



Board of Zoning Appeals **Meeting Minutes June 18, 2019**

Mr. Miller, Chair of the Perrysburg Township Board of Zoning Appeals, called the meeting to order at 6:00 p.m.

The Pledge of Allegiance was said. Mr. Miller then asked Ms. Hemminger to please call the roll.

Members present: Mr. Miller, Mr. Irwin, Mr. Bilkovsky, Mr. Warnimont, Mr. Justus and Ms. Wilker (A)

Mr. Miller asked all those present who had cell phones to please turn them on vibrate or turn them off. Additionally, 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 called for a motion to approve the agenda, Mr. Warnimont moved to approve as presented, Mr. Bilkovsky seconded. Mr. Miller asked Ms. Hemminger to call the roll. YES- Mr. Warnimont, Mr. Bilkovsky, Mr. Justus, Mr. Irwin, Mr. Miller. Motion carried.

Mr. Miller moved to the next order of business, approval of the May 21, 2019 meeting minutes, ***Mr. Irwin moved to approve the minutes of the May 21, 2019 meeting, Mr. Bilkovsky seconded the motion.*** Mr. Miller asked Ms. Hemminger to call the roll. YES – Mr. Irwin, Mr. Bilkovsky, Mr. Miller; ABSTAIN – Mr. Justus, Mr. Warnimont. Motion carried.

Mr. Miller stated they would now move to the public hearing. Mr. Miller asked all those who intend or think they might need to make a presentation to stand and be sworn in; he subsequently swore all those in.

Mr. Miller moved to the first substantive item on the agenda. Application No. **2019 0020** (variance) Robert Black and Christina Black, 26623 W. River Road (P60-100-581000003000) request variance approval from the swimming pool fencing requirements within Article VII, Section BB. Swimming pools for private use. Applicants propose installation of an automatic pool safety cover. Property is zoned A-1 Agricultural District and contains 10.16 acres of land.

Mr. Robert Black stated that his property is on an isolated 10 acres, he responded to questions from the board. Mr. Justus asked how far was the closest house to him? The property is 148 feet from the lot line, and separated by fencing/hedge rows. Mr. Justus asked if Mr. Black had children, his response was grown children. Mr. Irwin asked who would install? Mr. Black stated

Mossing Pools, contractor to install. Mr. Black had presented specifications for the pool cover. Mr. Warnimont asked what the maximum weight the cover could support was, consulting the specifications; Mr. Black stated that it is 450 lbs. (refer to paragraph 9 of specs). Mr. Warnimont asked about the automatic controls and whether or not the cover controls were locked. Mr. Black responded that the controls are not locked but could not be activated accidentally as there was no remote control. Mr. Miller asked about Mr. Black's rationale for the variance since the township zoning requirements talk of fencing and gates. Mr. Black stated that fencing was a deterrent for un-controlled access, but the cover provided additional security as it cannot accidentally be activated. Mr. Miller asked for other questions from the board, testimony from the public in support; testimony in opposition; with nothing further raised, he called for a motion. **Mr. Justus moved to approve with the stipulation that the pool be closed at all times unless adult supervision was present. Mr. Irwin seconded the motion.** Mr. Miller asked Ms. Hemminger to call the roll: YES, Mr. Justus, Mr. Irwin, Mr. Bilkovsky, Mr. Warnimont, and NO – Mr. Miller. Application approved.

Mr. Miller moved to the second substantive item on the agenda. Application No. **2019 0062** (variance) Derek Feltman, 118 W. South Boundary, requests variance approval to permit construction of a single-family dwelling at 0 E. River Road, (P60-300-69101034002, .96 acres) and (P60-300-690101035001, 2.54 acres). Dwelling will encroach into the required front, side, and rear yard setbacks, per Article V. Minimum Dimensional and Construction Requirements. Applicant requests to construct across part of lots 1 & 2, Block "B" East Bend Addition. Board shall determine if lots are or are not to be an undivided parcel, per Article II, Section B.3. Nonconforming Lots of Record in Combination. Property is zoned R-1 Rural Residential District (Low Density).

Ms. Hemminger stated that the applicant was not present, but had been provided with an agenda.

