

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

PUBLIC HEARING
November 27, 2007

The Perrysburg Township Board of Zoning Appeals held a public hearing on November 27, 2007. Russell Sturgill, Chairman, called the meeting to order at 6:00 p.m. A roll call was taken. Mr. Sturgill said everyone is present, and they can therefore conduct business. Grant W. Garn, Zoning Inspector, was also present. The meeting was tape-recorded.

MEMBERS PRESENT: Russell Sturgill, Bill Irwin, Russell R. Miller, Elsie Hetman, and Bob Warnimont. James Bennett and Thomas Warns were also present.

APPROVAL OF THE 9/18/07 MEETING MINUTES: Mr. Sturgill said the next matter to come before the meeting is approval of the minutes. He asked if all the members had received a copy of those minutes, and they indicated they had. He asked if there were any additions, corrections, or deletions to the minutes, and there were none. Mr. Warnimont moved with a second by Mr. Miller to approve the minutes as written. A roll call vote was taken. Yes votes by Mr. Warnimont, Mr. Miller, and Mr. Sturgill. Mr. Irwin and Ms. Hetman abstained. Motion carried 3-0-2.

The next item on the agenda is the swearing in of persons wishing to address the board at this meeting. It was asked of the board if that included the applicants, and Mr. Sturgill said it includes anybody that is going to speak. Mr. Sturgill swore in all persons wishing to address the board this evening.

APPLICATION NUMBER 2007-6167, (CONDITIONAL USE). Hickory Farms, Inc., would like to place a temporary sales building on the Moser Farm Market property located at 10411 Fremont Pike. The property is zoned C-2. Article VII Section CC (Temporary Buildings) states that temporary buildings used for "temporary sales offices...shall be conditionally permitted requiring approval by the Board of Zoning Appeals, and shall expire upon completion of the purpose for which the temporary permit is granted." They are thus applying for Conditional Use approval by the BZA.

Larry Edgell addressed the board regarding this application. Mr. Sturgill asked if he had authorization, and Mr. Garn said yes. Mr. Sturgill said okay. Mr. Sturgill told Mr. Edgell to explain what he wants from the board this evening. Mr. Edgell said what they would like to do is get permission from the township to place a unit there where they have a retail business that would extend from now to December 26th. They would be selling retail packaged meat, and cheese, and gift products, employing approximately six to eight people in that unit. They would be varying the business hours. It's a basic retail

establishment. There will be some sampling of products as allowed by the Wood County Board of Health. Other than that, pretty much a retail business. He does have more information if they do not have the full packages.

Mr. Sturgill said this diagram that he has on the back of the one page indicates a location which is very close to the road. He asked if it was back behind the right-of-way line. Mr. Edgell said they have placed it down, and did some research approximately, it was August of '06. They were told at that point in time from Wood County, the building inspector, that it had to be approximately 100 feet away from the building line. And so that's where they had measured it. And they since then told them about 80 to 85 feet is where they put it. Unfortunately from that point, in talking to people, yes, that's what their guidelines are. Now he was also informed since that point that it had to be X amount of feet from the center point, and he asked if that was correct. It was commented that it should be fine.

Mr. Garn said this is something the trustees brought to his attention. Of course, this is in the overlay district. They had some concerns about the location of the building, also, and their rule is that the structure should be at least 175 feet from the centerline of the road. He did go out there and pace it off, and 175 feet came up to approximately the front of the building. Mr. Sturgill said the front of what building. Mr. Garn said of the proposed, and Mr. Sturgill said of the proposed. So, in other words, where they are planning on putting it is okay. Mr. Garn said well, that was to the front. It was not to the back of the building. So it was maybe 10 feet short, something like that. Then he was informed by Mrs. Moser that the health department or somebody had told them where to place the building in relation to where is the paved area. So actually it was moved towards Fremont Pike a little closer than he thinks originally proposed.

Mr. Sturgill said he wondered what kind of line of sight it is going to give for people trying to get in and out of that driveway. Ms. Hetman said the building is already there, and it does not seem to bother anything. Mr. Sturgill said the building is there already. Ms. Hetman said already there. Yeah. Mr. Warnimont said it's back pretty far.

Mr. Edgell said Mr. Billmeyer, the chief building inspector in Wood County, in July of 2006 when they were first researching this unit in Lucas County, and Wood County, and elsewhere across the Midwest, that they got that information about the 100 feet initially, and then they told them well, 80 to 100 feet this year. So that's what they were trying to match up with that instruction. Mr. Warnimont said he would say it's probably a good 40 to 50 feet back from the ditch where it runs along Route 20. Mr. Sturgill said okay. Mr. Warnimont asked if that's what he would say. Mr. Edgell said he would say it's approximately that. At the time that they set it, he paced off from the building and then back the other way. He was not, unfortunately, aware of the centerline rule at that time. But he walked over that way, and he did not really pace off exactly. But, unfortunately, his sports background, he looks at things as yards in

football, so he was thinking that's about 15 yards right there is what went through his mind at the time.

Mr. Sturgill said, and he wants the permit to go through December 26th, and Mr. Edgell said that would be their last day of business. Now, the unit itself may not be picked up because of the weather conditions, or scheduling with the company that moves it for them, but their last day of business would be December 26th.

