

**PERRYSBURG TOWNSHIP ZONING COMMISSION**  
**26609 Lime City Road**  
**Perrysburg, OH 43551**

ZONING COMMISSION MEETING  
June 9, 2008

The Perrysburg Township Zoning Commission held a meeting on June 9, 2008. Robert S. Black, Chairman, asked for a roll call. A roll call was taken. Grant W. Garn, Zoning Inspector, was also present. The meeting was tape-recorded. The meeting commenced at 5:58 p.m.

MEMBERS PRESENT: Robert S. Black, Jeff Schaller, Carol Warnimont, Arthur Rometo, and Ronald M. Hanna.

MEMBERS ABSENT: John J. Benavides and Jeffrey Normand. Mr. Benavides arrived after the approval of the minutes.

APPROVAL OF AGENDA: Mr. Black asked if there was a motion to approve the agenda for this evening's meeting. Ms. Warnimont moved with a second by Mr. Hanna to approve the agenda. A roll call vote was taken. Yes votes by Ms. Warnimont, Mr. Hanna, Mr. Rometo, Mr. Schaller, and Mr. Black. Motion carried 5-0-0.

APPROVAL OF THE 4/14/08 MEETING MINUTES: Mr. Black asked if there was a motion to approve the minutes of the 4/14/08 meeting. There were a few minor changes. Other than those minor changes, he asked if there were any others, and there were none. Mr. Hanna moved with a second by Mr. Rometo to approve the minutes with the minor changes. A roll call vote was taken. Yes votes by Mr. Hanna, Mr. Rometo, Ms. Warnimont, Mr. Schaller, and Mr. Black. Motion carried 5-0-0.

Mr. Black asked if there was anyone in the audience that had anything to discuss with the board that is not on the agenda, and there was no one that did. Mr. Benavides is now present.

**HICKORY HILL: PUD AMENDMENT—MAJOR/MINOR.** Monica Malhoit of 30185 Hickory Hill Drive (Lot 6 in Hickory Hill) would like to expand her house beyond the building envelope and into the common area. Included please find copies of various site plans along with pertinent correspondence. Please review Article VI Section I which deals with PUD amendments. Your decision will then be forwarded to the Perrysburg Township Trustees for their final determination.

William Ahern addressed the commission regarding this amendment. He is the attorney for the property owner, and she is his fiancée. She told him he had to address the commission. He said he would like to thank Bob Mack for bringing them to this point,

and also Mr. Garn as he has bent over backwards to provide them with the necessary information they needed to get here this evening.

They brought with them a plan which is on the board, and what the plan involves is adding a sunroom to the back of Ms. Malhoit's property. Now, the reason they are here in zoning is because the sunroom would stick out beyond the building envelope of the house, but it would sit entirely within the lot line of the house. So they were advised by Mr. Garn that they should proceed through the ZC and get their blessing, and then they would take it to the township trustees if they okayed it.

Mr. Black said he can see that the homeowners association is not opposed to it. Mr. Ahern said yes, Mr. Whitlatch is present. He is the president of the homeowners' association, and he has signed a letter. And he does not know if they have a copy of it or not, and Mr. Black said yes, they do. Mr. Ahern said good, and that it is approving that. Mr. Black said the only question he had is what's the difference between common area and not common area. Mr. Ahern said well, he could give them the long explanation or the short explanation. Mr. Black said the short one would be appropriate. Mr. Ahern said the short explanation is the attorneys who originally developed and did the legal work on the development of this property thought there would be some tax advantage to having small lots and then what they called a limited common area which served exclusively that small lot, and then a common area which served the whole community. Mr. Black said both of which are under the control of the homeowners' association, and Mr. Ahern said actually the limited common area is exclusively under the control of the homeowner, so it's basically a lot. And if they wanted to go through all the legal rigmarole, they would eliminate it because questions like this would come out then. But it's just not cost effective to do that, so they deal with it as best they can.

Mr. Black asked if any of the members had any comments. It was asked the construction is consistent with the house, the materials and that is consistent, and Mr. Ahern said it would be the exact same materials which would be brick, glass, and wood, and either a shag roof or a copper roof.

