



Board of Zoning Appeals
Perrysburg Township, *Established 1823*
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Russell R. Miller, *Chairman*
Bill Irwin, *Vice-Chairman*
James Bennett, *Secretary*
Russell Sturgill
Jeffrey D. Justus
Bob Warnimont, *Alternate*
Elsie Hetman, *Alternate*

Board of Zoning Appeals Meeting Minutes April 17, 2012

The Perrysburg Township Board of Zoning Appeals held a meeting on April 17, 2012.

Mr. Miller, as Chair of the Perrysburg Township Board of Zoning Appeals, called the meeting to order at 6:00 p.m. He then asked Mr. Garn to please call the roll.

Members present: Mr. Miller, Mr. Irwin, Mr. Sturgill, Mr. Justus, Ms. Hetman and Mr. Warnimont

Members absent: Mr. Bennett

Mr. Miller discussed a couple of administrative matters. He asked all those present who had cell phones to please turn them on vibrate or turn them off as they would appreciate it. Secondly, he mentioned the very sensitive microphones and asked if individuals were speaking amongst themselves to step outside or keep it to whisper because the microphones will pick it up.

With the absence of Mr. Bennett, the first order of business was to elect a Secretary pro-tem. Mr. Miller stated he would entertain a motion from the Board. **Mr. Justus made a motion to nominate Ms. Hetman as Secretary pro-tem. (Mr. Irwin seconded).** Mr. Miller stated there was a motion and a second to approve and asked if there was any further discussion. With no discussion, Mr. Miller asked Mr. Garn to please call roll. *YES- Mr. Justus, Mr. Irwin, Mr. Sturgill, Ms. Hetman, and Mr. Miller. Motion carried*

Mr. Miller then centered on the next administrative item which was the approval of the Regular Meeting Minutes from February 21, 2012 and asked the Board if they had all received a copy and they indicated they had. He asked if there were any corrections, additions, or deletions to the minutes or a motion to approve. **Mr. Irwin made a motion to approve the minutes (Mr. Justus seconded).** Mr. Miller stated there was a motion and a second to approve and asked if there was any further discussion. With no discussion, Mr. Miller asked Mr. Garn to please call roll. *YES- Mr. Irwin, Mr. Justus, and Mr. Miller. Abstain- Mr. Sturgill and Ms. Hetman. Motion carried*

Mr. Miller invited all those who wished to speak before the Board to please stand and be sworn in. Mr. Miller subsequently swore in the various individuals.

Mr. Miller identified the first substantive item to go before the Board as **Application 2012-6852 (Variance)**. Richard L. Weaver II of 9583 Woodleigh Court has applied to place a six

(6) foot high privacy fence in their left side yard. The property is zoned PUD-R. The proposed privacy fence would project from the back yard privacy fence for approximately twenty (20) feet along the easterly side yard property line, stopping at the corner of their neighbor's split rail fence. The proposed fence would proceed into the side yard for approximately twenty six (26) feet, meeting the house at a right angle. Article VII, Section J 3 states that: "Fences may not exceed four (4) feet in height in the required side yard adjacent to the main building and projected to the required front yard." This proposed fence is two (2) feet to high.

Mr. Miller asked if the applicant was in the audience. Richard Weaver went to the podium and stated they are asking for two variances; one is for length and the other is for height. First variance proposed is to extend the fence twenty feet which would hide a side yard entrance and heat pump. Second variance proposed is for a six (6) foot high fence which would make it more aesthetically pleasing but more importantly it would increase security. Mr. Miller asked if the Board had any questions. Mr. Justus asked if the fence would project into the front of the house; Mr. Weaver stated it would not. Mr. Irwin asked for Mr. Garn to explain a few items; discussion ensued. Mr. Miller asked Mr. Weaver if he had a chance to speak to his neighbors on either side about this issue. Mr. Weaver stated the neighbors are aware of the proposed construction.

Mr. Miller asked if anyone was there to speak in support of this variance; there was no one. Mr. Miller then asked if there was anyone in opposition of this variance; Mr. David Riegger, 9577 Woodleigh Court, came to the podium and stated he would like clarification. Mr. Riegger asked Mr. Weaver why there was a permit for a four foot fence to the sidewalk in the front yard; Mr. Riegger questioned the aesthetics of that fence. Next, Paul DeWitt 9654 Charlemont in Oakmont; he is the president of the Oakmont Homeowners Association. Mr. DeWitt had some conversations with Mr. Riegger. Mr. DeWitt stated there are currently a dozen or so six foot privacy fences in the rear yard but no fences to the street. Mr. DeWitt stated one of the objectives of the Homeowners Association is to keep the neighborhood in the best condition possible. His concerns centered on having the neighborhood going in the wrong direction with incorporating different things (i.e. the fence to the street).

