

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

PUBLIC HEARING/MEETING
October 17, 2006

The Perrysburg Township BZA held a public hearing/meeting on October 17, 2006. Russell Sturgill, Chairman, called the meeting to order at 6:00 p.m. A roll call was taken. Mr. Sturgill said they have five members present, so they are adequate to conduct a meeting. Grant W. Garn, Zoning Inspector, was also present. The meeting was tape-recorded.

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

MEMBERS ABSENT: Bill Irwin.

APPROVAL OF 9/19/06 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 additions, corrections, or deletions to the minutes, and there were none. Mr. Miller moved with a second by Mr. Bennett to approve the minutes as submitted. A roll call vote was taken. Yes votes by Mr. Miller, Mr. Bennett, Ms. Hetman, and Mr. Sturgill. Mr. Warns abstained. Motion carried 4-0-1.

Mr. Sturgill sworn in Truman Haas, Jr.

APPLICATION NUMBER 2006-5856, (VARIANCE). CONTINUATION OF THE 9/19/06 PUBLIC HEARING. Truman Haas, Jr., of 11099 Neiderhouse Road would like to build a garage addition to the west side of the house, place a privacy fence around the southwest (front yard) portion of the property, and also install an above-ground pool behind the house. This property is a corner lot that is zoned A-1. The garage addition would be 37 feet (now showing 27 feet) from the McCutcheonville Road right-of-way, and 39 feet (now showing 49 feet) from the Neiderhouse Road right-of-way. Article V Section B 2 states that no buildings or structures are to be located within 70 feet of a state highway right-of-way. The garage and pool would both be located within that setback area. The garage would be 33 feet (now showing 43 feet) too close to McCutcheonville Road. Article V Table 5.1 states that structures should be located at least 50 feet from the road right-of-way. The garage would be 11 feet (now showing 1 foot) too close to Neiderhouse Road. Article VII Section J 1 states that fences may not exceed 7 feet in height in the required front yard. The proposed privacy fence is 2 feet too high in the front yard. (He has stated to me that he is going to put up a 4 foot high split rail fence instead of the privacy fence or the approved 6 foot chain link fence. He also now shows an extension of the garage on one drawing.)

Mr. Sturgill asked if the applicant was present. Ms. Hetman asked if she could make a statement first, and Mr. Sturgill said yes. She said Mr. Sturgill said may not exceed 7 feet, and it's 4 feet. Mr. Sturgill said okay. Thanks for the correction.

Truman Haas, Jr., addressed the board regarding this application. He said to the board that as they can see, the fence is no longer an issue. That matter has been handled and taken care of. The garage, however, is not, so that's what he is here to do. He just needs an okay to add on to the existing garage that he has, and to build this new garage so that he can have a place to store his car, his boat, his jet ski, and have enough room to put one of his cars inside.

Mr. Sturgill asked then what are they going to do about the pool. Mr. Haas said he does not have anything drawn up for the board on that because he did not have a chance to get to it. So unless they can continue the pool for him, he is going to have to just resubmit that altogether. Because the pool is no longer going to be the size that he has on the application there. He has done some checking around, and that's just not going to be a feasible size to do. So it's going to be a 28 foot round one instead of the 16 by 32. Mr. Sturgill asked him if he wanted to dismiss that portion of his application without prejudice so that he can re-file. Mr. Haas said whatever works easiest for them. Mr. Sturgill said that would be easiest rather than continuing it indefinitely. Mr. Haas said okay. Mr. Sturgill said they don't like to leave things hanging out like that. Mr. Haas said he understood and said that's fine with him. Mr. Sturgill asked him if he would like to withdraw the pool portion of his application, and Mr. Haas said yeah, go ahead. He will withdraw it. Mr. Sturgill moved with a second by Ms. Hetman to permit the applicant to withdraw the pool portion of his application without prejudice, which would permit him to re-file it at a later date. A roll call vote was taken. Yes votes by Mr. Sturgill, Ms. Hetman, Mr. Miller, Mr. Bennett, and Mr. Warns. Motion carried 5-0-0.

