

PERRYSBURG TOWNSHIP BOARD OF ZONING APPEALS
26609 Lime City Road
Perrysburg, OH 43551

PUBLIC HEARING/MEETING
April 21, 2009

The Perrysburg Township Board of Zoning Appeals held a Public Hearing/Meeting on April 21, 2009. Russell Sturgill, Chairman, called the meeting to order at 6:00 p.m. A roll call was taken. Grant W. Garn, Zoning Inspector, was also present. The meeting was tape-recorded. Mr. Sturgill said they have five members present, and they are permitted to conduct business.

MEMBERS PRESENT: Russell Sturgill, Russell R. Miller, Bill Irwin, Bob Warnimont, and James Bennett.

MEMBERS ABSENT: Elsie Hetman and Jeffry D. Justus.

ELECTION OF AN INTERIM SECRETARY FOR THIS MEETING: Mr. Sturgill said the first thing they have to do is elect an interim secretary for this meeting only. He asked if he heard a nomination. Mr. Miller moved with a second by Mr. Warnimont to nominate Mr. Irwin as interim secretary. Mr. Sturgill said it's been moved with a second that William Irwin be elected interim secretary for this meeting only. A roll call vote was taken. Yes votes by Mr. Miller, Mr. Warnimont, Mr. Bennett, and Mr. Sturgill. Mr. Irwin abstained. Motion carried 4-0-1.

APPROVAL OF THE 2/17/09 MEETING MINUTES: Mr. Sturgill said the next matter to come before the board is the approval of the February 17th, 2009, meeting minutes. He asked if everybody had received a copy of the minutes, and all the members indicated that they had. He then asked if there were any corrections, additions, or deletions to the minutes, and there were none. Mr. Irwin moved with a second by Mr. Bennett to approve the minutes. Mr. Sturgill reiterated that it's been moved with a second that the February 17th meeting minutes be approved. A roll call vote was taken. Yes votes by Mr. Irwin, Mr. Bennett, and Mr. Miller. Mr. Warnimont and Mr. Sturgill abstained. Motion carried 3-0-2.

APPROVAL OF THE 3/17/09 MEETING MINUTES: Mr. Sturgill said the next matter is approval of the March 17th, 2009, meeting minutes. He asked if everybody had received a copy of these minutes, and all the members indicated that they had. He then asked if there were any additions, deletions, or corrections to the minutes, and there were none. Mr. Bennett moved with a second by Mr. Warnimont to approve the minutes. Mr. Sturgill reiterated that it's been moved with a second that the February 17th meeting minutes be approved. A roll call vote was taken. Yes votes by Mr. Bennett, Mr. Warnimont, Mr. Irwin, Mr. Miller, and Mr. Sturgill. Motion carried 5-0-0.

Mr. Sturgill swore in all persons wishing to testify or make a statement before the board this evening.

APPLICATION NUMBER 2009-6369, (VARIANCE). CONTINUATION OF THE 3/17/09 PUBLIC HEARING. Starbright Office Partners, LLC, is building a professional office building at 28555 Starbright Boulevard, which is at the corner of Starbright Boulevard and Avenue Road, which is SR 795. They would like to construct an 18 foot high pole sign in the SE corner of their lot. It would be located 10 feet from both of the public road right-of-ways. Article V Section B 3 b states "Visibility at Intersections. On a corner lot at the intersection of two public streets within any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2 ½ feet and 10 feet above the centerline grades of the intersecting public streets in an area bounded by the right-of-way lines if such corner lots and a line joining points along the right-of-way within 30 feet from the point of intersection of the rights-of-way as depicted in figure 5-2" which depicts the restricted area. The sign would be located within the visibility at intersection restricted areas.

