

**PERRYSBURG TOWNSHIP BOARD OF ZONING APPEALS**

26609 Lime City Road  
Perrysburg, OH 43551

PUBLIC HEARING  
July 18, 2006, 5:30 p.m.

The Perrysburg Township Board of Zoning Appeals held a public hearing on July 18, 2006. Russell Sturgill, Chairman, called the meeting to order at 5:30 p.m. A roll call was taken. Grant W. Garn, Zoning Inspector, was also present. The meeting was tape-recorded. Mr. Sturgill announced that they have five members present, and that's adequate to conduct the meeting.

MEMBERS PRESENT: Russell Sturgill, Bill Irwin, Bob Warnimont, James Bennett, and Thomas Warns. Russell R. Miller arrived at 5:40 p.m. and took the place of Thomas Warns.

MEMBERS ABSENT: Robert R. Miller, Elsie Hetman.

APPROVAL OF 6/20/06 MINUTES: Mr. Sturgill asked if all the members had received a copy of those minutes, and most of the members had. He asked if there were any corrections, additions, or deletions, and there were none. Mr. Irwin moved with a second by Mr. Warnimont to approve the minutes. A roll call vote was taken. Yes votes by Mr. Irwin, Mr. Warnimont, Mr. Warns, and Mr. Sturgill. Mr. Bennett abstained. Motion carried 4-0-1.

Mr. Sturgill sworn in all persons wishing to addressed the board this evening.

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**APPLICATION NUMBER 2006-5753, (VARIANCE). CONTINUATION OF 6/20/2006 PUBLIC HEARING.** Kensington Investments, LLC, would like to build an office building on Lot #5 in Coventry Woods. Michael Devolder of Preferred Construction, Ltd., is the developer/builder. It would be located just south of Dr. Clark's dental office. They would like to place the building within 22 feet of the rear lot line. In order to provide the required number of parking spaces, they would reduce the parking space width to 9.5 feet. This property is zoned PUD-MX. They specified setback is 35 feet, so the building would be 13 feet closer than allowed. Article IX Section B a states that parking spaces shall not be less than 10 feet in width. The proposed parking spaces are 6 inches too narrow.

Sometime during the hearing on this application Mr. Miller arrived and resumed his seat with the members, and Mr. Warns resumed his seat in the audience.

Michael Devolder addressed the board regarding this application. Mr. Sturgill asked him if he wanted to tell his story to the board. Mr. Devolder said basically they are building

a 10,000 square foot building. Mr. Sturgill asked him to speak up since he could not hear him. Mr. Devolder asked if the microphone was on. Mr. Garn said he thought it was and checked it. Mr. Devolder said they are proposing to build a 10,000 square foot office building on the lot next to Dr. Clark's. Dr. Clark's office building is set on an angle. They will be squared to the back property. And basically the back of their building to the back of the property will be 22 feet off the property line, which will be 35 feet from the corner of his building. They set the building back so that they could get the required number of parking spaces required by the square footage for parking spaces in an office building. They are asking for a variance to put the building within 22 feet of the back property line plus shrink the parking spaces by 6 inches, not 13 inches, to facilitate what they need.

Mr. Sturgill asked him if that was all he had. Mr. Devolder asked what else do they want to know. Mr. Sturgill said it's his turn to speak. You have to talk them into something. Mr. Devolder said okay. Well, the Kensington Investments would like to go into this part because it's convenient for their clients and everyone to find them, instead of going into another location in the City of Perrysburg proper. Basically they have been talking with Mr. Kienzle to see if they can facilitate this office building into this lot, and he did not have any problems with anything that they were proposing. Granted, he suggested that they run it by the BZA to see if they can get their approval.

Mr. Sturgill asked if he had a footprint of this building, how it sets on the lot, so they can see it. Mr. Devolder said this lot is kind of a tough application because they have 50 foot setbacks on all three sides due to the fact that they are on a corner. Instead of having side yards and rear yards and front yards, they have three front yards and one rear yard. So that also pushed the building back towards the back property line, which does not help them in regards to them getting the required parking spaces.

