



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 August 21, 2012

The Perrysburg Township Board of Zoning Appeals held a meeting on August 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 Mr. Garn to please call the roll.

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

Members absent: None

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. 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.

Mr. Miller moved on to the first matter of approval, the June 19, 2012 meeting minutes, which was a deferred item from the July 2012 meeting. Mr. Miller solicited a motion to approve the June 19, 2012 minutes. ***Mr. Warnimont made a motion to approve of the minutes (Ms. Hetman 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. Warnimont, Ms. Hetman, and Mr. Miller. Motion carried*

The second matter of approval was the July 17, 2012 meeting minutes. Mr. Miller asked if everyone received the meeting minutes; all said yes. Mr. Bennett made a comment about a sentence on page 2 of the minutes; the sentence should reflect Mr. Bennett as the individual who posed the question to the Chairman. Mr. Miller solicited a motion to approve the July 17, 2012 minutes with the correction. ***Mr. Irwin made a motion to approve the minutes with the correction on page 2 to reflect Mr. Bennett's name (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 Mr. Garn to please call roll. *YES- Mr. Irwin, Mr. Bennett, Mr. Justus, Mr. Sturgill, and Mr. Miller. 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 who would go before the Board.

Mr. Miller identified the first matter to go before the Board as **Application No. 2012-6920: (Variance)**. Mr. Miller stated this item was a former item but now has been withdrawn. Mr. Miller stated he would solicit a motion to acknowledge and approve the withdraw of Application No. 2012-6920. **Mr. Bennett made a motion to acknowledge and approve the withdraw of Application No. 2012-6920 (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. Bennett, Mr. Irwin, Mr. Sturgill, Mr. Justus, and Mr. Miller. Motion carried*

Mr. Miller stated the next item to be considered was **Application No. 2012-6929: (Variance)** Steve Byrd resides at 29051 Hufford Road which is zoned I-1. Their residential use is nonconforming. They are proposing to build a twenty (20) foot by thirty three (33) foot one story addition to their single family home, which would be located within approximately three (3) feet of their side yard property line. They would also like to build an eighteen (18) foot by thirty three (33) foot swimming pool in their back yard. The back yard would be fenced. Article IV Sections 1 and 8 illustrate that single family residences and private swimming pools are not allowed in I-1 zoned areas. As per Article XII Section C 2 e they are asking for an extension of their nonconforming use so that they might build the dwelling addition and swimming pool. Mr. Miller stated this would also include a necessary variance on the side yard.

Mr. Steve Byrd, 29051 Hufford, spoke on this application. Mr. Byrd stated he and his wife would like to add onto their home as they are outgrowing the home. They would like to make this their home until their children are grown. Mr. Miller asked if there were any questions. Mr. Justus asked Mr. Byrd had come before the Board before; Mr. Byrd stated he had. Mr. Justus commented on the properties in this area which are zoned industrial. Discussion ensued about the zoning classification of this area. Mr. Miller stated his concerns related to the density that would result of these additions. Then Mr. Howard Inderbitzin, 29047 Hufford, spoke in support of this application. Mr. Inderbitzin, who lives next door to Mr. Byrd, stated he had no problem with the proposed additions even with the close distance. Mr. Irwin posed a question to Mr. Byrd about Knights of Columbus. Mr. Warnimont commented on this and stated Mr. Byrd has been a good neighbor to the K of C for many years. Mr. Miller solicited a motion from the Board. **Mr. Bennett made a motion to approve Application No. 2012-6929 (Mr. Justus seconded)**. Mr. Miller asked if there was any further discussion. With no discussion, Mr. Miller asked Mr. Garn to please call roll. *YES- Mr. Bennett, Mr. Justus, Mr. Sturgill, and Mr. Miller. ABSTAIN: Mr. Irwin. Motion carried.*

The next item on the agenda was **Application No. 2012-6938: (Variance)**: Erik L. Engevik lives at 28947 Starlight Road, which is corner lot, front both Starlight Road and Lunitas Lane. It is zoned R-4. They installed a six (6) foot high privacy fence in the front yard facing Lunitas Lane. Article VII Section J 1 states that "Fences may not exceed four (4) feet in height in the required front yard" and the J 11 table illustrates that four (4) foot high fences are allowed. This fence is thus two (2) feet too high. Mr. Engevik gave some background information. Mr. Engevik hired a contractor to build a fence and was not aware that the contractor did not receive a permit from Mr. Garn. Mr. Engevik went into detail about the

