

Agenda
Board of Zoning Appeals

Date: Published August 5, 2025
To: Board of Zoning Appeals
From: Mark Easterling, Deputy Planning & Zoning Administrator
Re: **Items for the August 11, 2025 Meeting**

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

APPLICATION 25-25

SHAUN KELLY REQUESTING A ZONING VARIANCE TO CONSTRUCT A FENCE. THE PROPERTY IS LOCATED AT 2369 GOLDENROD LANE AND IS ZONED R-2 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1250.42 FENCES, WALLS, STRUCTURAL SCREENS, HEDGES, AND SCREEN PLANTINGS:

R1-R5 ZONING:

- 4' MAXIMUM IN FRONT YARD
- 4' MAXIMUM IN SIDE YARD
- 6' MAXIMUM IN REAR YARD

1. THE APPLICANT IS REQUESTING A VARIANCE TO CONSTRUCT A SIX (6) FOOT FENCE IN THE SIDE YARD BEYOND THE HALFWAY POINT OF THE HOME.

Recommendation:

1. The Deputy Administrator recommends approval of the variance request, as the application meets criteria B, C, D, and G outlined in Chapter 1275.02(c)(3). The subject property needs a very minimal variance (2 feet) to enclose access to the rear of the garage. The location of a six (6) foot

fence in this location would not alter the visual appearance of the property of the neighborhood and poses no visibility or safety concerns.

APPLICATION 26-25

JIM SUTPHIN, ON BEHALF OF S AND G STORES II LLC, IS REQUESTING A ZONING VARIANCE TO REPLACE A SIGN. THE PROPERTY IS LOCATED AT 10730 FREMONT PIKE AND IS ZONED C-4 (HIGHWAY COMMERCIAL).

NOTE: CHAPTER 1250.32(A) PERMANENT FREESTANDING SIGNAGE (10' OR LESS)

ZONING DISTRICT: C-4
MAXIMUM HEIGHT: 10'
MAXIMUM SIZE: 72 SQUARE FEET
MINIMUM SETBACK: 10' SETBACK
QUANTITY: 1

NOTE: CHAPTER 1250.32(A) PERMANENT FREESTANDING SIGNAGE (20' OR LESS)

ZONING DISTRICT: C-4
MAXIMUM HEIGHT: 20'
MAXIMUM SIZE: 48 SQUARE FEET
MINIMUM SETBACK: 40' 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 RECONSTRUCT A FREESTANDING SIGN ONE (1) FOOT FROM THE FRONT PROPERTY LINE.
2. THE APPLICANT IS REQUESTING A HEIGHT VARIANCE TO ALLOW FOR A SIGN HEIGHT OF 23'.
3. THE APPLICANT IS REQUESTING A SIZE VARIANCE OF 96 SF.

Recommendation:

1. The Deputy Administrator recommends denial of the requested variances for sign setback, height, and area. According to Chapter 1250.39, all criteria must be satisfied for a variance to be granted, and the applicant has not provided sufficient material or evidence to demonstrate compliance with these requirements.

Specifically, the application fails to establish the presence of a practical difficulty or unique site condition that would justify such a significant deviation from the code. The proposed 23-foot height is not warranted, as the sign is not intended to be viewed from the expressway and does not require that level of visibility. Reducing the height to a maximum of 10 feet would bring the proposal into compliance with the required setback and eliminate the need for a setback variance altogether.

Additionally, neighboring properties have installed signage that complies with the current height and area standards; granting this request would therefore create a special privilege not afforded to similarly situated properties. Attached are examples, including a comparable sign for Stop & Go, that conforms to the permitted height and size limits.

Approval of the requested height and area variances would contradict the purpose of the sign code and undermine the equitable application of zoning regulations.

APPLICATION 27-25

JIM SUTPHIN, ON BEHALF OF S AND G STORES II LLC, IS REQUESTING A ZONING VARIANCE TO REPLACE A SIGN. THE PROPERTY IS LOCATED AT 26475 N. DIXIE HIGHWAY, IS ZONED C-4 (HIGHWAY COMMERCIAL), AND IS LOCATED IN THE CORRIDOR OVERLAY DISTRICT.

NOTE: *CHAPTER 1250.32(A) PERMANENT FREESTANDING SIGNAGE (10' OR LESS)*

ZONING DISTRICT: SPECIAL DISTRICT – CORRIDOR OVERLAY (CO)

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:

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(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 HEIGHT VARIANCE TO ALLOW FOR A SIGN HEIGHT OF 23'.
2. THE APPLICANT IS REQUESTING A SIZE VARIANCE OF 96 SF.

Recommendation:

1. The Deputy Administrator recommends denial of the requested variances for sign height and area.

Under Chapter 1250.39, all criteria must be satisfied for a variance to be granted, and the applicant has not provided sufficient material or evidence to demonstrate compliance with these requirements.

Specifically, the application fails to establish the presence of a practical difficulty or unique site condition that would justify such a significant deviation from the code. The proposed 23-foot height is not warranted, as the sign is not intended to be viewed from the expressway and does not require that level of visibility.

Attached are examples, including a comparable sign for Stop & Go, that conforms to the permitted height and size limits while aligning with the standards and vision of the Perrysburg Corridor Overlay District.

Approval of the requested height and area variances would contradict the purpose of the sign code and grant a special privilege not extended to similarly situated properties.

