

Minutes of Perrysburg Board of Zoning Appeals

Meeting Held January 13, 2025

CALL TO ORDER - 5:30 PM

Chairman Matthew Sutter called the meeting to order at 5:33 p.m.

ROLL CALL

Board members present were Michael McIntyre, Erin O'Rear, Matthew Sutter, Bill Williams, and Travis Wolfinger (5). Mark Easterling, Deputy Planning & Zoning Administrator, was also present.

ELECTION OF CHAIRPERSON

Mr. Wolfinger nominated Mr. Sutter to be Chairman. Seconded by Mr. Williams, and the nomination was unanimously approved (5-0).

ELECTION OF VICE-CHAIRPERSON

Mr. Sutter nominated Mr. McIntyre to be Vice-Chairman. Seconded by Mr. Wolfinger, and the nomination was unanimously approved (5-0).

APPROVAL OF DECEMBER 9, 2024 MEETING MINUTES

Mr. Williams moved to approve the minutes of the December 9, 2024, meeting as written. Seconded by Mr. McIntyre, and the minutes were unanimously approved (5-0).

ADMINISTER OATH

Mr. Sutter administered an oath to those that would be speaking during 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 01-25

MATT UHL OF REASON SIGN ON BEHALF OF THE BETHEL ASSEMBLY OF GOD, IS REQUESTING A ZONING VARIANCE TO INCREASE THE HEIGHT OF A NEW FREESTANDING SIGN IN THE FRONT YARD. THE PROPERTY IS LOCATED AT 665 W. INDIANA AVENUE AND IS ZONED INS (INSTITUTIONAL USES).

NOTE: CHAPTER 1250.33(A) PERMANENT FREESTANDING SIGNAGE

ZONING DISTRICT: INS

MAXIMUM HEIGHT: 6'

MAXIMUM SIZE: 48 SQUARE FEET

MINIMUM SETBACK: 10' 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 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 AT A HEIGHT OF SEVEN (7) FEET AND TEN (10) INCHES.

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. This sign would be completely new. No visual obstructions would prevent a compliant sign from being seen in this location, making this sign a preference rather than a need.

Mr. Easterling reviewed Application 01-25. Matt Uhl (Reason Sign Company) and Pastor Kevin Starr (Bethel Assembly of God) were present on behalf of the application. Mr. Uhl noted that the variance request is to add a small feature (18" x 22") to their freestanding sign.

Neighboring property owners at 350 North Ridge Drive and 365 North Ridge Drive called the Planning & Zoning office earlier in the week and noted that they were not in favor of the variance request.

Robert Johnson, 13819 Otusso Drive, was present and said that he is in favor of the variance request, as he understands the symbolism of the "B" and noted that it does not distract traffic one way or the other.

Mr. McIntyre moved to approve Application 01-25 as submitted and found Chapter 1250.39 to be true. Seconded by Mr. Williams. Ayes: McIntyre, O'Rear, Sutter, and Williams (4). Nays: Wolfinger (1).

APPLICATION 02-25

ROBERT MAURER, ON BEHALF OF MAURER RENTALS LLC, IS REQUESTING A ZONING APPEAL THAT WOULD ALLOW FOR THE CONSTRUCTION OF A TRUCK DOCK ON THE WESTERN SIDE OF THE PRIMARY STRUCTURE. THE PROPERTY IS LOCATED AT 525 W. SIXTH STREET AND IS ZONED RM (MULTI-FAMILY RESIDENTIAL).

NOTE: CHAPTER 1265.09 HARDSHIP CASES: NONCONFORMING BUILDINGS OR STRUCTURES MAY BE STRUCTURALLY CHANGED, ALTERED OR ENLARGED WITH THE APPROVAL OF THE BOARD OF ZONING APPEALS.

THE BOARD OF ZONING APPEALS MUST FIND THAT THE REQUEST IS A CASE OF EXCEPTIONAL HARDSHIP IN WHICH FAILURE TO GRANT THE RELIEF REQUESTED WOULD UNREASONABLY RESTRICT CONTINUED USE OF THE PROPERTY OR WOULD RESTRICT VALUABLE BENEFITS THAT THE PUBLIC CURRENTLY DERIVES FROM THE PROPERTY AS USED IN ITS NONCONFORMING STATUS. WITH THE EXCEPTION THAT ANY APPROVAL FOR STRUCTURAL CHANGES, ALTERATION OR ENLARGEMENT MAY BE GRANTED ONLY WITH A FINDING BY THE BOARD OF ZONING APPEALS THAT APPROVAL WILL NOT HAVE AN ADVERSE AFFECT ON SURROUNDING PROPERTY AND THAT IT WILL BE THE MINIMUM NECESSARY TO RELIEVE THE HARDSHIP.

1. THE APPLICANT IS REQUESTING A VARIANCE TO CONSTRUCT A TRUCK DOCK ON THE WESTERN SIDE OF THE PRIMARY STRUCTURE. AS THIS BUILDING AND USE ARE LEGAL NONCONFORMING, ANY CHANGE THAT WOULD POTENTIALLY INCREASE THE INTENSITY OF THE USE MUST BE APPROVED BY THE BOARD OF ZONING APPEALS.

