

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

PUBLIC HEARING  
May 16, 2006, 6:00 p.m.

The Perrysburg Township BZA held a public hearing on May 16, 2006, at 6:00 p.m. Russell Sturgill, Chairman, called the meeting to order at 6:00 p.m. A roll call was taken. Grant Garn, Zoning Inspector, was also present. The meeting was tape-recorded. Mr. Sturgill said they have a full membership in attendance this evening, and they can conduct business.

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

MEMBERS ABSENT: None.

APPROVAL OF 4/18/06 MINUTES. Mr. Sturgill asked if all the members had received a copy of the minutes, and they all indicated they had. He then asked if there were any corrections, additions, or deletions, and there were none. Mr. Warnimont moved with a second by Mr. Irwin to approve the minutes as written. A roll call vote was taken. Yes votes by Mr. Warnimont, Mr. Irwin, Ms. Hetman, and Mr. Sturgill. Mr. Miller abstained. Motion carried 4-0-1.

Mr. Sturgill asked if everyone who wished to testify this evening had signed in. Mr. Sturgill then swore in all persons wishing to address the board this evening.

**APPLICATION NUMBER 2006-5705 (VARIANCE).** Cottage Inn Pizza of 742 West Boundary, Suite B, has applied to install one pole sign, one wall sign, and two window signs. It is zoned C-2. Article X, Section F, Table 2 states that they may install one freestanding (pole) sign and two building (wall and window) signs. All signs meet the sign face area requirements. They are asking for one building sign too many.

Bob Brogan addressed the board regarding this application. Mr. Sturgill told him he had better state his case. Mr. Brogan said that he is here because they were denied window signs, he believes. He believes they were told they have too many. They are just here to ask that they be allowed to have the signs that they already have installed. It is a Cottage Inn standard. All the stores locally as well as in Michigan all have as many signs as they do. They are just following the standards. They thought it would look good, make the building look good, bring attention to the building.

Mr. Sturgill asked if something he had was an accurate reproduction of the site, and the response was yes. Mr. Sturgill asked how do they count the signs. It looks like a lot of

signs to him. Mr. Garn said it could be five, it could be three, and it could be the windows have neon all the way around them. Mr. Sturgill asked if these are signs, and do they consider this down below here the same sign. A window sign plus the one above the window. Mr. Garn said those are all glassed area. It's like a window with a divider going through there. Mr. Sturgill said if that's the case, where is the third sign. Mr. Garn said there is the window sign, and the second window sign, and then they have the sign above the door. They are all wall signs. They are all building or wall signs. Mr. Sturgill said and the freestanding pole sign meets the code. Mr. Garn said that meets the code. On the square footage basis these all just meet code. They are right there if they want to consider them separate signs. The wall sign above the front door with Cottage Inn Pizza. Ms. Hetman said but they don't all say Cottage Inn, do they. A member said they don't have to say the same thing. Ms. Hetman misunderstood.

Ms. Warnimont said this here is lit up all the time. Mr. Sturgill said it's circled by a neon.

It was asked to Mr. Garn if this application was the result of a citation, or was it just brought to their attention. Mr. Garn said the person who had the sign made, the sign company never came in, and he was after him for sometime to even come in to apply for the permit. He had already installed it. The person, and he is not sure what happened, and he is not trying to give him the extra benefit, but there was an accident a couple of months ago in the Oregon area where a young boy was hit on a bicycle, and he thinks that was his son. And it was right at that same time when he was going after him to do that, and his name was Bob Herrington, he thinks. That's the last he ever saw or heard from him. He never saw him. They had phone conversations, which is typical of a lot of sign companies. That they just go ahead and do things and hope they never see him. He does not believe Cottage Inn had any idea. He thinks they thought that they had paid for the permit.

A member asked Mr. Brogan if that was correct. Mr. Brogan said that is correct. This is their first building that they have built, and they had no idea that the permit or anything was required. They were told that he was going to take care of all that.

Mr. Sturgill asked if any members had any further questions of this applicant. A member asked Mr. Garn if the neighbor that had written this letter present, and Mr. Garn said no, he was unable to attend.

