

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

**PUBLIC HEARING/MEETING**  
August 18, 2009

The Perrysburg Township Board of Zoning Appeals held a public hearing/meeting on August 18, 2009. Russell Sturgill, Chairman, called the meeting to order at 6:00 p.m. A roll call was taken. Mr. Sturgill said they have a full board, and they will be able to conduct business. Grant W. Garn, Zoning Inspector, was also present. The meeting was tape-recorded.

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

**MEMBERS ABSENT:** None.

**APPROVAL OF THE 6/16/09 and 7/21/09 MEETING MINUTES:** Mr. Sturgill asked if all the members had received a copy of the meeting minutes, and all the members indicated that they had. He then asked if there were any additions, corrections, or deletions to the minutes. Mr. Justus had a correction to the June 16<sup>th</sup> minutes on page 3, second paragraph. Mr. Sturgill said okay. Mr. Justus said the paragraph starts with Mr. Irwin asked her, and all of that. Go down about 8 lines where it said Mr. Irwin said he stopped by there, and it should be Mr. Justus said he stopped by there. Mr. Sturgill said okay, are there any other additions, deletions, or corrections, and there were none. Mr. Sturgill asked Mr. Irwin if he wanted to move to correct the minutes, and Mr. Irwin so moved with a second by Mr. Miller. Mr. Sturgill said it's been moved with a second that the minutes be corrected on the second page, and Mr. Justus' name be inserted where Mr. Irwin's name is. A roll call vote was taken. Yes votes by Mr. Irwin, Mr. Miller, Ms. Hetman, and Mr. Sturgill. Mr. Warnimont abstained. Motion carried 4-0-1. Mr. Sturgill said the minutes are corrected. He asked if they then had a motion to accept the minutes. Mr. Irwin moved with a second by Ms. Hetman to accept the minutes as corrected. Mr. Sturgill said it's been moved with a second that the June 16<sup>th</sup>, 2009 minutes, continued to July 21<sup>st</sup>, 2009, be approved as corrected. A roll call vote was taken. Yes votes by Mr. Irwin, Ms. Hetman, Mr. Miller, and Mr. Sturgill. Mr. Warnimont abstained. Motion carried 4-0-1.

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

**APPLICATION NUMBER 2009-6435, (VARIANCE).** Marsha Meier owns the property at 7277 Lunitas Lane. The garage was extensively damaged by a fire, and it was torn down to the existing garage slab floor. The garage was a nonconforming

structure in that it was built before zoning, and was located approximately three feet from the side yard, and five feet from the rear yard property lines. Article II Section B 5 d states that "it shall not be restored except in conformity with the regulations of the district in which it was located." Article VII Section B 2 b (3) (a) states that "detached accessory structures shall be set back a distance of not less than ten feet." The proposed reconstructed structure would be located too close to the side and rear property lines.

Marsha Meier introduced herself to the board regarding this application. Mr. Sturgill asked her if she wanted to address the board on this matter. She said she would like to. She would like to ask that they grant the zoning permit so that she can rebuild on the existing structure. If it's not granted, then she can't rebuild, because there is not room on the property to allow for the ten feet for each of the property lines, the rear property line and the property line to the right of the garage.

Ms. Hetman said she does not live in the house. Ms. Meier said she owns it, but she has renters in there. Ms. Hetman said she sees.

Ms. Meier said and all the properties around there, all of the garages, all of the properties look similar, and they all have the same garages behind them. Hers now is the only one that does not have that garage existing, so the conformity of the neighborhood, it has changed. And if she can't rebuild, she does need to do something out there for her renters, which would mean a couple of sheds and a car port, maybe, which is going to look terrible for the neighborhood, and she hates to do that. She has pictures of what it looks like now, and she also has a picture of what it looked like before. Mr. Sturgill said they do have in the record this aerial photograph showing that the garages in the neighborhood are all encroaching, but they will look at her pictures if she wants to present them. Ms. Meier said this is the way the property looked before, and this is the property without the garage there.

Mr. Miller said the remaining slab is where the barrel is. Ms. Meier said right behind the picnic table is where the slab is, and Mr. Miller said oh, okay. Ms. Meier said she can move it over enough the one way, but once she does that, you can't get a car in there because you can't move it off of that back property line anymore.

Mr. Irwin asked her if she was going to be able to use the existing footers that are there. Some of the footers are there. Ms. Meier said that she does not know yet. When she asks for the building permit, if she has to change that in any way, it would be done right at that particular spot. And the property that the garage sits three foot off of, the property on the other side is also hers. Ms. Hetman said is also what, and she said it's also hers. She owns the property there. It's just too close to it. Mr. Irwin said on the driveway side or the other side, and she said on the driveway side. Mr. Irwin said driveway side. Okay. That one looks like it's okay for the back line, but not the side line; right. She said yes.

Mr. Sturgill said yeah, but they do all encroach, don't they. A member said yeah, yeah, one way or the other. Mr. Sturgill asked if there were any questions for this applicant, and a couple of members said no. Mr. Sturgill asked if she had anything further, and she said she has some tenants that came in. Mr. Sturgill told her she could be seated. Mr. Sturgill asked if anybody else wished to testify.

Raymond Dosch addressed the board regarding this application. He said it's pretty obvious that if the garage is moved, you can't get a car into it. Pretty much all these places were built that way for that reason, he believes. He said he would ask that they grant the variance. Mr. Sturgill asked him if he was her renter, and he said yes. Ms. Hetman said okay. Mr. Dosch said just the way the lots are laid out, it's just impractical to move the garage.

Mr. Sturgill asked if there were any questions for this witness, and Ms. Hetman said none. He told the gentleman he could sit down. He then asked if anyone else wished to testify this evening. Mr. Sturgill asked the woman to state her name and address, please.

