

MINUTES OF PUBLIC HEARING

PERRYSBURG CITY COUNCIL

APRIL 5, 2016

Mayor Olmstead called the public hearing to order at 6:20 p.m. Present were Council Members John Kevern, Jim Matuszak, Rick Rettig, Jonathan Smith, and Becky Williams (5). Tim McCarthy and Barry VanHoozen were absent (2). Also present were David Creps, Clerk of Council, Karlene Henderson, Law Director and Brody Walters, Planning and Zoning Administrator.

The purpose of the hearing was to consider a rezoning request from R3 (Single Family Residential) to C1 (Neighborhood Commercial) for 521 Louisiana Avenue. Mr. Walters provided background information on this property. According to Wood County records the structure on this property was built in 1960. For most, if not all of its recorded existence this property has been utilized as a commercial business. Past uses are believed to include medical offices, car dealerships, automotive repair, Insurance office, miscellaneous professional offices and a salon. As the application of zoning laws has become more defined over the years, this property has struggled to accommodate commercial uses as it has been and still is zoned to allow a single-family residence. Because of the limitations associated with the "legal non-conforming" status this property has been under for many years, the use has slowly been squeezed in an attempt to convert it to its permitted use as a residential lot. There have been several attempts to rezone this property over the last several years. These attempts have resulted in code amendments which attempted to loosen the restrictions of such properties with legal non-conforming land uses. It is believed that a final decision on the zoning on this property should be made rather than creating legislation that erodes the fundamental elements of zoning by allowing exceptions and exclusions for non-conforming uses. In other words, a clear path should be identified for how this property should be used in the future. If commercial uses are desired to remain and continue then the property should be zoned appropriately, otherwise this request should be given a recommended for disapproval. Mr. Walters stated that the Planning Commission recommended 5-2 to approve the rezoning request. He called attention to letters received from Judith Glanville, 108 East Sixth Street, and John and Linda Ruts, 601 Louisiana Avenue. Both letters oppose the rezoning request.

Mr. Smith said that he received an email against the commercial zoning. Mr. Kevern asked who initiated the rezoning and Mr. Walters said that the current property owners, Nicholas and Kim Nadaud. Mr. Kevern said that it seems like there has always been a business there. Mr. Walters stated that as long as we can go back it has been a business. Mr. Kevern asked why the rezoning has been requested. Mr. Walters stated that it is always good to have the use match the zoning and with the legal non-conforming status the property owner is limited in making changes including signage. Mr. Kevern asked if the property owner were permitted to put up more signage if it would be intrusive to the residential properties around it. Mr. Walters said that he believes our Sign Code would allow reasonable signage.

Jon Orser, 125 E. Front Street, said that the idea was to keep south of Fifth Street residential. Nicholas Nadaud said that he would like to change the sign ninety degrees to catch the north/south traffic. He said for small business signage is huge. Mr. Matuszak asked if signage is one of the main concerns. Dr. Nadaud said that it is a concern along with the 1,500 square feet in the building that could be rented out. Mr. Matuszak asked if an exception could be made for the signage without rezoning. Mr. Walters said that it could probably solve it short term but we need to decide the future of this property because there are many snags with a legal non-conforming use.

The public hearing adjourned at 6:34 p.m.

David D. Creps, Clerk

Michael J. Olmstead, Mayor