

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

PUBLIC HEARING
March 15, 2011

The Perrysburg Township Board of Zoning Appeals held a public hearing on March 15, 2011. Russell R. Miller, Chairman, called the meeting to order. A roll call was taken. Mr. Miller said they do have a full board this evening, and therefore a quorum under which to proceed. Grant W. Garn, Zoning Inspector, was also present. The meeting was tape-recorded.

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

MEMBERS ABSENT: James Bennett.

APPROVAL OF THE 2/15/2011 MEETING MINUTES: Mr. Miller said the first item of business is the consideration and possible approval of the minutes of the February 15, 2011 meeting. Mr. Garn asked Mr. Miller if they wanted to elect a secretary first as Mr. Bennett is not here this evening. Mr. Miller said okay. Mr. Garn said he did not know whether that should come first before that. Mr. Miller said actually it should. Mr. Garn said okay.

Mr. Miller said the chair will open the floor to the board for nominations of a secretary pro tem in the absence of Mr. Bennett. Ms. Hetman nominated Mr. Justus. Mr. Irwin was the second on the motion. Mr. Miller said he has a motion and a second. Mr. Garn asked who was the second on that, and Mr. Irwin said he was. Mr. Miller asked if there were any other nominations, and there were none. He said if not, the nominations are closed. He asked if there was any discussion, and there was not. A roll call vote was taken. Yes votes by Ms. Hetman, Mr. Irwin, Mr. Sturgill, Mr. Justus, and Mr. Miller. Motion carried 5-0-0. Mr. Miller said thank you.

Mr. Miller said and now the consideration of the minutes of the February 15th meeting. He asked if everyone present received a copy and had an opportunity to review them, and all indicated they had. Mr. Miller said okay. Any questions, comments, or changes, and there were none. If not, the chair will entertain a motion to approve. Mr. Garn asked if this will be both the organizational and the regular, and Mr. Miller said yes. Mr. Justus moved with a second by Ms. Hetman to approve both the organizational and the regular meeting minutes. Mr. Miller asked if there was any discussion, and there was none. He said if not, the vote is on approval of both the organizational and business meeting minutes on February 15th. A roll call vote was taken. Yes votes by Mr. Justus, Ms. Hetman, and Mr. Miller. Mr. Irwin and Mr. Sturgill abstained. Motion carried 3-0-2.

Mr. Miller asked if all those who are present and intend to address the board would please rise and be sworn in. Mr. Miller then swore in all persons wishing to address the board this evening.

Mr. Miller said the chair would call for a motion for a brief adjournment for an executive session. Ms. Hetman moved with a second by Mr. Sturgill to adjourn for an executive session. Mr. Miller said okay. He asked if there was any discussion on the motion, 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 the audience that just by way of explanation, folks, they just want to consider some information that's been tendered to them in connection with the first matter for this evening before they call it for hearing, and he then thanked the audience for their consideration. The meeting was in adjournment and executive session from 6:04 p.m. until 6:15 p.m.

Mr. Garn said okay. Mr. Miller said they will reconvene the meeting at 6:15 p.m.

APPLICATION NUMBER 2011-6659, (CONDITIONAL USE). CONTINUATION OF THE 2/15/2011 PUBLIC HEARING. Nathan and Emily Alt of 9732 Saint Andrews Road, and Jill Zyrek Betts of 9734 Saint Andrews Road each own one-half of an existing two-family dwelling which is located in an R-3 zoned area. This structure does not conform to the present use regulations in Article IV, Section A (Land Use Matrix) which shows that two-family dwelling units located in an R-3 zoned area, and now require conditional use approval from the BZA. When built, such approval was not required. They are requesting such approval for this lot and whole structure which would help to satisfy both the present and future owners and the lenders (appraisers, banks and mortgage companies) concerns about the zoning and its ramifications to the uses, additions to, and the possible rebuilding of the structure.

