



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 February 21, 2012

The Perrysburg Township Board of Zoning Appeals held a meeting on February 21, 2012.

Mr. Miller, as Chair of the Perrysburg Township Board of Zoning Appeals, called the meeting to order at 6:05 p.m. He then asked Ms. Violi to please call the roll.

Members present: Mr. Miller, Mr. Bennett, Mr. Justus, and Mr. Warnimont

Members absent: Mr. Irwin, Mr. Sturgill and Ms. Hetman

Mr. Miller stated they had a quorum to conduct the meeting even though they were down one for a full panel. The initial item on the agenda was the approval of the evening's agenda. Mr. Miller presumed everyone had received and reviewed it. There were no questions so Mr. Miller entertained a motion to approve the agenda. **Mr. Warnimont made a motion to approve the agenda (Mr. Bennett 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 Ms. Violi to please call roll. *YES- Mr. Warnimont, Mr. Bennett, Mr. Justus, and Mr. Miller. Motion carried*

Mr. Miller stated the next order of business was to approve the minutes of the January 9, 2012 meetings. He dealt first with the Organizational Meeting Minutes. He asked the Board if they had all received a copy and they indicated they had. He asked if there were any discussion, corrections, or changes to the minutes. Mr. Justus stated the only corrections were the ones Mr. Bennett pointed out before the meeting (i.e. names for nominations). Mr. Miller asked if there was a motion to approve as amended. **Mr. Justus made a motion to approve the amended minutes (Mr. Warnimont 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 Ms. Violi to please call roll. *YES- Mr. Justus, Mr. Warnimont, Mr. Bennett, and Mr. Miller. Motion carried*

Mr. Miller then centered on the Regular Meeting Minutes from January 9, 2012 and asked the Board if they had all received a copy and they indicated they had. He asked if there were any corrections to the minutes or a motion to approve. **Mr. Bennett made a motion to approve the minutes (Mr. Warnimont 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 Ms. Violi to please call roll. *YES- Mr. Bennett, Mr. Warnimont, Mr. Justus, and Mr. Miller. Motion carried*

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 do it very quietly because the microphones will pick it up.

Mr. Miller invited all those who wished to speak before the Board to please stand and be sworn in. Mr. Miller subsequently swore in Gary Rouse and Jason Chan.

Mr. Miller identified the first substantive item to go before the Board as **Application No. 2012-6842 (Variance)**. Chick-fil-A is interested in purchasing a 1.32 acre of underutilized parking lot from Kohl's at 10323 Fremont Pike. The parcel is located at the northeasterly corner of the Kohl's parcel. The existing parking lot is located 20 feet south of the Fremont Pike right-of-way. They are asking for a variance to keep the existing 20' landscape buffer along Fremont Pike in lieu of the required 30' buffer to meet existing conditions. ***(Article VII, Section Z: 2a. Landscape strip: a landscape strip is required along the full length of the lot line which abuts a public right-of-way and shall be not less than 30 feet in width.)*** Further, they are asking for a parking lot setback variance from 10 feet to 1 foot. ***(Article IX, Section C: 4e3 In no case shall any part of a parking lot be closer than ten (10) feet to any established street or alley right of way.)***

Mr. Miller asked if there was anyone to speak on behalf of the applicant; Gary Rouse, GBC Design- 3378 West Market Street Akron, representing both Chick-fil-a and Kohl's, introduced himself. Mr. Rouse stated he was requesting two variances. One of them was the landscape buffer setback. There is currently a 20' set back on Fremont Pike but the new requirement is 30' and is asking to keep it at 20'. Mr. Rouse stated that plain and simple they need that space for parking and that it will look identical to what it does now along Fremont Pike. The second variance is related to the dedicated road the Township requested, Market Center Drive. In creating this 60' wide right of way they do not have the 10' required for parking lot setback. There will be plenty of green space out there but since they have agreed to this dedicated road way they are asking for the variance. Mr. Miller interjected and stated that the Township has, on record, an affidavit for Mr. Rouse to speak on behalf of Kohl's and Chick-fil-A; Mr. Rouse and Ms. Violi stated there was one on record. Mr. Rouse stated he would be more than happy to entertain any questions.

Mr. Miller asked if Mr. Rouse had any depiction of the new dedicated street. Mr. Rouse presented and described the drawings of the dedicated street. Discussion ensued over the drawing.

Mr. Miller asked if there were any other questions from the Board; there was none. Mr. Miller asked if there was anyone else who was there to speak in favor of the application there was no one. Mr. Miller asked if there was anyone else who was there to speak in opposition of the application; Mr. Jason Chan introduced himself (1967 Hamilton Drive, Perrysburg). Mr. Chan stated he had no problem with the first variance but he did have a concern with the second variance (10' to 1'ft setback). Mr. Chan is concerned with the safety of people with the traffic in that area. Mr. Miller asked if there were any questions

from the Board to Mr. Chan; there were none.

Mr. Miller wanted to confirm that the dedicated roadway is the requirement of the Zoning Commission. Ms. Violi stated that the Township have no regulations related to it so they were going with the County's regulations. However, the Township's engineer is now looking at it, Mr. Rouse is aware of this, and is in communication with Dave Kuhn over at Feller Finch regarding this issue.

Mr. Miller asked if there was anyone else to speak in opposition of this and if not he will open it up for discussion among the Board. Mr. Warnimont asked the Chairman if it would be okay to go into Executive Session to discuss this. Mr. Miller stated that was fine and asked for a motion. **Mr. Warnimont made a motion to go into Executive Session at 6:19 p.m. (seconded by Mr. Bennett).** Mr. Miller asked Ms. Violi to please call roll. *YES- Mr. Warnimont, Mr. Bennett, Mr. Justus, and Mr. Miller. Motion carried*

The meeting went back on the record at 6:25 p.m. and Mr. Miller thanked everyone. He went on to say that they wanted to make sure there was an understanding among the four of them as to the southerly improvements related to the 9' variance requested. 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 2011-6842 (seconded by Mr. Bennett).** 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 Ms. Violi to please call roll. *YES- Mr. Justus, Mr. Bennett, Mr. Warnimont, and Mr. Miller. Motion carried*

Mr. Miller stated there were no other matters 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 (Mr. Justus seconded).** Mr. Miller stated there was a motion and a second to adjourn. Mr. Miller asked Ms. Violi to please call roll. *YES- Mr. Warnimont, Mr. Justus, Mr. Bennett, and Mr. Miller. Motion carried.*

Meeting adjourned at 6:27p.m.

Respectfully submitted,

Rosanna Violi