

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

PUBLIC HEARING
November 21, 2006

The Perrysburg Township Board of Zoning Appeals held a public hearing on November 21, 2006. Russell Sturgill, Chairman, called the meeting to order at 6:01 p.m. A roll call was taken. Mr. Sturgill said they have five members present this evening, and they can therefore 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, and Thomas Warns was also present in the audience.

MEMBERS ABSENT: James Bennett.

APPROVAL OF THE 10/17/06 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 corrections, additions, or deletions, and there were none. Ms. Hetman moved with a second by Mr. Miller to approve the minutes. A roll call vote was taken. Yes votes by Ms. Hetman, Mr. Miller, and Mr. Sturgill. Mr. Warnimont and Mr. Irwin abstained. Motion carried 3-0-2.

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

APPLICATION NUMBER 2006-5901, (VARIANCE). All About Media Advertising would like to place on off-premises (billboard) sign in the parking lot of Martin Davis' DC Ranch located at 25740 Dixie Highway (SR 25). This corner lot is zoned C-2. They would like to place the sign 50 feet from the Dixie Highway front yard, and 20 feet from the Lincoln Street front yard right-of-ways. The sign section, Article X Section F 4 d states that off-premises signs and sign structures in all commercial and industrial sign districts shall conform to the required front, side, and rear yard setbacks. Article V Section A states that the front yard setback be 70 feet, and B 2 also states that it be 70 feet back from a state highway. They thus would be 50 feet and 20 feet too close to the right-of-ways.

Mark Chudzinski addressed the board regarding this application. He owns All About Media Advertising. He said what they are requesting is a variance to move the center pole, it's a 20 inch center mount pole of the billboard, from the 70 foot setback to approximately 50 feet which would place the pole between two parking spaces such that the cars that would be parking there would park against the pole, or front to front of the pole. If the pole is placed at the 70 foot setback, it will be really close to the

driving lane which would pose a driving hazard to cars coming in and out of the parking lot and parking. Also any cars that were in that spot that would back out would have a very high chance of hitting the pole. So they are requesting just to move it 20 feet closer. He assumes that they all have the drawing that came with his application, so he thinks it kind of speaks for itself.

Mr. Sturgill asked if there was a current sign there, and Mr. Chudzinski said no, there is not. This is a new sign. Mr. Sturgill said what this says, it's a current permit. Mr. Chudzinski said he has a current permit for the sign to be at that 70 foot. Mr. Sturgill asked how did he get the variance from Lincoln Street. Mr. Chudzinski said at the time when he applied for it it was assumed, he guessed, that the 10 foot was the setback according to his original that he has here. Mr. Sturgill asked how old is that. Mr. Chudzinski said it was dated on June 19th of 2006, so this summer. So it may have been an error. Actually what he also is requesting here is that it be moved 20 feet. So his assumption and the permit that he got was 70 feet by 10 feet, but he is going 70 feet by 15 feet. Mr. Sturgill asked how high is this sign, and the response was 28 feet from the base to the top. Mr. Sturgill said from the base to the bottom of the sign, and Mr. Chudzinski said no, base to the top of the sign. The bottom of the sign would be 16 feet. The sign is 12 feet tall.

Mr. Sturgill asked if there were any questions of this applicant by the board. Mr. Warnimont said so the overall height is going to be 29 feet. Mr. Chudzinski said he thinks it's 28 to 29 feet. Whatever their current code is, they did not go over that.

Ms. Hetman said why can't they move it back to another parking lane. Mr. Chudzinski said well, that would put it at about, oh boy, roughly 130 feet back from the roadway which would make it very difficult to see. Ms. Hetman said what's going to be on his sign. Mr. Chudzinski said right now the advertisers that are going to be on it are BGSU and St. Lukes Hospital.