Mr. Miller asked those present if anyone wanted to speak in support of the application, hearing none, he asked if anyone wished to speak in opposition. Bill Kajca, 28887 E. River Road, east of the property, spoke on visibility issues pulling onto the roadway with the proposed garages. Jack Kohl, 28871 E. River Road, also spoke of visibility pulling onto the roadway stating the size of the house was too large and would block his view of the river as well as the road. Mr. Justus, noting the resolutions of the board stated that 150 foot minimum lot width, with 20 foot setback for side yards was called for. He stated that the board had dealt with other issues on River Road near "Deadman's Curve", and he did not see a survey of the right of way, with the 70 foot set back and did not have any conceptual drawings. He felt the application was ill conceived. Mr. Justus went on to state the board lacked information. The site plan showed little other than the dwelling will be 35 feet tall, and no driveway placement was noted. Mr. Irwin stated that the board had approved a prior request for variance similar to this on Bates Road. Mr. Miller stated that with the non-conforming lots that this was a drastic variance with the number and size of the variance. Mr. Justus agreed that it was extremely drastic, the board needed more information and he did not feel that they should waive the fee as the applicant will come back

with another iteration of the request. ***Mr. Justus moved to deny the application, Mr. Irwin seconded the motion.***

Derek Feltman, 118 W. South Boundary entered the meeting at 6:25 p.m. apologizing – he thought the meeting was at 6:30. Mr. Miller swore the applicant in. Mr. Feltman, speaking in support of his application stated that the zoning requirements concerning setbacks could not be met due to the lot dimensions. Approval for his proposed setbacks will ultimately determine the placement of the dwelling and garages. He continued to state that the final design is not complete because of the setbacks. He cited some neighboring properties at 28965 E. River Road that was 17 feet from the road, and another at 29007 E. River Road that was 33 feet from the road. His application requested a setback of 20 feet from the road to the front of the garage which would be the front of any structure, and 7.5 feet setbacks on either side. He also stated that the property to the east was only 3-4 feet off the property line on the sides.

Mr. Bilkovsky asked if this design was just conceptual, he could not tell what kind of structure would be erected by what the applicant presented. Mr. Feltman stated that yes; he had only submitted a footprint because the setbacks will determine the final design. Mr. Bilkovsky asked if Mr. Feltman had thought of the “what if’s” on the project. Mr. Feltman reiterated that he needed to know what would be approved for setbacks prior to any more design attempts since the combined lots are so small. He said he had submitted an offer to purchase pending on the land. Feltman continued stating that the lot is difficult to build; it has a steep grade, and is close adjacent neighbors. He stated given more time he could submit additional plans, as he really desires a six car garage. Mr. Irwin asked if the grade for the drive would conform to that of the neighbors; or were they planning on building on the top of the hill? Mr. Feltman said we don’t want the driveway to slope so much so we may have some fill. Mr. Justus asked if Mr. Feltman had attended BZA or Zoning meetings previously. His response was yes. He is a builder. Mr. Justus stated that Article II 3-B of the zoning regulations states “is the development a detriment to surrounding properties?” without a conceptual drawing how can we determine this? Mr. Justus, we don’t have enough information to act on what you are asking for. Mr. Feltman asked for parameters of what would be approved. Mr. Miller spoke on the ability of the board and stated that they have certain powers as a quasi-judicial board; that they hear appeals based on specific information in the applications, but that they do not give applicants advice. He continued to state that the zoning administrator can work with him and he can ask questions of her, but that she does not have the power to approve any variances. Mr. Miller continued that we do have a motion on the table, but wanted to give you the opportunity to speak. If the application is denied, the applicant cannot come back for two years on the same application. If you have a different proposal you can reinstate the process. It would require a new application; you cannot come in on the same request. You will need a lot more information on the new application with different requests. Mr. Miller asked the board for any additional comments with none heard, he asked those present if they had additional input. Mr. Kajca, (opposed testimony earlier) stated that he will not live next to a property with a six car garage in the front. Mr. Kohl, (opposed testimony earlier), said that if a car is sitting in the drive in front of the garage, he will be unable to see to safely pull out on the road. ***Mr. Justus moved to deny the application, Mr. Irwin seconded the motion. (See above). Mr. Miller asked Ms. Hemminger to call the roll:***

Deny – YES – Mr. Justus, Mr. Irwin, Mr. Warnimont, Mr. Bilkovsky, and Mr. Miller. The application is denied.

Mr. Miller asked for public comments. Hearing none, he entertained a motion to adjourn. **Mr. Warnimont made a motion to adjourn, with Mr. Bilkovsky seconded the motion.** Mr. Miller asked Ms. Hemminger to please call roll. *YES - Mr. Warnimont, Mr. Bilkovsky, Mr. Irwin, Mr. Justus, and Mr. Miller. Motion carried.*

Meeting adjourned at 6:45 p.m.

Respectfully submitted,
Liz Avery