neighborhood and police activity around the area. Mr. Engevik stated the fence was a way to gain privacy. Mr. Engevik submitted photos of the fence, mapping of crime reports of the area from January 1, 2009- August 21, 2012, and charts and graphs of statistical information. Discussion ensued about the submitted materials. Mr. Irwin asked if Mr. Engevik's neighbor's garage is located on the property line and he responded that it was. Mr. Michael Kajawa, 28933 Starlight, who lives next door to Mr. Engevik. Mr. Kajawa spoke in support of the application; fence is aesthetically pleasing and it offers extra security for both of them. Mr. Miller asked the Board if they had recently considered a similar application (corner lot). Mr. Bennett stated there was one similar on Simmons/Mandell. More discussion ensued related to the height of the fence, setting precedence, and current non-conforming fences. Mr. Miller explained that the Board is bound only to the interpretation of the Zoning Resolution that is in place. **Mr. Miller reluctantly made a motion to deny Application No. 2012-6938 (Mr. Justus seconded).** Mr. Miller asked if there was any further discussion. With no discussion, Mr. Miller asked Mr. Garn to please call roll. *YES- Mr. Miller, Mr. Justus, Mr. Bennett, Mr. Irwin, and Mr. Sturgill. Motion carried.*

The next matter before the Board: **Application No. 2012-6939: (Variance):** Phyllis J. Endicott lives at 30340 East River Road which is zoned R-1. The lot is long and narrow and is over one (1) acre in size. They would like to build a ten (10) foot by sixteen (16) foot garden shed in the back yard. They would like to locate it within four (4) feet of the easterly lot line so as to avoid placing it over a leach field pipe. Article VII Section B 2 b 4 (a) states that a "Detached accessory structures shall be setback a distance of not less than ten feet". This proposed accessory building would be six (6) feet to close to the easterly property line. All other setbacks are in compliance. Ms. Endicott came up to the podium and spoke on behalf of this application. She stated the property is a good size but the lot is very narrow and to avoid the pipe for the leech field. She has been in discussion with her neighbor and he is very supportive of this shed. Mr. Bennett stated he was out at the property and commented on the amount of screening around the lot; the proposed building wouldn't be intrusive on either side. Mr. Miller solicited a motion from the Board. **Mr. Irwin made a motion to approve Application No. 2012-6939 (Mr. Sturgill seconded).** Mr. Miller asked if there was any further discussion. With no discussion, Mr. Miller asked Mr. Garn to please call roll. *YES- Mr. Irwin, Mr. Sturgill, Mr. Justus, Mr. Bennett, and Mr. Miller. Motion carried.*

Final application before the Board: **Application No. 2012-6941: (Variance):** NOPAC LLC / Hinkle Manufacturing, Inc. / Cool Seal USA LLC are operating a plant at 232 J Street, which is zoned I- 2. They had three silos installed on a twenty (20) foot wide pad located in the front yard between a ditch and the front of the building. The building is setback seventy (70) feet and the silos are setback fifty (50) feet. Two of the silos are forty six (46) feet tall. Article V Section A Table 5.1 for I-2 Zoning Districts lists the front yard setback as sixty (60) feet and the maximum height as forty five (45) feet. Section B 8 states that all structures shall be setback forty (40) feet from the centerline of any established ditch. The silos are thus located ten (10) feet to close to both the front property line and the ditch and two of the silos are one (1) foot to tall. Mr. Thomas Burkard, 17088 King Rd, employee of Dunbar spoke on behalf of the application. Mr. Miller stated the Board received an original letter of authorization from Hinkle Manufacturing, Inc. indicating Michael Thomas and Thomas

Burkard may speak on their behalf. Mr. Burkard discussed the project and the reasons behind the silos. Mr. Burkard stated he contacted Wood County for a building permit and when he asked what township the property was located in the ladies stated it was in Ampoint Industrial Park and did not need a permit. Mr. Irwin asked about the property line; it is located 30 feet off the road. Discussion ensued about the ditch and the fill pipe which aid in filling the silos. Mr. Miller then swore in Mr. Michael Thomas to give a testimony. Mr. Thomas, General Manager at Cool Sea USA, asked about the fill tube across the ditch and creating a bridge. The Board stated it would be a change to the application and the Board can only decide on the application they have in front in them. Mr. Miller entertained a motion at the request of the applicant to defer until the September meeting. ***Mr. Irwin made a motion to defer Application No. 2012-6941 until the September 18, 2012 meeting (Mr. Justus seconded).*** Mr. Miller asked if there was any further discussion. With no discussion, Mr. Miller asked Mr. Garn to please call roll. *YES- Mr. Irwin, Mr. Justus, Mr. Bennett, Mr. Sturgill, and Mr. Miller. Motion carried.*

Mr. Miller asked if there were other items for discussion or the good of the order and if not the Chair would entertain a motion to adjourn. ***Mr. Bennett made a motion to adjourn (Mr. Justus seconded).*** Mr. Miller asked Mr. Garn to please call roll. *YES- Mr. Bennett, Mr. Miller, Mr. Irwin, Mr. Justus, and Mr. Sturgill. Motion carried.*

Meeting adjourned at 6:57 p.m.

Respectfully submitted,

Rosanna Violi