

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

PUBLIC HEARING
September 18, 2007

The Perrysburg Township Board of Zoning Appeals held a public hearing on September 18, 2007. Russell Sturgill, Chairman, called the meeting to order at 6:20 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, Bob Warnimont, and Thomas Warns.

MEMBERS ABSENT: Bill Irwin, Elsie Hetman, and James Bennett.

Mr. Sturgill said as the audience will note, there are only four members here. And to approve any agenda this evening requires three votes. So you have to get three out of the four. If any applicant would rather wait until next month when they will have a full board, they can. Otherwise they will proceed as usual. Mr. Sturgill noted that no one asked for a continuance.

APPROVAL OF THE 8/21/07 MEETING MINUTES: Mr. Sturgill said the first order of business to come before the meeting is approval of the August 21st, 2007 meeting minutes. Mr. Sturgill asked if everyone had received a copy of the minutes, and all the members indicated they had. He asked if there were any additions, deletions, or corrections, and there were none. Mr. Miller moved with a second by Mr. Warnimont to approve the minutes. A roll call vote was taken. Yes votes by Mr. Warnimont, Mr. Warns, and Mr. Sturgill. Mr. Miller abstained. Motion carried 3-0-1. Mr. Sturgill said the minutes are approved.

Mr. Sturgill swore in all persons who wished to address the board this evening for or against any issue.

APPLICATION NUMBER 2007-6124, (Conditional Use). FedEx Ground would like to build a distribution facility at 100 J Street in the Ampoint Industrial Park. In doing so, they would be building storm water retention ponds. Article VII Section T (Ponds) states that the construction or installation of a pond ... shall require conditional use approval by the board of zoning appeals due to the potential deficiencies in size, depth, aeration, fencing, and other considerations. They are thus applying for conditional use approval for their ponds.

Jack Hilbert addressed the board regarding this application. He told the board that he resides in the township. He is counsel for FedEx Ground. He asked Mr. Sturgill if he would like him to briefly summarize the project for them, and Mr. Sturgill said if he would, please.

Mr. Hilbert said FedEx Ground is proposing to build approximately a 380,000 square foot distribution facility in the Ampoint Industrial Park. You enter off of Buck Road. Buck Road extended becomes Third Street, and basically the corner of Third and J is where the project is. This one here is just part of it. It does not show the other portions of the site. He has a drawing he can put up if Mr. Sturgill would like to see. Mr. Sturgill said he does not think they need it. Mr. Hilbert said okay. As part of the site plan, they have three retention ponds which are wet ponds under their zoning ordinance. They went to the planning commission last week, August 10th, and received approval of their site plan for the construction of the entire project to obtaining the conditional use from this body for their three retention ponds. As noted in the report from Mr. Kuhn at Feller Finch who represents the township, in his item number 12 on page 2 he refers to the fact, and this was his letter to Mr. Garn, that the retention ponds being proposed would require approval from the BZA. It says furthermore, the ponds do meet all the special provisions of Article VII, Section T. He has with him this evening Larkin Gieringer who is an architect with The Pickering Firm in Memphis who has prepared the various documents and is available if they have any questions.

Mr. Sturgill asked the members if they had any questions. He asked if anybody needed to hear from this young lady. No one indicated that they did.

Mr. Miller said he just wanted to make sure there was fencing shown, if he recalled correctly. Mr. Hilbert deferred to Ms. Gieringer if he was correct that there was fencing around every single pond. Ms. Gieringer said there is six-foot chain link. Mr. Miller said thank you, and that was all he wanted to confirm.

Mr. Sturgill asked if there was a motion. Mr. Warnimont moved with a second by Mr. Miller to accept the application. Mr. Sturgill reiterated and elaborated on the motion adding since it does comply with all the potential issues of deficiencies in size, depth, aeration, fencing, and other considerations. A roll call vote was taken. Yes votes by Mr. Warnimont, Mr. Miller, Mr. Warns, and Mr. Sturgill. Motion carried 4-0-0.

Mr. Hilbert said thank you very much. He was welcomed to the township. They said they are one step closer. There was some miscellaneous discussion.

APPLICATION NUMBER 2007-6125, (Conditional Use). Tracey Creek Apartments of 29181 Tracey Creek Drive plan to alter their existing storm water retention ponds. Article VII, Section T (Ponds) states that the construction or installation of a pond ... or any alteration thereto shall require conditional use approval

by the BZA due to the potential deficiencies in size, depth, aeration, fencing, and other considerations. They are thus applying for conditional use approval for their ponds.