Mr. Sturgill said now they will address the garage. He said the garage is now only 1 foot too close to Neiderhouse Road, and he asked if that was correct. Mr. Haas said yes, sir. One of the members said he noticed that he has the garage closer to Neiderhouse than what the house is, and he asked if that was correct. Mr. Haas said yes, sir, it's just a couple of feet. Mr. Sturgill asked how much further does the garage encroach into the front yard line than the house. Mr. Haas said about 3, 4 feet. Mr. Sturgill said the garage is existing already, isn't it. Mr. Haas said no, there is an attached garage to the house. He wants to add on to the back corner of that, to fill that in, and then put a breezeway attachment into the new garage, which the dimensions of that are 30 by 34. Mr. Sturgill said they have two drawings here. Mr. Haas said right. If he can step up, he will show them. Mr. Sturgill said okay. And this one is as it exists now, and he asked if that was correct. Mr. Haas said no, this is not as it exists now. This is an addition to the existing garage. This right here is the garage portion of his house, and this right here is just an open corner right here. He

wants to add on to the existing attached garage right here, and then put the breezeway attachment into this one. Mr. Sturgill said and then put the breezeway into this garage. Mr. Haas said yes, sir.

Ms. Hetman asked him if he was going to keep the garage that he has now, and Mr. Haas said yes, ma'am. The garage that he has now that is attached to the house, neither one of his two vehicles will even fit into it. And the third vehicle that he has just barely fits into it. He has an inch on each end of it. Mr. Sturgill said it's quite an improvement from last month. Ms. Hetman asked how wide is that breezeway. Mr. Haas said it's going to be 8 feet wide. Ms. Hetman said why can't he move that over and eliminate that. She said isn't that a back door anyway. Mr. Haas said eliminate the breezeway attachment, and Ms. Hetman said yes, move the new building over and push it back so that it's even with the existing garage. Mr. Sturgill said make it an extension of his existing garage instead of having the breezeway in there is what she's asking. Mr. Haas said right. Mr. Sturgill said or would it be difficult because of the ridgeline, and Mr. Haas said he believes so, yes. Because the new garage, as far as the roof portion goes, if it's going to be taller than the existing garage that's there but not taller than the house. That's why he put in the breezeway attachment. Mr. Sturgill said a carpenter can handle that. That's no big problem. Mr. Haas said he would hope so, but they are probably looking at the carpenter that's going to do it. Ms. Hetman said she was thinking that that would alleviate all the problems to the edge of the road all the way around. Mr. Haas said yeah, it would put it 5 feet further away from the 199 right-of-way, yes. Ms. Hetman said yes. Mr. Haas said yeah, he can do that. It was asked if he had a specific purpose for wanting a breezeway, and Mr. Haas said no, not particularly. Just so that he could build the new garage tall enough to fit his boat in, because he needs 12 foot ceilings in there.

It was commented that the drawing that he submitted with his original application showed that the addition to the back of the existing garage would be within a 50 foot setback from McCutcheonville Road, but with the breezeway and the garage that's being proposed, he is encroaching into the 50 foot setback also. It was asked if that was correct. Mr. Haas said well, yeah, because there is now a 70 foot setback. It's no longer 50. Mr. Sturgill said this house is already encroaching, and that's kind of grand fathered in. He is only going 3 feet more. The member said right. Now the 50 foot, now this building is going to be within the 50 foot. Mr. Sturgill said it's only encroaching 1 foot the way he has it drawn. If he was to take out this 5 feet, it is not encroaching on McCutcheonville. It was commented it's not encroaching on the right-of-way. Mr. Sturgill said it's not Neiderhouse Road. It's not encroaching on McCutcheonville. The comment was made right, it's not encroaching on the right-of-way, but it's encroaching on the setback. Mr. Sturgill said right. Mr. Haas said yeah, nothing is actually going to be in the actual right-of-way, he is just in that 70 foot setback that's there.