Debbie Knoff addressed the board regarding this application. She said to recap from last month's appeal meeting, they would like to position the sign according to the 10 foot setback as required for non corner lots in lieu of the 30 foot triangular section that's requested for corner lots. As they can see on this site plan, they have it marked in red where they would like the placement of the sign to be, and indicating that there is, from the lane line of 795 to the corner of the sign where they would like to place it, 69.2 feet, which would allow for no obstruction at all from view of oncoming traffic turning either westbound or eastbound. And at the last month's meeting she presented pictures, and she asked if they would like to see those again. One member indicated yes, please. She said this picture represents the distance from Starbright to the corner of the sign, and 795 to the corner of the sign. She said and this just verifies that it was Starbright, the corner of Starbright. Mr. Sturgill said okay. She said every time she visited this site and even took video pictures, the position that cars were stopped was well past the stop sign before turning. She said this is a computer rendering of where they would like the placement of the sign, and they can see where the corner is. There was some discussion among the board members.

Mr. Sturgill asked if everyone had received a copy of Mr. Celley's letter, and they all indicated they had. Mr. Sturgill asked if there were any other questions of this applicant, and Mr. Warnimont said he did.

Mr. Warnimont said if he remembered right, she said the reason they want to place the sign where it is they want to place it, they want to decorate the bottom of it, and none of these photos show what they were going to do to the bottom of the sign. They wanted to put flowers or shrubs, if he remembers right, and he asked her to correct him if he is wrong. Ms. Knoff responded saying yeah, they would like to landscape

around that, and placing it in the dry detention area would prohibit them from landscaping. This is just, again, a computer rendering, not the exact representation of what they would landscape around, but just showing they would like to have shrubbery or flowers there. Mr. Warnimont said yeah, they just want to make sure. Ms. Knoff said okay. Yeah, they would be sure to do that. It was commented here is her other picture.

Mr. Sturgill asked if there were any further questions, and there were none. He told her she could sit down. He then asked if there was anyone else that wished to speak on behalf of this application, and there was no one. He then asked if there was any discussion, and Mr. Warnimont said he was ready to make a motion. Mr. Sturgill said what, and Mr. Warnimont asked if he was ready for a motion. Mr. Sturgill said they ought to see if there is any discussion. He then asked again if there was any discussion, and there was none. Mr. Sturgill said okay. Mr. Warnimont moved with a second by Mr. Irwin to accept the Application 2009-6377. Mr. Miller said wait, this is 639, or 6369. Mr. Irwin said yeah, on the front page. Mr. Warnimont said he was sorry, 6369, and he said thank you. Mr. Irwin said you're welcome, and he was the second with that correction. Mr. Sturgill reiterated that it's been moved with a second that Application Number 2009-6369 be accepted. A roll call vote was taken. Yes votes by Mr. Warnimont, Mr. Irwin, Mr. Bennett, Mr. Miller, and Mr. Sturgill. Mr. Sturgill went on to say he was voting yes with great trepidation. He thinks it's a bad precedent. Motion carried 5-0-0. Mr. Sturgill said their motion has passed.

APPLICATION NUMBER 2009-6377, (VARIANCE). Buckeye Investments Company owns the Sunoco service station at 10711 Fremont Pike. It is zoned C-2. They would like to redevelop this property. The plans show 32 parking spaces. Using the information from their plans, Article IX, Section B 2 and 3 b requires them to provide 33 parking spaces. The plan also does not show any interior landscaping. Article VII, Section C 4 requires interior parking landscaping, and Section C 3 requires landscaped peninsular or islands. They are thus one parking space short, and in need of interior landscaping.

George Oravec addressed the board regarding this application. He said if he may, he would like to pass these drawings out to them. He said as the request indicates, they have provided 32 parking spaces on this particular site in the redevelopment of the service station. And according to the code, they need 32.24 spaces, or one additional space to meet the requirement. A service station of this particular nature, and the term or period of time that people stay within the service station, the one additional parking space is not needed, and they are asking for a waiver of that.

The other issue has to deal with the two highlighted islands that he is indicating on the plan. According to their code, those islands should be landscaped islands. They met with the fire prevention officer of their fire department, and he concurs with them that he would prefer that those remain painted islands to give increased maneuverability

within the site itself in the event that an emergency vehicle had to enter this site or move around in this location.

They had the preliminary hearing of this site plan with all of its engineering design plans before the zoning commission on the 13th of April, and they reviewed the site, and they concurred with their request for a reduction of one parking space, and the islands being simply painted, and agreed with the site plan as they have it submitted to them now. He asked if there were any questions.