Mr. Warnimont said that he did not catch the applicant's name, and Mr. Brogan repeated it. Mr. Warnimont said his question is, as he was up there today and looked at it, and what time do the lights come on, and what time do the lights go off. Mr. Brogan said they come on at 10 a.m., and they go off at midnight. They are on from open to close. They open at 10 a.m. and close at midnight. Mr. Warnimont said they don't leave them on all night, and Mr. Brogan said no, they are off. Mr. Warnimont said

he could not remember this. The pole sign, freestanding sign to the north of the building, is that lit also. Mr. Brogan said yes, that is lit. They don't turn that on until dusk. Mr. Warnimont asked what time was that, and Mr. Brogan said usually around 7:00 or so, and just till midnight. Mr. Warnimont said so it comes on roughly seven and goes off at midnight, and the response was yes.

Mr. Sturgill asked if there were any further questions of this applicant, and there were none. He told him he could be seated, and he asked if there was anyone in the audience that wished to address the board on this issue, and there was nobody. He asked if there was any discussion on this matter from the members.

It was asked to Mr. Warnimont if this was a residential area, and the response was it's more or less a commercial on the west side. Used to be a car lot right next to it. That's where the Army store used to be, and they tore all that down and redid that. And right to the left of it is an ice cream store, and then Eckel Road goes there. The comment was made they have redone that whole area, and the response was yes. They lost one car dealership. Mr. Sturgill said across the street facing this is all residential over there. Mr. Warnimont said right, this is apartments, and he can't remember how close 7<sup>th</sup> Street is to that, which is an insurance company. He can't remember if there is one or two houses facing it for sure. The comment was made that it's four-lane there on 25. There are no big spotlights on the thing. It's just the three-quarter inch neon or whatever it is around that.

Something was asked of Mr. Garn about the ice cream store. Mr. Garn said there is one sign on the building. Well, there are two on there. Then they have one on the awning facing Eckel Road. One of them on the building was advertising the business, and the other one was their products and for the drive-thru. There was a question that they have got an area where they could put a freestanding sign, and Mr. Garn said yes, and the comment was going out the road.

Mr. Warnimont moved with a second by Mr. Miller to accept the application. A roll call vote was taken. Yes votes by Mr. Warnimont and Mr. Miller. No votes by Mr. Irwin, Ms. Hetman, and Mr. Sturgill. Motion defeated 2-3-0.

**APPLICATION NUMBER 2006-5706 (VARIANCE).** Alfred Craig of 102 Secor Woods Lane would like to build a 10 foot by 18 foot (180 square foot) storage shed in his south west side yard (site A). The property is zoned R-1. He would like to place the accessory building within 5 feet of his side yard. That area has had a privacy fence for some time, and he is in the process of installing an in-ground pool in his yard. He also has an alternative location (site B) chosen that would be 5 feet from the northwest fenced-in corner which would be the front yard. Article VII, Section B 2 (b) states that no structure shall be permitted in the lot's front yard, and a detached structure shall not be closer to the right-of-way than the principal structure. (3) states that accessory structures of over 120 square feet shall be at least 10 feet from the side and rear

property lines. He is asking for an accessory structure that is 5 feet too close to the property line, and the possibility (site B) that it be located in the front yard.

Alfred Craig addressed the board regarding this application. He introduced himself to the board. He said as was mentioned, it is to apply for a variance. And the main reason he guesses is they have a lot of gardening to do and no basement, so they are after a place that is a little more than the maximum allowed to put some more tools and things in. The back yard is such that going 10 feet away from the property line would put it in the center of the lot in a disproportionate way. It just would not fit too well there.

Mr. Sturgill asked if the stockade fence went back around the rear of his property, and the applicant said yes, sir. Mr. Sturgill said so if it were in this site A, it will be in the corner surrounded by the stockade fence, and the applicant said yes, sir. Mr. Sturgill asked how long that stockade fence had been up, and the response was he presumed more than a decade. It's not that new looking. Mr. Miller asked what is the height of the stockade fence, and the applicant said he believes it's 6 foot. Mr. Sturgill said he would not be able to put that fence up today, would he. Mr. Garn said not the one fence out in the front yard. Mr. Sturgill said so it's grand fathered in, and Mr. Garn said yes. Mr. Sturgill said but it does adequately cover up this site A.

Mr. Craig said he noticed that his neighbors are here, and they say site B. In their estimation, they are equally okay. So they will make a choice, but his neighbor has a choice also. He would be more than willing to just go with their preference. But originally he did approach Mr. Garn about the shed being located in the southwest corner as indicated, site A. As far as the back yard goes, probably site A would be the best fit.

