

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

PUBLIC HEARING
June 19, 2007

The Perrysburg Township Board of Zoning Appeals held a public hearing on June 19, 2007. Russell Sturgill, Chairman, called the meeting to order at 6:05 p.m. A roll call was taken. Mr. Sturgill said they have a quorum and are permitted to conduct business. Grant W. Garn, Zoning Inspector, was also present. The meeting was tape-recorded.

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

MEMBERS ABSENT: None.

APPROVAL OF THE 4/17/07 MINUTES: Mr. Sturgill asked if all the members had received a copy of the minutes, and they had. He asked if there were any corrections, additions, or deletions, and there were none. Mr. Miller moved with a second by Mr. Irwin to approve the minutes. A roll call vote was taken. Yes votes by Mr. Irwin, Mr. Bennett, and Mr. Sturgill. Mr. Miller and Ms. Hetman abstained. Motion carried 3-0-2.

Mr. Sturgill swore in all persons wishing to testify or make statements before the board this evening including a gentleman who came in late.

APPLICATION NUMBER 2007-6059. (Variance.) Meredith M. Griffin of 28950 Lime City Road would like to place a 6 foot high privacy fence in the Mandell Road side front yard. This property is zoned R-2. This property is located at the southeast corner of Mandell and Lime City Roads. In Article XV the definition for front yard states that "on corner lots, the front yard shall be all sides of the lot adjacent to the streets." Article VII Section J 9, which deals with fence heights, does not list any fences over 4 feet in height as either a permitted or conditional use in the front yard. She is thus asking for a fence that is 2 feet higher than allowed.

Meredith Griffin addressed the board regarding this application. She told the board she is a first time homeowner, so if she is a little nervous, she said she was sorry. She has two reasons for putting up this fence. First of all is her adorable little dog. The second is actually this house is a fixer upper, and she has a plan for this house. And this is her two-year plan, and she passed it around so they could see it. She wants to make this house her home, and she wants it to be the best that she can. She has this nasty old propane tank on the side of the house, and it's actually located almost what they all would consider her front yard. So her other reason for putting up the fence was to hide



the propane tank. And if the fence is 4 feet high, you can still see the propane tank, especially since the road is actually higher than her yard by she is guessing about 2 feet, and she is a not an excavator. So the road, anybody driving by can actually see over top of the 4 foot fence and see that bright blue propane tank.

So she took some pictures to show them where the fence is. She said this is actually sitting at the stop sign at Mandell looking down Lime City Road. The fence is nowhere near blocking anybody's point of view. Her house is here. This is coming down Lime City Road. This is the stop sign at Mandell right there, and again, nobody is blocking anything. And then this is looking south. Her house is here. She does not know if anyone wants to look at any of these closer as far as the pictures go or anything, but that's why she would like to have the 6 foot fence.

Ms. Hetman said but her fence is already up. Ms. Griffin said it is. Ms. Hetman asked where was she. Ms. Griffin said she was not aware she had to pull the zoning permit, unfortunately. Like she said, she is a first time homeowner. She bought the house in September, and she was under the impression that it was her house, and she could do with it what she wanted. She sincerely apologized to the board. She did not realize that she needed to pull a zoning permit for a fence. And so Mr. Garn brought it to her attention. She promptly came in to his office and said hi, and she apologized. She did not mean to offend anyone. She just was doing what she thought was best for her property. And if it offends anyone, by all means she will shorten it to 4 feet. She asked if there was anything else.

It was asked if she installed the fence, or did a contractor do it for her. She responded saying actually her boyfriend at the time put it in for her.

It was asked to Mr. Garn if there are any right-of-ways or easements involved. Mr. Garn said he does not think so. He did not measure, but she has it fairly close to the propane tank that's on the other side of the ditch, but it's along there. And usually the higher point of the top of the bank is usually where the property line is, but he does not know for sure on that. He does not know where her property boundaries are. Ms. Griffin said it was still marked from when she bought the house when she put the fence in. They came in a foot on the back line, and on the side it does not go past the garage. So they were pretty careful about not infringing on anybody else's property. And there are actually two lawnmower widths from the ditch and the fence. Like Mr. Garn said, it's right up against the propane tank.

Ms. Hetman asked how about the person's property behind her. Ms. Griffin responded saying according to the surveyor's marks from when they moved in, they are a foot inside of that. Ms. Hetman said one foot, and Ms. Griffin said she thinks so. To be honest, she did not do that herself. She saw it. She is guessing it's about one foot inside those marks. Ms. Hetman said it's kind of hard to maintain it.