Mr. Sturgill said this is last month's, and the response was no, this is this month. Mr. Sturgill asked if there were any questions for this gentleman.

A question was asked, is there another lot in this area where this building is without variances. He knows there are a lot of vacant lots in this development. Mr. Devolder responded saying he thinks they are all tied up right now. He thinks there are offers on most of the lots that are in there, and the lot across the street it too small.

A question was asked, what is this, 90, 99, 100 square feet. Is that a magic number required by whatever the tenants are going to be, or is there any reason why the building could not be smaller. Mr. Devolder said they actually started with a smaller building, but with the requirements, people working in a building, they need this size. There is basically two tenants in the building which are also the two owners, and they were hoping both to do about 5,000 square feet each. So he has already contained them down to about 4,000 each, and then a common area in the building that they are sharing between them of about 1,300 square feet. So if they would have built

individual buildings, they would have been over 5,000 each. But since they are partners and they want to invest in the one property, it pushes the square footage up.

It was asked if common space of that size required parking. Was that added on to the square footage to come up with the required parking spaces. Mr. Devolder said originally they were 10,343, and they have reduced the building to ninety-nine twelve. The ninety-nine twelve was the footprint, and they had a loft in there that they eliminated in the last month.

It was asked how much common space is in the ninety-nine twelve, and the response was 1,200 square foot. The comment was so it's really 87, and the response was right, with the common space being break rooms, and conference rooms, and restrooms, and things like that. It was asked if he was going the wrong way. Is that 8,700. Mr. Garn said no, he knows what his feeling is on that. If you had a normal office building, you would have that in there anyways, and it would be included in the square footage.

Mr. Devolder said they ran the building layout by the neighbors, and they have no problem with it. Mr. Garn said this has been through the site plan review process with the ZC, and they had no objections. Mr. Sturgill said pardon. Mr. Garn said this has been through the site plan review process with the ZC, and they did not have any objections to either one of these. They were advised by their engineer, Mr. Kuhn, that they would need to have variances on both of these items. They were not committal either way.

Mr. Sturgill asked if there were any further questions of this applicant.

Mr. Miller said yes. He said first of all his apologizes for his tardiness. State Route 199 is not a good route during summer wheat harvest time to come from Columbus. He then asked, and he apologized if it has been asked before, what are the proposed tenants and uses in the building. He knows it's office, but what are the proposed uses. Mr. Devolder said one is a staffing company. The other one is sales. Mr. Miller asked any sense of what volume as far as parking or through the day traffic would be at the facility. Mr. Devolder said the staffing company will require 24 parking spaces a day. In regards to the sales on computer, internet type sales, they are about the same quantity. Mr. Miller said nothing further, Mr. Chairman, and thanked them.

Mr. Sturgill asked if there were any other questions for this applicant.

Mr. Warnimont said he didn't see a number of how many parking spaces. Mr. Devolder said there are 50. Which is pretty close to what is required by code. Mr. Warnimont said but their staffing people, temporary staffing, he said, and wondered if that was correct. Mr. Devolder said it's a placement service. It's not temporary. They actually place temporaries in other offices, but their staff is 24 people. Mr. Warnimont said you would not have all 24, per se, there every day. You would have people coming in, or

coming out, or whatever. Mr. Devolder said yes, they would. Mr. Warnimont said okay. Mr. Devolder said their office staff is about 24 people. And then there will be clients that actually go out on to location, and probably be three or four of those coming and going per day.

A member said he mentioned that they located the building on the property to meet parking requirements. If those requirements were different, would they locate the building the same way. Mr. Devolder said probably so, you know, just to get the view to face the road. If they are aware of where their entrance to the property is, they have a culvert or a good sized drainage easement to the east and kind of to the south of them, and really the only way into the building is from the south. And they really prefer to place the building towards where they enter from Kensington Lane. The member thought, and he might have misread this, but he thought that it was 250 square feet, one space for every two-fifty, which gets them, by requirement, of about 40 spaces, but as he said, they have 50. Mr. Devolder said he was told it was 200. But with the count of the people who actually work there, they are going to utilize probably 45, 46 of them in actual employees, and then they have left about five for people coming and going along with the ADA requirements.

