

**Agenda**  
Board of Zoning Appeals

Date: Published May 6, 2025  
To: Board of Zoning Appeals  
From: Mark Easterling, Deputy Planning & Zoning Administrator  
Re: **Items for the May 12, 2025 Meeting**

1. Call to Order - 5:30 PM
2. Roll Call
3. Approval of April 14, 2025 Meeting Minutes
4. Administer Oath
5. Zoning Permit Obligation
6. New Business

**APPLICATION 16-25**

VIRGIL LUPU, ON BEHALF OF THE PERRYSBURG ARTS CENTER, IS REQUESTING A ZONING VARIANCE TO REDUCE THE SETBACK OF A FREESTANDING SIGN. THE PROPERTY IS LOCATED AT 210 E. SOUTH BOUNDARY STREET 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 REPLACE/REFACE A FREESTANDING SIGN AT SEVEN (7) FEET FROM THE PROPERTY LINE.

**Recommendation:**

1. The Deputy Administrator recommends approval of the variance request. The proposed modification is minimal and would not result in a significant visual impact if the sign were relocated two feet. The request involves no structural changes, only the refacing of the existing sign. It is further recommended that any future structural modifications to the sign be required to bring it into full compliance with current sign standards.

**APPLICATION 17-25**

GAETANO RUGGIERO IS REQUESTING A ZONING VARIANCE TO CONSTRUCT A GARAGE IN THE REAR OF THE PROPERTY OVER THE 5% MAXIMUM SIZE ALLOWANCE FOR ACCESSORY BUILDINGS. THE PROPERTY IS LOCATED AT 510 WEST SIXTH STREET AND IS ZONED R-3 (SINGLE FAMILY RESIDENTIAL).

**NOTE:** CHAPTER 1250.61(F) ACCESSORY BUILDINGS AND USES: THE COMBINED FOOTPRINTS OF ALL ACCESSORY BUILDINGS ON A LOT SHALL NOT EXCEED THE LESSER OF 5% OF THE LOT SIZE OR 4,000 SF. HOWEVER, THE BOARD OF ZONING APPEALS MAY CONSIDER AN

EXCEPTION TO THE MAXIMUM SIZE REQUIREMENT PROVIDED THAT THE REQUESTED SIZE DOES NOT EXCEED 8% OF THE LOT SIZE.

1. THE APPLICANT IS REQUESTING A VARIANCE TO REPLACE THE EXISTING GARAGE WITH A LARGER STRUCTURE. THE APPLICANT WOULD LIKE TO BUILD A NEW GARAGE AT 576 SF (6.98%).

**Recommendation:**

1. The Deputy Administrator recommends approval of the variance request, as the application meets criteria B, C, D, and E outlined in Chapter 1275.02(c)(3). The subject property is a lot of record and is smaller than the minimum required size for R-3 zoning districts (8,250 square feet existing versus the 11,600 square feet minimum). The proposed structure would be permitted by right in a standard R-3 district. Additionally, there are no other accessory structures on the property, and while the proposed structure is oversized for the lot, it does not introduce additional site constraints.

**APPLICATION 18-25**

FRANK PALLITTA, ON BEHALF OF OUTDOOR LIVING, IS REQUESTING A ZONING VARIANCE TO BUILD A PAVILION IN THE REAR YARD. THE PROPERTY IS LOCATED AT 547 WILLOW LANE AND IS ZONED R-3 (SINGLE FAMILY RESIDENTIAL).

**NOTE:** CHAPTER 1250.61(B) ACCESSORY BUILDINGS AND USES: ACCESSORY BUILDINGS, SUCH AS GARAGES AND UTILITY BUILDINGS, MAY BE LOCATED IN A REAR YARD, PROVIDED THAT SUCH BUILDINGS ARE SEPARATED FROM THE MAIN STRUCTURE BY AT LEAST TEN (10) FEET AND ARE SET BACK AT LEAST FIVE (5) FEET FROM THE SIDE AND REAR LOT LINES.

1. THE APPLICANT IS REQUESTING A VARIANCE TO CONSTRUCT A PAVILION TWO (2) FEET FROM THE PROPERTY LINE.

**Recommendation:**

1. The Deputy Administrator recommends approval of the variance request, as the application satisfies criteria B, C, D, and F outlined in Chapter 1275.02(c)(3). The structure will be positioned to maintain clearance from the electrical line, thereby eliminating any safety concerns. Additionally, its

placement closer to the property line will still allow for adequate maintenance access without the need to enter the neighboring property.

7. Other Business

8. Adjournment

The next meeting is scheduled for June 9, 2025, at 5:30 PM in the Municipal Building, located at 201 W. Indiana Avenue.

cc: Media