A member asked Mr. Oravec, what are the other colored boxes. What's that. Mr. Oravec said these are existing landscaping that's out there now. And this is the drive to the hotel. And what's happening is you can see the pumps right now are located here, and part of what ODOT had difficulty with is people leaving the hotel were also leaving by this driveway. They would prefer they leave by this driveway. But the reason they did that is in order to leave by that driveway, they would have to drive through the pump islands to do it. When they rebuild the station, the pumps will be located down here, so this will be identified, do not enter, when you approach it from this direction, and this will be identified as exist only, so it will direct people to go around the pump islands and go out in that direction as ODOT would prefer that they do. And as they can see, they are adding trees down Lake Vue Drive, because right now the existing building is almost right to the right-of-way line in this location right in here. And that building is pretty old. If you remember, it used to be actually a service station, and it had bays, and overhead doors, and stuff on it, and they turned it into a C store.

Mr. Warnimont said each side of the building has got parking, and he asked if that was right. Mr. Oravec said correct. Mr. Warnimont said the one bay area, or the one area they want to take out has got parking, and the other big area where landscaping is has got the parking there, and he asked if that was right. Mr. Oravec said correct, there is parking in the front of the building where the handicapped is located as well, and then there is parking on each side of the building. Those will be predominately utilized by employees. Mr. Warnimont said so just talking for himself, if there is cars alongside of that building, on both sides of that building, it is not going to make it any easier for that fire truck to get around that building with those islands being there or not being there. Mr. Oravec said when he met with the fire prevention officer, he requested that they just stripe them as they have them indicated. He said that it would improve the maneuverability in the lot. Mr. Warnimont said because he can guarantee him if that area is striped, then someone coming in, especially if he sees it, he would park there if these other areas are filled. So he is just speaking for himself that he can't see where it is going to make a difference with them islands in there or those islands out of there, and moving around that given area. Mr. Sturgill said why would a fire truck go down there anyhow. Mr. Warnimont said the only reason that you go over there is if the fire was on the back side of the building. Mr. Sturgill said yeah, but then there is a big fence there, and they could not get through there anyhow, they would have to go

around that way. Mr. Warnimont said because there is supposed to be enough room in the back to go completely around there. Mr. Oravec said right, there is a parking lot in the back of it. It's part of the hotel's parking. Mr. Warnimont said but to him, even though he is a fireman, it does not make much sense of taking those two islands out of there, but that's just his own personal opinion. He then said when it went in front of the planning commission, they had it with the islands there; right. Mr. Oravec said well, when they were in front of the zoning commission on Monday, the 13th, the islands were shown as painted islands, and they did not have a problem with that based on the fire prevention officer's recommendation that he would prefer they be painted.

Mr. Sturgill asked if there were any further questions of Mr. Oravec, and there were none. He told Mr. Oravec he could have a seat. He asked if there was anyone else that wished to speak on behalf of this motion, and there was no one that did. He then asked if there was any discussion. Mr. Warnimont said so they just more or less this evening are trying to decide, and Mr. Sturgill interjected saying if they are going to allow the variance for the lot as it is submitted. Mr. Bennett moved with a second by Mr. Irwin to accept the application. Mr. Sturgill said it's been moved with a second that the application be approved with 32 parking spaces as submitted. A roll call vote was taken. Yes votes by Mr. Bennett, Mr. Irwin, Mr. Warnimont, Mr. Miller, and Mr. Sturgill. Motion carried 5-0-0. Mr. Oravec said thank you.

Mr. Sturgill asked if there was any new business to come before the board, and there was none. He asked if there was any old business, and there was none. He asked if there was any discussion that needed to take place, and there was none. He then said well, they don't have Ms. Hetman here. Mr. Irwin said well, since he is her replacement, he would be glad to make a motion that they adjourn, or disband, or something. Mr. Miller was the second on the motion. Mr. Sturgill said it's been moved with a second that the meeting be adjourned. A roll call vote was taken. Yes votes by Mr. Irwin, Mr. Miller, Mr. Bennett, Mr. Warnimont, and Mr. Sturgill. Motion carried 5-0-0. The meeting was adjourned at 6:25 p.m.

Respectfully submitted,



Grant W. Garn,
Recording Secretary