Mr. Black said their charge this evening is to decide whether it's a major or a minor amendment to the PUD. He asked if there was a motion to consider it a minor amendment. Mr. Black then moved with a second by Mr. Schaller to consider it a minor amendment to the PUD. He asked if there was any other discussion, and there was not. A roll call vote was taken. Yes votes by Mr. Black, Mr. Schaller, Mr. Hanna, Ms. Warnimont, and Mr. Rometo. Motion carried 5-0-0.

Mr. Black said they have made a recommendation to the board of trustees that it be a minor modification, so this will be forwarded to the trustees. Mr. Ahern asked if they would notify them to come to a meeting, and Mr. Black said yes. Mr. Garn said he will try to put it on the next meeting which will be next Monday evening, and their meeting

starts at 7:30. So he will give them the same packet of information. He is not sure exactly when they will put it on the agenda as to the time slot. He said they could possibly request that it be at the start of their meeting, but he does not know what else is happening. Mr. Ahern said he would call Mr. Mack and ask him when they should be here. Mr. Garn said he does not know whether they will know that part of it right away either. He does not know if they have any bid openings or other things that are predetermined at a certain time slot. Otherwise they could do it at like 7:35 or something like that. Mr. Ahern said thanks for all their help, and thanks to Mr. Garn. He has really helped them and guided them along here. And hopefully the job will be done. Mr. Black thanked them for coming this evening.

Mr. Black asked Mr. Garn if he would like to share with them his thoughts on their next item. Mr. Black said to also let the record show that Mr. Benavides is now present in the audience.

Mr. Garn said the trustees are definitely interested in doing some type of a comprehensive plan for the township. This is a copy, and they can sort of see what the county has. He does not know if this is their final map, but it's probably fairly close. One of the things is that Poggemeyer is the one that has done the comprehensive plan for the county. Last year they gave him a verbal agreement that they would be willing to do a short, sweet, and simple comprehensive plan. They are fairly expensive. They told him verbally that they would do it for about \$25,000.00. He knows when he has mentioned this to other communities that have done these, they said grab it and run with it. They can be very expensive. Perrysburg's he thinks was well over a hundred thousand dollars for theirs. He knows the county had some problems in getting theirs done. They paid \$50,000.00 to have theirs updated. Mr. Black asked how much did they pay and who did they use. Mr. Garn said about \$50,000.00, and they used Poggemeyer. Randy Mielnik came and helped them with it.

Mr. Schaller asked without zoning in at least certain areas of the township, what about that. Mr. Garn said he is not sure what quite it has, but he believes that they can do and include that in the comprehensive plan, the unzoned area, just as the county has done. Mr. Schaller said but he has no way of enforcing it, and Mr. Garn said no way of enforcing it. Right. But it gives an indication of what the intentions are for that area. He believes the trustees were initially intending to put that on the November ballot, but decided a little too late because it takes about 9 or 10 months minimum to get it on the ballot to go through the process. The last time they did it they started it in either January or February to get it on the November ballot. Mr. Schaller said with what happened over there on Neiderhouse Road with petitions trying to get that changed and what have you with this, what kind of support that would have, and he does not know, good or bad.

Mr. Black asked Mr. Garn if he has had discussion with any of the trustees. Mr. Garn said yes, they had discussions this morning about this, and also last week he had some

discussion with them, and they are definitely interested. He is not sure how interested price wise because at one point one of them thought that maybe just the ZC could go ahead and do it. But he thinks, from what he understands, comprehensive plans are much more involved with a lot of statistical data and so on that you have to comprise. Mr. Black said they have redone in conjunction with the BZA the zoning resolution. It's a lot of work, and none of them are professionals in that area. He really enjoyed it because they worked together with the BZA, but when you get done, you realize a lot of what you don't know. That's just spinning your wheels, because then they brought in Poggemeyer. So he does not think that's the best way to go. That's a penny wise and a pound foolish besides taking a lot of everyone's time and effort. It's very time consuming. They had a number of meetings beyond the normal twelve meetings they have during that period that they did that. That's been 5 or 6 years ago, at least. Ms. Warnimont said at least or more, because she was not on the board then. Mr. Black asked Ms. Warnimont if she was their zoning inspector, and she said no. Someone else responded that they were. Mr. Black said okay. Mr. Garn said Ms. Warnimont came to some of the meetings. Ms. Warnimont said she was there at all those meetings, but she was not on the board here. She came as doing all the work, all the typing and corrections and things. Mr. Black asked Mr. Garn what year he became the zoning inspector, and Mr. Garn said '99. He thinks it was around 2000.

