

Minutes of Perrysburg Planning and Zoning Committee

Meeting Held February 27, 2024

CALL TO ORDER - 5:00 PM

The meeting was called to order at 5:01 p.m. by Chairperson Tim McCarthy.

ROLL CALL

Committee Members present were Cory Kuhlman, Barry VanHoozen, and Tim McCarthy. Also present were Joe Fawcett, City Administrator, Brody Walters, Planning and Zoning Administrator, and Mark Easterling, Deputy Planning and Zoning Administrator.

CITIZEN'S CONCERNS

Richard Bailin, 26445 Stirling Court, stated that a year ago he attempted to get a permit to put a driveway in to replace his existing one. He was told he could only do that if he put a sidewalk in, even though there are no sidewalks present in Carrington Woods. The footprint of his driveway will be the same. Mr. Easterling was never given an answer as to where they stand on this and does not know what the Law Director found. Mr. McCarthy recalled that Mr. Effler was having trouble with identifying areas in which sidewalks do not exist and enacting an Ordinance that would identify that.

Mr. Walters stated that they talked about a transportation plan, spelling out where they would want sidewalks, and this would be helpful in multi-use paths as well. Mr. Fawcett stated that this puts everyone in a bad spot and that Mr. Effler is very thoughtfully working through this to identify an objective way to go about this. Mr. Bailin noted that the other issue is that the properties are graded in a manner that they would need to be re-graded before installing a sidewalk. Mr. McCarthy added that there is an exception to sidewalks where topographical conditions do not permit them.

Mr. Fawcett apologized on behalf of the City that it has taken a year for them to get to a conclusion or decision. Mr. Fawcett and Mr. Walters will talk to Mr. Effler. Mr. VanHoozen asked Mr. Bailin's thoughts on putting a sidewalk in his driveway and meeting ADA requirements. Mr. Bailin responded that he lives on a cul-de-sac and would have to re-grade the whole front of his property. Mr. Fawcett will work on the Administrative level to identify a reasonable first step forward. Mr. Easterling asked Mr. Bailin to call their office at the end of next week, so he can inform him of the dates and process.

Rick Ruffner, Owner of O'Deer Diner, asked why his business is always singled out relative to everyone else that has accessory structures. He stated that the Fire Department has two trailers in their parking lot, but he received a letter when he had his trailer in his business' parking lot. Mr. Walters stated that different Law Directors have different opinions of what an accessory building or trailer is. He added that a trailer is okay if you are actively doing work, as long as it goes away when the work is done. Trailers are not permitted to be long-term storage.

Mr. Ruffner gave the Planning and Zoning department a list of 200 businesses five years ago that also had accessory structures. Mr. Easterling responded that they went through that entire list and addressed the ones where there was a problem. Mr. Ruffner said that he found another 30 just today and made mention of the ones at Levis Commons. Mr. Easterling noted that they have had a discussion with Levis Commons already, and it has been resolved, with an exit strategy in place. Mr. McCarthy asked about the variance process. Mr. Walters responded that there are three main requirements, but Mr. Ruffner's structure does not meet those.

Mr. Walters' goal is to preserve property rights and is not interested in disadvantaging anyone. He noted that Mr. Ruffner's list caused a flurry of letters to go out. Mr. Kuhlman clarified that Mr. Ruffner understands that his structure is in violation of the code and wants to understand what he is looking for. Mr. Ruffner responded that his three options are for the City to look the other way, to change the Code, or he is out of business. The shed is vital to his business to store dry goods. Mr. Kuhlman's philosophy is if they try to adjust the Code to solve singular problems, it can create a mess. The Committee Members and the City do not want Mr. Ruffner to go out of business.

Mr. Kuhlman agreed that the City should be setting an example when it comes to Zoning Codes. Mr. Walters is acknowledging that the Code says they have to play by the same rules, but in some cases they cannot, as they do fundamentally different things. Mr. McCarthy asked Mr. Fawcett to identify any areas in which the City is not in compliance with their own Zoning Code for this specific issue. Mr. McCarthy suggested storing the dry goods at a different location near Mr. Ruffner's building. Mr. VanHoozen noted that this is not a good situation. Mr. McCarthy noted that the City cannot make an exception because Mr. Ruffner is a good guy who does a lot of worthwhile projects in the City.

Mr. Fawcett stated that they are asking staff to enforce legislation fairly and objectively across the City. Mr. Ruffner has been made repeatedly aware of the Zoning Code violations and has met with Mr. Fawcett. He appreciates the amount of work he does for the community, but at the end of the day, it is a violation of the Zoning Code. The building must leave in order to comply with the Zoning Code. Mr. Kuhlman acknowledged that Mr. Ruffner is in a tough spot, but City Council has an obligation not to impede Planning and Zoning's job.

APPROVAL OF DECEMBER 6, 2023 MEETING MINUTES

There being no objections, the minutes of the December 6, 2023 meeting were approved 3-0.

APPOINTMENT OF JAN MATERNI TO HISTORIC LANDMARKS COMMISSION

The Committee agreed that they highly recommend Jan Materni's appointment to Historic Landmarks Commission and that she would be a good addition. There being no objections, Ms. Materni is being recommended 3-0 by Planning and Zoning Committee to be appointed to HLC.

SPECIAL APPROVAL USE - ST. TIMOTHY'S EPISCOPAL CHURCH (CLOTHESLINE BUILDING) AT 869 E. BOUNDARY STREET

Mr. McCarthy asked about the exception items noted in the Planning & Zoning Division's report and whether they got resolved. Mr. Walters responded that they agreed to connect the sidewalk, to delete the landscaping, and the building did not have to comply with the setback because it was already existing. The Planning Commission made a motion 5-0 to recommend the Special Approval Use for St. Timothy's Episcopal Church. There being no objections, this is being forwarded for approval 3-0 to City Council.

OTHER BUSINESS

Mr. Walters explained that the T-Mobile Hometown Grants Program would help fund the Perrysburg Sculpture Work, until they get a more stable funding source. He has been working with Robin Ballmer on this. Mr. McCarthy thanked Mr. Walters for letting them know about this and hopes they succeed. Mr. McCarthy sees this as a valuable asset to the community and does not want to see it go away.

Mr. Easterling explained that Planning Commission recently discussed and reached the conclusion that it did not make sense to dissect the Sign Code provisions in the Planning and Zoning Code with the Code rewrite coming, especially since there is still a remedy available to businesses to obtain a variance in some circumstances. Mr. Walters noted that Dave Kienzle found this to be an acceptable answer.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:10 p.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Timothy G. McCarthy". The signature is written in a cursive, flowing style.

Tim McCarthy, Chairperson
Planning and Zoning Committee

Next meeting: Tuesday, March 26, 2024 at 5:00 p.m.