Mr. Sturgill asked how is the ridgeline on the existing garage, is it front to back. Mr. Haas said yes, sir, but it's kind of like soapbox style, but not your normal soapbox style. It was asked will the roof line of the new garage run parallel to the roof line of his existing garage, or perpendicular to it. Mr. Haas said it will probably run perpendicular to it. He said that was another reason he put the breezeway attachment in there. It was commented it's kind of a screwy roofline on his garage, isn't it, and Mr. Haas said yes, sir. Mr. Sturgill said he will have a little problem framing that. Mr. Haas said yes, sir. He said if he would have had his choice, he would not do it.

Mr. Sturgill said okay, he can sit down. He asked if there was anybody else in the audience that wanted to address the board on this matter, and there was no one. Mr. Sturgill asked if the members had any questions or any discussion. One member said he would just make the comment that he thinks the minutes of the last meeting reflected that his biggest concern was over the view, the visibility on McCutcheonville Road, and he thinks Mr. Haas has made some very reasonable efforts to accommodate that on this revision. He appreciates that. Mr. Sturgill agreed.

Ms. Hetman asked if this was going to interfere with the addition on the road. Mr. Garn said there are a couple of things, and he wanted to know if they wanted him to bring those up. He said the trustees were adamant last night that there is a good possibility of Neiderhouse Road being extended, and that there will be additional lanes, at least 3 lanes needed. The one trustee was intimating that the property would probably be taken out, part of that right-of-way for the additional third lane, because there is a ditch on the other side of the road. Ms. Hetman said on the other side of 199, and Mr. Garn said of 199, right. So they wanted that point to come across that the intersection may be wider than it now is. Mr. Sturgill said well, they would still have 32 feet, and that's more than adequate for the lane on that side. Mr. Garn said he can't speak to that, but there should be enough room. That would cause evidently some sighting problems.

Mr. Garn said the only other thing he wanted to bring to their attention, because he has included in their previous packet letters from neighbors on the situation. He did not include them in this packet because they were in the previous packet, the letters from neighbors on either side. It was commented by a member that he guesses that was his point when he brought it up earlier that the residence already encroaches on the 70 foot setback from McCutcheonville, but it did not on the 50 foot setback. The proposed addition to the existing garage still is within that 50 foot setback, but the breezeway and the proposed new garage encroaches into that 50 foot. Mr. Haas said if he may say, sir, and if he would like to see it, he has a copy here from when the original house was built. At that time there was only a 50 foot setback made visible when the original zoning variance got applied for to build on that piece of property, because it was only nine-tenths of an acre at the time. And then somewhere along the way it got switched to a 70 foot setback.

Ms. Hetman asked do they know how far they are going to make that 199 three lanes. How far is it going to go down. Mr. Garn said usually when they make a third lane they go 3 or 400 feet, at least. He is just not sure not being a road engineer. Ms. Hetman said no, she does not mean wide, she means how many miles down the road is it going to go. The reason she is talking here, aren't they going to move Eckel Junction Road around to make a new road, and Mr. Garn said a new road at Carronade. Ms. Hetman said so it should not be too much of a problem, should it. Mr. Garn said of making it wider, that's quite a distance from this intersection. Ms. Hetman said she knows it, but it's visibility and all that good stuff. Mr. Garn said their concern is they would extend Neiderhouse Road across the street. Ms. Hetman said extend Neiderhouse, and Mr. Garn said yes, extend Neiderhouse Road. Ms. Hetman said there will be a light there. Mr. Garn said he does not know. If they do build a school building there, that's what the extension is for was for building a school building there. Ms. Hetman said she thought it was supposed to be Eckel Junction. Mr. Garn said that's another place, because there have been fatalities there. Ms. Hetman said she sees. Mr. Garn said at Eckel Junction. Now, down at Neiderhouse they are thinking of building a school building there at some time. And if they did, then they would be possibly putting a light there, but at that point having it three lanes for car lanes. The comment was made on Neiderhouse, and Mr. Garn said on Neiderhouse.