Dorothy Robertson addressed the board this evening. Mr. Sturgill told her she has to speak up so they can hear her. She said okay. She asked if this was better. Ms. Hetman said yes. Ms. Robertson said all right. She said she lived there where this had burned down, and she lives on the left side, uses the left side of that garage. And when she goes in, she even has to now go in like this and then in. But if that's moved over, she can't get out of there. What she is going to do is hit the house. There is nothing that can be done. Ms. Hetman said yeah. Okay.

A member indicated that this next person was not sworn in. She came in after he swore in those that were present. She was not sworn in. Mr. Sturgill said didn't she swear. He told her she has not been sworn in, so if she will raise her right hand and repeat after him. Mr. Sturgill then swore this lady in to testify before the board this evening.

Mary Street addressed the board regarding this application. She said she owns the property on the other side of this property, and she would like them to grant the variance, because it just seems like it should be done, you know. Mr. Sturgill asked her if she had any objection to the granting of the variance, and she said no, no, no, she would like it to be granted. He said she is in favor of it being granted, and she said yes, and she lives on the other side. Of course, their garage does not affect her any. Mr. Sturgill said okay. Ms. Street said but her garage may affect them.

Mr. Sturgill asked if there were any questions of this witness, and there were none. He told her she may be seated. He asked if another person wanted to testify, and the person said not about this, sir. Mr. Sturgill said okay. Ms. Hetman asked if they were ready. Mr. Sturgill asked if there was any discussion. Mr. Warnimont said he would

note that back of the garage where the garage is is Perrysburg Township Park right behind it, so there is no actual problems to the back. Mr. Sturgill said no residence there. Okay. Ms. Hetman moved with a second by Mr. Irwin that they accept the application. Mr. Sturgill said it's been moved with a second that the application be accepted. A roll call vote was taken. Yes votes by Ms. Hetman, Mr. Irwin, Mr. Warnimont, Mr. Miller, and Mr. Sturgill. Motion carried 5-0-0.

Mr. Garn asked all the audience members if they had all signed in. 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. Ms. Hetman said he could tell them they could leave if they want to. Mr. Garn said there is another person that wants to speak. Mr. Sturgill asked if there was any discussion on any matter. He then deferred to Ms. Hetman. Mr. Garn said to Mr. Sturgill, and Mr. Miller said this lady wanted to address the board. Mr. Warnimont asked if she wanted to address the board, and she said she wanted to say something, yes. Mr. Warnimont told Mr. Sturgill that she wants to address the board. Mr. Sturgill said okay, she may come up.

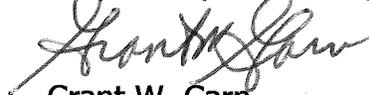
Jean Modene addressed the board under other items for discussion. She said she has lived in either the City of Perrysburg or the township for 21 years, and her husband has lived in either the city or the township for most of his last 35 years. They have raised their children here, they have lived here, and they have enjoyed the community in both the city and the township. And she is asking them to listen to a concern she has about something that will be coming before the board next month. Next month Perry Retail Associates is asking to be heard. They are appealing Mr. Garn's decision about their application, and she is not sure of the exact term, but she thinks it was an occupancy permit. Mr. Sturgill asked her if she is discussing a matter that is going to be before the board next week, and she said next month. Mr. Sturgill said next month. Well then, she is out of order. Ms. Modene said she was sorry, she thought it was an open meeting. Mr. Sturgill said pardon, and she said she thought it was an open meeting. Mr. Sturgill said it is an open meeting, but they have to have some restrictions on it. She said certainly. Mr. Sturgill said he does not know what position she is in on this, but the applicant has the right to hear her testify. She said okay, may she talk about things except for that. Mr. Sturgill said things of what, and she said that don't involve Perry Retail Associates. Mr. Sturgill said well, if she just wants an open discussion with the board, they are here to listen.

She said okay. About 7 years ago she lived in the city. She found out then an adult massage parlor had come in. The city operates different than the township. The township obviously has great zoning regulations when it comes to sexually oriented businesses. The city, however, did not, and it was a great concern to her. Her children are now driving places in the township. She has rental property in the township. She is very concerned about where they go and who they are around. And she would encourage the board when matters come before them, to continue to follow up Mr. Garn's decision in any of those matters, and ask that they continue to maintain what

the zoning regulations are for. Mr. Sturgill said to her that he was going to cut her off now. She said that's fine. Mr. Sturgill said because this matter he is pretty sure is going to go to court. And if the aggrieved party would find out that they were taking testimony when they were not here, it could be reversible error. Ms. Modene said she understands that. She understands. That's fine. She misunderstood. She thought it was an open meeting, and that she was allowed to. Mr. Sturgill said no, they can't just talk about anything. Not pending cases. Ms. Modene said that's fine. That's fine. Mr. Sturgill said okay. So thank you. Ms. Modene said you're welcome. Mr. Sturgill said she is welcome to come back next month, and they will give her all the time she wants. Ms. Modene said thank you.

Mr. Sturgill asked if they wanted to vote on the motion that's pending before the board. It was asked, there is a motion, and Mr. Sturgill said Ms. Hetman's motion. Mr. Warnimont said he was the second on it, but nobody was designated the second on it. Mr. Sturgill said it's been moved with a second that they adjourn. A roll call vote was taken. Yes votes by Ms. Hetman, Mr. Warnimont, Mr. Irwin, Mr. Miller, and Mr. Sturgill. Motion carried 5-0-0. The meeting was adjourned at 6:18 p.m.

Respectfully submitted,



Grant W. Garn,  
Recording Secretary