Mr. Miller asked Mr. Alt to step forward. He said they are familiar with their matter. He then said to Mr. Garn that he does not think he needs to read the whole application description into the record at this point. He addressed Mr. Alt and said thank you to him for his patience during the past month. They certainly hope that his lender was a little more reasonable and cooperative with him. The reason for their executive session was to consider the legal opinion that they had requested at their last meeting. And they have had some discussions not only with some of the folks related to their situation, but with the township counsel with regard to providing that legal opinion. And based upon their review of the legal opinion from Mr. Celley, there are he thinks two issues. One is that there is not a matter within their application that is properly before this board for decision. Now that being said, however, in the process they also asked Mr. Celley to review, and as part of that conclusion, the basis for that, and in doing so have reached an understanding from him. And they do need to clarify in writing one issue, but they have had some discussions with him that he thinks just need to be clarified in writing, that their unit, being a dwelling, a condominium, or single-

family condominium dwelling, is a single-family dwelling which is an allowed use within the R-3 zoning, and as such, is an authorized use. And because it's not a nonconforming use, would not be subject to the provision they cited before if there were a casualty loss. And accordingly if there were a casualty loss, they would be able to rebuild without coming before this board or the zoning, so they are in compliance.

So what he guesses they would urge him to do this evening is withdraw their application, and they are recommending to the zoning officer that their application fee be refunded to them, and they are requesting or directing the zoning officer to issue a letter to him for the benefit of their lender to the effect that his residence is a conforming use, and therefore on a casualty loss, could be reconstructed without compliance with the provision about which they had concern the last time. Mr. Alt said okay. Wonderful news. He was hoping they would agree with Walt. Mr. Miller said so if that's the case, they would simply ask that he, on the record, withdraw his application. Mr. Alt said yes, he would like to request to withdraw his application for the appeal. Mr. Miller said all right. He then said to Mr. Garn then that they would request that his application fee be refunded to him, and that he then prepare a letter for his use in connection with his lender to, and Mr. Sturgill said he thinks that should be done in a motion. Mr. Miller said okay. They can do that then. He said the chair would entertain a motion to direct the zoning officer to prepare a letter reflecting the status of this property for the benefit of Mr. and Mrs. Alt, and for use with their lender. Mr. Justus so moved with a second by Ms. Hetman. Mr. Miller asked if there was any discussion from the board in that regard, and there was not. If not, a roll call vote was taken. Yes votes by Mr. Justus, Ms. Hetman, Mr. Irwin, Mr. Sturgill, and Mr. Miller. Motion carried 5-0-0.

Mr. Alt said okay. He said thank you BZA for their assistance and patience with this. It was a pretty rocky road, so he appreciates their help. He said he does have one quick question, though, if he may. How will this affect the neighboring properties if sometime between now and whenever there is a lending institution that makes a request of the inspector with the same nature as they did for his. He asked if this will resolve any issue that they have as well. Mr. Miller said well, they have only had his situation in front of them. Mr. Alt said yep. Exactly. Mr. Miller said however, based upon, and he thinks they are of the feeling that based upon the conclusion of his matter, others similarly situated would end up in the same place. Mr. Alt said okay. Well, great. Great. Thank you. Mr. Miller said thank you, and good luck.

APPLICATION NUMBER 2011-6665, (VARIANCE). Detroit Outdoor Media Holdings, LLC, would like to place an off-premises freestanding (billboard) LED sign at 10630 Fremont Pike. It would be located twenty-five (25) feet from the right-of-way. The LED lighted changeable copy sign would be ten (10) foot by thirty-six (36) foot by twenty-five (25) foot high. The property is zoned C-2, and it is located in the State Route 20/23 Overlay District. Article VII Section Z 2 b states "Freestanding signs shall be limited to monument signs" with a maximum of eighty (80) square feet per sign

face. Article X Section F 2 only allows one pole (freestanding) sign per lot. Article X Section F 4 b says that it (billboard signs) shall have a maximum of three hundred (300) square feet per side, 2 d – it shall conform to the front yard setback of Article V Section A Table 5.1 which for C-2 is seventy (70) feet, 2 e – no part of any structure shall be located in the required front yard. This proposed sign is not an eighty square foot monument style sign. As a freestanding sign, it is sixty (60) square feet too large, forty-five (45) feet too close to the right-of-way, and it cannot be located in the front yard setback. This lot already has two approved on premises freestanding (pole) signs.