Mr. Sturgill asked if there were any further questions of this applicant. Ms. Hetman said yes. First of all, why is it called a suite instead of a shed, and Mr. Garn said it was his misspelling on there. It's site A. Mr. Warnimont said he was wondering that himself. Mr. Craig said he thought it was the way they do things here. Ms. Hetman said but it's 60 feet bigger than what is required. Mr. Craig said 60 square feet apparently. Ms. Hetman said no, look here. Mr. Sturgill said he is asking for the 5 foot variance on the distance from the side line. That does not mean that the shed is too large. The comment was made that the size is okay, but because of the size, and Mr. Sturgill said because of the size, this has to be 10 feet. The comment was made and the place he wants to put it, he needs the variance. Mr. Craig said it's concrete trim on the pool, and that makes it so he can't come in 10 feet. Ms. Hetman said what she is trying to say is his yard is small, and he might be better off to have a smaller shed. That is just her opinion. They can go on.

It was asked what is the height of the shed. Mr. Craig said it's a soap box shed, if they are familiar with that. It's got a sharp fence. It was asked what the height of that is. Mr. Craig said the plans have it about seven and a half, he thinks.

Mr. Warnimont said he was over there today but nobody was home, because he wanted a picture. If you come in off of River Road, there is a fence which is visible right now. It will go in that right corner where all the trees are and pretty much blocks the neighbors out there. Mr. Craig said that would be correct. Mr. Warnimont said and B would go on the other far corner with is exposed more to his property because there are less trees over there. Mr. Craig said that might be so, although he did not look at that in particular. Mr. Warnimont said A's in the south corner, B's in the north corner, and Mr. Craig said correct.

Mr. Sturgill asked if there were any further questions of this applicant, and there were none. Mr. Sturgill asked if there was anyone else present who wished to address the board on this matter.

Stan Rudy addressed the board regarding this applicant. Mr. Sturgill asked him if he was next door to the applicant, and he said yes. He told the board that he has another problem with this whole thing. He does not know, but who approves the pool. Who issues the permit. Is it the county. And the response was no, they came here. Mr. Rudy said the lot is low, and it tapers down into the corner that he wants to put the building in. It's the lowest point in the three lots that come together there. It's a low point. Right now if they go over there and look, with all the rain they have had, there is a large area of standing water there. Typically there is. When the pool was put in, it's above grade so it's changed the drainage. There is going to be a fair amount of run-off towards his property. There are trees along there. They are hardwood trees. They don't do well in wet sites. What typically happens is the roots rot, and the tree dies, and it becomes a hazard. He really does not want to take any trees down because somebody has not solved a drainage problem.

The other thing that he is concerned about is that he moved into there because of Secor Woods. He enjoys his trees, and he really likes that area. He does not want to take trees out. He particularly does not want to take them down because somebody else has created a problem on his property. Within the last couple of years he has spent a little over \$30,000.00 doing foundation work. If he has water running back into that area, he is going to have to solve that problem, and he really does not think that that's his problem. He thinks the drainage issue creates some real problems back in there. As far as where he sites it, his preference would be up front in the north corner, because there is trees up there and bushes, and he does not have to look at it. But he has some real concerns about the drainage. Like he said, there is large areas of standing water right now.

Mr. Sturgill asked if he had problems with the drainage even if the building is up front, and Mr. Rudy said even if the building is up front he still has a problem with the drainage. Because he has changed the grade, and the water is going to run off into that corner, and he has a couple of large trees back there that aren't going to do very well. And it creates some real problems, and it's going to create some expense for him later on either taking the trees out when they die, or putting a drain in. And if he is required to drain that area so that it does not create a run-off problem for him, then his preference would be that they do it with horizontal boring, because if he trenches it to put the drain in, he is going to disturb the tree roots and kill the trees. And his real issue is with the drainage. And his preference for the building would be to put it up in the northwest corner. He has more privacy there. Otherwise where he is planning on putting it, he will look right out his kitchen window at it.

