

Minutes of Perrysburg Board of Zoning Appeals

Meeting Held May 13, 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 Mark Easterling, Deputy Planning & Zoning Administrator.

APPROVAL OF APRIL 15, 2024 MEETING MINUTES

Mr. Sutter moved to approve the minutes of the April 15, 2024, meeting as submitted. Seconded by Mr. Williams. Ayes: Anderson, Sutter, and Williams (3). Nays: (0). Abstain: McIntyre (1).

ADMINISTER OATH

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

ZONING PERMIT OBLIGATION

Mr. Easterling 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 16-24

PETE HUFFMAN IS REQUESTING A ZONING VARIANCE TO REDUCE THE FRONT YARD SETBACKS TO ALLOW FOR THE CONSTRUCTION OF AN ADDITION TO THE PRIMARY STRUCTURE. THE PROPERTY IS LOCATED AT 600 LOUISIANA AVENUE AND IS ZONED R-3 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1230.01 INTENSITY AND DIMENSIONAL STANDARDS

R-3 ZONING:

FRONT YARD = 35' (LOUISIANA AVE. AVG. 17', W. SIXTH AVG. 14')

REAR YARD = 35'

SIDE YARD MIN = 8'

SIDE YARD TOTAL = 20'

1. THE APPLICANT IS REQUESTING A VARIANCE FOR FRONT YARD SETBACK RELIEF TO ALLOW FOR AN ADDITION TO THE HOME. THE STRUCTURE IS CURRENTLY FIVE (5) FEET FROM THE FRONT YARD

PROPERTY LINE ALONG EAST SIXTH STREET AND FIVE (5) FEET FROM THE FRONT PROPERTY LINE ALONG LOUISIANA AVENUE.

RECOMMENDATION:

1. The Deputy Administrator recommends approval of the zoning variances based on meeting the criteria B, C, D, and F of Chapter 1275.02(c)(3). The original structure was built in a location that does not meet the current standard of the code and the addition to the primary structure will be set back fifteen (15) feet from the property line. The addition would meet the minimum requirement for the side yard setback.

Mr. Easterling reviewed Application 16-24. Pete Huffman was present on behalf of the application. Mr. Sutter asked if any neighbors had called in about the request, and Mr. Easterling confirmed that no calls were received. Mr. Huffman added that he spoke to both neighbors and that they are in agreement with this request. He noted that this structure would be a two-story addition and approximately 2,800 square feet in size along Louisiana Avenue.

Mr. Sutter moved to approve the zoning variance for Application 16-24 as submitted, and finding B, C, D, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Anderson, and the variance was unanimously approved (4-0).

APPLICATION 17-24

MATTHEW TEMBY IS REQUESTING A ZONING VARIANCE TO REDUCE THE SETBACK OF A NEW FREESTANDING SIGN IN THE FRONT YARD. THE PROPERTY IS LOCATED AT 13000 ECKEL JUNCTION ROAD AND IS ZONED I-2 (GENERAL INDUSTRIAL).

NOTE: CHAPTER 1250.33(A) PERMANENT FREESTANDING SIGNAGE
I-2 ZONING DISTRICT:
MAXIMUM HEIGHT: 10'
MAXIMUM SIZE: 72 SQUARE FEET
LOCATION: 25' SETBACK
QUANTITY: 1 PER STREET FRONTAGE

NOTE: CHAPTER 1250.39 VARIANCES
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 FREESTANDING SIGN ONE (1) FOOT FROM THE SIDEWALK.

RECOMMENDATION:

1. The Deputy Administrator recommends denial as the request does not meet all the conditions required to grant a variance outlined in Chapter 1250.39. The requested location, at a minimum, would need to be moved back as the property

line is four (4) feet from the sidewalk. No structure would block the location of a freestanding sign at a permissible location as the closest structure is over three hundred (300) feet away. In addition, a business of the same use previously at this location operated with only a wall sign.

Mr. Easterling reviewed Application 17-24. Matt Temby was present on behalf of the application and added that he misunderstood the right-of-way for this property, hence his variance request of one (1) foot from the sidewalk. Mr. Easterling noted that his recommendation came forth with the understanding that this is a new sign, instead of a currently existing sign, and that any new signs should be in compliance with the code. Mr. Temby added that he is taking over a previous business at this location and that their signage was not well marketed. He referenced the nearby signage setbacks along Eckel Junction Road, and Mr. Easterling confirmed that the property line is four (4) feet inside the sidewalk. Mr. Easterling stated that he is not in favor of new signage being proposed outside of conformance of the code, and Mr. Temby said that he requested the variance for aesthetic purposes. Mr. Anderson confirmed that he agrees with Mr. Easterling and added that he is not inclined to approve any new non-conforming signage. Mr. Williams said that he drives by this location several times a day and added that any signage on the property will be an improvement. Mr. Sutter said that he agrees with Mr. Anderson, and noted that the Administration has been trying to work with business owners. Mr. Temby said that he would prefer a freestanding sign which would be good for visibility, but that it would have to be located behind the flagpole. Mr. Williams encouraged Mr. Temby to install a building sign.

Mr. McIntyre moved to deny the zoning variance for Application 17-24 and added that it does not meet the qualifications of Chapter 1250.39 to grant a variance. Seconded by Mr. Anderson, and the denial was unanimously approved (4-0).

