FIVE (5) FEET FROM THE SIDE AND REAR LOT LINES.

1. THE APPLICANT IS REQUESTING A ZONING VARIANCE TO ALLOW FOR A SHED TO BE INSTALLED IN THE SIDE YARD OF THE PROPERTY.
2. THE APPLICANT IS REQUESTING A ZONING VARIANCE TO ALLOW FOR A SHED TO BE INSTALLED ONE (1) FOOT FROM THE PROPERTY LINE.

Recommendation:

1. The Zoning Inspector recommends denial of the zoning variance as it does not meet enough of the criteria needed to grant a variance. The lot has no unusual circumstances that would complicate placing the shed in the rear yard. This property is not a corner lot and the grading is typical of most any lot within the City of Perrysburg. The easement on the lot is a common eight (8) foot easement, which will still leave a large amount of the rear yard as an option for placement of the shed. If denied the variance, the shed will still be able to be placed within the rear yard and there will be beneficial use of the property. The variance is substantial and could change the character of the neighborhood as neighboring properties do not have accessory structures located in the side yard. The property owner has other feasible options that would not require a variance.
 2. The Zoning Inspector recommends denial of the zoning variance as it does not meet enough of the criteria needed to grant a variance. The variance request is significant as it will place the shed within one (1) foot from the property line. There are no challenges on the lot that would prevent the shed from being installed the required five (5) feet from the property line.
7. Other Business
 8. Adjournment

The next meeting is scheduled for December 11, 2023 at 5:30 PM in the Municipal Building, located at 201 W. Indiana Avenue.

cc: Media