Mr. Sturgill asked does anybody live right there next to her. Ms. Griffin said there is a Mrs. Jean Pope. She has not met her. She is one of her neighbors that she has not met. Mr. Sturgill asked if she had any objection to this fence. Ms. Griffin said not that she has made known. And they actually mow right up to it. Mr. Sturgill said so there is a residence on that side of the fence, and Ms. Griffin said yes. Mr. Sturgill said the fence can't be a traffic hazard, and Ms. Griffin said no. Mr. Sturgill said Lime City Road is the major thoroughfare through there, and Ms. Griffin said yes. Mr. Sturgill said, and that's the front of her house, so this is actually her back yard. Ms. Griffin said she has two neighbors here.

Mr. Sturgill asked if there were any further questions of this applicant, and there were none. Mr. Sturgill told her she could sit down, and he asked if there was anyone else who wished to discuss this matter.

Robert Buchanan addressed the board regarding this application. Mr. Sturgill told him he would have to speak louder. Mr. Buchanan said he can do that, too. Mr. Buchanan said he lives right across the street from this applicant. Mr. Sturgill said across Mandell or Lime City, and Mr. Buchanan said Lime City. He lives on the southwest corner, and she lives on the southeast corner. He has lived there since 1991. He said this yard has been better cared for since she has been there, and the house looks much neater. He appreciates these things being a neighbor. They get cheated out of having a back yard by having two streets that border their property, and he can appreciate what she is saying in trying to hide that propane tank. Across the street he is always looking to see things that might be troublesome to somebody else, but there is no impediment with that fence for traffic flow. He did look very carefully. Everybody has got all kinds of room to see where they are going. And as far as the right-of-way goes, he does not know what they are going to do. There is some talk that he is hearing about a wider road for the school they are building on the corner of Penta County. That's not really going to affect her too much. They are going to put in turn lanes. They have a sewer. They need ditches to build it on, so it should not affect her there. He does not see that there would be a problem if the fence was left. He thinks that it adds a little something to the house. It's a permanent fence. It's good treated lumber that's been put in. He talked to the young man that was putting it up, and he had an older man with him, and they both knew what they were doing, so it looked like it was installed properly.

He said when he moved down there, he has fenced three houses that he has lived in in the years that he was married to his wife, and he never got a permit. He did get one here. Mr. Garn's predecessor came along and said who told you you could do that. You need a permit for that. He said that will be the first house. Sure enough, he needed a permit. He let him keep the fence up. So everybody can make a mistake. The young people you know will make some.

He said their consideration is right. And he thinks that he, as the neighbor across the street, finds absolutely nothing wrong with it, and he feels that it's an asset. And it will

keep her recreation area if she's got chairs, a barbeque or anything that's outside, keep it inside. Mr. Sturgill thanked him.

Billy Powell addressed the board regarding this application. He said good evening to the board. He told the board that his driveway is directly across from hers, and he wants to second what Mr. Buchanan had to say. It's definitely an improvement. It looks good. Well built. And he is proud to have her for a new neighbor. He is being honest with them, she is doing a heck of a lot better job with that property than the previous owner did who was there when he moved in. And he hopes they will allow the variance, he really does, because it looks nice. He drove up and down, and criss cross, and there is absolutely no impediment to safety as far as the street goes driving. It looks good. It really does. And he was surprised to learn that that's two front yards. If you look at it, just because the road's here on Mandell, nobody in their normal thinking would think that that was a front yard on the Mandell side just by going down the road. He would have never thought of it that way either. That's all he has to say, and he thanked them very much for their time.

Mr. Sturgill thanked him for coming in. He then asked the members if there was any discussion, and one of the members moved approval of this variance with a second. Mr. Sturgill said it's been moved with a second, and Mr. Warns said hey. Ms. Hetman said wait a minute. Mr. Warns asked if he could have an opportunity to speak, and Mr. Sturgill said yes, sir.

Thomas Warns addressed the board regarding this application. He said he also lives on Mandell Road, and he was here to object to the fence. The reason being he thought they were going to extend it out further towards Lime City Road. However, the way it's positioned, he has no objection at all. And he agrees with the gentlemen about the improvement of the corner. She is doing a very nice job. Ms. Griffin said thank you.

Mr. Irwin moved with a second by Miller for approval of the application. Mr. Sturgill said it's been moved with a second that the application be approved. A roll call vote was taken. Yes votes by Mr. Irwin, Mr. Miller, Mr. Bennett, Ms. Hetman, and Mr. Sturgill. Motion carried 5-0-0. Mr. Garn told Ms. Griffin that she still needs to get the fence permit, and Ms. Griffin said that's fine.