Mr. Sturgill asked if there were any further questions, and there were none. He told the applicant he could resume his seat. Mr. Sturgill asked if there was anyone else in the audience that wished to address the board on this matter. If not, he guesses they are ready for a vote. Mr. Warnimont moved with a second by Mr. Irwin to accept the application. Mr. Sturgill said it's been moved with a second that the application be approved with the variances. A roll call vote was taken. Yes votes by Mr. Warnimont, Mr. Irwin, Mr. Bennett, Mr. Miller, and Mr. Sturgill. Motion carried 5-0-0.

**APPLICATION NUMBER 2006-5759, (VARIANCE).** James M. and Debra A. Horvath of 10327 White Oak Drive would like to build a garage, storage, and pool changing room addition to the southwest corner of the house. They are situated on a pie shaped lot. In order to accommodate a standard 9 foot single car garage door, the addition would be 12 feet wide at the front. Article V Section A Table 5.1 states that the side yard shall be a minimum of 8 feet, which this is. This proposed addition projects a 2 foot triangular footprint into this side yard and easement area. This addition is 2 feet too wide.

James M. Horvath addressed the board regarding this application. He told the board this is a continuation of the last time, and his wife was present. There is a correction on that write-up. He has a pie shaped lot, so he is asking for a 12 foot on the front edge, and then as you go back, obviously with a pie shaped lot, it narrows. He thinks once you get back 7 feet, then he is back within the 8 feet. So the triangular footprint that was described is right. It is a 2 foot on the front edge. Actually he is looking for a 12 foot front edge, and then like he said, he has a pie shaped lot. Once he goes back 7 feet, he is back outside the 8 foot. And he thinks last time a question came up, who

owns, has the rights on that easement. His wife stated it was the township, and it was stated to her that that was not necessarily true. He has come to find out that that was true. So here they are.

Mr. Sturgill asked if there were any questions for this applicant. Mr. Sturgill said to Mr. Garn that first he investigated the situation as to ownership, and also the direction the owners of the easement were leaning towards of granting such an easement. Mr. Garn said he did have a conversation at a department head meeting with the trustees beforehand, and at that meeting one trustee, Gary Britten, said definitely he would not want anything built on an easement area. Mr. Sturgill asked him if he checked the ownership of the easement, and Mr. Garn said yes. Well, the easement, it's a storm sewer line for the township storm sewer line. There is a catch basin in the back of the property, and there is also a grate up on the front. Mr. Sturgill said so he is saying this is a township easement, and Mr. Garn said it's a township easement. Mr. Sturgill said and the trustees are against granting an encroachment upon it. Mr. Garn said they did not take a formal vote, but they all indicated, and Mr. Warnimont was at the meeting and could give his opinion.

Since then he has contacted Mr. Horvath. He had written a letter to the head of the maintenance department and was the administrator over that area, and he wrote a note, and he has given the members copies of that note. He can read that into the record. Mr. Sturgill asked him to, please. Mr. Garn read the note into the record.

Mr. Horvath responded saying they still have on his property line, 6 feet. There is 8 feet on each side of that line. So he is asking for 2 feet. They still have 6 feet on his side, and 8 feet on the other side. There are still 14 feet. 14 feet over there. And that's just at the front edge. And as you go back, obviously it reduces.

Additionally he would like to point out his driveway, his existing driveway, is already over that. It's just the way his lot is. It's just the way his lot is. He has a print right here. It's just the way the lot is. It's already over that sewer. And in the event that it would ever happen, there would ever have to be construction over there, his driveway has to come up anyway. It's already there. It's been there since 1993.

Mr. Sturgill said his feeling is that he could take a continuance and contact the trustees and see if he could talk them into it. But if the trustees are against it, his inclination is not to vote for it. So he can do what he wants. He can have this here this evening and take a vote on it, or he can ask for a continuance of 1 month to contact the trustees.