Mr. Garn said the other option is they could put it out for bid. Mr. Black said well, if the county cost \$50,000.00, and they want to charge them \$25,000.00, and they are not very big. He struggles with that ratio of cost. Mr. Schaller said they already have he would assume some of the statistical information. Mr. Black said precisely. That's why he struggles with it. And he knows all the reasons that it's a good idea for a political entity to have a comprehensive plan is because it creates a barrier for some legal issues that otherwise could happen as a result of some zoning issues down the road. He asked if that was the way they understood it, and the response was yes. Mr. Black said he knows his participation on behalf of the township with the City of Perrysburg the last two times, the comprehensive plans, that's one of the reasons that they give for that that you should not only have one, but you update it on a periodic basis. Mr. Garn said they have been talking about doing it for 5 to 7 years. Mr. Black said exactly, so he would be in favor of the trustees doing that, but he is not too sure that he agrees with the pricing of it.

Mr. Garn said possibly, and he does not know whether they will have it or have the trustees, but to have someone come to the meeting and explain things. Mr. Black said he would agree, because like he said, a lot of it involves a lot of census data and whatever that they had to have had to do this, and this is the whole county, and they are obviously part of the county. He said he would make a motion that they send to the trustees that they do consider a comprehensive plan review, but not consider Poggemeyer without them coming in and explaining pricing. Mr. Garn said pricing and what they would do for that. Mr. Black said what they would do for that. Mr. Garn said that's where the county ran into their problems. There were problems as to how far

they were going to go, and what they were going to do. And he knows that for this pricing, they were going to do some bare minimum work on their end as to the number of meetings and some other things. And he thinks they can become very involved. Mr. Black said so with that motion, he asked if there was a second. Ms. Warnimont was the second. Mr. Black asked if there was any further discussion, and there was none. A roll call vote was taken. Yes votes by Mr. Black, Ms. Warnimont, Mr. Rometo, Mr. Hanna, and Mr. Schaller. Motion carried 5-0-0.

Mr. Garn said with this they would like them to come back and meet with them to explain things, and the response was yes. Mr. Garn said there is one other individual that Poggemeyer uses. He knows Randy lives in the area, he still lives in Perrysburg, but he works in Michigan now. Mr. Black said the Michigan office, and Mr. Garn said the Michigan office. So he thinks that Randy indicated that he would come back and do this for them. Mr. Black said he imagines he comes home at night, and Mr. Garn said yes. Mr. Schaller said that's not something that Tom Bowlus supports. Mr. Garn said Tom Bowlus at this point would be an independent contractor. Mr. Schaller said oh, he is, and Mr. Garn said yes, because he is no longer an employee of theirs. He has a lot of knowledge in those areas. He does not think they have anybody in their firm to do the grunt work. He has he thinks a law degree. Mr. Schaller said not too many people are as passionate about things as he is. Mr. Garn said he had the tendency the last time he thinks he got them a little lost. Mr. Black said they needed a translator the last time. Mr. Garn said he thinks he goes a little overboard. Mr. Schaller said a little technical. Mr. Garn said a little technical on certain things, and he just got lost in that. He thinks he had done that in a few other communities, and it caused some problems.

Mr. Black said that they have some other issues that he put on there. He asked if the trustees had indicated to him that they would allocate some funds to look at the PUD section. Mr. Garn said well, they have not, but he is going to press them about it more that they need to do some things and that the board thinks it's worth doing. Mr. Black said he thinks particularly in the PUD. As he mentioned, that they received a little information from the county on that. And he thinks they should. In fact, he again will make a motion that they pass along to the trustees that they ought to take some funding out for that area. Again, for some professionals to do it, not for them to do it. He thinks it's important that it gets updated.

Mr. Garn said he has some basic questions on it in certain areas, just to get an idea of how the board feels. These are things that he has run into over the years, and he put some down. He finds it interesting because he has had maybe three or four applications so far, but he does not know if anybody has put any up, and he's talking about wind turbines. The latest was one in a normal subdivision by an engineer in his backyard only 24 feet tall. And it would be one that did not have propeller blades on it, but one that spun around a shaft. He put down setbacks for accessory buildings. Their setback used to be 5 feet, and then they changed it to two different ones, 5 feet and the 10 feet, depending, and the 10 feet could even be further if it had higher sidewalls.

