

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

PUBLIC HEARING  
June 21, 2011

The Perrysburg Township Board of Zoning Appeals held a public hearing/meeting on June 21, 2011. Russell R. Miller, Chairman, called the meeting to order at 6:05 p.m. A roll call was taken. Grant W. Garn, Zoning Inspector, was also present. The meeting was tape-recorded. Mr. Miller said they do have a quorum, so they may conduct business this evening.

Mr. Miller said in the absence of Mr. Bennett who is the secretary of the board, the Chair would solicit a motion to designate a secretary pro tem for this evening's meeting. Mr. Justus moved with a second by Ms. Hetman to designate Bill Irwin. There was some discussion among the members and Mr. Garn. Mr. Miller said okay. They have a motion and a second to designate Mr. Irwin as the secretary pro tem for the meeting. He asked if there was any discussion, and there was not. A roll call vote was taken. Mr. Garn asked who made the motion, and Mr. Justus said he did. Mr. Garn said Ms. Hetman was the second. Yes votes by Mr. Justus, Ms. Hetman, Mr. Sturgill, Mr. Irwin, and Mr. Miller. Motion carried 5-0-0.

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

MEMBERS ABSENT: James Bennett.

APPROVAL OF THE 5/17/2011 MEETING MINUTES: Mr. Miller said the next item on the agenda is the approval of the May 17, 2011 minutes. He asked if all members of the board had received copies and had an opportunity to review them. They all indicated that they had. Mr. Miller asked if there were any corrections or additions to the minutes, and there were none. Mr. Miller said the chair would solicit a motion to approve. Mr. Irwin moved with a second by Mr. Justus to approve the minutes. Mr. Miller said okay. Moved with a second to approve the minutes. He asked if there was any further discussion, and there was not. A roll call vote was taken. Yes votes by Mr. Irwin, Mr. Justus, Ms. Hetman, Mr. Sturgill, and Mr. Miller. Motion carried 5-0-0.

Mr. Garn asked if he could make an announcement to the people in the audience about them talking out there, and Mr. Miller said sure. Mr. Garn said this is just to let the people in the audience know because there are a few people speaking, that this microphone picks up everything that you say out there, so if they could please be quiet, and that way they will hear everyone that comes to the microphone. And he means it picks up every little thing. He then said thank you very much.

Mr. Miller said okay. He asked if those who intend to testify or make a statement before the board this evening to please stand and be sworn in. He then asked them to raise their right hand and repeat after him. Mr. Miller then started to swear people in. Mr. Justus said excuse me to Mr. Miller. Mr. Miller said yes. Mr. Justus said he knows there are people that are out there right now that want to say something before this board and they are not standing. Maybe they can explain a little further that if they want to say something, they need to be sworn in. Mr. Miller said yes, if they wish to make a statement at all before the board this evening, they need to stand and be sworn in so that their testimony is acceptable on the record. So if they want to say something for the board on any of the issues this evening, they need to stand and be sworn in. He asked if there were any questions. Okay. He said they will try it again. Mr. Justus said thank you, and Mr. Miller said he was quite all right. He asked all those who wished to testify to raise their right hands again. He then swore in everyone who wished to testify or address the board this evening. Mr. Miller then said okay. Thank you.

**APPLICATION NUMBER 2011-6708, (VARIANCE).** Chris J. Kopp owns and rents out 10400 Mandell Road, and he lives next door at 10350 Mandell Road. The property is zoned R-2. He would like to build a six foot high privacy fence in the rear yard and the easterly side yard of his rental home. This easterly fence line would place it between the rental house and his houses. Article VII, Section J 3 states that "Fences may not exceed 4 feet in height in the required side yard adjacent to the main building and projected to the required front yard." This fence would be 2 feet too high in the required side yard.

Mr. Miller asked if Mr. Kopp or anyone on his behalf was present, and a person said yes. Mr. Miller said all right. If they would step to the podium and make their statement to the board.

A gentleman said actually this fence is erected. He is sure that, and Mr. Justus asked if that microphone is one. The gentleman said he does not know that. He figured it was. Mr. Garn said it may or may not be. Mr. Justus said just tap it a couple of times. Mr. Garn said just tap that. The gentleman said it says it's on. Mr. Justus said there you go. Okay.

The gentleman started again and said they are talking, the difference, what he needs, and Mr. Sturgill said to him to state his name, please. The gentleman said pardon him, and Mr. Miller asked him if he would state his name and address. Chris Kopp introduced himself to the board. Mr. Miller said okay.