Mr. Horvath asked if they were going to be here this evening. Mr. Sturgill said pardon. Mr. Horvath said they are going to take a vote on it, so they are okay with it as long as they are okay with it. Mr. Sturgill said he did not say that. If they would recommend doing it, they would be more inclined to do it and not go against their wishes. Mr. Horvath said okay. Mr. Sturgill said but he does not think they will see him this

evening. They are going to be here right after this meeting ends, but he would have to get on their agenda. Mr. Horvath said he thought that was the purpose of his letter that he wrote was to get that all resolved. Wasn't that the whole issue of getting that on the agenda. Mr. Garn said that was. He cannot help it that the individuals that got that did not put it on the agenda and take the vote of the trustees. He talked to them beforehand. Mr. Sturgill said if they turn him down, he can't reapply for 2 years. Mr. Horvath said right. So the question is somewhere the ball got dropped. He followed exactly what was recommended he do.

Mr. Sturgill said to him if he is following the newspapers and the news, and see what happens in Toledo because of drainage problems. They have to be very careful along those lines. Mr. Horvath said right, but there is no drainage issue. What it is is his sump pump, and his neighbor's sump pump, and some sump pumps behind them that dump into this line. There are no weeds.

Mr. Sturgill said the ball is in his court. Does he want them to take a vote on it, or does he want a continuance to contact the trustees. Mr. Horvath said what's the process to contact the trustees then. Mr. Garn said they would have it put on the agenda so that he could speak to the trustees, and they could have a vote on it. Mr. Horvath said which would be when. Mr. Sturgill said don't they meet tonight. Mr. Garn said well, they could, and they may vote on it this evening. There is a possibility to ask that it be put on the agenda. He does not make up their agenda. Mr. Horvath said okay.

Mr. Sturgill asked if that procedure was satisfactory for everybody else on the board. Mr. Miller just wanted to ask a couple of questions to be clarified, but he would agree with that procedure.

Mr. Miller asked Mr. Horvath if he had a chance to look at the pictures that were provided by Mr. Hoffman in connection with his letter opposing his request. Did he see any of them. He asked Mr. Sturgill if Mr. Horvath could approach so he could clarify this issue. Mr. Sturgill said certainly. Mr. Horvath said he was not aware of anyone's position. He said are you talking about his neighbor. He said he is telling him one thing and saying something else, and giving something else to them, but he is not aware. Mr. Sturgill asked him if he wanted to approach. Mr. Horvath said he would like to see them. Mr. Miller said his questions really relate to only a couple of the pictures. Mr. Hoffman provided them a letter stating his position, and then some pictures so that they could actually see what this is. For purposes of the record he is looking at picture number 3, first of all. He asked Mr. Horvath if that accurately depicted the space between their two houses. Mr. Horvath said that's pretty right. Mr. Miller said this would be his pickup truck. Mr. Horvath said that's his truck. Mr. Miller said, now when he would build the extension to his house, would he be filling in part of this area that would be beside his current garage to get the level up. Mr. Horvath said what they are going to do is that new garage is going to start right back at that back edge. Mr. Miller said sort of in the notch of his current garage and back area. Mr. Horvath said that

back line. He has it exactly. Exactly. Mr. Miller said what he was wondering is is he going to fill the grade here. Mr. Horvath said he has not even thought about that yet. But that's going to be a driveway going up to that garage. Mr. Miller said, but is the garage going to be on level with essentially the side of his existing garage. Mr. Horvath said yes, probably, because that's the way it is. He is not sure what the contractor is going to do, but obviously it's going to match in. Mr. Miller said his picture number 4 would appear to depict about an 18 inch difference from what would be the bottom of the drainage swale and what appears to be a cement slab. Mr. Horvath said yes, that's out there. Mr. Miller said okay, would that be approximately the right difference in the elevations between those two points, just to his best recollection. Mr. Horvath said he has not even imagined that. That would seem kind of high to him. That's 2 feet. 18 inches. Mr. Miller said okay, thanked him, and said nothing further to the chairman.

Mr. Sturgill asked Mr. Horvath what his request is at this time. Mr. Horvath said he would like to have some clarification on the process to meet with the trustees. Mr. Garn said he does not make up their agenda. All he can do is see if it would be possible this evening to add it on to their agenda this evening. If not, it could be added on to their agenda at their next meeting, which would be the first part of next month, he believes.