Mr. Sturgill asked if there were any questions for this gentleman. The comment was made that this drainage issue is a side matter from the building. It does not matter where the building goes other than preference. Mr. Rudy said the other problem is if he puts the building back in the southwest corner, it's going to sit in water. Because there is going to be water standing back there, and the building is going to probably not be usable. The other problem they are going to get into is if it's sitting in a puddle of water, this time of year typically this whole area floods. If it sits there in a puddle of water, the building is going to be unusable and it's going to deteriorate.

Ms. Hetman asked if there was any way to fix the drainage. Is there any way that man could fix the drain and make it drain off. Mr. Sturgill said he was sure you could. She could make it a condition of acceptance. A question was asked if the drainage issue has been addressed in the process of the pool. Mr. Garn said the process for the pool is it has setback requirements, and it just needed to be 10 feet away from the side yard lines.

Mr. Sturgill said it's illegal to change the drainage, so they have a real problem here. Mr. Garn said it's a civil matter. Mr. Sturgill said it would be a civil matter. Mr. Garn said between neighbors usually. Mr. Sturgill said but it's something that they can avoid a problem here this evening, and Mr. garn said yes.

Mr. Sturgill asked if there were any further questions for this gentleman, and there were none. Mr. Sturgill asked Mr. Craig if he had any ideas for addressing his neighbor's problem.

Mr. Craig said first of all he would like to suggest that the drainage issue has improved with the pool, because the water now goes in the pool and not down toward the corner of the lot. Mr. Sturgill asked him to speak up. Mr. Craig said he would point out that the drainage has been likely better now because the pool catches the water instead of allowing it to go down into the corner. And he thinks he can point out that the recent rainfall is a little above normal for even fall. And the down spouts on the back of the

roof, he is intending already to redirect them because he does not want a water problem himself, although it's been a long standing one from what he sees there over the winter, last fall, this spring. So the addition of the pool, just to recap, improves the situation, it does not make it worse.

Mr. Sturgill asked if there was a storm sewer on Secor Woods Lane. Mr. Craig said he believes there is. Mr. Sturgill asked what would prevent him from running a soft tile out to the storm sewer. Mr. Craig said he was investigating now on how to best accommodate and resolve the drainage issues. Long before the pool was even an idea. Because he wants some good grass in the back yard, and he does not want standing water any more than his neighbor does. So truthfully, the drainage issue has improved. And he is going to tackle it anyway for his own personal reasons.

Another member told Mr. Craig that he was also over there today. There is a lot of water standing back there in that corner in site A. And he realizes they had three days of rain, or more than that lately. What's it like on the other side. Rudy is on one side. What about the other people. Mr. Craig said he believes the lowest point is inside of his yard, although he has not looked at it in particular or studied it in any way. But his neighbor probably knows better than he does on just where the actual lowest point is. But it looks like to him that if he rerouted the rear down pipes, it will be fine there. Mr. Sturgill asked where the downspouts dump the water now. Mr. Craig said right in the back yard. That's what he is hoping is most of the problem. They were never routed correctly. What he is trying to sort out is how to get it either around to the front of the house, or out to the street, which is likely possible.

Mr. Sturgill asked Mr. Craig if he would be happy having the structure up in site B, up in the front. Mr. Craig said just to cooperate with his neighbor wishes, sure. The best site is the back corner, but if he prefers it there, he would be more than happy to comply.

It was asked if it was possible to build a shorter structure. He said the fence was 6 feet. If the rooftop was not over the top of the fence. Where it went might be an issue with the trees. Mr. Sturgill said he did not think the neighbor was even worried about that. Mr. Rudy said it's screened in there pretty good. He said now at least several of his trees are bending right over in his back yard.

Mr. Sturgill asked Mr. Craig if he was willing to put soft tile in that corner out to the storm sewer on Secor Woods. Mr. Craig said before he would agree to anything, he would have to investigate the cost. The terms Mr. Sturgill just used he is not aware of. Mr. Sturgill said it should not be real expensive. Mr. Craig said he needs to resolve it anyway no matter what, and had planned to, he just did not come up with that idea in front of the board. Mr. Sturgill said he guesses they don't use soft tile anymore, it's a perforated tile. But he will have to dig a trench, and put some stone down and straw, and then lay that and cover it back over. Mr. Craig said at a minimum he will be doing

that. He had planned to do that. The weeping tile or whatever encased in some gravel. Yes. But his issue is where to best take it to. That's the remaining detail. Mr. Sturgill said he thinks that will solve the problem. It will be better off than they are now.