Mr. Sturgill said well, this wouldn't effect that much because he is not encroaching on the Neiderhouse right-of-way with the three additional feet. Mr. Garn said right, but the other on 199 would be. Mr. Sturgill said well, he would have 32 feet if he connects it with his existing garage. Mr. Garn said the one trustee was hoping to make it to the meeting. Mr. Sturgill said hoping what, and Mr. Garn said to make it to this meeting this evening.

Mr. Haas said if he could build it tall enough, he can attach without the breezeway. But if he may say, there is a barn across the street from him that is probably 25 feet away from the edge of Neiderhouse Road that is already in the setback. Mr. Sturgill asked him to remove his hat, please. Mr. Haas said he was sorry. He said he hears there is talk of extending Neiderhouse Road. And if they extend Neiderhouse Road on the other side of 199, the back corner of his property there are some brick pillars holding a six-foot gate that's right at the ditch. That's going to be a sight line hazard for that, too. He personally does not see a sight line hazard here at all. He has done some checking, and it's not on the books anywhere for at least 3 years for any of this work to be done. There are no plans on paper that have been up for public viewing. And when they speak of the light at Carronade and 199, that's not on the books until 2008 at the earliest.

Mr. Sturgill asked if anyone cared to make a motion. Mr. Miller said he would move that they approve the application on the condition that the new garage as constructed be no closer to Neiderhouse Road nor any closer to McCutcheonville Road than shown on the drawing most recently submitted to them. Ms. Hetman was the second on that.

Mr. Sturgill said he would move that they add a condition to it that the garage be connected to the existing garage and therefore give him five more feet less encroachment on the right-of-way. It was asked to Mr. Haas if this would create a problem. Mr. Haas said he does not believe so. It's going to create some creative carpentry work, but he thinks he can get it done. A comment was made by a member that he does not think there is any problem if he moves it over. Mr. Sturgill said do away with the breezeway. Mr. Haas said do away with the breezeway and just attach it to—Mr. Sturgill said that brings it over five more feet. Mr. Garn said no, it brings it over 8 feet. At least 8 feet. Mr. Sturgill said the breezeway is 8 feet wide, but it's only 5 feet long. Mr. Haas said right. So there is going to be 5 feet between the edge of the existing garage now and the new one. Mr. Sturgill said and the proposed new garage. Mr. Haas said right. Mr. Sturgill said if they remove that, he is 5 feet closer. 5 feet less encroachment. Mr. Haas said right.

Mr. Warns said he thinks he is bringing himself some problems. Mr. Haas said personally he does not know enough about carpentry work to say yeah, that would work. He wanted to know if they know what he means. Mr. Sturgill asked if there was a second to his condition, or is it dying without a second. Ms. Hetman said she can't second it, she was the second on his. Mr. Sturgill said why can't she. Ms. Hetman said second it. Mr. Warns said he would like to speak on the motion. He thinks for the benefit of the applicant here, he thinks he is going to create himself a water problem. He is no master carpenter, but he thinks he is going to create himself a water problem with his existing building if he moves that over there and he goes up higher. The way the picture looks right now, it looks like his roofline is shorter in the back than it is in the front. Mr. Haas said it is, yes. Mr. Warns said okay. And this new building is going to go up higher; right. Mr. Haas agreed. Mr. Warns said it's going to have the same type of roofline. Mr. Haas said no, it's not going to be sitting parallel with it, it's going to be that he has the roof line with the existing garage like this here, and the new one is going to be this way. Mr. Warns said opposite, and Mr. Haas said yes. Mr. Sturgill said it's not going to be easy, but it can be done.