Mr. Sturgill said this is a little unusual procedure. You usually don't have the township as a party to something like this. So how the trustees want to handle it, Mr. Horvath is going to have to find out on his own. Mr. Horvath said right, but once they get that, and let's say they are okay with it, then they bring it back here then, and Mr. Sturgill said right. Mr. Horvath said you are okay with it as long as they are okay with it. Is that what he is hearing. Mr. Sturgill said they are not prejudging it. They are not prejudging it.

Mr. Warnimont said if they would give him the right to build there, that is not saying this board is going to give him the right to build, it just gives them another notch to look at. Because each one of them votes different. They cannot talk ahead of time on how they are going to vote or whatever. When they vote, it's an open vote up in front of everybody. Nobody has a pre-vote.

Mr. Horvath said okay. What he is saying is he can still start his project, and they are putting their vote off for him another month. Mr. Sturgill said if he starts his project, he may have to tear it down. Mr. Horvath said what he is saying is legally, keep honoring the 8 feet. And then by the next August date, their next meeting here, they will have an answer. Either he can go wider, or he has to stay where he is. Is that what they are saying. Mr. Sturgill said yes. Mr. Horvath said okay, let's do that. Mr. Sturgill said he wants a continuance of 1 month, and Mr. Horvath said 1 month. Yes.

Mr. Horvath asked what time do the trustees meet this evening. He was told 7:30. Mr. Horvath said wait a minute. He does not want a continuance. He wants a vote now,

he guesses. Mr. Sturgill said to him he wants to vote now. Mr. Horvath said yes, he wants to vote now.

Mr. Sturgill asked if there was anyone else who wished to discuss this matter with the board, and there was no response. Mr. Sturgill said if not, is there a motion. It was asked by a member if they need a motion to get a vote. Mr. Sturgill said yes, they need a motion to get a vote. Mr. Warnimont moved with a second by Mr. Irwin to accept the application. Mr. Sturgill said it's been moved with a second that the application be approved. A roll call vote was taken. Mr. Horvath thanked the board. He was told that they have to vote on this thing. No votes by Mr. Warnimont, Mr. Irwin, Mr. Miller, Mr. Bennett, and Mr. Sturgill. Motion defeated 0-5-0. Mr. Horvath said thanks for setting precedence. He thanked the board, and Mr. Sturgill said you are welcome.

**APPLICATION NUMBER 2006-5789, (VARIANCE).** The Lamar Sign Company would like to build a 12 foot by 25 foot (300 square feet) 25 foot high off-premises freestanding sign at 25818 Dixie Highway (Griff's). There is an outstanding off-premises sign permit that has been issued for a similar type of sign that would be located within 1,500 feet of this applicant's site. Article X Section F 4 a (1) states that "off-premises signs visible to the same flow of traffic on either side of the main traveled way shall not be closer than 1,500 feet apart." The signs would thus be too close together, and the newly applied for one would not be allowed.

Greg Churilla addressed the board regarding this application. He also brought with him the property owner, Pamela O'Connell, and his real estate manager, Ben Schoen. Lamar has been talking with and planning with Ms. O'Connell since she had purchased the property to develop this site for an outdoor advertising sign as part of her development in that parcel of property. It has taken her sometime to get her plan together, but she was approached by another company to build a sign. And she called them, and they went down to apply, and found out there was an outstanding application or permit on the property to the south. So they are asking for a variance to build an off-premise sign on the Griff's property. The dimensions are correct. It's above ground.

Pamela O'Connell addressed the board regarding this application. She told the board she is the owner of the property. She has dealt with Lamar quite a bit on some of her other properties, and their billboards, they keep everything very nice. So that part she is not even worried about. With the development of that area over there by Levis Commons, she just feels like it would be a very beneficial thing, and she is encouraging them to vote yes on this to help develop her property as well. She thanked the board.

