

Minutes of Perrysburg Board of Zoning Appeals

Meeting Held July 8, 2024

CALL TO ORDER - 5:30 PM

Chairman Scott Anderson called the meeting to order at 5:30 p.m.

ROLL CALL

Board members present were Scott Anderson, Matthew Sutter, Bill Williams, and Travis Wolfinger (4). Michael McIntyre was absent (1). Also present were Mark Easterling, Deputy Planning & Zoning Administrator, and William Shuff, Zoning Inspector.

APPROVAL OF JUNE 10, 2024 MEETING MINUTES

Mr. Sutter moved to approve the June 10, 2024, meeting minutes as submitted. Seconded by Mr. Williams. Ayes: Sutter, Williams, and Wolfinger (3). Nays: (0). Abstain: Anderson (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 24-24

ANDREW REYNOLDS IS REQUESTING A ZONING VARIANCE TO REDUCE THE SIDE YARD SETBACK TO ALLOW FOR THE CONSTRUCTION OF A NEW HOME. THE PROPERTY IS LOCATED AT 27135 W. RIVER ROAD AND IS ZONED R-1 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1230.01 INTENSITY AND DIMENSIONAL STANDARDS

R-1 ZONING:

FRONT YARD = 45'

REAR YARD = 35'

SIDE YARD MIN = 10'

SIDE YARD TOTAL = 25'

1. THE APPLICANT REQUESTS A VARIANCE FOR THE MINIMUM SIDE YARD SETBACK RELIEF TO ALLOW FOR THE CONSTRUCTION OF A NEW HOME. THE VARIANCE WOULD PLACE THE STRUCTURE FIVE (5) FEET FROM

THE SIDE YARD PROPERTY LINE.

RECOMMENDATION:

1. The Deputy Administrator recommends approving the zoning variance based on meeting criteria for variances B, C, D, and G outlined in Chapter 1275.02(c)(3). The variance would allow for the construction of the home without disturbing the drainage pipe in the easement.

Mark reviewed Application 24-24. Andy & Ann Reynolds (27135 W. River Road) were present via Zoom. George Oravec (Oravec Consulting and Engineering Services) and Sean Nester (Sean Patrick Builders, LLC) were also present for the application. Mr. Easterling noted an existing thirty (30) foot easement on the western side of the property that houses a pipe that controls the drainage for the entire nearby neighborhood. Mr. Reynolds stated his grievances about the delay in the permitting process thus far. Mr. Easterling added that it is in the city's best interest to protect the existing infrastructure with a thorough review when the full set of house plans were submitted. Ms. Reynolds said that ideally, they would prefer not to need the side yard setback relief.

Jim Seibold (27149 W. River Road) was present and said that he agrees with Mr. Reynolds's assessment and disagrees with the need for the variance. He added that the existing pipe is four (4) feet in size and located within the thirty (30) foot easement. Mr. Easterling confirmed that the variance process is built for instances like this request.

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

APPLICATION 25-24

JIM SEIBOLD IS REQUESTING A ZONING VARIANCE TO CONSTRUCT A PERGOLA. THE PROPERTY IS LOCATED AT 27149 W. RIVER ROAD AND IS ZONED R-1 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1250.61(A) ACCESSORY BUILDINGS AND USES:

NO ACCESSORY BUILDING OR USES SHALL BE IN ANY FRONT OR SIDE YARD SETBACK EXCEPT UNDER UNUSUAL CIRCUMSTANCES WHERE SUCH ACTIVITY WILL NOT CONFLICT WITH THE INTENT AND PURPOSES OF THIS ZONING CODE OR WHERE ENFORCEMENT WOULD RESULT IN EXTREME HARDSHIP. EITHER EXCEPTION SHALL REQUIRE APPROVAL OF THE BOARD OF ZONING APPEALS.

1. THE APPLICANT IS REQUESTING A ZONING VARIANCE TO CONSTRUCT A

PERGOLA IN THE SIDE YARD.

RECOMMENDATION:

1. The Deputy Administrator recommends approving the zoning variance based on meeting the criteria for variances B, C, D, and F of Chapter 1275.02(c)(3). The deck that this pergola will sit on is already in the side yard and will go no further to the property line than what already exists. The structure would not pose any safety concerns.

Mr. Easterling reviewed Application 25-24. Jim Seibold was present and noted that currently there is a wooden structure that they are changing to aluminum. He added that the other neighbor has approved.

Mr. Sutter made a motion to approve the zoning variance for Application 25-24 as submitted, and finding criteria B, C, D, and F of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Wolfinger, and the variance was unanimously approved (4-0).

APPLICATION 26-24

CESAR KANAN IS REQUESTING A ZONING VARIANCE TO REDUCE THE SIDE AND REAR YARD SETBACKS TO ALLOW FOR A WALL ON THE HOME TO BE REPLACED. THE PROPERTY IS LOCATED AT 315 W. THIRD STREET AND IS ZONED R-3 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1230.01 INTENSITY AND DIMENSIONAL STANDARDS

R-1 ZONING:

FRONT YARD = 35'

REAR YARD = 35'

SIDE YARD MIN = 8'

SIDE YARD TOTAL = 20'

1. THE APPLICANT IS REQUESTING A VARIANCE FOR MINIMUM SIDE YARD SETBACK RELIEF TO REPLACE A WALL ON THE HOME. THE VARIANCE WOULD PLACE THE STRUCTURE ONE (1) FOOT FROM THE SIDE YARD PROPERTY LINE.
2. THE APPLICANT IS REQUESTING A VARIANCE FOR MINIMUM REAR YARD SETBACK RELIEF TO REPLACE A WALL ON THE HOME. THE VARIANCE WOULD PLACE THE STRUCTURE FIFTEEN (15) FEET FROM THE REAR YARD PROPERTY LINE.

RECOMMENDATION:

1. The Deputy Administrator recommends approving both of the zoning variances

based on meeting criteria for variances A, B, C, and D outlined in Chapter 1275.02(c)(3). The variance would allow for the wall of the home to be reconstructed in the same location. The home is already legal-nonconforming and not getting closer to the property line. The applicant has expressed that the wall is creating unsafe conditions, and this would allow for the structure to be safely maintained.

Mr. Easterling reviewed Application 26-24. Alexandra & Cesar Kanan were present. Ms. Kanan added that they would like to repair and replace an existing wall, and to build it upward.

Mr. Sutter made a motion to approve zoning variances #1 and #2 of Application 26-24 as submitted, and finding criteria A, B, C, and D of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Wolfinger, and both zoning variances were unanimously approved (4-0).

OTHER BUSINESS

Mr. Anderson asked about the timeline for the Zoning Code rewrite, and Mr. Easterling noted that the first meeting is in August and would take about a year to complete.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:51 p.m.

Respectfully submitted,

Heather Alfaro
Zoning Clerk

The next meeting is scheduled for August 12, 2024, at 5:30 p.m.