Mr. Miller said he would note for the record that they have received, and Mr. Sturgill interjected and asked if he could at this point recuse himself, and Mr. Miller said yes, Mr. Sturgill is recusing himself on this matter. He asked Mr. Warnimont if he would mind stepping forward and standing in his stead. Mr. Warnimont said he will. At this point Mr. Sturgill left the board as a member, and Mr. Warnimont took his place. Mr. Miller said while they are exchanging seats, he noted that they have received by telefax a letter dated March 14, 2011, from Mr. Swolsky, who is the owner of Perrysburg Marketplace, and it is expressing support in passage of this application, and that letter will become part of the record. He then asked if there was someone present on behalf of the applicant. He asked them to state their name and address for the record.

Brock Rummelin said yes, sir, and introduced himself to the board. Mr. Miller said thank you, and told him to go right ahead. Mr. Rummelin addressed the board regarding this application. He said he is with Toledo/Detroit Outdoor Advertising, and per their application, they are asking for a variance to the code to erect a billboard off premises sign on the Holiday Inn property along Route 20. This would be an LED digital type sign, back to back, like you see in the Toledo market. There are several of them. If anybody has any questions on exactly what they are, he would be happy to answer them. What they do basically is they are an internally illuminated sign, and you are able to advertise more than one advertiser on the sign. And usually there is a maximum of six advertisers on the board at any given time with an 8 second interval between ads. It's that type of a structure and sign that they are requesting.

Mr. Miller said to excuse him for just a moment for interjecting. Mr. Rummelin said yes, sir. Mr. Miller asked him what is his relationship with Detroit Outdoor Media Holdings, LLC, and Mr. Rummelin said he is the president. Mr. Miller said okay. He used a different entity named Toledo/Detroit, so he was wondering. Mr. Rummelin said yes. Right. Detroit Outdoor, LLC, is the correct entity. They call it Detroit/Toledo. Mr. Miller said okay. He asked him if he is a principal and representative, and Mr. Rummelin said yes, he is. Mr. Miller said he just needed to clarify that for the record. Mr. Rummelin said okay. Mr. Miller said all right.

Mr. Rummelin said he would be happy to entertain any questions about what they are proposing. Mr. Miller said okay. He asked if there were any questions from the board. Mr. Warnimont said he just has one. He said as you know, this is an overlay district.

And the reason they went to the overlay district is to eliminate the high rise signs. Unfortunately before they got this is how Lowe's had their two big signs put up. And the Marketplace signs was up before they did the overlay, so why couldn't this be downed into a monument sign to work just like the McDonald's sign or the other ones along the way. Mr. Rummelin said well, it would have to be, you know, in order to work. They are quite expensive signs obviously to erect and to purchase. And they feel that in order to have the view ability that it would need and be necessary for advertisers to want to advertise on it, it would have to be higher. And the requested height, of course, is what they requested. And of the size that they requested, in order for it to be effective, and that's why they have requested those variances. He does not think a monument type sign would work for what they are proposing.

Mr. Justus said they, as a board, have pretty much stuck with the monument signs and denied quite a few people on the other, and except for existing pole signs that were grandfathered such as the other Holiday Inn sign on the other property next door. He can't recall in the last year or so where they have approved anything but monument signs in that area.

Mr. Miller asked if there were other questions. A member said to Mr. Garn, what's the, and he knows it's 25, the front one, but where does that start, 25 off the center, or what. Mr. Garn said he really is not positive where the right-of-way starts on Route 20, and the member said okay. Mr. Garn said but he is presuming that there is probably maybe 5 feet of grass before you hit the brick line. He is just trying to envision where some of the poles are along there. It was asked if it was already established where it's going to be, or where he wants it to be, he means. Mr. Rummelin said where they would like it to be, yes. He does not have the exact right-of-way line himself. He is just assuming that it's at the edge of the paved road, but he would have to get a survey done to specifically locate exactly where the end of the right-of-way and the private property lines begin. The member said yeah. Okay.

