



Board of Zoning Appeals **Meeting Minutes September 15, 2020**

Mr. Miller, Chair of the Perrysburg Township Board of Zoning Appeals, called the meeting to order at 6:00 p.m.

Members present: Mr. Miller, Mr. Justus, Mr. Warnimont and Ms. Wilker. Members absent: Mr. Irwin

Mr. Miller stated that since the board was not full with five members, even with a quorum present, any split decisions will result in an unapproved review as there is no majority. Petitioners may appeal, but if you wish to have a full board of five hear your matter, we would simply defer your matter to the next meeting with no additional cost.

Mr. Miller moved to the first matter on the agenda; Mr. Short. Mr. Short responded that he was happy to proceed. Mr. Miller also asked Mr. Bostelman, next on the agenda the same, Mr. Bostelman responded that he was ready to proceed.

Mr. Miller thanked Mr. Bilkovsky for his service. Mr. Bilkovsky, who had served on the board for four or five years, has resigned.

Mr. Miller discussed protocol for the virtual meeting. Due to a lot of feedback, Ms. Hemminger muted all callers, and announced that each party would need to unmute themselves.

Mr. Miller asked for a motion to approve the agenda. **Ms. Wilker moved to approve the agenda without revisions, Mr. Justus seconded the motion.** *Yes – Ms. Wilker, Mr. Justus, Mr. Warnimont*

Mr. Miller moved to the next order of business, approval of the May 19, 2020 meeting minutes, **Mr. Warnimont moved to approve the minutes of the May 19, 2020 meeting, Ms. Wilker seconded the motion.** Mr. Miller asked Ms. Hemminger to call the roll. *YES – Mr. Warnimont, Ms. Wilker, Mr. Justus, and Mr. Miller. Motion carried.*

Mr. Miller asked all those who intend or think they might need to make a presentation to stand and be sworn in; he subsequently swore all those in.

Mr. Miller moved to the first substantive item on the agenda: **Application 2020 0111 (conditional use)** Michael P. Short, 10335 Mandell Road (P60-300-330402003000) requests conditional use approval to permit animal (poultry) husbandry. Per Article VII, Section C.1.b.

"Dairying, pasturage, and animal husbandry of all other animals are conditional uses subject to approval by the Board of Zoning Appeals." Property is located within Pikeview Place (Inlot 5) and contains approximately 0.5096 acres of land zoned R-2 Rural Residential District (Low Density). Mr. Miller asked Mr. Short for his statement. Mr. Short has a 6 x 12 chicken coop with six egg laying hens. The waste goes to my father-in-law's farm on Five Points Rd about once a week. We have a galvanized tub for cleaning, and a galvanized tub for feed. My children, son 11 and daughter 7 clean the coop, collect eggs and feed the chickens. The eggs are given out to the neighbors. Mr. Short stated he has approval from five or six of his neighbors. The birds stay in the coop for the most part, but are quite friendly.

Mr. Miller asked for questions from the board. Mr. Justus addressing Mr. Short stated that his yard and the coop are very neat and clean. Mr. Justus asked if Mr. Short would consider a covered 40 gallon can to collect waste rather than the tub currently in use, should a time come where the waste could not be disposed of weekly. Mr. Short stated that that is what he uses; it was in the back of his truck when Mr. Justus visited the site, and the open tub is used to store feed.

Mr. Miller asked for other questions from the board, hearing none, he asked if anyone present wished to speak in support of the application. Mr. Justus read a brief statement from the neighbor adjacent in support - the coop is not six feet from the property line. Mrs. Janice Gurtzweiler stated, "I understand the chicken coop owned by Mike Short is less than six feet from the property line, and I have no issue with this and they have my approval. "

Mr. Miller asked for anyone wishing to speak in opposition of the application to identify themselves. Hearing none, he opened the matter to discussion by the board. **Mr. Warnimont moved to approve Application 2020 0111, Mr. Justus seconded the motion. Yes – Mr. Warnimont, Mr. Justus, Ms. Wilker, and Mr. Miller. Motion carried.** The application is approved.