Mr. Miller asked if the Board had any other questions. Ms. Hetman asked about fences around pools; enclosure is required not necessarily a fence. Mr. Justus clarified that there was already a permit issued for a four foot fence in the side yard; Mr. Garn stated this was not on this application. Mr. Weaver went back to the podium and clarified that he had no intention to build a fence to the curb; Mr. Miller appreciated the clarification. Mr. Miller asked if there was any further discussion among the Board and if there was not he would entertain a motion. ***Mr. Irwin made a motion to approve Application 2012-6852 as presented (seconded by Ms. Hetman).*** Mr. Miller stated there was a motion and a second to approve and asked if there was any further discussion. With no discussion, Mr. Miller asked Mr. Garn to please call roll. ***YES- Mr. Irwin, Ms. Hetman, Mr. Sturgill, and Mr. Justus. NO- Mr. Miller. Motion carried***

The next matter was **Application 2012-6856 (Variance)**. Marc A. Banachowski of 28867 Georgia Road would like to replace the one story garage with a new larger one and one half

story garage with a full attic. The property is zoned R-2. This proposed new structure would retain the present five (5) foot side yard setback and it would be twenty six (26) feet four (4) inches in height. Article VII Section B 2 b (4) (b) (ii) states "If an accessory structure occupies more than one hundred and twenty (120) square feet, the setback requirement for any side or rear property line shall be ten (10) feet", and further, rule c (1) states that "A detached accessory structure's height shall not exceed twenty-four (24) feet". This replacement structure would be five (5) feet to close to the side yard property line and two (2) feet four (4) inches to high.

Mr. Miller asked the applicant to come forward. Marc Banachowski, 28867 Georgia Road, stated he would like to demolish the existing garage and replace it with a larger one. He would like to put the new garage where the existing garage is because the driveway is already there. Mr. Banachowski stated if he had to change the plans he would lose a substantial amount of space in the proposed upper room. Mr. Miller asked if the Board had any questions. Mr. Irwin asked if there was a different style roof would that help save inside space. Mr. Banachowski stated he wasn't sure as these were the plans he thought fit his needs. Mr. Sturgill stated it was an attractive building; discussion ensued over Mr. Banachowski's existing home and neighboring structures. Mr. Bob Warnimont, 28863 Georgia Road, who is Mr. Banachowski's neighbor, stated that the existing structure was built before zoning was established. Mr. Warnimont stated this proposed construction would be a plus for the neighborhood and asked the Board to approve this variance.

Mr. Miller asked if the Board had any other questions and then if there was anyone in opposition who would like to speak; there was none. Next, Mr. Miller asked if there was any further discussion among the Board and if there was not he would entertain a motion. ***Mr. Justus made a motion to accept Application 2012-6856 as presented (seconded by Mr. Sturgill).*** Mr. Miller stated there was a motion and a second to approve and asked if there was any further discussion. With no discussion, Mr. Miller asked Mr. Garn to please call roll. *YES- Mr. Justus, Mr. Sturgill, Ms. Hetman, Mr. Irwin and Mr. Miller. Motion carried*

The final item on the agenda was **Application No. 2012-6857**. Vicky S. Larrow owns the property at 27515 Simmons Road. It is zoned A-1. She would like to place one hundred (100) feet of six (6) foot high privacy fence along her northern property line. It would commence at the northwestern rear corner and proceed easterly from the back yard, thru the side yard and then into the front yard. Article VII Section J 1 states that "Fences or hedges may not exceed four (4) feet in height in the required front yard." Section J 3 states that "Fences may not exceed four (4) feet in height in the required side yard adjacent to the main building and projected to the required front yard." The proposed fence is two (2) feet to high in the front and side yards.

Mr. Miller asked for the applicant to come forward. Vicky Larrow, 27515 Simmons Road, stated she was new to all of this and just wanted to make her yard look nicer with this fence. Mr. Miller asked if the Board had any questions. Ms. Hetman asked if the fence would be closer to her neighbor's yard. Ms. Larrow stated her neighbor put their fence on the property line and she would like to put theirs comfortably on their side yard to maintain. Mr. Justus asked how far past the front of the house, toward the road, will this go.

Ms. Larrow stated it would go to the front of the neighbor's house and there will still be quite a few feet in front of that. Mr. Miller asked how far from the road is the easterly end of the fence. Ms. Larrow replied it would be about 50 feet; Mr. Irwin referred to the drawing and confirmed.

Mr. Miller asked if the Board had any other questions and then if there was anyone in opposition who would like to speak; there was none. Next, Mr. Miller asked if there was any further discussion among the Board and if there was not he would entertain a motion. ***Ms. Hetman made a motion to accept Application 2012-6857 as presented (seconded by Mr. Irwin).*** Mr. Miller stated there was a motion and a second to approve and asked if there was any further discussion. With no discussion, Mr. Miller asked Mr. Garn to please call roll. *YES- Ms. Hetman, Mr. Irwin, Mr. Justus, Mr. Sturgill, and Mr. Miller. Motion carried*

Mr. Miller stated there were no other matters scheduled on the agenda to go before the Board but asked if there were any other matters the Board would like to discuss and if not the Chair would entertain a motion to adjourn. ***Mr. Warnimont made a motion to adjourn (Ms. Hetman seconded).*** Mr. Miller stated there was a motion and a second to adjourn. Mr. Miller asked Mr. Garn to please call roll. *YES- Mr. Warnimont, Ms. Hetman, Mr. Irwin, Mr. Sturgill, Mr. Justus, and Mr. Miller. Motion carried.*

Meeting adjourned at 6:31 p.m.

Respectfully submitted,

Rosanna Violi