APPLICATION 18-24

MATT DEWOOD IS REQUESTING TWO ZONING VARIANCES TO MAKE CHANGES TO EXISTING FREESTANDING SIGNS IN THE FRONT YARD. THE SUBJECT PROPERTY IS LOCATED AT THE SOUTHWEST CORNER OF THE INTERSECTION OF LOUISIANA AVENUE AND SOUTH BOUNDARY ST. (PARCEL NUMBERS; Q61-400-080102003000 AND Q61-400-080102006000) WITH THE CLOSEST ADDRESS BEING 110 W. SOUTH BOUNDARY ST. THE SUBJECT PROPERTY IS ZONED C-3 (COMMUNITY SHOPPING).

NOTE: CHAPTER 1250.33(A) PERMANENT FREESTANDING SIGNAGE
C-3 ZONING DISTRICT:
MAXIMUM HEIGHT: 10'
MAXIMUM SIZE: 72 SQUARE FEET
LOCATION: 10' SETBACK
QUANTITY: 1 PER STREET FRONTAGE

NOTE: CHAPTER 1250.39 VARIANCES

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 MAKE CHANGES TO AN EXISTING SIGN, WITH A ZERO (0) FOOT SETBACK ALONG W. SOUTH

BOUNDARY.

2. THE APPLICANT IS REQUESTING A VARIANCE TO MAKE CHANGES TO AN EXISTING SIGN WITH A ZERO (0) FOOT SETBACK ALONG LOUISIANA AVENUE.

RECOMMENDATION:

1. The Deputy Administrator recommends approval of both variances based on the criteria for variances listed in Chapter 1250.39(a)-(e) and based on meeting the criteria C, D, E, and G of Chapter 1275.02(c)(3). As there are no structural changes to the signs, the removal and replacement of tenant signs would be minimal. Should any structural changes be requested (i.e. making a portion of the sign electronic, making an occupant's section of the sign larger, or changing any of the materials), I would then recommend the sign in its entirety conform with the current standard.

Mr. Easterling reviewed Application 18-24. Matt DeWood (Perrysburg Land Company) was present on behalf of the application. Mr. McIntyre confirmed that an approval tonight will allow future tenants within Country Charm to apply for permits for nameplate signage. Mr. Anderson noted that there is an upcoming code rewrite and encouraged Mr. DeWood to be involved in that process.

Mr. Anderson moved to approve zoning variances #1 and #2 for the Country Charm shopping plaza located at the southwest corner of the intersection of Louisiana Avenue and W. South Boundary Street (Parcel Numbers: Q61-400-080102003000 and Q61-400-080102006000) with the closest address being 110 W. South Boundary Street, and finding Chapter 1250.39(a)-(e) to be true while also meeting the criteria C, D, E, and G of Chapter 1275.02(c)(3). Seconded by Mr. Sutter, and the variances were unanimously approved (4-0).

APPLICATION 19-24

STEVEN & THERESA CUKIERSKI ARE REQUESTING A ZONING VARIANCE TO REDUCE THE REAR YARD SETBACKS TO ALLOW FOR THE CONSTRUCTION OF AN ADDITION TO THE PRIMARY STRUCTURE. THE PROPERTY IS LOCATED AT 803 CHERRY 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 APPLICANTS ARE REQUESTING A ZONING VARIANCE FOR REAR YARD SETBACK RELIEF THAT WOULD ALLOW THEM TO CONNECT THE PRIMARY AND ACCESSORY STRUCTURES.

RECOMMENDATION:

1. The Deputy Administrator recommends denial of the variance as it does not meet enough factors to be granted a variance. Currently, the primary structure does conform to the code and a fourteen (14) foot addition could be constructed in the side yard without a variance and the home would still meet all setback requirements outlined in Chapter 1230.01.

Mr. Easterling reviewed Application 19-24. Theresa Cukierski and Brian Hufford (Hufford Builders) were present on behalf of the application. Ms. Cukierski said that they would like to connect their house to the detached garage and add a second-story bedroom. She added that their driveway is on Eighth Street and that the proposed location of this structure will fit the look and appeal of the neighborhood. Mr. Williams confirmed that the garage setback is currently non-conforming on the property, and Mr. Easterling clarified that his scope of review is from a top-down perspective of the property and that he is not privy to the interior arrangement of the home. Mr. Easterling confirmed that neighboring comments had not been received. Mr. Hufford said that they had initially talked about trying to build to the south, but they could not make the second-story bedroom work in doing so. Mr. Anderson confirmed that the existing garage is an issue once it becomes a part of the main structure, and Mr. Sutter said that he understands the practicality of the request and added that a corner lot makes it difficult to meet the setbacks.

Mr. Sutter moved to approve Application 19-24 as submitted, and finding B, C, D, and E of Chapter 1275.02(c)(3) to be true. Seconded by Mr. McIntyre, and the variance was unanimously approved (4-0).

OTHER BUSINESS

There was a brief discussion about the former Big Boy property on Fremont Pike, and Mr. Easterling confirmed that the property is located within the jurisdiction of Perrysburg Township.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:04 p.m.

Respectfully submitted,

Heather Alfaro
Zoning Clerk

The next meeting is scheduled for Monday, June 10, 2024, at 5:30 p.m.