Mr. Sturgill asked if there were any further questions for this gentleman, and there were none. He told him he could sit. Mr. Sturgill asked if there was anyone else that wished to address the board on this matter, and there was no one. He asked the members if there was any further discussion, and there was none. Mr. Irwin moved with a second by Ms. Hetman to approve the application. Mr. Sturgill said it's been moved with a second that the application be approved as filed. A roll call vote was taken. Yes votes by Mr. Irwin, Ms. Hetman, Mr. Warnimont, Mr. Miller, and Mr. Sturgill. Motion carried 5-0-0.

APPLICATION NUMBER 2007-6168, (VARIANCE). Edinborough Investments, LLC., owns 27096 Oakmead Drive. It is zoned C-2. In 1995, a previous owner built an approved addition to this building. That addition was built within 8 feet of the rear property line. A recent tenant added an uncertified hallway addition, which is within 17 feet of the rear property line. Article V, Table 5.1 states that the rear yard setback is 40 feet. This addition is thus too close to the rear property line. They are applying for a variance.

Jack Soulfort addressed the board regarding this application. Mr. Sturgill asked him if he wanted to explain to the board what the problem is here. Mr. Soulfort said he would be happy to, and he thanked him. As stated in the request for variance, the previous owner had built a large addition to the back of the then restaurant. That addition comes within 8 feet of the property line. A tenant of the owner built a connecting hallway approximately 27 feet by 4 feet to improve access to the space in the back. That walkway comes within 17 feet of the rear property line. And they would ask for a variance, or asking for forgiveness now. The tenant built it. From his prospective as the landlord, he did not realize he was in a variance, because the building is 9 feet closer to the back property line. And his neighbor immediately to the east is considerably closer to the property line. And he did not really realize that he needed a variance until he got written correspondence from Mr. Garn, and that set in process the motion which brings him here this evening.

Mr. Sturgill said in other words, one of his tenants put this up without his knowledge. Mr. Soulfort said he had knowledge of it. There was a renovation project going on which was subject to a building permit, and subject to approved and stamped drawings. What he did not realize is that this piece of the renovation was not covered in that building permit. And when he saw it, he made the mistake of assuming it was, because

the rest of the building was so close to the property line, he never dreamed he had a variance issue.

It was asked by a member, how long ago was that, this new piece built. Mr. Soulfort said approximately 3 years ago. It was asked, so the building is 8 feet, and then this piece here is what, 17 feet, and Mr. Soulfort said yes. The member said okay. So it's not as close to the line, and the response was correct.

Mr. Soulfort said he has photos if they would like to see them. Mr. Sturgill asked if he would show them to them, please.

Ms. Hetman asked, what was the purpose of that. Mr. Soulfort said it's a man-way, a human access to the back. Ms. Hetman said what did he do with the back. Mr. Soulfort said he extended the liquor permit to move private parties back there. Ms. Hetman said oh. Mr. Soulfort gave the photos to the board.

Mr. Warnimont said probably if he would have painted that. Mr. Soulfort said he suspects the vigilance of the zoning administrator would have caught that. It would not be for him to question that.

It was asked, so there is no new construction involved, they are just looking to get it correct. Mr. Soulfort said yes. It was asked if the building is vacant, and Mr. Soulfort said at this time. There was some discussion involving Ms. Hetman and another member. Mr. Sturgill asked if there were any further questions for this gentleman, and there were none. He told him he could sit down.

Mr. Sturgill asked if anyone else in the audience wished to address the board on this issue, and no one came forward. Ms. Hetman said, isn't that up against his property, and the response was yes. Ms. Hetman asked, does it bother him, and the response was no. There was some further discussion among the members.

Mr. Miller moved with a second by Mr. Warnimont to approve the application. Mr. Sturgill said it's been moved with a second that the application be approved as submitted. A roll call vote was taken. Yes votes by Mr. Miller, Mr. Warnimont, Ms. Hetman, Mr. Irwin, and Mr. Sturgill. Motion carried 5-0-0. Mr. Sturgill said you're now legal. Mr. Garn said now they can get a building permit. Mr. Sturgill said it would be nice if he did that in the future.

Mr. Warnimont asked if he was going to paint that back end, or is he going to repaint the whole building. Mr. Soulfort said they were in negotiations with future tenants. He is not 100 percent certain other than the use as a restaurant. Ms. Hetman asked who was it. Mr. Sturgill said, you don't ask things like that. Ms. Hetman said she would go outside and ask him. It was commented if she does not ask, she will never find. There was further discussion among the members.

Mr. Sturgill asked if there was any new business, and there was none. He asked if there was any old business, and there was none. He asked if there was any discussion on any matter, and there was nothing. He said I guess, Ms. Hetman, you are up to bat. Mr. Warnimont made the motion that they adjourn. Ms. Hetman said oh, you devil. Mr. Sturgill said well, you can second it. Ms. Hetman was the second on the motion. Mr. Sturgill said it's been moved with a second that the meeting be adjourned. A roll call vote was taken. Yes votes by Mr. Warnimont, Ms. Hetman, Mr. Irwin, Mr. Miller, and Mr. Sturgill. The meeting was adjourned at 6:20 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Grant W. Garn". The signature is written in a cursive style with a large initial "G".

Grant W. Garn,
Recording Secretary