Mr. Kopp said the fence is erected already. They are talking about the part that's in question here, it's 28 square feet of fence that is the problem. It's 2 foot high and it's 14 feet past the back of the house, and he would like to be able just to get a variance

to maintain it the way it is and go from there. He likes the privacy in between his rental house and his house. What's mine, you know, he wants to keep that separate. You know, what's his is his, and what's theirs is theirs. And, you know, he does own both properties, so it's not, you know, really infringing on anybody's, you know, in the neighborhood or anybody driving by. It's not past the front of the house, it just goes up about half way in between the two houses. So if they could grant that, he would appreciate it.

Mr. Miller said all right. He asked if there were questions from the board for the applicant, and Mr. Justus said yes. He said to Mr. Kopp that he was out there last night for an hour, hour and a half talking to him and his neighbors. Also because the next application on the agenda is directly across the street from him, and Mr. Kopp said yes. Mr. Justus said that fence is approximately 6 to 7 feet as he stepped it off from the front of his house going back. It's not even with the front, but it's back 6, 7 feet. Mr. Kopp said that's correct. Mr. Justus said he walked around the back yard of his next door neighbor. He guesses there should be some background here. The house that he lives next to was his father's home, and Mr. Kopp said correct. Mr. Justus said and the father passed away, and Mr. Kopp said yes. Mr. Justus said and he lives next door, and Mr. Kopp said yes. Mr. Justus said and he purchased that home from the heirs in the family, and Mr. Kopp said yes. Mr. Justus said okay. By the way, they are both beautiful properties, and Mr. Kopp said thanks. Mr. Justus said he walked around the back side, and he noticed there is a swimming pool. It's kind of like a blow up type kids' swimming pool, and probably close to 5 feet tall, he is guessing 15 feet in circumference. What he did like is as he was passing the street, he could not see that pool from the roadway. Mr. Kopp said right. Mr. Justus said the other thing he does like about that fence is that it offers a little bit of security because of that pool. The only thing he did not like was, and he believes it's in their zoning, and Mr. Garn will correct him if it's not, that the fence posts have to be cut off at the top, and Mr. Kopp said uh-huh. Mr. Justus said and he believes it's 3 or 4 inches. He asked Mr. Garn if he knew the amount, and Mr. Garn said it's 4 inches. Mr. Justus said 4 inches. Mr. Kopp said 4 inches below the fence, and Mr. Justus said no. Mr. Kopp said oh, the posts. Mr. Justus said yes. Okay. And he probably did not do it. He installed this fence last year because it was settling, he would assume, and Mr. Kopp said right. Mr. Justus said the only problem he would have is if he would cut those uniform across, and Mr. Kopp said not a problem. Mr. Justus said he actually likes the idea of him having that fence there because of what's behind it. Mr. Kopp said okay. Yes. He will cut those down. It will be no problem.

Mr. Sturgill said to Mr. Justus to make a motion with that as a condition. Mr. Justus said he would make a motion that he be approved under the application with the stipulation that he would even those posts off at no more than a 4 inch height above the rail itself. Mr. Kopp said yes. Not a problem. Mr. Miller asked if there was a second he was hearing to that. Mr. Sturgill said to wait a minute. Nobody else has had a chance to talk. Mr. Miller said but he has now posed a motion, and Mr. Sturgill said

yes, he did. Mr. Miller asked if somebody would second that. Mr. Irwin said he would second that. Mr. Miller said okay. Mr. Sturgill said now he is going to take testimony. Mr. Justus asked if there was anybody else that would like to speak on the matter, and Mr. Miller said yes, he was going to do that. Mr. Miller asked if there were other people that wished to speak in support of the application to grant the variance. He noticed a gentleman and asked him to step to the podium.

Andy Metzger addressed the board regarding this application. He said he is Chris's neighbor. He has probably been there 35 years. Known him since he was like that. (Indicating.) He said he does not think this fence hurts anything. He means it's privacy on both parts. That's about all he has to say. Mr. Miller said all right. Mr. Metzger said thank you. Mr. Miller asked if there were any questions from the board, and there were none. He said okay. He asked if there were other persons to speak in favor of the application. If not, anyone to speak in opposition.

A gentleman said he is also Chris's neighbor. Mr. Miller asked him if he could state his name, please, and the gentleman said Jerry Sass, S-A-S-S. He said he has known Chris ever since he was born. And he has never been in any trouble. And he and they, the family has been a good honest neighbor to him as neighbors. And he recommends what Chris has done is no harm to him or anybody in the neighborhood, so he would back him 100 percent. Mr. Miller said to him okay, so he is in favor of the application, and Mr. Sass said yes, he is in favor, and Mr. Miller said okay. Very good. He then asked if there was anyone else to speak in favor.