RECOMMENDATION:

1. No recommendation provided.

Mr. Easterling reviewed Application 02-25. Robert Mauer (Mauer Rentals LLC) was present and noted a correction to the "statement of facts", adding that the parcels were purchased in November 2022 with limited use of the property. Mr. Easterling clarified that a use permit was pulled by the applicant in January 2023 and approved for Warehousing. There was further discussion about the existing truck docks on-site and how often they are utilized. Mr. Mauer passed out a diagram to the Board and added that the interior of the building is not an open floor plan. He stated that the more truck docks the better for the use of the property and that he would rather have a truck dock on the west side.

Christia Klink-Reef, 540 W. Sixth Street, was present and said that she was not in favor of the request. She added that there are already four docks on the eastern facade, and noted that American Steel Treating had a lot more use of the property. She asked about the wear and tear on the street with the increase in traffic and added that there is a nearby load limit on the street. Mr. Easterling clarified that the code would not allow an increase in the intensity of the use, noting the goal of non-conforming uses. Ms. Klink-Reef asked about scheduled deliveries overnight and Mr. Easterling referenced Chapter 1265.09, noting that the neighborhood would adversely be affected.

Gaetano Ruggiero, 510 W. Sixth Street, was present and noted that the former use of the property smelled and added that the heavy trucks damaged the existing sewer tiles. He asked about the use of the overhead doors on the property. Mr. Mauer noted that he

is not in the chemical business, and there was further discussion about load limits and the truck route.

Mr. Sutter moved to approve Application 02-25. Seconded by Mr. Wolfinger. Ayes: Williams (1). Nays: McIntyre, O'Rear, Sutter, and Wolfinger (4). The zoning appeal was not approved.

APPLICATION 03-25

LYNN CHERRY IS REQUESTING A ZONING VARIANCE TO UTILIZE THE FREESTANDING SIGNPOST IN THE FRONT YARD. THE PROPERTY IS LOCATED AT 126 W. FRONT 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

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(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 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 FRONT PROPERTY LINE.

RECOMMENDATION:

1. The Deputy Administrator recommends approval of the variance. The sign would be hung on an existing signpost and would meet the size requirements for the district. The freestanding sign code section would not allow for a freestanding sign to be placed in most places in the C-2 district. While I would agree with the suggested distance for a traditional freestanding sign, the hanging post sign fits the character of the Historic District and this sign is supported by the Historic Landmarks Commission.

Mr. Easterling reviewed Application 03-25. Lynn Cherry, Sprout Studios, was present on behalf of the application and added that she had already gained approval from the Historic Landmarks Commission originally for the sign to be hung from the front porch, but that the HLC preferred the location of the existing freestanding sign post in the front yard.

Mr. McIntyre moved to approve Application 03-25 as submitted and found Chapter 1250.39 to be true. Seconded by Mr. Williams, and the application was unanimously

approved (5-0).

APPLICATION 04-25

ART HARDIN, ON BEHALF OF CALIBRE ENGINEERING, IS REQUESTING A ZONING VARIANCE FOR A PARKING LOT TO BE CONSTRUCTED. THE PARCEL NUMBERS ASSIGNED TO THIS PROPERTY ARE Q61-400-070404031003 AND Q61-400-070404030003 (ALONG ECKEL JUNCTION ROAD). THEY ARE ZONED C-3 (COMMUNITY SHOPPING).

NOTE: CHAPTER 1230.02(G) ACCESSORY USES; OFF-STREET PARKING; MATERIAL STORAGE IN FRONT YARD: NO ACCESSORY USE OR STRUCTURE, OFF-STREET PARKING FACILITY OR MATERIAL OR EQUIPMENT STORAGE SHALL BE LOCATED IN THE REQUIRED FRONT YARD WITHOUT THE APPROVAL OF THE BOARD OF ZONING APPEALS.

1. THE APPLICANT IS REQUESTING A VARIANCE TO CONSTRUCT A PARKING LOT WITHIN THE REQUIRED FRONT YARD.

RECOMMENDATION:

1. The Deputy Administrator recommends approval of the variance based on meeting criteria for variances C, D, E, and F of Chapter 1275.02(c)(3). The parking lot placement in the front yard shows no visibility or safety concerns and will be screened by landscaping.

Mr. Easterling reviewed Application 04-25. Art Hardin, Calibre Engineering, was present on behalf of the application for Dollar Tree. He added that the parking lot is designed to be ten (10) feet from the property line and that the request is appropriate. Mr. Sutter stated that the parking lot will look like existing nearby properties. Mr. Easterling confirmed that neighboring comments had not been received.

Mr. Wolfinger moved to approve Application 04-25 as submitted, and finding criteria C, D, E, and F of Chapter 1275.02(c)(3) to be true. Seconded by Ms. O'Rear, and the zoning variance was unanimously approved (5-0).

OTHER BUSINESS

None.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:17 p.m.

Respectfully submitted,

Heather Alfaro
Recording Secretary

The next meeting is scheduled for February 10, 2025, at 5:30 p.m. in the Municipal Building at 201 W. Indiana Avenue.