

## Minutes of Perrysburg Board of Zoning Appeals

Meeting Held September 8, 2025

### CALL TO ORDER - 5:30 PM

Chairman Michael McIntyre called the meeting to order at 5:30 p.m.

### ROLL CALL

Board members present were Michael McIntyre, Eric Nicely, Mark Schrock, Erin O'Rear, and Bill Williams (5). Mark Easterling (Deputy Planning & Zoning Administrator), Brody Walters (Planning & Zoning Administrator), and Tim Effler (Law Director) were also present.

### APPROVAL OF AUGUST 11, 2025 MEETING MINUTES

Mr. Nicely moved to approve the August 11, 2025, meeting minutes as written. Seconded by Ms. O'Rear, and the minutes were unanimously approved (5-0).

### ADMINISTER OATH

Mr. McIntyre 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 32-25**

TROY SCHRAMM REQUESTING A ZONING VARIANCE TO CONSTRUCT A FENCE. THE PROPERTY IS LOCATED AT 2116 HURON COURT AND IS ZONED R-3 (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 BY TWO (2) FEET.

### **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.

Mr. Easterling reviewed Application 32-25. Troy Schramm was present on behalf of the application and presented the Board with additional fence materials to support his request. Mr. Easterling confirmed that the gate is the only portion of the variance request. Mr. Schramm added that he spoke with the neighbors, and they have no issues with the proposed fence. Mr. Schrock noted that he understands the need for the request as the home sits on a cul-de-sac.

Mr. Williams moved to approve Application 32-25 as submitted, and found criteria B, C, D, and G of Chapter 1275.02(c)(3) to be true. Seconded by Mr. Schrock, and the application was unanimously approved (5-0).

### **APPLICATION 33-25**

JAMES HORNEY OF H&H CUSTOM SIGNS, ON BEHALF OF ARBY'S, IS REQUESTING A ZONING VARIANCE TO REPLACE A SIGN. THE PROPERTY IS LOCATED AT 26530 N. DIXIE HIGHWAY, IS ZONED C-4 (HIGHWAY COMMERCIAL), AND IS IN THE CORRIDOR OVERLAY DISTRICT.

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

ZONING DISTRICT: SPECIAL DISTRICT – CORRIDOR OVERLAY  
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 MORE 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 SETBACK VARIANCE TO REPLACE AN EXISTING FREESTANDING SIGN APPROXIMATELY FOUR (4) FEET FROM THE FRONT PROPERTY LINE.

**RECOMMENDATION:**

1. The Deputy Administrator recommends denial of the variance request as it does not meet all the conditions required for a variance outlined in Chapter 1250.39.

The applicant can move the sign back, although it would require a much smaller sign or relocation of an existing light pole. This would not meet the requirement outlined in Chapter 1250.39(a)(6).

Mr. Easterling reviewed Application 33-25. James Horney of H&H Custom Signs was present on behalf of Arby's and added that this request is a universal branding update across the board. Mr. Easterling noted that this request is for sign "F" on the site plan and added that all conditions of Chapter 1250.39(a-e) must be met to grant this variance. Mr. Horney said that the pole would likely have to be moved if the proposed sign is required to conform to the code. He added that there would be a substantial cost to move the sign back to the setback. Mr. McIntyre asked how this sign request varies from others, and Mr. Easterling noted that sliding out a nameplate is not a structural change to the sign. Mr. Easterling confirmed that neighboring comments had not been received.

Mr. Williams moved to approve Application 33-25 as submitted, and found the criteria of Chapter 1250.39(a-e) to be true. Seconded by Mr. Nicely, and the application was unanimously approved (5-0).

#### **APPLICATION 34-25**

PETE SCHWIEGERAHT, ON BEHALF OF PIVOTAL DEVELOPMENT LLC, IS REQUESTING A ZONING APPEAL ON THE INTERPRETATION OF CHAPTER 1250.02(R) TO ALLOW FOR A REDUCTION IN THE AMOUNT OF REQUIRED PARKING OUTLINED IN CHAPTER 1250.03. THIS SECTION REQUIRES THAT THE APPLICANT PROVIDE AT LEAST 140 SPACES. THE PROPERTY IS LOCATED AT 0 W. SIXTH STREET (DIRECTLY NEXT TO THE FORMER AMERICAN STEEL TREATING FACILITY) AND IS ZONED RM (MULTI-FAMILY RESIDENTIAL). THE PARCEL ASSOCIATED WITH THIS APPLICATION IS Q61-000-902305013000.

**NOTE: CHAPTER 1275.02(A) ADMINISTRATIVE REVIEW**

TO HEAR AND DECIDE APPEALS WHERE IT IS ALLEGED BY THE APPLICANT THAT THERE IS AN ERROR IN ANY ORDER, REQUIREMENT, PERMIT, DECISION OR REFUSAL MADE BY THE ZONING INSPECTOR OR ANY OTHER ADMINISTRATIVE OFFICIAL IN CARRYING OUT OR ENFORCING ANY PROVISIONS OF THIS ZONING CODE.