Mr. Garn said there are he thinks some utility poles right in that area, and it was commented there are. Right. Yeah, it's pretty close to the property line. Which, by the way, based on what he saw in the county record, this is a separate parcel from the hotel. Mr. Rummelin said yeah. The member said this is a really big parcel. So it would not be a problem. They already got, it could be the only pole on it if that was an issue, or is he wrong. Mr. Garn said no, he is correct on that. But the one thing if then that's designated a parcel, a vacant parcel, then they are only allowed to have a sign of 20 square feet. The member said okay. Mr. Garn said that's an additional rule. It was asked does the paving make it an improved parcel. Mr. Garn said that's the parking area used for the Holiday Inn, and the member said okay. Right. Mr. Garn said so it's in that fine area between is it a vacant parcel, or is it a parcel that's part of their entire property. But it is a separate taxed parcel. Mr. Miller said but is there, and he then said it's a separate legal parcel, but is it the same ownership, he presumes, and Mr. Garn said same ownership. Same ownership. Mr. Miller said okay. And he thinks there

are some, at least some very small out buildings in addition to the parking lot improvements, and Mr. Garn said there is, he thinks the improvement is the, oh, trash, or yeah, the receptacles; right. He does not know if there are any other buildings on there, but he thinks that's the building. It was commented they think that's about all you can see on there, yeah.

Mr. Miller said to Mr. Rummelin, they were provided a picture that has, and he is not articulate in the signage industry necessarily, but he always referred to it as a sale boat kind of structure, which he presumes are supporting wires. He asked if this is the kind of structure they will have. They had a pencil, a stick drawing showing it would be supported by a single pole, and Mr. Rummelin said that's correct. Mr. Miller said okay. Mr. Rummelin said that was just a picture of another existing sign that he took in the Toledo market to give them an idea of the LED digital sign as opposed to a static type face, but no, the actual construction would not be anything like that. It would just be the square face and the monopole structure holding it up that goes into the foundation, the ground. Mr. Miller said okay. So this is for their edification as far as just the sign itself, and Mr. Rummelin said just the sign itself. That's correct. Mr. Miller said okay. And is it a two sided sign, and Mr. Rummelin said yes. Mr. Miller said and is it LED on both sides, and Mr. Rummelin said yes. Mr. Miller said if there is an advantage in all that he sees, it's that it is at least located adjacent to the drainage swale, and the likelihood of further improvements very close to it or even behind it are probably nominal.

Mr. Miller asked if there were other questions of the applicant representative, and there were none. He told Mr. Rummelin thank you. Mr. Rummelin said thank you. Mr. Miller asked if there were any others to speak in support of the application.

Rob Armstrong addressed the board regarding this application. He introduced himself to the board and gave his address. He said he appreciates the opportunity to come and speak to all of them. He said they have had the opportunities to do this thing in years past, and it's been their preference not to do it. Similar to the State of Ohio which is looking to privatize the turnpike, and certain things that the township is doing to save money that they don't have, Bennett Enterprises finds itself in a position that they have to consider sources of revenue that in the past they would not consider simply because they are not making the money they once were. The amount of rent that Mr. Rummelin is willing to pay to put this sign up to them is substantial, and that's why they are here today. That being said, he will make the stupidest statement that he could ever make publicly, and that is that whatever decision this board makes, Bennett Enterprises is going to support it, and it's not going to damage their relationship. They live here. They are a big part of the township. He thinks if he was up in front of any other BZA, he would not say that. But he thinks it's important that as they consider this matter, that you look at all angles, one, you should not be are we going to be put in a position where we upset one of our largest corporate tenants. That being said, they would be grateful if they would approve this application.

Mr. Armstrong asked if anybody had any questions. Mr. Warnimont said not for him, but he just thought of one for Mr. Rummelin. He thinks one of the biggest problems with these digital signs is the brightness of them. He knows they have got to be bright to catch the people's eyes, but what he notices when you come down Collingwood, or get off downtown, you see that big one right on the corner, sometimes when that changes, it blurs out at you, you know, it's changing to another entity, then you think there is a flash there or whatever. Sometimes that's the sign up there, that's a bright side. If they do grant this, or don't grant this, is there a way that if John Q plumbing does complain that this is too bright, that it's causing a problem, if they could tone it down. Can they tone it down, or can't tone it down. Mr. Rummelin said yes. Yes. Mr. Warnimont said that's just his own personal. Mr. Rummelin said yes, you can. Mr. Warnimont said he does not know about those guys, if you have ever seen these things, he knows in Toledo they have quite a few of them. Mr. Rummelin said in Toledo they do, yes. They do everywhere.

