

Minutes of Perrysburg Board of Zoning Appeals

Meeting Held August 12, 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, Michael McIntyre, Matthew Sutter, Bill Williams, and Travis Wolfinger (5). Mark Easterling, Deputy Planning & Zoning Administrator, and William Shuff, Zoning Inspector, were also present.

APPROVAL OF JULY 8, 2024 MEETING MINUTES

Mr. Sutter moved to approve the July 8, 2024, meeting minutes as written. Seconded by Mr. Williams. Ayes: Anderson, Sutter, Williams, and Wolfinger (4). 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 after that.

NEW BUSINESS

APPLICATION 27-24

GRETCHEN VON SEGGERN, ON BEHALF OF THE KARUNA HOUSE, IS REQUESTING A ZONING VARIANCE TO REDUCE THE SETBACK OF A NEW FREESTANDING SIGN IN THE FRONT YARD. THE PROPERTY IS LOCATED AT 217 W. THIRD STREET AND IS ZONED C-2 (CENTRAL BUSINESS).

NOTE: CHAPTER 1250.33(A) PERMANENT FREESTANDING SIGNAGE
ZONING DISTRICT: C-2
MAXIMUM HEIGHT: 6'
MAXIMUM SIZE: 24 SQUARE FEET
MINIMUM SETBACK: 30' SETBACK
QUANTITY: 1

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:

- (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 THAT IS ONE (1) FOOT FROM THE FRONT PROPERTY LINE.

RECOMMENDATION:

1. The Deputy Administrator recommends denial of the variance as the request does not meet all the conditions required to grant a variance outlined in Chapter 1250.39. Although there is not enough space for a freestanding sign to meet the necessary setbacks, there does appear to be space for a wall sign that could meet the standard of the code.

Mr. Easterling reviewed Application 27-24. Gretchen von Seggern was present on behalf of the application and added that a wall sign would not be able to be seen due to the huge Evergreen tree that they plan to keep on the property. She said that the proposed freestanding sign would be located between the tree and the building and would be visible to the nearby parking lot. Mr. Easterling noted that freestanding signs require landscaping around the base and Ms. von Seggern added that their location on West Second Street looks beautiful with the flowers around the signage. Mr. Sutter said that this request is difficult to support due to the sign code and Mr. Anderson noted that there are practical difficulties. Mr. Easterling added that within the C-2 (Central Business) zoning district there are no setback requirements to build a structure. Mr. Wolfinger referenced Chapter 1250.39 concerning this request.

Mr. Anderson made a motion to approve the zoning variance for Application 27-24, and found the criteria of Chapter 1250.39 to be true. Seconded by Mr. Wolfinger, and the application was unanimously approved (5-0).

APPLICATION 28-24

ERIN CLARK IS REQUESTING A ZONING EXCEPTION TO REDUCE THE REAR YARD SETBACK TO ALLOW FOR THE CONSTRUCTION OF A HOME ADDITION. THE PROPERTY IS LOCATED AT 335 COVENTRY 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 FOR REAR YARD SETBACK RELIEF TO CONSTRUCT AN ADDITION. THE VARIANCE WOULD PLACE THE STRUCTURE THIRTY-TWO (32) FEET FROM THE REAR YARD

PROPERTY LINE.

RECOMMENDATION:

1. The Deputy Administrator recommends approval of the exception. The addition, if approved, would minimally encroach on the required setback and does not pose any safety or visibility concerns.

Mr. Easterling reviewed Application 28-24. Cody Jennings, Riverbend Contractors, was present on behalf of the application and said that this addition would be a solution for the homeowners to bring the necessary rooms to the first floor of the home. There was a brief discussion between the Board and Mr. Easterling about the difference between a zoning exception and a zoning variance.

Mr. Wolfinger made a motion to approve the zoning exception for Application 28-24. Seconded by Mr. Sutter, and the zoning exception was unanimously approved (5-0).

OTHER BUSINESS

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:45 pm.

Respectfully submitted,

Heather Alfaro
Zoning Clerk

The next meeting is scheduled for September 9, 2024, at 5:30 pm.