APPLICATION NUMBER 2007-6060. (Variance). David D. and Debra E. Bitz of 26720 Lime City Road would like to add a 10 foot by 19 foot all season patio room to the back of the house. The property is zoned R-2. This addition would be 20 feet from the rear yard lot line. Article V Section A Table 5.1 states that the rear yard setback shall be at least 40 feet. They are asking for a 20 foot rear yard variance. They also want to place a 12 foot by 20 foot carport addition to the front of the detached garage. It would be located 6 feet from the side yard lot line. The existing garage is 5 feet from the side yard lot line. Article VII Section B 2 b 3 states that the side yard setback be at least 10 feet. They are asking for a 4 foot side yard variance.

David Bitz addressed the board regarding this application. He said they purchased the house across the street here like 2 and a half years ago and done quite a bit of improvements to it. They want to add this all season room on the back. Basically what it is is they basically sit on a swamp in the back of their house, and they have no use of their rear yard for any activities in the summer time or any time of the year. And he is having Champion build this addition for approximately \$25,000.00 to the house, but it's also going to bring the property value up. It does not affect anybody. The neighbor to the left of him, he does not live at the residence. He owns it but he does not live there. He is in the process of redoing his. He owns the lot to the south of his property, so his next neighbor is approximately 50, 60 feet from his home. And the rear of his home sits on the woods back here that belongs to Dr. Sawyer's property that is mostly under water most of the time of the year, so they fight the mosquitoes all year round except in winter. And like he said, he is having Champion do it. He does not know if they have a photo of this or not, but this is basically the back of the house, and they are going to add on to that. So that's what they are asking to get a variance on the back of the house.

On the front of the garage the neighbor to the north of him, he does not have any problems with it as far as adding on. Basically what it's going to be is like a carport type thing. He does not know at this time if they are going to put a garage door on it later. He will have to come to the board for that he guesses. But they just want to extend it out so his wife has a place to put her car during the winter months and stuff. And that's basically what they are asking for. He asked if they had any questions.

Ms. Hetman said by all season he means he can use it all year round. Mr. Bitz said eventually it will be. Presently it's going to be a three-season room. But because of the way it's built, they have to list it as the four-season room. There will be no heat or electric in this part of the building when it's added. That may be added later on. They are not sure what they are going to do, but they want to have some place for family in the summer months to entertain guests or something at the house, and they don't have to sit out there with 500 cans of Off to fight the mosquitoes. They tend to run them over quite a bit.

Mr. Sturgill commented that he said he owns the lot next door, and Mr. Bitz said yes, he owns three lots there. Mr. Sturgill said okay, and that is on the garage side or the other side. Mr. Bitz said he owns the one that's on the garage that's on, he owns that lot, the one the house is on, and he also owns a lot south of it. Mr. Sturgill said he owns two lots on each side. Mr. Bitz said he owns three total lots. The house is on one, and the garage is on part of one, and then he has an empty lot that's south of his house that's 50 foot wide by 127 feet long that he owns. His next neighbor is 50 feet on the other side of the trees. He is just on the other side. So basically it's an empty lot between their two homes. It was asked how wide are these lots, and Mr. Bitz said they are 50 foot wide by 127 feet long. The member said okay, so his house starts at, and Mr. Bitz

said the second lot which is in the middle. The member said it's in the middle. It's not on either side, it's on the lot line, and Mr. Bitz said no, it actually straddles the lot to the north and center lot. He is not sure what the numbers are on the lots. And then the third lot is completely vacant, and there is nothing on it. Mr. Sturgill asked he said he has four lots or three. Mr. Bitz said he has three. He has three whole lots. He has 50 feet across by 127 feet.

Mr. Bitz said the addition is going to be completely to the rear. It won't be nothing extending past the house or anything, it's directly behind the house.

It was asked by a member if he understands it, the house is already in violation of the building laws because that suit came after the house being built, and the comment was correct. Mr. Garn said these are all shallow lots to begin with, but they do have something unwritten with Dr. Sawyer's property where most of the people along there are able to enjoy his property. Mr. Bitz said they mow it and keep the weeds back as far as they can. Mr. Garn said right. Mr. Bitz said only to keep the mosquitoes, and the rodents, and everything else back away from their homes. This house was built in like 1950 or so, and that's the reason for the lots. It was unzoned when they were building it, and they zoned it afterwards, and they just kind of fell into the wrong part of the deck he guesses. Mr. Garn said yes.

