

Minutes of Perrysburg Board of Zoning Appeals

Meeting Held February 12, 2024

CALL TO ORDER - 5:30 PM

The meeting was called to order at 5:30 p.m. by Chairman, Scott Anderson.

ROLL CALL

Board members present were Scott Anderson, Michael McIntyre, Matthew Sutter, and Bill Williams (4). Travis Wolfinger was absent (1). Also present was Brody Walters, Planning & Zoning Administrator.

APPROVAL OF JANUARY 8, 2024 MEETING MINUTES

Mr. Williams moved to approve the minutes of the January 8, 2024, meeting as submitted. Seconded by Mr. Sutter, and the minutes were unanimously approved (4-0).

ADMINISTER OATH

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

ZONING PERMIT OBLIGATION

Mr. Walters reminded the applicants that if their request is approved tonight, they will still need to apply for a zoning permit the next day or thereafter.

NEW BUSINESS

APPLICATION 04-24

Maggie and Jason Humphrey are requesting a zoning variance to install a fence. The property is located at 1550 Fox Run and is zoned R-3 (Single Family Residential).

NOTE: Chapter 1250.42 Fences, Walls, Structural Screens, Hedges, and Screen Plantings:

R1-R5 Zoning:

4' Maximum in Front Yard

4' Maximum in Side Yard

6' Maximum in Rear Yard

1. The applicant is requesting a zoning variance to install a six (6) foot privacy fence in the front yard. The fence will extend twenty-two (22) feet beyond the midpoint of the house.

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 request for a privacy fence in the front yard is substantial. The majority of the properties along Fort Meigs Road do not have privacy fences, so allowing this property to do so may change the character of the property. The fencing code section has been revised recently to allow for screen plantings in a front yard so that corner lot property owners will still have an option for privacy that isn't as abrasive as a privacy fence.

Mr. Walters reviewed Application 04-24. Maggie Humphrey, 1550 Fox Run, was present on behalf of the application. She presented the Board with four of the six conditions that she believes they meet for this request from Chapter 1275.02(c)(3). Ms. Humphrey added that the fence abuts to a ravine, and there was a brief discussion about her side yard being considered a front yard where the ravine is located. She added that there was a previously a split rail fence in this location. Mr. Walters noted that at some point the city will be undertaking a ditch cleaning near this property. There was a brief discussion about whether this request is precedent setting, and Mr. Walters added that the properties located along Deer Run to the the north have the same front yard concerns along the ravine. Mr. Anderson asked if the height of the fence is the issue, and Mr. Walters confirmed that is accurate because the fence along Fort Meigs Road is considered a front yard.

Mr. Anderson moved to grant conditional approval of the zoning variance for Application 04-24 with the condition that the fence panels face in towards the property, and finding B, C, E, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Williams, and it was unanimously approved (4-0).

APPLICATION 05-24

James Randolph is requesting four zoning variances to reduce the front, rear, and both side yard setbacks to construct a house. The property is located at 229 W. Sixth Street 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 a zoning variance to construct a house that would encroach into the front yard setback. The request for the front yard setback is one (1) foot off of the property line.
2. The applicant is requesting a zoning variance to construct a house that would

encroach into the side yard setbacks. Both side yard setback variance requests are for two (2) feet off of the property line.

3. The applicant is requesting a zoning variance to construct a house that would encroach into the rear yard setback. The request for the rear yard setback is twenty (20) feet off of the property line.

Recommendation:

1. The Zoning Inspector recommends approval of the variance request based on meeting criteria A, C, D, and F of Chapter 1275.02(c)(3). Currently, the property has only a non-conforming garage on the land. If a house were to be built, the garage would not leave much room for a house to fit within the required front yard setback. Other houses nearby also have setbacks that are only a few feet off of the property line.
2. 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 distance between the proposed house and the neighboring houses poses not only a safety concern but maintenance concerns as well.
3. 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 depth of the lot is one hundred sixty-five (165) feet, which would allow for a house to be constructed, and the rear yard setback to be met. The property would still have a beneficial use without a variance.

Mr. Walters reviewed Application 05-24, and gave a brief background of the property. James Randolph, 229 W. Sixth Street, was present on behalf of the application, and said that he would love a zero (0) foot setback due to the small lot size. Mr. Sutter said that he struggles with the request of being eight (8) feet in front of the neighbor, and Mr. Anderson noted that the Zoning Inspector recommended approval of a one (1) foot setback off of the front yard property line. There was a brief discussion about established lots of record and the average setbacks of houses on the block. Mr. McIntyre noted that the existing garage is very close to the neighbor's house, and Mr. Sutter added that he is struggling with the hand drawn plan not being drawn to-scale. There was further discussion about a confirmed width of the property, and Mr. Walters said that he is sympathetic to Mr. Sutter's concerns. Mr. Sutter stated that this is a new Board of members, than those that had previously approved past applications for this property. Mr. Walters noted that there is a reason for the expiration date of one (1) year, and Mr. Anderson noted that the Planning & Zoning Division holds the property owner accountable. Mr. Walters added that a surveyed plot plan of the property will be required for zoning permits for this new construction. Mr. Randolph said that he wants what was previously approved.