And for certain people in certain areas where they have had to go in for variances quite often just because they didn't have the right amount of allowances. And he knows in the City of Perrysburg there is just 5 feet, and a lot of communities they are 3 to 5 feet. So it's just things to talk about.

Another thing he runs into is privacy fences. Before their resolution a lot of privacy fences started in the side areas and the front of the house and then moved back, and they changed it to just privacy fences in the back yard only. He did not know how the board felt. This is just things to think about.

Home occupations, they used to have much more, four or five paragraphs, which allowed more home occupations to take place in the area, and with the economy, if they are not going to have more home occupations. They have quite a few right now, people that operate their computer operated businesses out of their homes. A lot of interesting calls from people that want to start things up. Mr. Black said that does not include telecommuting where they are just working at home, and Mr. Garn said right. Mr. Black said that's not considered a home business. Mr. Garn said well, that could be real interesting, because there are some people that are pretty much they are on-the-road salesmen or whatever. This is their home office, their home base. He knows his one daughter, she does a lot of work at home now. Mr. Black said one of the issues they ran into a few years ago is more of a traffic issue than it is just having a computer inside your house, or you are traveling for sales. Of course, that was not an issues that many years ago, but it was the fact that you would have a lot of cars coming and going. That is an issue. Mr. Garn said that is an issue. And those are things. Some guy called last week, somebody wanted to set up a beauty parlor. Mr. Black said, now that does become an issue. It was commented you have traffic then. Mr. Garn said what's the difference between that and purely commercial. Mr. Black said exactly, and he thinks that's what becomes the problem. It starts with that and five teenagers in your house. That is a residential use, but a beauty parlor is not. But both create about the same amount of traffic.

Mr. Garn said but the other ones, of course, PUD's, and they sort of talked about those. And they just sort of have to decide how far they wanted to go. Mr. Black said that's where he got lost in some of Tom's stuff the last time. Mr. Garn said yes. They all did. He just went overboard explaining everything instead of sticking to one area. Ms. Tretter said at least they got to leave it behind. She had to relive it when she typed it and tried to punctuate it. Mr. Black said he has made a motion that they pass along to the trustees that they budget some money, and he asked Mr. Garn to pass that along for them. He asked if there was a second on that motion, and Mr. Hanna was the second. He asked if there was any further discussion, and there was none. A roll call vote was taken. Yes votes by Mr. Black, Mr. Hanna, Ms. Warnimont, Mr. Rometo, and Mr. Schaller. Motion carried 5-0-0.

Mr. Garn asked if there were any things in the township that they have seen that they think they should look at, or that should be reviewed. You know, different communities do different things. You have Rossford which he does not know that they have any plan, and whatever developer comes in, they are going to run with it. Mr. Black said one of the things that he has noticed about the township, and he does not know if he has looked at their zoning book, but when people bring in dirt for off site, and pile it off, and raise the level of the adjoining land, he asked if they specifically address those issues. Mr. Garn said no. Mr. Black said that he thinks is important. He knows they address it from a pond standpoint that it has to be so far back and sloped, and where the water run-off will go. But those other issues for the people that have large lots or large pieces of property can create not necessarily drainage issues, but he thinks not the least of which is the road issues that can be created when you see those trucks come in and out on a night like tonight when it's rainy or whatever, and he thinks those things should require permits. Mr. Garn said for moving that dirt, and Mr. Black said absolutely, and he does not know that they have that. Mr. Garn said the only thing that they have, if you are bringing a lot of dirt in, that you are supposed to have a map drawn ahead of time as to how much, and how you are going to contour the land to make it fit on there. It's a very difficult thing to do anything about, because usually when they are bringing dirt in, and they had on Bates Road somebody brought in over 150 loads when they were digging the new water line along Simmons Road, and they just took all the dirt and they filled in some ravines. Mr. Black said there were a number of places around the township that have received dirt for construction projects or public projects, and if somebody volunteers their land or whatever, and it does create social issues that aren't properly addressed. Mr. Schaller said and what's the limit, too, if they have a load, or if they have a hundred loads. Mr. Black said sure. He said that's an area, and he asked if there are other areas, but that's an area. He can pass that along.