Mr. Garn said he is just looking at the drawing, and it looks to be, the way he's drawn it, the 5 by 8 feet, it looks like it's the 8 feet. It's the other. A member said it looks like it's the 8 feet. Mr. Sturgill said it says right on his 5 feet long and 8 feet wide. The comment was made that it does not look that way on the drawing. Mr. Garn said it's not drawn that way. Mr. Sturgill said okay, if they get eight more feet less encroachment on the right-of-way, so be it. He has testified that the breezeway would be 5 feet long and 8 feet wide. Mr. Haas said right. He said please forgive his drawing. He is no architect, if they know what he means. It was commented that this is going to be 5 feet here. Mr. Haas said but the breezeway is supposed to be 5 feet away from the existing garage wall.

Mr. Garn said just as another point, the neighboring property across the street is approximately 40 feet away from the right-of-way, the best he could determine. Mr.

Sturgill said he's 49 feet. Mr. Garn said no, no, no, not that way, he means from 199. Mr. Sturgill said oh, 199. Mr. Garn said instead of 27 feet, and Mr. Sturgill said well, he'll be 32 feet then with the condition. Mr. Garn said he can't tell by the way it's drawn.

Mr. Sturgill asked if there was any more discussion. Mr. Garn said his motion would be 5 feet closer. Mr. Sturgill said he is going to dictate it. Mr. Garn said okay. Mr. Sturgill said it's been moved with a second that the application by Truman Haas, Jr., be approved with the condition that the garage as drafted with the dimensions on the plan that was submitted be moved over 5 feet to connect to the existing garage. That would allow an additional 5 feet less encroachment on the right-of-way of Neiderhouse Road. He asked if everybody understood it, and all the members did. Mr. Sturgill asked the secretary to call the roll for the condition. Mr. Garn said this is for the condition only, and Mr. Sturgill said just for the condition.

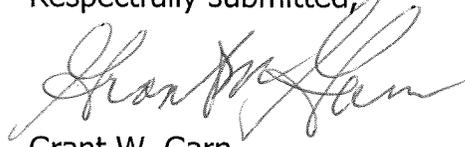
Ms. Hetman asked if she could have a little discussion here. She said Mr. Sturgill said from Neiderhouse Road. Isn't that from 199. Mr. Sturgill asked if Neiderhouse Road is 199, and Ms. Hetman said no. He is moving it closer. Mr. Sturgill said he's moving it from McCutcheonville Road, and Ms. Hetman said yes. Mr. Sturgill said okay. Ms. Hetman said does he have that straight, and Mr. Sturgill said yes. A roll call vote was taken. Yes votes by Mr. Sturgill, Ms. Hetman, Mr. Miller, Mr. Bennett, and Mr. Warns. Motion carried 5-0-0.

Mr. Sturgill said next is to accept the application with the previously approved condition attached. Mr. Garn said there is one other condition that he thinks Mr. Miller had put on. Mr. Sturgill said his was not a condition. He said it was a condition, but it was not. Mr. Garn said that it would be no closer to the road. Mr. Sturgill said as drafted. Mr. Garn said as drafted. Okay. A roll call vote was taken. Yes votes by Mr. Miller, Ms. Hetman, Mr. Warns, Mr. Bennett, and Mr. Sturgill. Motion carried 5-0-0.

Mr. Haas said if he may ask, just for clarification, the building now cannot have the breezeway, and it has to be attached to the existing house. Mr. Sturgill said no breezeway, be attached, same dimensions. Mr. Haas said right. Mr. Sturgill said same footprint dimensions, but moved over up against the existing garage. Mr. Haas said okay. Which makes it 32 feet from 199. The response was right, from the right-of-way. Mr. Haas said okay.

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, and there was none. He asked if there was any more discussion on any matter, and there was none. He turned to Ms. Hetman. Ms. Hetman moved with a second by Mr. Bennett to adjourn. A roll call vote was taken. Yes votes by Ms. Hetman, Mr. Bennett, Mr. Warns, Mr. Miller, and Mr. Sturgill. Motion carried 5-0-0.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Grant W. Garn".

Grant W. Garn,
Recording Secretary