

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

PUBLIC HEARING/MEETING  
June 16, 2009

The Perrysburg Township Board of Zoning Appeals held a public hearing/meeting on June 16, 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.

MEMBERS PRESENT: Russell Sturgill, Russell R. Miller, Elsie Hetman, Bill Irwin, James Bennett, and Jeffrey D. Justus.

MEMBERS ABSENT: Bob Warnimont.

APPROVAL OF THE 4/21/09 MEETING MINUTES: Mr. Sturgill said the first matter to come before the meeting is the approval of the meeting minutes. Mr. Sturgill asked if all the members had received a copy of the minutes, and they all had. He asked if there were any corrections, additions, or deletions to the minutes, and there were none. Mr. Miller moved with a second by Mr. Irwin to approve the minutes. Mr. Sturgill said it's been moved with a second that the meeting minutes of April 21, 2009, be approved. A roll call vote was taken. Yes votes by Mr. Miller, Mr. Irwin, and Mr. Sturgill. Mr. Justus and Ms. Hetman abstained. Motion carried 3-0-2.

Mr. Sturgill swore in all persons wishing to address the board this evening.

**APPLICATION NUMBER 2009-6406, (VARIANCE).** Sandra K. Young of 28981 Simmons Road has replaced her four foot high three rail split fence with a six foot high privacy fence. This property is a corner lot that faces both Simmons and Mandell Roads. Article V Section B 3 states that "corner lots – shall provide the minimum front yard requirements on each street." This lot has two front yards. And Article VII Section J 1 states that "fences or hedges may not exceed four feet in height in the required front yard." The fence in the front yard part of the property is two feet too high.

Sandra K. Young addressed the board regarding this application. First of all she said she wanted to apologize for breaking the zoning. She had no idea. Her contractor had told her that it was okay in Perrysburg Township. And she believes, after talking to Mr. Garn, that he failed to get the permit. And had she known, she would have done things appropriately leading up to this so possibly she would not have to be here this evening.

But secondly since she is here, she put the fences up because she had four dogs, two which are rescue dogs from the Wood County Humane Society, and they were severely abused by people and beaten. She can't even imagine what they went through. And they do tend to bark at neighbors coming out to mail boxes, people walking by, riding bicycles. And even though it's not considered nuisance barking because she is out there with them, and she gets them to stop, and she takes them in the house if they are barking too much, she just was trying to alleviate the problem. She does have a neighbor that does yell nasty things out the door, and they have other kids that live in the neighborhood, and she just did not really want them to hear that as well. So that's why she wanted the six foot fence.

And not knowing that it was against the rules, she did plan to do some landscaping around the fence, but when Mr. Garn had stopped and told her that she was against the rules, she has not done anything. So the pictures that she guesses they see don't have any landscaping that she plans to do to try to soften up the hardness of the fence.

She had thought long and hard about the fence because she saw and thought it was far enough away from the roads where it did not interfere with anybody driving down Simmons or Mandell where you come up to the stop, and she went along when the fencing company said you could put a six foot fence up. She thought that she really could, so she had them put it up. And she guesses she would just hope that they would let her keep that fence up. She has noticed a big difference in the dogs as far as not barking as much, and it's easier to play with them when they don't see somebody coming and they run and bark. She thanked them very much for their time.

Ms. Hetman asked her how big are her dogs, and Ms. Young said pardon me. Ms. Hetman said again, how big are your dogs, and Ms. Young said the biggest is 55 pounds. Ms. Hetman said is he like a what. Ms. Young said oh, what breed, and Ms. Hetman said German Shepherd or what. Ms. Young said a shepherd mix, and then the two that she rescued that are the biggest offenders of barking, the ones that were mistreated, she is not sure. She just sent a DNA in on them, but the vets around have said the one to be greyhound or whippet mixed, and the other one she is not sure. They are tall, so that's why she looked into that. She was trying to get to their level in looking out, because the road sits a little bit higher than her house. And she thought okay, if it's higher, then they can't definitely see, so some of that thought process went into it. Then she has a Dash Hound/Beagle mix, and she's a low rider, and she's pretty old, and does not do a whole lot of anything but play around.

Mr. Sturgill asked if there were any further questions of this applicant. Mr. Miller asked if she minded telling them how much the fence cost that she installed. Ms. Young said it was \$4,800.00. Mr. Miller asked her who was her contractor, and she said American Fence. Mr. Miller asked where are they located, and Ms. Young said on Console in Toledo. Mr. Miller said okay. Ms. Young said from conversations with Mr. Garn, she said she guesses they are really good about getting permits, and somehow they didn't

call his office to get a permit, because he had shared that with her. So she does not know what happened in the whole permit process, she just knows that they did not get the permit. She did not know that they didn't have a permit. She thought she paid for them to get a permit in her contract. So she had no clue of that when Mr. Garn had stopped by and said, how did you get this fence up.