Mr. Garn asked Mr. Miller if he would want to take in to testimony two different phone calls that he has received on this in favor. Mr. Miller said actually he would prefer not to take testimony of phone calls, per se, and Mr. Garn said okay. Mr. Sturgill said if he has opposition, and Mr. Miller said right, if they are in favor. Mr. Garn said there were two other neighbors in favor that are not here this evening. Mr. Miller said right. Okay. Okay. He then said if not, he asked if there was any discussion among the board on the now motion to approve with the condition that the posts be cut to conform to the zoning resolution, and there was not. A roll call vote was taken. Yes votes by Mr. Justus, Mr. Irwin, Mr. Sturgill, Ms. Hetman, and Mr. Miller. Motion carried 5-0-0. Mr. Miller said okay, and he said to Mr. Kopp that his application is approved, and Mr. Kopp said thank you.

**APPLICATION NUMBER 2011-6721, (VARIANCE).** Ila J. Myers lives at 10367 Mandell Road which is zoned R-2. She would like to build a decorative privacy fence on her westerly side yard next to her driveway. Article VII, Section J 3 states that "Fences may not exceed 4 feet in height in the required side yard adjacent to the main building and projected to the required front yard." The fence would be 3 feet too high in the required side yard.

Mr. Miller asked if the applicant was here to speak. She indicated that she was. Mr. Miller asked her to step to the podium and state her name and address.

Ila Myers addressed the board regarding this application. She said she has had the fence there for the last 11 years. And she had no problem with anybody except for people saying it's too bad that she did not do it 25 years ago. So other than that, she keeps it well, and she has had no complaints, and she would like to keep it that way. She said thanks.

Mr. Miller asked if there were any questions from the applicant from the board. Mr. Justus said he was out there also last night and talking with Ms. Myers and Mr. Kopp. And apparently 11 years ago she contacted the township because of the property next door that had rusting cars in the back yard, and trash, and things of that nature. The residents are no longer there that were there at the time. This fence does not protrude past or into the front yard of the residence at all. Has been there for 11 years, it's well maintained, and he would make a motion to approve it. Mr. Miller asked if there was a second, and Mr. Irwin was the second. Mr. Miller said okay. He then asked if there was anyone else that wished to speak in favor of this application. He said to please step forward and again state his name, if he would.

Chris Kopp addressed the board regarding this application. He said he lives right across the street. It's the same, you know, they basically now have adjoining the same kind of fences, you know. And there is no problem with it. You know, it's been up there so long, and it looks great. It's well maintained. You know, there is no reason why she should not be able to keep her fence. Mr. Miller said thank you, and Mr. Kopp said thanks.

Mr. Miller asked if there was anyone else to speak in support of the application. Mr. Miller asked him to again state his name. He was sorry, but it's just that they are recording this.

Jerry Sass addressed the board regarding this application. He said at the time Ms. Myers had this fence installed, there were some new neighbors that moved in and had young children, but were a little bit on the rowdy side. And he thinks she wanted just a little bit of privacy. She's lived alone, and her husband had passed away, and he thinks she deserved what she did. He said thank you. Mr. Miller said thank you, asked if there were any questions of Mr. Sass, and there were none.

Andy Metzger addressed the board regarding this application. He said that fence has been up there 10, 11 years, and he does not think it should even be changed. It looks good.

Mr. Miller said okay, and thank you. He asked if there was anyone else to speak in support of the application, and there was no one. He then asked if there was anyone

that wished to speak in opposition, and there was no one. He then asked if there was any discussion among the board on the motion, and there was not. A roll call vote was taken on the motion to approve. Yes votes by Mr. Justus, Mr. Irwin, Ms. Hetman, Mr. Sturgill, and Mr. Miller. Motion carried 5-0-0. Mr. Miller said to Ms. Myers that her application is approved.

Mr. Garn said that they must take out zoning permits now for the fences. Mr. Miller asked the applicants if they could stay and speak briefly with Mr. Garn following the meeting, that there are some follow-up items that they will need to comply with now that the variance has been approved. And he can fill them in on that when they are finished here.