Mr. Sturgill asked if there were any further questions for this gentleman, and there were none. He asked if there was any further discussion amongst the board. Mr. Craig said he was sorry to interrupt, but if they have any suggestions, could he approach one or several of them later. Mr. Sturgill said not very well. Mr. Craig said he thought he would try. Mr. Sturgill said whatever they decide this evening goes for 2 years. Mr. Craig said he meant in the method he might use to solve the drainage issue. Mr. Sturgill said he was going to make that a condition of his approval, or at least he planned on proposing that to the board.

Mr. Warnimont said he thinks he is on the right track. Mr. Rudy is on the right track. He is going to have a nice pool when he is done, but he don't want water standing around his pool when he's entertaining, and he has mud coming back into the pool. Mr. Sturgill said he is probably going to put some sort of tile in with the pool. Mr. Warnimont said it's a wonder the pool company did not suggest something to keep the excess water away from the pool. Mr. Craig said the pool does catch the water that used to be by there. Mr. Warnimont said no, he meant outside there. Mr. Craig said it has improved. The pool did not create or worsen the situation at all. It only improved it. That's a fact.

Ms. Hetman said she did not understand that. He is getting surface water in the pool. Mr. Warnimont said when it rains it catches more. Mr. Craig said without the pool, the water comes off the roof and will stand in the lowest point in the back yard. That's the situation that did exist. And now there is just less water to pool because the pool catches it, and it evaporates out of the pool.

Mr. Rudy said that his observation, having lived there for 30 some years, is the lowest part is in that southwest corner, and there is water standing there, and it does not take a week's worth of rain to make it stand there. The pool sits up above grade. He does not think he really truly wants water running down there, because his house is above the pool, and he does not think he wants water running down there, and ground water running into the pool. Mr. Sturgill asked don't you think it might be better with the tile back to that corner. The response was well, you have to do something about drainage. Mr. Sturgill said that's the only way of handling something like that. Mr. Rudy said if he runs out to Secor Woods Lane, if there is a storm sewer out there, and he is not aware. He knows there is one on Easterly Road. But if there is one on Secor Woods, and he runs down that way out to Secor Woods Lane, then trenching or whatever does not create a problem because they are his trees to deal with, and he does not have to worry about those. But the pool, because it shifted the way the water comes down to his property. Mr. Sturgill said they understand.

Mr. Warnimont said there is a tile on Secor Woods Road. Mr. Garn said yes, because he saw a neighbor draining a pool or draining something, and they had a long hose coming out to the curb. The comment was there are grates out there for sure. Mr. Garn said yes, there are grates. Mr. Craig said he has never ran a drainage like that, so he would consult somebody that knows what they are doing before he would do it.

Mr. Sturgill asked if there was any discussion or any further questions of the applicant. He told the applicant he could sit down. Mr. Warnimont moved to accept the application. Mr. Sturgill said with which location. Mr. Warnimont said the one near River Road. Site B. Mr. Sturgill asked if there was a second to the motion. Ms. Hetman said there aren't any if's on that. Mr. Sturgill said you second it first. Mr. Irwin was the second on the motion. Mr. Sturgill said he would like to make a special condition attached to this approval, and that the applicant be required to run a drainage tile from the rear corner of his lot out to Secor Woods Lane. Southwest corner. He asked if there was a second to the condition, and Ms. Hetman was the second. Mr. Sturgill repeated the condition. A roll call vote was taken on the condition. Yes votes by Mr. Sturgill, Ms. Hetman, Mr. Miller, Mr. Irwin, and Mr. Warnimont. Motion carried 5-0-0. Mr. Sturgill said the condition is attached to the approval of the application. A roll call vote was taken on the application. Yes votes by Mr. Warnimont, Mr. Irwin, Mr. Miller, Ms. Hetman, and Mr. Sturgill. Motion carried 5-0-0. Mr. Sturgill said he can put his building on site B. He does have to put a drainage tile to take care of that problem on the southwest corner of his property.

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. Ms. Hetman moved with a second by Mr. Irwin to adjourn. A roll call vote was taken. Yes votes by Ms. Hetman, Mr. Irwin, Mr. Miller, and Mr. Sturgill. No vote by Mr. Warnimont. Motion carried 4-1-0.

Respectfully submitted,



Grant W. Garn,  
Recording Secretary