APPLICATION 28-25

PRADEEP VIJ WITH UTOPIA CONSTRUCTION, ON BEHALF OF BILL MULTANI, IS REQUESTING AN EXCEPTION TO REDUCE THE REAR YARD SETBACK FOR AN ADDITION TO THE HOME. THE PROPERTY IS LOCATED AT 1101 HUNTING CREEK DRIVE AND IS ZONED R-1 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1230.01 INTENSITY AND DIMENSIONAL STANDARDS

R-1 ZONING:

FRONT YARD = 45'
REAR YARD = 50'
SIDE YARD MIN = 10'
SIDE YARD TOTAL = 25'

1. THE APPLICANT IS REQUESTING AN EXCEPTION TO REDUCE THE REAR YARD SETBACK TO FORTY-SEVEN (47) FEET.

Recommendation:

1. The Deputy Administrator recommends approval of the exception. The request is minimal, and the rear of the property is a unique shape not shared by many properties in the city. The addition meets all other setbacks and poses no safety or visibility concerns.

APPLICATION 29-25

NETHANEEL ROE IS REQUESTING A ZONING EXCEPTION TO REDUCE THE FRONT YARD SETBACK TO KEEP A DECK BUILT ON THE FRONT OF THE RESIDENCE. THE PROPERTY IS LOCATED AT 11966 ECKEL JUNCTION ROAD 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 = 6' (LOT OF RECORD)
SIDE YARD TOTAL = 12' (LOT OF RECORD)

1. THE APPLICANT IS REQUESTING A SEVEN (7) FOOT FRONT-YARD SETBACK REDUCTION EXCEPTION TO CONSTRUCT AN ATTACHED DECK AT THE SINGLE-FAMILY RESIDENCE. THE EXCEPTION WOULD PLACE THE DECK STRUCTURE TWENTY-EIGHT (28) FEET FROM THE FRONT YARD PROPERTY LINE.

Recommendation:

1. The Deputy Administrator recommends approval of the exception request.

The proposed request is minimal and would allow the applicant to retain a front deck in its previous footprint. Although the deck would extend into the required front setback, it would not alter the existing setback of the primary structure itself and would maintain the overall character of the neighborhood.

APPLICATION 30-25

ROB SHAW WITH SHAW LIGHTING, ON BEHALF OF KROGER, IS REQUESTING A ZONING VARIANCE TO REPLACE A DAMAGED SIGN. THE PROPERTY IS LOCATED AT 27322 CARRONADE DRIVE AND IS ZONED C-3 (COMMUNITY SHOPPING).

NOTE: *CHAPTER 1250.32(A) PERMANENT FREESTANDING SIGNAGE (20' OR LESS)*

ZONING DISTRICT: C-3
MAXIMUM HEIGHT: 20'
MAXIMUM SIZE: 48 SQUARE FEET
MINIMUM SETBACK: 40' SETBACK
QUANTITY: 1

NOTE: *CHAPTER 1250.39 VARIANCES*

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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.

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(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 RECONSTRUCT A FREESTANDING SIGN EIGHTEEN (18) FEET FROM THE FRONT PROPERTY LINE.
2. THE APPLICANT IS REQUESTING A HEIGHT VARIANCE TO ALLOW FOR A SIGN HEIGHT OF 45 FEET.
3. THE APPLICANT IS REQUESTING A SIZE VARIANCE OF 430 SF.

Recommendation:

1. The Deputy Administrator recommends approval of the variance.

There are no structural changes to the sign; the changes are minimal and would not require complete removal, as they are replacing a damaged portion of the sign caused by a storm.

While the sign is an off-site sign, it represents a plaza of commercial businesses that sit off Fremont Pike by approximately 350 feet.

Should any structural changes be proposed in the future—such as converting part of the sign to electronic, enlarging a tenant’s section, or altering materials—I would then recommend that the entire sign be brought into compliance with the current standards.

APPLICATION 31-25

LORI UDOWSKI IS REQUESTING A ZONING VARIANCE TO CONSTRUCT A FENCE. THE PROPERTY IS LOCATED AT 1561 WATERMILL LANE AND IS ZONED R-2 (SINGLE FAMILY RESIDENTIAL).

NOTE: CHAPTER 1250.42 FENCES, WALLS, STRUCTURAL SCREENS, HEDGES, AND SCREEN PLANTINGS:

R1 - R5 ZONING:

4' MAXIMUM IN FRONT YARD

4' MAXIMUM IN SIDE YARD

6' MAXIMUM IN REAR YARD

1. THE APPLICANT IS REQUESTING A VARIANCE TO CONSTRUCT A SIX (6) FOOT FENCE IN THE FRONT YARD.

Recommendation:

1. The Deputy Administrator recommends approval of the variance request based on meeting criteria for variances C, D, F, and G of 1275.02(c)(3). The applicant has a unique parcel with no rear yard, but a second front yard along Fort Meigs Road. The fence would abut the ditch and be mostly hidden by the trees along the ditch, posing no visibility or safety concerns. The proposed application would be permissible on a traditional lot without a variance.

7. Other Business

8. Adjournment

The next meeting is scheduled for September 8, 2025, at 5:30 PM in the Municipal Building at 201 W. Indiana Avenue.

cc: Media