Mr. Irwin asked her if she had had any conversations with them since, since this happened. Ms. Young said American Fence, and Mr. Irwin said yes. Ms. Young said yes she has, and it hasn't been very pretty. And actually she is not conversing with them because they are trying to say that she should not have a problem with it, and she read that thing to them, and she said well, this is the problem. It's in the zoning. It says that you cannot have that. And her attorney has suggested now that she doesn't speak with them anymore, and she is going to, she guesses, go to the next step with them, whatever the outcome is. Mr. ~~Irwin~~ said he stopped by there over the weekend and looked at it from all different angles. And now that she says something about dogs, it makes a little more sense to him. Because to him when he stopped and looked at it, it looked like a neighbor dispute fence to him because it was so close to the neighbor's house, and then it runs a good 50 feet still in the front yard of their house, but if they look out their window to the right, all they see is a stockade fence. But now that you say dogs, that makes a little more sense to him as to what's going on. The only thing about this is that this has come before this board before, and then especially on West River Road where they have made them comply with the four feet. To sit there at the stop sign, or to pull back into the house that's for sale next door that has a lock box on it, it sticks out pretty good in the neighborhood. If you look at all the fences in the neighborhood up and down Simmons or the other way, they are either picket, they are four feet, there is some shadow box fencing, but there is nothing in their code that allows for anything that type of height to be in the front yard. He then said that her lawyer has told her not to have any conversation with this fence company at all, and she said as of right now. She's going to be talking to them. She was actually going to come this evening, but she had other commitments with her family.

Mr. Sturgill said and she said they charged her for a permit, and she said yes. She has the contract, and it says everything they were going to do. She does not have it here, but her lawyer has it right now.

Mr. Miller asked her if she intended to put some landscaping or vegetation around it, around the fence. Ms. Young said yes. She's a teacher, so she would be off this summer to do that. But Mr. Garn stopped by late while she was still teaching. And when she knew this was going to happen, she thought she should wait, because if she has to take the whole thing out or whatever. She will do that, she just does not know when she can do that. Mr. Miller asked her what did she intend to put in by way of vegetation. Ms. Young said just some green shrubberies, flowers, like perennials, things that would like grow up a little bit just to soften the landscape. That's what the landscapers told her to. Mr. Miller said okay.

Mr. Irwin asked is the back fence on the property line. It looks like it says that. Ms. Young said yes. Mr. Irwin said it's on the property line.

An audience member that's them with the long fence, the big house, yellow house. That's theirs. It's not a problem to them. A member said you live on Mandell, and they said yes. Mr. Sturgill said wait a minute. Wait a minute. Wait a minute. Wait a minute. He said when their turn comes, they will question them. He told her they are making a record here.

Mr. Irwin said so the fence is on the property line, and Ms. Young said yes. It might even be in a little bit at one corner, on one corner. She told them to follow the old fence, where the old fence was. She has learned a lot from this process. She has learned that if you change the height of the fence, or change the footprint, or the type of fence, you have to get a permit.

Mr. Sturgill asked if there were any further questions for this applicant, and there were none. He told her she could sit down. He then asked who else would like to address the board. Ms. Vollmar asked if they wanted her to talk about her house or what. Mr. Sturgill told her to come up and give them her name and address.

Mabel Vollmar addressed the board regarding this application. Mr. Sturgill asked her if she was the next door neighbor to this fence, and Ms. Vollmar said yes. They are right beside the long fence that goes, what is it, north and south? Mr. Sturgill asked her if she was on Simmons or Mandell. Ms. Vollmar said they are on Mandell. She said they are the other house in that picture. This house here. Mr. Sturgill asked her what her thoughts were of having that fence. Ms. Vollmar said they don't mind. Like she said, there are the dogs there, and they were pretty busy dogs. And it's fine. They have always kind of talked about having a fence there themselves, but they did not do that. They talked to the trustee or somebody by phone, her husband has at times, just to see what size fence they could put in there, a privacy fence. So when they said they were going to do that, we thought well, that was okay.

Mr. Sturgill asked if there were any further questions for this witness, and there were none from the members. Mr. Sturgill told her she could sit down. He then asked if there was anyone else that wished to address the board. Mr. Garn said he has had different phone conversations with neighbors. He did not know if they wanted him to talk about that hearsay information. Mr. Sturgill said let's hear it.