**NOTE: CHAPTER 1250.02(R) ADMINISTRATIVE REVIEW**

THE NUMBER OF OFF-STREET PARKING SPACES REQUIRED FOR THE USES LOCATED IN AND PERMITTED IN C- 1, C-3, C-4 AND INS DISTRICTS MAY BE REDUCED UP TO THIRTY-THREE PERCENT (33%) OF THE TOTAL REQUIRED, PROVIDED THAT THE FOLLOWING CONDITIONS ARE MET:

1. THE NUMBER OF OFF-STREET PARKING SPACES REQUIRED FOR THE USE OR USES EXCEED FIFTEEN (15).

2. THE APPLICANT SHALL SUBMIT AN ACCEPTABLE SITE PLAN SHOWING THAT AN ADEQUATE RESERVE OF LAND IS SET ASIDE FOR ADDITIONAL PARKING SPACES, SO THAT THE TOTAL DEPICTED ON THE PLAN IS ADEQUATE TO MEET THE REQUIREMENTS UNDER 1250.03 OF THIS CHAPTER. THE PLAN SHALL INDICATE THE RESERVE AREA SO THAT ALL DIMENSIONAL REQUIREMENTS AS TO SPACES, AISLES AND OTHER APPLICABLE REQUIREMENTS OF THIS CHAPTER CAN BE MET. THE RESERVE AREA SHALL NOT BE USED FOR WATER RETENTION, FOR REQUIRED GREENBELTS OR AS THE LOCATION FOR REPLACEMENT TREES OR OTHER DECIDUOUS OR EVERGREEN TREES REQUIRED BY THIS CHAPTER. THE LANDSCAPE PLAN SUBMITTED FOR THE SITE SHALL INCLUDE A PLAN FOR THE RESERVE AREA.

3. THE CITY HAS DETERMINED THAT THE APPLICANT HAS SUBMITTED SUBSTANTIAL EVIDENCE SHOWING THAT THE PARKING NEEDS OF THE SPECIFIC OCCUPANT WILL BE LESS THAN WOULD BE REQUIRED BY THIS CHAPTER.

4. THE PROPERTY OWNER SHALL EXECUTE AN AGREEMENT PREPARED BY THE CITY LAW DIRECTOR REQUIRING THE CONSTRUCTION OF THE ADDITIONAL SPACES WITHIN ONE HUNDRED AND EIGHTY (180) DAYS OF NOTIFICATION THAT THE CITY HAS DETERMINED A NEED EXISTS FOR SUCH SPACES. THE AGREEMENT SHALL RUN WITH THE LAND, BE BINDING UPON SUCCESSORS AND ASSIGNS AND SHALL BE RECORDED WITH THE COUNTY RECORDER.

5. A PERMIT FOR CHANGE OF OCCUPANCY SHALL NOT BE ISSUED UNTIL THE CITY HAS REEVALUATED THE NEED FOR PARKING BY THE NEW OCCUPANT RELATIVE TO THE NUMBER OF SPACES REQUIRED BY THIS CHAPTER.

1. THE APPLICANT IS REQUESTING AN APPEAL AS THEY BELIEVE THE CODE SECTION OF CHAPTER 1250.02(R) DOES NOT PREVENT THEM FROM APPLYING FOR A PARKING REDUCTION VARIANCE.

**RECOMMENDATION:**

1. No recommendation provided.

Mr. Easterling reviewed Application 34-25. Pete Schwiegeraht, of Pivotal Development LLC, was present on behalf of the application. Mr. Effler said that he has had the opportunity to review the code and added that there may have been an initial misinterpretation of the code with the original request presented to the Planning & Zoning Division. He added that Chapter 1275.02(b)(5) allows the Board of Zoning Appeals to have authority to allow a parking requirement variance. Mr. Williams asked about the difference between what is required and what is desired for parking lot requirements. Mr. Schwiegeraht said that this proposed development will be independent living with kitchen and laundry amenities, as well as a deed restriction of fifty-five (55) years or older. There was further discussion about the assisted living component of this development, and Ms. O'Rear asked if Pivotal Development could provide the appropriate documentation. Mr. McIntyre asked for clarification of the request based on Chapter 1275.03(r), and Mr. Easterling added that the baseline portion of the code is found in Chapter 1275, with the ability to grant a variance with clarity for qualification. Mr. Easterling said that the original staff interpretation was based on the commercial district as opposed to the residential district. Mr. Schwiegeraht further referenced Chapter 1270.03(r), Chapter 1250.03, and Chapter 1250.08 with regard to a variance request for relief on parking.

Christia Klink-Reef of 540 W. Sixth Street was present and said that she is trying to understand tonight's request, noting that this property is zoned RM. Mr. Easterling added that tonight's request is the ability to ask for a variance on the development. He explained the difference between the request before the Planning Commission and this request before the Board of Zoning Appeals.

Mr. Effler told the Board that a formal vote would not be required tonight, and Mr. Easterling noted the importance of a vote being that this is a formal application.

Ms. O'Rear moved to approve the appeal based on Mr. Effler's testimony. Seconded by Mr. Williams. Ayes: McIntyre, Schrock, and Williams (3). Nays: Nicely and O'Rear (2). The motion passes.

### **OTHER BUSINESS**

None.

### **ADJOURNMENT**

There being no further business, the meeting adjourned at 6:12 p.m.

Respectfully submitted,

Heather Alfaro  
Recording Secretary

The next meeting is scheduled for October 13, 2025, at 5:30 PM in the Municipal

Building at 201 W. Indiana Avenue.