Mr. Warnimont said so this is a two-sided sign; right. Mr. Chudzinski said it's two-sided. It actually has two prisms on each side, so it actually has six faces. Four of those faces are sold to BGSU, one in each direction, and St. Lukes Hospital, one in each direction. The other possible advertisers that have expressed interest in it is Yark BMW and Yark Jeep for the other faces. Mr. Warnimont said this is not one of these real bright lit up signs, is it. Mr. Chudzinski said no, it's not a video board. Mr. Sturgill said this is a six sided sign, and Mr. Chudzinski said no, it's a three sided sign. But there are two signs, if you look like this, and on each side of it there are prisms, and they turn. So it rotates. Mr. Sturgill said it changes the face, and Mr. Chudzinski said it changes the face, yes. So there is one face on each side visible at all times. Ms. Hetman said is it always going to be the same advertisers on there, and Mr. Chudzinski said that he does not know. They have signed one-year contracts. Mr. Sturgill said there is one just up the road there a little bit, a sign that changes like that. Mr. Chudzinski said he was not

aware of that. There was some discussion among the members. Mr. Chudzinski said that will not be the case. He will put that in writing if they need that.

Mr. Sturgill said part of the reason for moving it there is to save the parking spaces, too. Mr. Chudzinski said that is correct. Mr. Sturgill said if they only moved it 10 feet, they would lose a parking space. Mr. Chudzinski said yes, you would. You would lose a parking space. Yeah, if you moved it 10 feet, you would lose a parking space, but also at that point it would not be in the driving lane. What they are more concerned about, it's in the driving lane and not wasting a parking spot.

It was asked, aren't there some power poles in the parking lot now. Mr. Chudzinski said the power poles are about 130 feet. It was asked are they lined up in parking lanes. Mr. Chudzinski said yeah, those are also in between parking spaces. This was an aerial view that he took off of their website and then just enhanced it. Mr. Sturgill asked if the parking at DC Ranch is pretty tight. Mr. Chudzinski said what do you mean by pretty tight. Mr. Sturgill said do they use the maximum parking spaces quite often. Mr. Chudzinski said that they would have to ask the owner. Mr. Sturgill said what he is driving at is losing one space really important. If it's really tight parking, then sometimes one space can be. Mr. Chudzinski said yes, it can be. And any time you run a business, he is sure you don't want to waste your resources. He is sure Mr. Davis would not want to waste a parking spot, but he can't speak for him.

Mr. Sturgill asked if there was any discussion on this matter. Mr. Irwin moved with a second by Mr. Miller to approve the application as submitted. A roll call vote was taken. Yes votes by Mr. Irwin, Mr. Miller, Mr. Warnimont, and Mr. Sturgill. No vote by Ms. Hetman. Motion carried 4-1-0. Mr. Chudzinski thanked the board very much.

APPLICATION NUMBER 2006-5910, (VARIANCE). The Northwestern Water and Sewer District would like to build an 8 foot by 8 foot by 12 foot high watershed dispensing station at 12563 Lincoln Boulevard in the parking lot of Martin Davis' DC Ranch. This is a corner lot that is zoned C-2. They would like to place the shed 10 feet from both the Dixie Highway (SR 25) and Lincoln Boulevard front yard right-of-ways. Article V Section A states that the front yard setback in a C-2 district is 70 feet. Section B 2 also states that the front yard setback from a state (principal) highway is 70 feet. Section B 3 b states that nothing over 2 1/2 feet tall shall be placed within 30 feet of the point of intersection of the right-of-ways. The proposed shed would impede vision and be 60 feet too close to the right-of way.

Jerry Greiner addressed the board regarding this application. He is the director for the sewer district. He thanked the board for the chance to talk this evening. They do not do these things very often, so it's a little unique for them. He is not sure what brings Mr. Chudzinski and he into this exactly at the same time. That corner has been unchanged for many, many, many years. So it's kind of odd that the two of them came to pass here about the same last 2, 3, or 4 months.

If they are familiar at all with what they are doing, they are starting to build some of these watershed stations. He brought a picture that maybe he can pass along. They are a water dispensing station. It allows folks to buy water at 25 cents a gallon. It's a dispensing unit. It's eight by eight by twelve, an eight by eight foot square building. It's concrete. It looks pretty nice. They have them in about three locations. They sit about 12 foot to the peak. Their intention would be to be somewhere out there near the road right-of-way area as much for accessibility of folks coming off of either Lincoln or northbound 25 to use it as well as to keep it somewhat out toward the front where it's fairly well lit for any safety concerns there might be. He thinks both Mr. Chudzinski and he and Mr. Davis will simply want what's safest for the whole intersection as well as what's most economic for all of them to put it in place and be located in such a way that they can work within each other and yet still protect the integrity of the corner. He does not think he has anything else to offer up for them right now.

