

## BOARD OF ZONING APPEALS

APRIL 30, 2011

The meeting was called to order at 7:30 p.m. by Chairman James Thielman. Committee members present were: Douglas Fox, Todd Grayson, Drew Griffith, Michael Liebenthal, and James Thielman (5). Also present was Deputy Planning and Zoning Administrator Brody Walters.

Mr. Grayson moved to approve the minutes of the January 19, 2011 meeting as written. Mr. Fox seconded and the minutes were unanimously approved.

Mr. Thielman welcomed Drew Griffith to the Board.

**ZONING VARIANCE NO. 2-11** – James and Dorothy Randolph request one (1) variance of 2 ½ feet along the northern property line for a driveway expansion. The current driveway is 12' wide and it is to be expanded to be 17' wide (2.5' expansion on both sides). The subject R-3 property is located at 513 Tonbridge Court, Perrysburg, Ohio.

**NOTE:** *According to Intensity and Dimensional Standards (1230.02 (g)), "Driveways. In all Residential Districts, driveways shall be a minimum of five (5) feet from the side and rear property lines. The Board of Zoning Appeals has the discretion to allow relief (up to 50% of the required setbacks) providing the appropriate number of conditions are met (1275.02 (c)(3)).*

1. The applicant is seeking a 2.5' variance from the northern side property line. (The BZA can grant up to a 2.5' variance)

**Recommendation:**

1. It is recommended to deny the northern 2.5' variance request because it is the interpretation of the Deputy Administrator that only conditions C and D, 1275.02 (c)(3) have been met. This recommendation is based on the criteria of Chapter 1275.02(c)(3) and is subject to change based on public/applicant input prior to or during the meeting.

Mr. Griffith abstained from discussion as a Board member since he was notified as an affected neighbor of this property. He stated that he would like to make comments as an affected property owner.

Mr. Randolph stated that he will soon have children driving and his current driveway is not wide enough for two cars. He stated that in 2008 or 2009 he made the same request, and it was

approved by the Board of Zoning Appeals but he did not do the project at that time. When he called the Planning and Zoning office to make sure he could still do the work, he was notified that he would have to file a new request. Mr. Grayson asked Mr. Randolph if there was any reason he couldn't take the extra space needed off of the south side. Mr. Randolph stated that he has to go into the yard a foot or two and his yard is not very big; it is pie-shaped at the bottom and it would look awkward.

Mr. Liebenthal stated that he reviewed past minutes and the prior request for this driveway was granted in 2008, but it was an exception not a variance. Mr. Randolph asked what the difference is between an exception and a variance. Mr. Liebenthal stated that an exception is more subjective. Mr. Walters stated that he feels it was misinterpreted before as an exception because any reduction in the setback of a property line is always a variance.

Mr. Griffith asked if the new driveway will be asphalt or concrete. Mr. Randolph stated that it will be concrete. Mr. Griffith stated that he lives two houses down from the subject property and he has no objections to this request. He feels that it will be an improvement going from asphalt to concrete. He noted that on this cul-de-sac four other driveways are double wide.

Mr. Thielman asked if there were any other comments received from neighbors. Mr. Walters said there were none received. Mr. Thielman stated that part of the process of approving a variance request is reviewing the conditions to see that at least four of them are met.

The Committee reviewed each of the criteria under Chapter 1275.02(c)(3) finding that b, c, d and g are true. The Committee noted that with respect to item G: *"The spirit and intent of this Zoning Code would be observed and substantial justice would be done by granting the variance"* that there is an extenuating circumstance because this request was previously granted, and it would be an injustice for the property owner to be held to a different standard now.

Mr. Grayson moved to approve Zoning Variance No. 2-11. Mr. Fox seconded and it was approved 4 – 0. Ayes: Fox, Grayson, Liebenthal, and Thielman (4). Abstain: Griffith (1).

There being no further business, the meeting adjourned at 8:14 p.m.

Respectfully submitted,

Mary Jo Sutton

**Next regularly scheduled meeting: Wednesday, May 18, 2011.**