**APPLICATION NUMBER 2011-6723, (VARIANCE).** John D. and Janet S. King have purchased an approximate 9 acre property located at 10663 Eckel Junction Road which is west of the Wexford subdivision. The property is zoned A-1. They would like to build a new home and keep its front setback in line with the neighbor's home. The lot width of this property is 125 feet at the building setback line. Article V Section A Table 5.1 shows a minimum lot width requirement of 150 feet at the building setback line. This property is 25 feet too narrow where the proposed home is to be built.

Mr. Miller asked if the applicant was present to speak, and Mr. King said right. John D. King introduced himself, and gave his address for the board, and addressed the board regarding this application. He said they know that it's 25 feet. They did not know at the time, but it's 25 feet not as wide as it should be, the 150 feet. But the property is 9 acres. It goes back 1,330 feet back, and then 375 feet across just other than that little narrow strip out front. They would like to keep the house so it looks, you know, aesthetic with the rest of the neighborhood, in line with the other houses, you know, set back like that. And he thinks it's going to look nice when it's all done. That's about all he has. Mr. Miller said okay. He asked if there were any questions of the applicant from the board, and there were none.

Mr. Miller said he just had a quick question. He said their intended use of the property is to have the residence there. There is a pole barn to the back. He asked if that was existing, and Mr. King said right. That's on another lot. It's partially on this lot, partially on another lot. Mr. Miller said but he has acquired both parcels, and Mr. King said there are 4 parcels they acquired. It came as one package, and so they ended up with all four lots together. It comes up to 9, just over 9 acres there altogether. And the front part where the house would be, he thinks that's just over an acre. But still you have got all that. It goes all the way back, and they are going to have to keep that farm land. Mr. Miller said right. Any intended use other than storing things in the pole barn or anything else, and Mr. King said no. Mr. Miller said okay. So it essentially would be as it is now with the improvement of the residence, and Mr. King said right.

Mr. Miller said okay. He asked if there were any other questions of the board, and there were none. He said thank you to Mr. King. He asked if there was anyone to speak in support of this application, and a gentleman indicated that he was.

Mike Brubacker addressed the board regarding this application. He said he is the one who sold the property to Mr. King. And the reason why they ended up selling the property is because his mother-in-law is in a rest home, and you have to have money to keep them in there, so otherwise the state would have to take over, and take over the property to boot. So he checked Mr. King out. He has a beautiful home where he lives now, and all the neighbors in there, he has no inquires from anybody that says that he does not run a tight ship. But he is just telling them he has a very nice home where he is at, and he is going to add a nice, beautiful home where he wants to put it. And he does not think anybody is going to argue on this style of home he puts in, and it would be within compliance with the rest of the neighbors. That's all he has to say.

Mr. Miller said thank you. He asked if there were questions of this testimony from the board, and there was not. He asked if there was anyone else to speak in support of the application, and there was not. He asked if there was anyone to speak in opposition, and there was not. He said okay and asked if there was discussion among the board or a motion.

A member said to Mr. Garn the setback, the side yard setbacks, they are okay, and Mr. Garn said yes. The member said no problems, and Mr. Garn said no problems with the side or rear yard setback. The member said yeah, obviously the rear setback is huge. Mr. Garn said it's just sort of that's the way it is, and you could tell from the drawing that there had been a 25 foot strip that was evidently removed at some point. That's where the other driveway is. The lot line he is guessing used to be the 150 feet wide, but he does not know.

Ms. Hetman moved with a second by Mr. Sturgill that they approve the application. Mr. Miller said okay. It's been moved with a second. He asked if there was any further discussion among the board, and there was not. A roll call vote was taken. Yes votes by Ms. Hetman, Mr. Sturgill, Mr. Irwin, Mr. Justus, and Mr. Miller. Motion carried 5-0-0. Mr. Miller said to Mr. King that their application is approved.

Mr. Miller said there are no other items scheduled on the agenda. He asked if there was anything for the good of the order, and there was nothing. He then said if not, the Chair will entertain a motion to adjourn. A member said so moved. Ms. Hetman said you devil. The member said what. Ms. Hetman said scratch him off. Ms. Hetman moved with a second by Mr. Sturgill that they adjourn. Mr. Garn said oh, okay. Mr. Miller said it's been moved with a second to adjourn. He asked if there was any discussion, and there was not. A roll call vote was taken. Yes votes by Ms. Hetman, Mr. Sturgill, Mr. Irwin, Mr. Justus, and Mr. Miller. Motion carried 5-0-0. Mr. Miller said they stand adjourned at 6:25 p.m. He told the members thank you all very much.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Grant W. Garn". The signature is fluid and cursive, with the first and last names being more prominent.

Grant W. Garn,  
Recording Secretary