Gary Tipping addressed the board regarding this application. He identified his company. He told the board that he prepared the plans. Mr. Sturgill said he was sorry, sir, but was he here representing the applicant, and Mr. Tipping said yes, sir. Mr. Sturgill asked him if Mr. Garn told him of their requirements here. Mr. Garn said he has the letter. Mr. Sturgill said the letter conforms to their rules and regulations, so please proceed.

Mr. Tipping said the development is presently about he would say 75 percent completed as far as construction goes. Ponds number one and three are already constructed, and pond number two on the southwest corner is not constructed. The reason they approached making a change is because of the fact that in some heavy rains last year, all of the storm sewers were surcharged, and actually the parking lots were all flooding. And so the developer asked him to investigate and determine what the problem was, and basically the outflow pipe from pond number three, which is the one that's parallel to Tracey Road, the outlet pipe is 2 foot higher than the storm sewers which would drain into the ponds. So basically the ponds have to fill up at least 2 feet before any water flows out. Well, that surcharges all of the storm sewers, so they won't flow. And then everything just keeps backing up.

So he called Mr. Kuhn, and he also called the WC Engineer's office and explained to them the problem, and that what they wanted to do was propose to put in a new outlet line which would be 2 foot lower at elevation, he thinks it's 618, so that it would drain to the side road ditch on the west side of Tracey Road. And he ran all the calculations, and they are allowed. And he pulled out his notes here, and they are allowed, for a 25 year storm, to have an allowable run-off rate of 11.3 CFS. They are proposing to install an 18 inch line, which will only have four and a half CFS, which is approximately one-third of what the allowable is. The ponds are able to, when they are about 2.1 feet deep, they will hold a hundred year storm. So they have more than enough capacity, and they are going to be having a run-off rate which will be about one-third of what is allowed, so they are not going to cause any overloading of the ditch along Tracey Road. And they are also proposing to put a flapper valve on the end of the pipe so that the water, if Tracy Road fills up, then it won't back flow into the ponds in the development.

That's essentially the problem and the solution. Mr. Kuhn has reviewed the calculations and everything, and he also forwarded them to the county engineer's office even though he supposes they don't have jurisdiction any longer because they don't review private developments. But he thinks everything is in order, and he thinks they have complied with all their requirements. He asked if they have any questions he could answer.

Mr. Sturgill said it sounds like something that had to be done. Mr. Tipping said yes, sir. Yes, sir.

It was asked is the outlet like an approximate 12 inch concrete pipe that runs easterly, and Mr. Tipping said that is correct. There is an existing one that's located south of building 5, and he is proposing that the new one be just north of that existing one. And it will be an 18 inch. And they are going to leave the other one in. There is no reason to take it out because it's 2 foot higher anyway. And then if they really do have an extreme three 100 year storms in a row or whatever, they will want to make sure they get the water out of there.

Mr. Sturgill asked if there were any questions for this gentleman. Mr. Warnimont said it sounds like they had a problem to start with, and now they have to take care of it. Mr. Sturgill said why does this township have so many of those kind of problems like they had up there on Route 20, pipes too high and too low. It was commented, engineers. Mr. Sturgill said he guesses they have no further questions for him, and Mr. Tipping said thank you, sir.

Mr. Sturgill asked to hear from anybody else. There was no one else that came forward. Mr. Warns moved with a second by Mr. Warnimont to approve the application as proposed. Mr. Sturgill reiterated the motion saying they have come to this board to authorize the correction of previous deficiencies in their ponds. A roll call was taken. Yes votes by Mr. Warns, Mr. Warnimont, Mr. Miller, and Mr. Sturgill. Motion carried 4-0-0.

Mr. Sturgill asked if there was any new business, and there was none. He asked if there was any old business to come before the board, and there was none. He asked if there was any discussion of any matter, and there was none. He then said they don't have Ms. Hetman here this evening. Mr. Warnimont moved with a second by Mr. Miller to adjourn. A roll call vote was taken. Yes votes by Mr. Warnimont, Mr. Miller, Mr. Warns, and Mr. Sturgill. Motion carried 4-0-0. Mr. Sturgill said the meeting is adjourned. The time is 6:30 p.m.

Respectfully submitted,



Grant W. Garn,
Recording Secretary