Mr. Churilla said with the development to that area, there has been some demand for some advertising in that area, so it's something that they have been looking at. Mr. Sturgill asked if they had done any contact with the person with the existing sign permit

to see if they are willing to abandon it, and Mr. Churilla said no. He said he thinks they are actually here this evening. Mr. Sturgill said they are here, and Mr. Churilla said he thinks they are here. But just for the record, they don't have a problem with their sign. They are not afraid of the competition. But they just think that Ms. O'Connell is interested in leasing to them, and they think there is a need for advertising in that area. The demand has been growing. And they are asking for a variance.

Mr. Sturgill asked the members if there were any questions for this applicant. Mr. Miller said yes. He asked what the development of her parcel is. It says a dairy on the drawing that he has. He does not know what that is. Mr. O'Connell said yes, she has 12 cows out there. She said she was just kidding. The comment was she has bigger problems than a sign then. She said right now they do all of their catering for her childcare centers that she owns. They used to have the ice cream place there, but then when the road was all tore up to put in Levis Commons, they just closed the ice cream part of it. But they plan on putting in a development there, restaurants, shops, different things like that in that location, so they really need the advertising.

Mr. Miller asked just how close is the location for the sign with the existing permit. Mr. Churilla said depending on the location of that existing permit, they are thinking it's about 250 feet spacing. Mr. Miller said okay. Mr. Churilla asked Mr. Schoen if that was right. Mr. Garn said that would be fairly accurate on that. Mr. Churilla said okay.

Mr. Sturgill asked if there were any further questions, and there were none. He asked if there was anyone else that wished to address the matter, and Mr. Churilla asked if he could add something. He just thought of something. Mr. Sturgill said yes. Mr. Churilla said the structure they plan to build is also a single pole. It would be a monopole type structure. It would be a pretty clean looking billboard. It would be just a monopole with the face, and no higher than 25 feet. He thanked the board.

Mark Chudzinski addressed the board regarding this application. Mr. Sturgill asked him to spell his name for the court reporter. Mr. Chudzinski told the board that he owns the other permit which he has in front of him, and he gave the certificate number and address. He, too, is building a monopole, outdoor advertising sign, which is approximately the same exact size as the one that they are. According to his site plan here that he has, depending on where they put the other billboard, if it was granted, would be probably less than 250 feet. This would devalue his investment in the billboard that he plans on building because it would be too close. The property owner that he is working with who is also in attendance this evening has approximately 600 plus additional feet. If it was less than 200 feet, he could put three billboards on his property. But they chose to follow the 1,500 foot distance rule between signs. As a matter of fact, the next closest sign was on the southwest corner of Ovitt Road and 25, which is also a Lamar sign, and they made sure that in placing theirs that it was well beyond the 1,500 feet. He is opposing their petition and asks that they not grant that.

Mr. Sturgill asked how old his sign permit is. Mr. Chudzinski said it was granted on June 16<sup>th</sup>. Mr. Sturgill said of this year, and the response was of this year. He is just waiting for the final bids on the structure to start construction.

Mr. Miller asked if he was going to have just the usual billboard, or will it be one of the digital ones, or what is the anticipated type of billboard. Mr. Chudzinski said it's probably going to be a back to back sign. He does have a drawing if he can approach. Mr. Miller said his real issue is is it going to be digital or anything like that. Mr. Chudzinski said it will not be digital. Possibly in the future if it is so warranted it could be digital, but right now it's going to be a tri-vision face that has three prism faces on one side, and a flip showing one message at a time. Mr. Miller said okay. Mr. Chudzinski said on the back side there will just be one single face.

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

Martin Davis addressed the board regarding this application. He told the board he is the owner of the other existing properties to the south there. He has about 4 acres of property there to the south. They were working on this actually before June. It actually started in May when they got everything together when they decided to go with that sign. The only thing that he would like to add is he does not want to cause any ill feelings with his neighbor because he sold the property to her, the property that they are requesting for. He originally had owned that property for several years. He sold it in 1996. But he would like to just stay with the same 1,500 feet distance. Because he thinks what they are going to do is going to deteriorate from the value of that sign right there, and the revenue that's generated from that sign is what determines what his lease values are going to be off of it because he is leasing his property to that sign company. If that sign generates a lot more revenue, then he will, in turn, probably receive more revenues also. And all he is asking is just to stay with what way the laws are, and the rules and regulations are, and don't change them, leave them like they are. Otherwise if you change it there, then he, in turn, probably will come back and ask for a change also. Because he owns enough frontage up there, about 4 acres of frontage, that he wouldn't mind putting a couple more signs down the road, too, and get some more revenue coming out of there.