Mr. Garn said he just had he thinks three or four different phone calls on the property over the time. He thinks that the fencing company paid for the fee for this hearing. No. Okay. They did not reimburse them for that. He does know that they called and said that on their form that the salesman had checked off that the homeowner is to get the permit. That was one of their stories. And then from the neighbors he got a call last week from a neighbor that lived further down Mandell Road, and he said he could

not be here. He did not have any large objection other than if he were the homeowner next door trying to sell their house, he would have quite an objection to it. And then he received a phone call yesterday from a neighbor, or today, who lives across the street that said they had no objection to the fence. So he has gotten those different types of phone calls on this. Then somebody else who called on it that just said it was not in their neighborhood, and it wasn't for a zoning change, so they weren't as interested in it because they thought maybe somebody wanted to change the type of zoning on the property. So since it was that, they didn't have any interest.

Mr. Sturgill asked if there was any discussion amongst the board on this. Mr. Irwin said to Mr. Garn, and he has to look at this thing again, but the front yard on Mandell begins at these people's front of their house. Mr. Garn said their house is pretty much what you might think of as the, facing their house, the right side would be, he believes, the same distance back as the front of all the other houses on Mandell Road. He does not know if he has that for sure, but it's like what would be like the side of your house looking down Mandell Road. Mr. Irwin said the setback of all their houses is about the same on Mandell, and a homeowner said yeah, pretty much. Mr. Garn said yeah. Mr. Irwin said okay. The homeowner said on Mandell, and Mr. Irwin said yeah, Mandell. So that fence was even with the front, the setbacks of all the houses, then it would not be in the front yard, and Mr. Garn said right. Correct. Mr. Irwin said fine. Mr. Garn said so the front yard starts. They must have had a mutual setback for all the homes. Mr. Irwin said yeah. Mr. Garn said in that area since that was on the corner of Mandell and Simmons that they have two front yards. Mr. Irwin asked do they know how the side of their house aligns with the front of their house if you are at the corner looking down Mandell from the front of their house. Mr. Irwin said he was asking Ms. Young if she were standing at the front of her house looking down Mandell, how does it line up with the front of all those houses on Mandell. Ms. Young said she thinks it lines up with the front porches, so she would say the front, yeah. Pretty much. Mr. Irwin said okay. Ms. Young said she knows she has another variance that was taken out on the house that says she can extend hers up to like 12 feet beyond the side of her house if she is correct.

Mr. Sturgill said he is a dog lover, but he thinks this fence is very inappropriate. He would not want it in his neighborhood. Mr. Irwin said he thinks the problem is what was mentioned by Mr. Bennett that they had other issues with this size of the fence. In that case, they cut it down to 4 feet on River Road. This one could be moved. That's kind of what he was getting at. Mr. Sturgill said if they cut it down to 4 feet and put a little wire up on top, it would be better.

Mr. Garn said he did not bring it over, but Ms. Young had mentioned that it was the previous owner had come to the appeals board a number of years ago and had permission to extend the house towards Mandell Road, she said about 12 feet or something to put an addition on the house. So it was a permission to go further out, and so the house would have gone further towards Mandell Road. Mr. Sturgill said of

course, this is not a house. Mr. Garn said he knows it. He knows it. But it would have changed sort of, he thinks, or she is saying the front yard a little bit. So that was maybe before the yellow house, the neighbors had built their home at that time, or around that time. Ms. Young said yes. Another neighbor said that had to be before, because she was there before their house was in.

Mr. Miller said he wouldn't mind seeing a copy of the contract for the fence just to clear up that issue. The fence is what it is. Mr. Garn said yes. Mr. Miller said and it is a real presence. He would not mind seeing a copy of that contract, though. Because if the owner had the responsibility to get it, it's one thing in his mind to an extent. If the contractor had the responsibility, it's another. Mr. Garn said uh-huh. Mr. Sturgill asked him if he would like to continue it to next month. The owner said she could have it faxed to them. Mr. Miller said well, they can only do things when they are in formal session. He would like to get a look at it, so he would kind of like to do that. He does not know about the rest of the members. Mr. Sturgill said to make a motion. Mr. Miller moved that application number 2009-6406 be continued to the July meeting of this body for the purpose of the applicant providing a copy of the fence contractor's construction contract, and any other documents related to that for further inspection by the panel. Ms. Hetman was the second on that motion. Mr. Sturgill said it's been moved with a second that the application be continued until the July meeting. A roll call vote was taken. Yes votes by Mr. Miller, Ms. Hetman, Mr. Irwin, and Mr. Sturgill. No vote by Mr. Justus. Motion carried 4-1-0.