Mr. Sturgill said it would appear that this would impede the clear view vision area at the intersection, which would make it for a very dangerous situation and perhaps even could leave the township open for lawsuits in case of an accident. Mr. Greiner said it might. He has traveled that a lot in the last 30 years or so being up in that area. He does have a line of pine trees down through that have been there for a number of years. There is a drop-off center there now as well, a bit smaller, needless to say, but he is not aware of any terrible accidents. It's a northbound turn only off of Lincoln, so you would have oncoming traffic coming toward you.

Ms. Hetman asked where are the trees. Mr. Greiner said it's just a line of pine trees out toward the front there parallel to the parking lot area, parallel to 25. You probably don't even notice them, they are pretty well landscaped. They kind of show up on the aerial. That's what Mr. Garn is trying to show her. Mr. Garn said there is a dark line that runs parallel. That's all bushes. Ms. Hetman said she never noticed that to be offensive, though. Mr. Garn said then there is a fence, and she can see the pieces of the fence. Ms. Hetman said yes. Mr. Garn said there is a fence and then all those bushes. Ms. Hetman said they don't hinder anything, the view. Mr. Garn said the right-of-way is back, and she can see where the telephones are.

Ms. Hetman said and how many parking spaces does this take up. Mr. Greiner said roughly two. Obviously you have somebody coming in to park. It does not receive 24 hour use. You can imagine it's mostly, from what they have noticed, six, seven in the morning until about six, seven in the evening usage. That's what they have started to notice as what the habits of users have been. Ms. Hetman said you can move the shed then so that the parking spaces are empty. Mr. Greiner said it can be moved. It weighs about 12 tons. Ms. Hetman said he just said if it's only used a certain length of time, like the parking spots were going to be empty for a party to park. Mr. Greiner said perhaps he misunderstood. The building itself sits on two. There would obviously be a user they hope once in awhile in one or two of the other parking spaces near the parking lot areas.

Mr. Sturgill said he, for one, was not willing to subject the township to the liability of having it within or less than 30 feet of the point of intersection of the right-of-ways. He does not know from his point of view whether he can move it, or that would make their deal impractical. Mr. Greiner said it could be moved. Obviously they are trying to stay near the utilities. There is both water and sewer that they will need as well as electricity out on 25. All three are also on Lincoln as well, so he does not think they have made a decision which lines to connect to, for example.

Mr. Warnimont asked would this be back as far as the new sign they just approved. Mr. Greiner said they would try to work with them. Obviously they don't want to use up any more space. Mr. Warnimont said back as far. The comment was no, it's along the front. Mr. Greiner said as it's currently shown, it would be up toward the front. Mr. Warnimont said he was out there today looking. Where they are putting the new sign up, it's right there, and the driveway goes this way where they could just come in. And if he had it back this far, he wouldn't be near 25 or up towards the front. And if he remembers right, right in this area somewhere there is a light pole. It would be good security over that area. Mr. Greiner said it might be. Mr. Warnimont said if he remembered right. Mr. Greiner said his intention would be to work with both Mr. Chudzinski as well as the owner, Mr. Davis, to situate it best for everybody. Mr. Warnimont said if the house, if it is sitting near the sign, it is not going to take anything away from the sign by parking because the sign is going to be up in the air where you have everything right there in one given area. Mr. Greiner said in a sense they would be right under it, if he follows what he is saying, or nearly under it. Mr. Warnimont said very close to it. He couldn't be under it because he needs room to work or whatever. Mr. Chudzinski said actually it could be under it. The bottom of the sign would be approximately, and he would have to take into account for the catwalk, the safety walk, but their building is 12 feet high. The sign would be anywhere from he would say 14 to 16 feet at the very bottom of the catwalk, and he thinks that's being realistic. That the building could go under the front section of the sign and really not take up any additional space from it.

Mr. Sturgill asked if that would work for him, and Mr. Greiner said sure, he would be glad to work with them. Mr. Chudzinski said there is a 50 foot section. Mr. Warnimont said he thinks Mr. Davis has a comment.