It was asked by a member if Mr. Bitz could describe for him a little better the nature of the carport he wants. Mr. Bitz said it's just going to come out of the front of the garage, and basically what it's going to have is just a metal roof over the top of it, and it's probably going to be sided about three-quarters of the way down for now. And that way she has a place to put her car in the winter. And then if he wants to work on a car, he has someplace to do it instead of being out in the rain and stuff. It was asked is this is something that he thinks he has seen to be for sale, and wondered if there is some over by the DC Ranch on 25, and he asked if that was what it looks like. Mr. Bitz said no, it's done right across the street. The member said no, he does not mean that, and Mr. Bitz said oh. The member said he thinks they are selling those over on 25, and he asked if that was what it was. Mr. Bitz said it's a metal frame is what it is, and it's got a canvass that goes over it. He does not want to put the canvass on it because it's unsightly. His goal is to side it the same as the house on the sides so that it at least looks somewhat like the house does. And he has that wood siding on it which is a wood grain, and he would like to do the sides in that so that it does not look like it's a hodge podge type thrown together thing. They are trying to improve the property. It was vacant for a very long time. The township had to always cut the weeds down in the yard and stuff. And they bought it and they are just trying to fix it up.

It was asked but he has enough land to the north that he owns that he could add on to the garage, and Mr. Bitz said no. He said it's 6 feet off the property line at the present time. The member said okay, but he does not own that lot, and Mr. Bitz said no, not the north. He owns to the south of the house. The member said okay.

A member asked is he under contract with Champion now to do this, and Mr. Bitz said yes, it's all pending what happens here this evening. He thought their representative was going to be here, but he has not come down. He did not make it. The member said to do the room, and this is a separate issue, the garage. Mr. Bitz said yes, the room is already contracted to them. It's going to cost about \$25,000.00 to be done.

Mr. Sturgill asked if there were any further question of this applicant, and there were none. Mr. Sturgill told him he could sit down. He then asked if there was anyone else in the audience that wished to address this matter, and there was no one. He asked if there was any discussion among the members.

One member said personally he does not have a problem with the room, but if these were separate variances, it would make it much easier to address them. With Champion he guesses there is a contract already executed, and Champion is going to do it basically. But there is a little uncertainty on the carport what it is going to look like, and if it violates any other variances. Mr. Garn said that's the only variance it would violate, just the side yard. The garage is already presently a violation. The member said yes. Right. Mr. Garn said it's not conforming. He said it sounds like he is going to side it like the house.

Ms. Hetman said if he owns all three lots, why can't he just say it's one big lot. Mr. Sturgill said he still has an edge to the lot. Ms. Hetman said she knows it, but that's still part of the first lot. Mr. Sturgill said this is his lot line, though. His extra line is over here. Ms. Hetman said oh, she sees. Yeah. Yeah. Mr. Sturgill said yes, he wished they had a picture of what the addition to the garage would look like. He does not have much problem with the addition to the house because it does not go back as far as the garage, which is back there already. Mr. Bitz said basically this is all that he has got. Mr. Sturgill said they have that. Mr. Bitz said like he said, it's not put up yet. At this point it's not going to be done probably until after this addition to the house is done, but he was told that he has to ask for it at this time. Mr. Sturgill said move to allow the one, and continue the other until such time as he can show them what it's going to look like, if that's the way he wants to move. The member said that's his view. Mr. Irwin moved that they approve the addition to the home and continue the carport portion of the application. Ms. Hetman was the second on the motion. Mr. Sturgill said it's been moved with a second that on the application for a variance, that the portion of the application for the installation of an addition to the rear of the home be approved. That the portion of the application requesting permission to place a carport addition to the front of the detached garage be continued until such time as the plans are finalized and they can see what the addition would be like. A roll call vote was taken. Yes votes by Mr. Irwin, Ms. Hetman, Mr. Bennett, Mr. Miller, and Mr. Sturgill. Motion carried 5-0-0.

Mr. Sturgill asked Mr. Bitz if he understood what they did. Mr. Bitz said yes, and he asked if he has to have a commercial company do this addition to the garage, is that

what they are saying. Mr. Sturgill said no, but they will need a rendering of what it's going to look like. Mr. Bitz said it's a metal carport frame like they sell out here on 25 with wood siding on the side. Mr. Sturgill said then why doesn't he take a picture of one of them that they are selling out there and say this is what I am going to put on. Mr. Bitz said he can do that if that's what they need. He was not sure what they were looking for. Mr. Sturgill said they want to know what it's going to look like. Mr. Bitz said it's like a carport anywhere else. It was requested if he would show Mr. Garn a sample of the siding he wants to use on there, and that he has an adequate supply of that. Mr. Bitz said he knows what the siding looks like. He just wants to know what they want. Mr. Garn said he has an idea of what they are looking for.

Mr. Sturgill asked if there was any new business, and there was none. He asked if there was any old business, and there was none. He then said to Ms. Hetman that she was up with that. Ms. Hetman moved with a second by Mr. Bennett that the meeting be adjourned. A roll call vote was taken. Yes votes by Ms. Hetman, Mr. Bennett, Mr. Irwin, Mr. Miller, and Mr. Sturgill. Motion carried 5-0-0. The meeting was adjourned at 6:35 p.m.

Respectfully submitted,



Grant W. Garn,
Recording Secretary