Mr. Armstrong commented it's kind of the new thing in their industry, and virtually all the communities in the country are, you know, going that route now. A lot of on premise signs are turning toward the digital creative, too.

It was commented that this person knows that the Perrysburg Junior High School has received complaints about the sign in front of the school that puts up events that are coming up. They have lived with it, but actually people are complaining that the lights were too bright. It was commented really. The response was yeah. Well, you know. To each his own. It was commented and that's a monument sign. The response was yeah. Somebody said is it.

A member commented you know, there is a lot here about how it exceeds this or it exceeds that. He asked if there was any way of reducing it and still maintaining their purpose. And also the distance back off the right-of-way, how much difference does that make. Mr. Rummelin said yes, he thinks they can work with that, the distance off the right-of-way. You know, to move it back, he is not sure exactly what the footage would be because he is not right there, but to move it back another 40, 50 feet, it's probably not going to bother, you know, and it's not going to hurt them as far as where they place the sign, and as far as the view ability of the sign from Route 20. That's his opinion. And they can certainly make it 300 square feet as opposed to 360. That's a very minor issue. He knows that's one of the variances they have asked for, but the 60 additional square feet, they could conform it to a 300 square foot off premises bill board. That would not be a problem.

It was asked how far does it have to be from the side lot line, the property line. The response from Mr. Garn was he thinks it's either 70 or 75 feet. He thinks he has down there 70 feet. The comment was made not from the front line, from the side line. Mr. Garn said oh, from the side. It was commented yeah, from the adjacent property. 10.

It was commented it's 10. Mr. Garn said either five or ten. The response was okay. All right. So that's not an issue, and Mr. Rummelin said that's not an issue. It was commented yeah, putting it in the middle of a parking lot, and Mr. Rummelin said no, they would not do that.

Mr. Warnimont said it isn't like what they did over to DC Ranch where they stuck it, and he does not know if that was his or not at DC Ranch, there was one. Mr. Rummelin said that billboard, and Mr. Warnimont said yeah. Mr. Rummelin said no, that's not his, but he knows exactly what he is talking about. Mr. Warnimont said and then they put that Watershed underneath it. Mr. Rummelin said yeah. Right. Right. He knows right where that is. It was commented to keep people from hitting it.

Mr. Miller asked if there were other questions from the board. He thanked Mr. Rummelin. Mr. Justus said he guesses the only problem he has is that they have denied people these type of signs in the past in the same area, and held them all to monument signs. He has trouble grasping how they can deny other people in that area and then approve this as a pole sign.

Mr. Miller asked if there was other discussion among the board. A member said talk about the difference between the pole sign and what's being proposed. Mr. Miller said well, a pole sign could be anywhere from 20, 25 feet to higher, and the response was yeah. Mr. Miller said and generally has a larger signage face area. The member said face. Mr. Miller said face area. A monument sign is going to be a lot smaller. Probably 6, 8 feet by 10 feet or so maximum, something like that. He deferred to Mr. Garn. Mr. Garn said the Wal-Mart sign is a monument sign. He thinks that has a hundred square feet. They were given a variance to go from 80 to a hundred square feet because of the size of the building, if that gives him any visual idea. The member said okay. Yeah.

Mr. Miller asked if there was any further discussion, and there was not. He said the chair would entertain a motion on the application. Mr. Warnimont moved to accept the application, and Mr. Irwin was the second on the motion. Mr. Miller said okay. We have a motion. Ms. Hetman interjected with moving it back 300 feet, and Mr. Warnimont said no, and Ms. Hetman said 30 feet, and 300 square feet, the size; right, and the response was correct. Mr. Miller asked Mr. Warnimont if he accepted that modification to his motion, and Mr. Warnimont said he accepts that, and he is going to put in what he talked about, too, is if they get complaints that it's too bright, that the applicant agree to, if this passes, agrees to tone it down if they get complaints. Mr. Rummelin said he will agree. Mr. Miller asked Mr. Rummelin if those conditions are acceptable to him, and Mr. Rummelin said yes. Mr. Miller said okay. They do have a motion and second. He asked if there was any further discussion before they called the roll, and there was none. A roll call vote was asked for.