Marty Davis addressed the board regarding this application. He is the owner. He said he does not know if they all know it, but he used to be a state trooper for 25 years, so he understands little things for safety. He worked this area for 25 years. If Northwestern Water and Sewer wanted to put it there in that first lane of traffic, he is agreeable with either one, either putting it there, or putting it back underneath the sign. Either one would work well. But there was a thought that was proposed by the board here about safety. That was going to originally be put in the center of the parking lot. You would actually be back about 5 or 10 feet from that pole. Whether that building would be there, before you enter an intersection, you are already up by

the intersection anyway. You would be way past that building. But whether that building was there, it's still a parking spot. If there was a straight truck parked in that parking spot, it would be doing the same thing as what that building would be doing. You would not be obstructing the view from the two side roads going out on to 25 because you are still far enough back. You don't pull out from a stop sign that far back to enter a major intersection. You would be up way past that. And it would actually be back past that bush line, too, which has been there forever. You have the fence, and then you have the bush line. So really a safety factor, he does not think it would be a safety factor because it's back. And if the building is there, and if it's not there and there is a truck parked there, or a big vehicle, an SUV parked there, you still have the same scenario.

Mr. Sturgill said as a state trooper, he knows how innovative lawyers can be. Mr. Davis said he knows how they are, yeah. Mr. Sturgill said he is not inclined to subject the township to that potential liability. Mr. Davis said he understood. He is just saying that a car would do the same thing as what a building would do, and that's a legal parking spot. Mr. Sturgill said except the cars aren't there very often. That building is there. Mr. Davis said he understood what he was saying, but he has no objection to it if they put it back underneath that sign, which would work out well, too.

What they are trying to do is they are trying not to change the line of the parking, because that was what they needed to do back years ago when he bought the parking lot. Mr. Sturgill said they don't want to inconvenience him. Mr. Davis said no, it's not that. The township guided him on where to put the parking in the beginning when they first got it. That used to be field when he first bought the place. That was just mostly field. And so what they are trying to do is they are trying to put it where it won't block those regular driving lanes, and they are putting it in the center where the two parking spots would be at so it would not have anybody blocking view of somebody backing out or trying to pull in. In order to do that, they need to get that 19 foot type variance in order to fill that. Otherwise if they can't get that, then they have to go back further, and now they are starting to lose the benefit of the sign because now they are getting way off the road then. So that's all he has to say, and he appreciated their time being able to talk.

Mr. Warnimont said one of the biggest things the trustees are trying to do right now in enforcing is building on right-of-ways. It was one of the big issues they had here a month ago. With that coming back, they won't be near the state right-of-way, or they have to go through there. Like he said, he was out there today with Mr. Davis, and they were looking at it. And if he had it there, there is a driveway right through there that would work out great.

Mr. Sturgill asked him if he wanted to try to craft the resolution. Mr. Warnimont said that's why they have him as the chairman, to guide them through this. The comment was the buck's coming over here now. Mr. Warnimont said his recommendation would

be to ask them to move the house back even where the sign is going to be, and he should not call it the middle of the parking lot. Mr. Sturgill said in the parking space directly in front of the base of this sign towards 25. The comment was made, two parking places, and the response was no, it's just one. Mr. Miller said he would move the approval of the application with the modification that the watershed building proposed to be constructed be placed approximate to the pole location approved in the prior application. Mr. Irwin was the second on the motion. Mr. Sturgill said it's been moved with a second that the application be approved with the condition that the building be moved until it's in the parking space immediately towards Route 25 that was approved in the prior application. He asked Mr. Miller if he said that correctly, and Mr. Miller said yes. A roll call vote was taken. Yes votes by Mr. Miller, Mr. Irwin, Mr. Warnimont, Ms. Hetman, and Mr. Sturgill. Motion carried 5-0-0.

Mr. Sturgill asked if there was any new business, and the response was there was nothing else going on. Mr. Sturgill asked if there was any old business, and if not, they will have Ms. Hetman's favorite motion. Ms. Hetman moved with a second by Mr. Warnimont to 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 5:29 p.m.

Respectfully submitted,

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

Grant W. Garn,
Recording Secretary