Mr. Garn said and those are things he thinks in redoing the zoning book, to think of things they see around here that they would like to see done differently. Mr. Black said and it's hard sometimes to go through the zoning book, he thinks, and actually get an application to a particular zoning code. And then you realize that's right, and then there is something they can do that they wish they couldn't, or there is something that they are asking to do that they have to go to the BZA. Of course, that's why you have one, but if you find, like Mr. Garn said, people coming too often for a specific issue, then that's an indication that maybe it should not be this way. Mr. Garn said that something isn't quite adequate. Mr. Black said because that's not the intent either. You should not have to come all the time for the same issue. But that comes with experience.

Mr. black said so it's his understanding from what was said that they will not be able to change or go for the unzoned area to have it zoned on the November ballot, and Mr. Garn said correct, because they, just a few weeks ago, asked, and then when he checked with the law to see, and they told him to call the WCPC, and they said way

late. Mr. Black said that's too bad, because as this water and sewer expands into that unzoned area, it's going to be a problem, because that's what anyone needs to do anymore. Mr. Garn said and there is talk of that water line going up all the way along Five Point Road through the area, and to bring a lot of things in.

Mr. Garn said and to give them an idea of things in the near future that will be coming in, there is some question about the access road off of Thompson Road. He is going to meet tomorrow, and finally DGL is coming through. They have not seen anything yet. They are going to meet about it and informally look at it, but it sounds like the point of entry is going to be a lot different than they thought it was going to be. Evidently Market Center Drive is a lot closer to Thompson, to Route 20, than it should have been, he guesses, just by what they wanted the other entry to be. Mr. Black said does he mean Market Center Drive that is in there now, and Mr. Garn said that's in there now. Mr. Schaller said it would not be across from it then, and he wondered if that is what he was saying. Mr. Garn said well, they don't know yet. He just threw something out to Dave to say think about a round about or something. If they will remember, they changed that when that was being built. Market Center Drive was going to be further out, and it got back in towards Route 20 in order to, as he remembers it, touch the property where Walgreen's drug store is now, because that was separate. Sky bank owned that separately, and that's the story how it went. And they know who brought that story into them. Mr. Black said George, and Mr. Garn said George. And John was here. He asked if they remembered that. Mr. Black said John remembers. Mr. Garn said and so they are waiting to see what happens there.

Mr. Garn said well, the other meetings, he has a meeting earlier tomorrow with the people that own Bayer Mobile Home Park. They want to see their comprehensive plan. They are sending an architect and somebody else just to talk about what they want to do with their property. Mr. Schaller said they talked about that being mostly vacant, but the other day he went by there for some reason, and it just seems like there is still a lot there. Mr. Garn said yes. It's in October when it's going to be vacated. Completely vacated by October. Mr. Schaller said it's vacated because why, and Mr. Garn said because they anticipate putting something on that land back in there. They own 40 some acres there. He does not know what. He got a call. He talked to Mary Haller, if they remember her from abc auto auction. Mr. Black asked is she still there. Mr. Garn said no, not here locally. She's left here sometime ago. She's in charge now of all of their operations across the country. They are looking to now expand. You know how they have rezoned the back part. Now they are looking to expand back there, because they are anticipating something up in front. You know, the access road problem. The other one of the trustees this morning had brought it up, you know, saying well, that access road might be moved further back possibly. And they said well, ask them about round abouts, see if that would make any difference to have a round about up in that area. It was commented it's the hottest topic lately. Mr. Garn said oh, yeah, it's a hot topic, and would that help at all for, you know, moving the traffic through that area. He does not know.