Mr. Garn said he was just going to go over that again because you are agreeing to move it back, and he is presuming it was the number of feet, and Mr. Warnimont said set back. Mr. Miller said 30, an additional 30 feet. Mr. Garn said okay. That was back. It was commented an additional 30 feet, or to 30 feet from. Ms. Hetman said additional, wasn't it. Mr. Garn said well, that would not still—that would be 55 feet instead of the 70 feet. He did not know if that's what the intention was. Mr. Miller said yes, he thinks that's the intention. Mr. Garn said is to be the, back from the 70 feet then. And then it was going to be down from, and Ms. Hetman said what, and the response was just moving it back 30 feet from where, and Ms. Hetman said from where he wanted it, and the member said yeah. Mr. Garn said okay. So that would be 55 feet back, and the response was right. That's what he mentioned. Mr. Garn said and then 300 square feet, and Ms. Hetman said yes, and Mr. Garn said the brightness to be toned down. Mr. Warnimont said to Mr. Garn that he might want to repeat that to make sure Mr. Rummel understands that, and Mr. Garn said the motion is to accept it moving it back, is it 55 feet from the right-of-way, and having 300 square feet, and that if it is deemed to be too bright, that it would be toned down to an acceptable brightness. Mr. Rummel said he understands. Mr. Garn said he thinks that was it. He asked Mr. Miller if he was ready, and Mr. Miller said yes. A roll call vote was taken. Yes votes by Mr. Warnimont and Mr. Irwin. No votes by Mr. Justus, Ms. Hetman, and Mr. Miller. Motion failed 2-3-0. Mr. Armstrong said thank you all very much for their time, and he appreciates it.

CONTINUED TO NEXT MEETING AT DEVELOPER'S REQUEST. SITE TO BE REDESIGNED SO AS TO BE AS DEFICIENT FREE AS POSSIBLE FOR ALL PARTIES INVOLVED. APPLICATION NUMBER 2011-6666, (VARIANCE). MEI, Inc., would like to build a medical office building at 28370 Kensington Lane which is zoned PUD-M. The site plan shows that the parking spaces are nine (9) feet wide, and the drive isles are twenty-four (24) feet wide, and the parking area has nine (9) more parking spaces than are required. They have also limited some of the landscaping and have two (2) monument signs. Article IX Section B 1 a states that parking spaces shall be a minimum of ten (10) feet wide, and B 1 c states that drive isles shall not be less than twenty-five (25) feet wide. Article VIII Section C 1 states that when parking is over 100 percent in number, that the landscape peninsulas be increased. C 3 states that peninsulas are to have one placed for every twelve (12) spaces. Article X Section F 2 allows only one (1) monument sign per lot. The parking spaces are each one (1) foot too narrow, and the isles are also one (1) foot too narrow. They need an additional landscaped peninsula on the east side of the building, and there is not enough increased landscaping because of the additional parking spaces. There is one too many monument signs.

Ms. Hetman said this third one the guy's not here. Mr. Miller said yep. Mr. Garn said they asked to continue it. Mr. Miller said to let the record reflect that application Number 2011-6666 has requested to be continued to the April meeting, and at the applicant's request, that will be deferred.

Mr. Miller asked if there were any other matters to come before the board this evening. He said if not, that he will entertain a motion to adjourn. Ms. Hetman said what about the zoning deal. Are they going to have the book changed to reflect that, and Mr. Miller said they can deal with that off the record. Ms. Hetman said okay. Mr. Miller said yeah. Ms. Hetman said she will second the motion. Mr. Garn said well, are you first. It was asked who made the motion, Mr. Warnimont. Ms. Hetman said Bob. Mr. Garn said Mr. Warnimont beat you, and Ms. Hetman said yes. Mr. Garn said okay. Ms. Hetman asked do they think they ought to go get Mr. Sturgill, and Mr. Miller said oh, yes, somebody probably ought to retrieve him. He then said to wait until they call the roll. A roll call vote was taken. Yes votes by Mr. Warnimont, Ms. Hetman, Mr. Irwin, Mr. Justus, and Mr. Miller. Motion carried 5-0-0. The meeting was adjourned at 6:42 p.m.

Respectfully submitted,



Grant W. Garn,
Recording Secretary