Ms. Hetman said something about she hopes they come back next time. Mr. Sturgill said outside of the inconvenience, it certainly does not hurt the applicant. He would say that. Mr. Miller said pardon me. Mr. Sturgill said outside of the inconvenience, it certainly does not hurt the applicant. Mr. Miller said right, and as long as they have status quo on it. Ms. Hetman said to tell them what they are doing. Mr. Sturgill said they have continued this meeting until next month, at which time they will bring in all the documentation. If their lawyer has it, have him copy it, and give them copies of everything, and bring it in. It would be nice if he made five copies, so each of them could have them. Mr. Garn asked if they would like the copies beforehand. The owner said do they need them beforehand. Mr. Sturgill said it would not hurt. Mr. Garn said right. If he has copies. Mr. Irwin said they send out a mailing anyway to them; right, and Mr. Garn said right. Mr. Irwin said okay. Yeah. Mr. Garn said and that way, you know, he sends out a mailing about a week before the meeting. Mr. Irwin said okay. Mr. Garn said, and so they will just get copies of the documentation.

A homeowner asked, so now do they have to come back in, and Mr. Sturgill said probably not. It was commented okay. Mr. Garn said July would be July 21<sup>st</sup> is the third Tuesday. Mr. Sturgill thanked them.

Mr. Sturgill asked if there was any new business to come before the board. Mr. Miller said it isn't particularly new business, but he would report back to the board that he has

been participating as their representative on the steering committee for the new master plan for the township. Since their last meeting here, he has attended two meetings with the lead consultants on it. One was just to sort of review and overview the process generally, and talk a little bit about their proposal and the course of events. The most recent, about a week, or a week and a half ago, was to confirm the setting of three, he believes he called them visioning sessions, at which township residents, business people and others are invited in to state their preferences and desires relative to zoning development issues and the like for the township going forward. The first of those is tomorrow night, and the second is the 25<sup>th</sup> of June, and the third is July 30<sup>th</sup>. Ms. Hetman said it says June 30<sup>th</sup>. Mr. Miller said June 30. Okay. Thank you. The consultants will then compile that information which will begin to be the focus then of the master plan, the review of the zoning ordinances, et cetera. So his participation has only been to provide whatever input is needed.

Mr. Sturgill asked who did the township finally hire. Mr. Miller said they hired Beckett and Raeder. Mr. Garn said Beckett and Raeder. Mr. Miller said, and they are working with Feller Finch locally. And Mr. Garn said Feller Finch. Mr. Miller said which actually happened to be a nice combination. Mr. Sturgill said that's kind of who they recommended, if he recalled, and Mr. Miller said yes, it is the folks that were recommended. And he felt personally, as a representative of this board, that it was an excellent combination of skills and experience. They have the familiarity with this area through Feller Finch who have done a lot of work with the township, and then Beckett and Raeder appeared to him, at least, to be, and he thinks maybe Mr. Sturgill, a little bit of head and shoulders above the other consultants on drafting the master plans, and reviewing zoning regulations and the like. So it's been an interesting process, and it will be interesting to continue to see it. He would encourage everyone to go and speak their individual minds.

Ms. Hetman said she is going to, and she hopes they can write it so they can read it. Because this makes, quite frankly, no sense. Mr. Miller said well, it's a legal document, so likely it won't. He said he will apologize for his profession in advance. Ms. Hetman said it makes her mad because you read one paragraph, and Mr. Sturgill said to her not to try to practice law on top of everything else. Ms. Hetman said listen, he has not heard her swear, has he. Mr. Sturgill said not yet. She said you are about to. Mr. Sturgill said are you going to swear. Ms. Hetman said no, it just kind of ruffles her every time she reads something, then she turns the page, and it's something else. Mr. Irwin said she was supposed to hire an attorney to interpret that. Ms. Hetman said yes. Mr. Sturgill said you deliberately do that. Ms. Hetman said you know what her attorney told her one time. He said shut your mouth you dumb shit. Mr. Sturgill said that's exactly what he said, he told her to shut up. Ms. Hetman said he's still my attorney. Mr. Irwin said we are still on the record, aren't we. It was commented the tape is still rolling here. Ms. Hetman said are we still on.

It was asked if they need a motion. Ms. Hetman said make a motion they adjourn. Mr. Irwin was the second on that. Mr. Sturgill said it's been moved with a second that they adjourn. Mr. Sturgill said to call the roll. Mr. Sturgill said and incidentally, he wanted it a matter of the record that she hit him again. A roll call vote was taken. Yes votes by Ms. Hetman, Mr. Irwin, Mr. Justus, Mr. Miller, and Mr. Sturgill. Motion carried. The meeting was adjourned.

Respectfully submitted,



Grant W. Garn,  
Recording Secretary