Mr. Black said to Mr. Garn, are you suggesting that Speedway is closer, and Mr. Garn said Speedway also called. He has not gotten together. Amanda wants to meet with the trustees from Speedway to find out more about curb cuts and so on. And on the property owner next to there, they have had no response. He guesses the trustees have even written a letter that she has not responded to, so he is not sure what's going to happen there. Of course, Speedway then, they have issues that they would have to go to the BZA also for setbacks. So depending upon how the township views the whole situation there, they have issues. Mr. Black said that was what he found curious. They say the plan fits the site, and yet they need BZA approval in two or three different areas. So apparently it does not fit the site or you would not need BZA approval. Mr. Garn said, and they probably don't want to spend any more money because it was going to be a trade off if the township were able to buy that house, then they would give Speedway some more land in order to get a right turn lane up on Route 20. Mr. Black said so he is thinking they want to get this moving, and Mr. Garn said evidently they want to get something moving, or know what's happening, because he thinks they are getting tired of the trustees not even getting back to them, because that's out of his control. He knows what he would have done a long time ago. Mr. Black asked, can they build that station and live with the setbacks that are in their zoning resolution, and Mr. Garn said he does not know. He really does not know. He thinks they will be redesigning it, because they also realize the station will be better reconfiguring the entries into it. But they are sort of stuck, too, if they can't get that land, and nobody has gotten back to them on that end of it. He has his own personal feelings what he would have done with it, but he is not in the driver's seat, and it's their checkbook.

Mr. Black asked if there were any other issues to talk about. Mr. Garn said he guesses on that issue, when you get to access roads, are access roads mandated in their zoning book or not. To him they are, but can the trustees walk away and leave everybody in the lurch, or do they just intend to have somebody else start it. Because somebody is going to have to buy one or two houses to get it started, and he does not know. He thinks that is an issue for the ZC, sort of how they feel about getting some of that started. Mr. Black said well, there is no question about it, they need the access road. But it's ultimately the trustees that have the power to do what needs to be done to get the access road if private development does not want to do it. Mr. Schaller said but it's really good on Market Center Drive when that whole corner was developed, getting the road in there was a lot more feasible than if you do a parcel or two at a time. That's really interesting. Because at the end of the day, it was not particularly effective toward going back west, you know. Because it just has not been developed, or it's developed just small parcels at a time.

Mr. Garn said he also gets a call every week from the representative from Bennett's next door wondering where the traffic impact study is and what's happening. So there is interest all the way along. Mr. Black asked, has Speedway done that, and Mr. Garn said done what, and Mr. Black said the traffic study. Mr. Garn said no, the township is, and they are paying for it. Mr. Black said he thought Speedway had to do that as part

of it. Mr. Garn said he thinks they are a little part of it, but he thinks they are overall paying for that initial study. Mr. Black said, and has it been done, and Mr. Garn said that's what tomorrow is, to be the initial presentation, or the rough draft of that is coming in tomorrow morning. Mr. Black said as a part of Speedway's approval process, they have to do that. Didn't they do that. Mr. Garn said they did a smaller one that was not really a true study, and so they want along and said okay, they will do one going all the way down to that next stop light. And he thinks Speedway is supposed to help with that, but their initial study was not done on all that. Mr. Black said, but that study, depending upon what it comes out with, could have an impact on what the site looks like. Mr. Garn said that's right, and where the access road should really go in. Mr. Rometo would have a better idea on some of those things in reading one to know what it's saying. There is some reason why, and he is guessing it's where the drive was, because DGL's the one that's done the traffic studies all the way through. And he thinks something happened between where Market Center Drive is now that they somehow he thought approved of 7 or 8 years ago, and he is guessing that ODOT over the years has changed its rules, though, somewhat in the last 7 or 8 years. Mr. Rometo said yes. Mr. Garn said he is not blaming anybody. Mr. Black asked who is doing this traffic study, and Mr. Garn said DGL. It was commented the same one that did the limited study. Mr. Garn said they have done all the studies along Route 20, he thinks in this whole area. They did it he thinks for Wal-Mart. Everybody involved. Mr. Black said so they are the ones that are giving the presentation tomorrow, and Mr. Garn said yes, Lorie Adams he thinks is coming over, and Dave Kuhn will be here for them as the engineer. And John Hrosko and he will just meet, the four of them, and just sort of see what they have. And it's just informal. They just want to get some ideas. He does not know if you can change traffic studies after, if statistics lie or what happens. It seems to him that they say what they say, but maybe they don't say everything. Mr. Black said Mr. Rometo is smiling over there, so he knows a lot more about that stuff than he does. It was commented it's like reading an ink blot test.

Mr. Black asked if there were any other issues that anyone would like to discuss, and there were none. He asked if there was a motion to adjourn. Mr. Schaller moved with a second by Mr. Rometo to adjourn. All members were in favor and none were opposed. The meeting was adjourned at 6:35 p.m.

Respectfully submitted,

Grant W. Garn,  
Recording Secretary