He told the board he has been a taxpayer for the township since 1983 out here, and paying a lot of taxes, and no abatements or anything like that. Just trudging along. So just try to keep in mind just to keep everything fair, just keep the laws the way they are, don't change them, and he will be a happy man. And he does not want any ill feelings with his neighbor because she is a nice lady. It's just they started this sign thing farther than that June date to make sure that everything was done right, and they were going to be happy, and his neighbors were going to be happy. He wanted to make sure that the sign was going to look nice, and everything was going to be

beneficial. After he saw what the sign was going to look like, and he saw everything, they signed the paperwork, and he leased his property to the sign company. That's all he has to say. Just keep it the way it is. Don't change it, and he will be happy.

Mr. Sturgill asked if there were any questions for this gentleman, and there were none. Mr. Davis thanked them for their time. Mr. Sturgill asked if there was any further discussion of this matter.

Mr. Miller wondered if the representative from Lamar might respond in kind to his question about the type of sign they intend, whether it will be just a normal two-face or what. Mr. Sturgill said certainly. Mr. Miller asked Mr. Churilla if he would mind coming back to the podium and responding as far what type of sign he would anticipate, and in particular whether it would be digital or what. Mr. Churilla said the way the regulations read, it could be digital, and they have put some digitals up in the area. It may be an area as demand allows that it could go digital. That has not been determined. This is their first hurdle. It would be something of interest if demand allows, but it's a fine line. They only put those in high traffic and high demand areas. Mr. Miller thanked him and thanked Mr. Sturgill.

Mr. Sturgill asked if there was any discussion. He guesses they are ready for a motion. Mr. Warnimont moved with a second by Mr. Bennett to accept the application. Mr. Sturgill said it's been moved with a second that the application be accepted. A roll call vote was taken. No votes by Mr. Warnimont, Mr. Bennett, Mr. Irwin, Mr. Miller, and Mr. Sturgill. Motion defeated 0-5-0.

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 to come before the board.

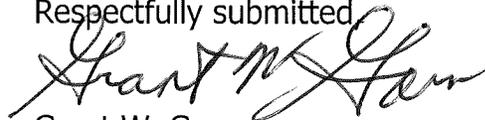
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Mr. Warnimont said he noticed they have a letter attached from the Rudy's over on East River Road. It will be the last page. He was going to ask Mr. Garn if he knows if they put that drainage line in. Mr. Garn said he does not know if they've put it in before he left. And right before this rain storm they were in the process of putting it in, and working things out with their maintenance department to hook it up properly. Obviously they did not get it completed before this hit. And evidently it was evident that some of the water going over was painted, colored water from the construction area. The comment was that was the construction of the pool. They have not done anything with the shed. Mr. Garn said he was right. They did not build the shed. It was just from the pool construction. They are trying to take care of that. He thinks that another neighbor had joined in with this neighbor to put in that basin in the back so that a few of them would be able to drain into it. But as to how it was going to drain, whether it was going to go out to a catch basin, or out into another line, he does not know. Mr. Sturgill asked him if he would follow through on that. Mr. Garn said he would follow through on that, yes. Mr. Warnimont said but the main thing, they have done something. Mr. Garn said right. Mr. Warnimont said that was his question that

they were doing something. They didn't just do nothing. Mr. Garn said it's just too bad that nobody planned on having a drain.

Mr. Warnimont said if nothing else, Mr. Chairman, he would make the motion to adjourn. Mr. Irwin was the second. A roll call vote was taken. Yes votes by Mr. Warnimont, Mr. Irwin, Mr. Bennett, Mr. Miller, and Mr. Sturgill. Motion carried 5-0-0. The meeting was adjourned at 6:20 p.m.

Respectfully submitted,



Grant W. Garn,  
Recording Secretary