Mr. Anderson made a motion to approve zoning variances #1, #2, and #3 of Application 05-24 as noted below, and finding A, C, D, and F of Chapter 1275.02(c)(3) to be true:

- Variance #1 with a one (1) foot setback off of the front property line.
- Variance #2 with a five (5) foot setback off of the side yard property lines.
- Variance #3 with a twenty (20) foot setback off of the rear yard property line.

Seconded by Mr. Williams. Ayes: Anderson and Williams (2). Nays: McIntyre and Sutter (2). The motion did not pass.

Mr. McIntyre said that he would like additional information to be provided for this application, along with a site plan drawn to-scale. Mr. Sutter noted that he would like a confirmation of the lot width, and added that there are too many details that are unknown with this request. Mr. Walters referenced the Wood County Auditor parcel delineation that was included in the application, and there was a brief discussion about this property having two (2) separate lots. Mr. Walters stated that the applicant could do a parcel combination.

Mr. Anderson made a motion to table the zoning variances for Application 05-24, and requested that the applicant provide additional information to support his variance request. Seconded by Mr. McIntyre, and the table was unanimously approved (4-0).

APPLICATION 06-24

Woodland Custom Homes is requesting a zoning variance to install a driveway. The property is located at 670 Ridge Lake Court and is zoned R-1 (Single Family Residential).

NOTE: Chapter 1250.51(c)(3) Curb Cuts and Driveways: The total area of a driveway shall not exceed thirty-five (35) percent of the area of the front yard located on private property.

1. The applicant is requesting a zoning variance that would allow for the driveway to occupy 40.6 percent of the front yard.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, B, C, and D of Chapter 1275.02(c)(3). The lot is pie-shaped, creating a narrow front yard area. The driveway proposed is a standard size seen often in newer residential construction.

Mr. Walters reviewed Application 06-24. Jon Nissen, of Woodland Custom Homes, was present on behalf of the application and said that a sixteen (16) foot driveway is the typical size for a neighborhood.

Eugene Krausz, 751 Ridge Lake Court, was present on behalf of the neighborhood HOA, and said that he is concerned with the sides of the driveway, and has no problem with the request.

Mr. McIntyre moved to approve the zoning variance for Application 06-24 as submitted, and finding A, B, C, and D of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Anderson, and it was unanimously approved (4-0).

APPLICATION 07-24

Woodland Custom Homes is requesting a zoning variance to install a driveway. The property is located at 739 Ridge Lake Court and is zoned R-1 (Single Family Residential).

NOTE: Chapter 1250.51(c)(3) Curb Cuts and Driveways: The total area of a driveway shall not exceed thirty-five (35) percent of the area of the front yard located on private property.

1. The applicant is requesting a zoning variance that would allow for the driveway to occupy 38.6 percent of the front yard.

Recommendation:

1. The Zoning Inspector recommends approval of the zoning variance based on meeting the criteria for variances A, B, C, and D of Chapter 1275.02(c)(3). The lot is pie-shaped, creating a narrow front yard area. The driveway proposed is a standard size seen often in newer residential construction.

Mr. Walters reviewed Application 07-24. Jon Nissen, of Woodland Custom Homes, was present on behalf of the application and said that a sixteen (16) foot driveway is the typical size for a neighborhood.

Eugene Krausz, 751 Ridge Lake Court, was present on behalf of the neighborhood HOA, and said that he is concerned with the sides of the driveway, and has no problem with the request.

Mr. McIntyre moved to approve the zoning variance for Application 06-24 as submitted, and finding A, B, C, and D of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Anderson, and it was unanimously approved (4-0).

OTHER BUSINESS

APPLICATION 03-24 (TABLED)

1. David Creps is requesting a zoning exception to construct an addition. The

property is located at 670 Heathermoor Lane and is zoned R-2 (Single Family Residential).

NOTE: Chapter 1230.01 Intensity and Dimensional Standards

R-2 Zoning:

Front Yard = 40'

Rear Yard = 40'

Side Yard Min = 10'

Side Yard Total = 25'

1. The applicant is requesting an exception to construct an addition that will be built within the front yard setback. The structure will be twenty-seven (27) feet off the front property line.

Recommendation:

1. No recommendation provided.

Mr. Anderson made a motion to untable Application 03-24. Seconded by Mr. Sutter, and it was unanimously approved (4-0).

Mr. Walters reviewed Application 03-24. Dave Creps, 670 Heathermoor Lane, was present on behalf of the application and presented additional pictures to the Board of clarification of his request. Mr. Sutter added that the supporting details help to put the request into perspective.

Mr. Sutter moved to approve the zoning exception for Application 03-24 as submitted. Seconded by Mr. Anderson, and it was unanimously approved (4-0).

OTHER BUSINESS

Mr. Anderson asked Mr. Walters about an update regarding the sign code that was previously discussed at the last Planning Commission meeting, and Mr. Walters said that this portion of the sign code is pending upcoming code review.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:31 p.m.

Respectfully submitted,

Heather Alfaro
Zoning Clerk

The next meeting is scheduled for March 11, 2024, at 5:30 p.m.