Mr. Miller called the next application, **Application 2020 0112** (variance) Bill Bostleman, President, French Quarter Square, LLC requests variance approval from Article IX. Off Street Parking and Loading Requirements for a reduction in the required front and side parking setback requirements. Property is located at 10630 Fremont Pike (P60-400-090101014000) and contains approximately 9 acres zoned C-2 Community Business District and located within Route 20 Overlay Zone. Mr. Bostleman was asked to proceed, Mr. Bostleman responded that Mr. Michael Lentz would be presenting. Mr. Lentz presented the site plan, stating that the entrance will remain a boulevard entrance at the existing light, we have a 3 unit tenant building on the east side, a 2 separate tenant buildings on the west then a 4 unit building and two separate units further in on the property. The variance we are requesting is the east property line with a zero set back to meet the existing edge of pavement which goes to the edge of the property line. We are asking for a zero set back from a 10' setback on the east property line to accommodate parking spaces, a dumpster, and a drive through lane. On the front at Fremont and Holiday Lane the right of way takes a cut into our site, we are asking for a variance for the parking lot set back of 30' to a setback of 18' – we are maintaining the existing footprint of the

parking lot. We are building to the edge of what was built out before. Mr. Justus asked about the property line with the Maumee Watershed Conservancy District as there was an issue that came up on the ALTA survey. A gap was found on a 1992 survey of the property that was not defined. What we propose as the property line includes the gap. We are currently negotiating with the neighbor on the east to purchase that property to plat it with this site. Mr. Justus asked if the quit claim deed been executed. Mr. Bostleman responded that no, it has not been – they are working on a legal description of the proposed new property line. He continued that they do have an agreement from the farm family that originally deeded the property to the Holiday Inn. Once we have the legal description worked out, the quit claim deed will follow. Ms. Hemminger received an email in support from the family. Mr. Justus asked if approval was conditional on acquiring the quit claim deed, would you be in favor of that. Mr. Bostleman responded yes, if they are not able obtain the quit claim deed they will not build on the parcel. Mr. Justus continued, the engineer representing the township, asked if the proposed parking able to constructed up the property line, and if they could build without infringing on the Maumee Watershed Conservancy District property. Mr. Lentz responded that we are not impacting the diversion swale with our earthwork. Mr. Justus also addressed the amount of trash potentially going toward the diversion ditch; if it was determined that trash was coming from River Rock, would you agree to the expense of cleaning it out. Mr. Bostelman responded yes, this is intended to be a first class project, and we would agree to keep it clean.

Mr. Miller asked for other questions from the board. Mr. Miller wanted to confirm that as far as the drawing is concerned, you are essentially superimposing on the current footprint. Mr. Lentz responded that yes, they are building to the existing pavement. Mr. Miller asked if fencing would be put along the drainage basin. Mr. Lentz responded, not at this time. What is the use of the three unit building, the building to the right as you enter from Fremont Pike. Mr. Lentz responded that it was retail, a restaurant and a drive-through on the east end. What is the approximate distance from the drive through from the Fremont Pike? Mr. Lentz responded that it would be about 100' from Fremont. Mr. Miller's concern was in regard to room for emergency vehicles to turn around. Mr. Lentz responded that they had done their homework on turn around room for fire or other emergency vehicles and adequate space as provided.

Mr. Miller hearing no other questions from the board, asked for anyone present to speak in support or opposition of the application. Hearing none, **Mr. Justus moved to approve Application 2020 0112 with conditions: execution of the quit claim deed and the Zoning Administrator will determine if trash coming from River Rock will reach the Maumee Watershed Conservancy District, if so, River Rock will be notified and clean up any debris identified at their expense, Mr. Warnimont seconded the motion.** *Yes – Mr. Justus, Mr. Warnimont, Ms. Wilker, and Mr. Miller. Motion carried.* Mr. Miller thanked the participants for a very complete application and wished them success in their project.

With no other business on the agenda, Mr. Miller asked for a motion to adjourn. **Mr. Warnimont moved to adjourn, Mr. Justus seconded.** YES - Mr. Warnimont, Mr. Justus, Ms. Wilker, and Mr. Miller. Meeting adjourned: 6:34 p.m.

Respectfully submitted,
Liz Avery