

**Wood County Planning Commission
April 5, 2005**

The Wood County Planning Commission met in regular session on Tuesday, April 5, 2005 at the County Office Building in Bowling Green. Planning Commission members in attendance were: Anthony Allion, Tim Brown, John Brossia, Jim Carter, Chris Ewald, Pat Fitzgerald, Ray Huber, Alvie Perkins, Donna Schuerman, and Tom Weidner. Planning Commission staff in attendance was: David Steiner, Kelly Moore, and Cheryl Riffner. In addition to Planning Commission members and staff, 25 guests were present.

Chairman Weidner called the meeting to order. Upon calling the meeting to order, a motion was made by Mr. Perkins to approve the February 2005 Planning Commission meeting minutes. Mr. Kohring seconded the motion with Commission members in full support.

New Business:

**REVIEW OF THE WOOD COUNTY PLANNING COMMISSION ACTIVITIES
REPORT FOR FEBRUARY - MARCH 2005.**

Mr. Steiner reported that a notice was published and a hearing date was set for the proposed amendments to the Green Space portion of the Subdivision Rules and Regulations. Mr. Steiner stated that two hearings were conducted for the FY05 Formula and CHIP Programs. Mr. Steiner reported the FY03 Village of Custar formula project was bid out and a contract was awarded, and the FY03 City of Perrysburg formula project was prepared for bid. Mr. Steiner stated the FY04 Environmental Review process had begun. Mr. Steiner reported final approval to update Wood County's Floodplain Regulations had been received from Ohio Department of Natural Resources and two public hearings were set and notices published for acceptance of the new regulations. Mr. Steiner stated that three Agricultural Easement applications were submitted to the State on behalf of Dale Strausbaugh. Mr. Steiner stated the annual TIRC Committee meeting was held and all necessary information was filed to the State. Mr. Steiner reported Enterprise Zone requests were approved for the City of Northwood, Perrysburg Township, and Lake Township. Mr. Steiner stated 49 parcel transactions, 43 splits, and 6 combinations were completed totaling approximately 670 acres. Mr. Steiner reported that 29 rural address locations were issued.

ZONING – MIDDLETON TOWNSHIP

Riverbend Lakes LLC submitted a re-plat of Riverbend Lakes Plat One to be reviewed. The lots affected by the re-plat were lots 5-8, 15, 16, 35-44, 47-50, and lots A, B, and C. The purpose of the re-plat was to correct the rear yard set back lines for the villa lots.

Mr. Steiner began his review and reported that Riverbend Lakes was located in River Tracts 52, 53, 54, and Lot 17 in Shelton Gardens, in the northwestern corner of

Middleton Township. Mr. Steiner reported the purpose of the re-plat was to correct the rear yard setback on the villa lots. Mr. Steiner reported that a meeting was held with the developer, engineer, and the Middleton Township zoning inspector, where it was decided that a re-plat of the affected lots was the best approach to rectify the situation. Mr. Steiner reported that the property was located North of Five Point Road, South of Roachton Road, East of River Road, and West of Hull Prairie Road. Mr. Steiner stated the final plat of Riverbend Plat One was approved by the Planning Commission at the October 2004 Planning Commission Meeting. Mr. Steiner distributed several pictures to the Commission members, and reported that the pictures of the affected lots had been submitted to the Planning Commission Office by Middleton Township.

When the item was turned over to the Commission members for review and discussion, Mr. Brossia questioned why the structures were approved for the lots if they didn't fit within the setbacks. Mr. Steiner stated that was the problem at hand. Mrs. Schuerman questioned if the villas were multi-family. Mr. Steiner stated they were. Mr. Carter questioned if the sunrooms were planned on the villas. Mr. Steiner stated the villas or sunrooms were longer than planned. Mr. Huber questioned if building inspection was required to review the footprint to see that it fit within the setback lines. Mr. Steiner stated it was the responsibility of the Middleton Township zoning inspector. Mr. Allion questioned how the lots would be adjusted. Mr. Steiner stated there were several options. Mr. Ewald questioned if the size of the ponds was for storm water retention. Mr. Steiner stated the lakes were part of the open space. Mr. Steiner reported that a stop work order had been issued. A builder who represented Prestancia Building Company stated the order had been lifted. Mr. Brossia questioned if the lots were built as laid out on the zoning permit. Mr. Steiner stated he was informed that they were. A builder representing Prestancia Building Company stated that he realized after building a house the rear yard setback seemed off and he thought the pond was dug wrong. Chairman Weidner questioned what the re-plat would involve. Mr. Steiner stated the approval process would be the same as a plat but it would be filed as a re-plat. Mr. Perkins questioned if the water level of the pond would be maintained at a certain elevation. A builder representing Prestancia Building Company stated a level pipe had been installed. Mr. Fred Vetter, Middleton Township, stated the additional setback would put the property line into the lake and any additional houses would be built as close to the lake as the existing structure. Mr. Troy Sonner, Poggemeyer Design Group, stated 9 lots had requested an additional 12' setback, which were no located along the lake. Mr. Sonner stated it appeared the villas that were being constructed were larger than the 65' that had been allowed and explained that the rear setback line would be extended towards the lake and the houses would be closer to the lake. Mr. Charlie Brown, developer, stated the height of the water would be regulated with a 24" pipe. Mr. Charlie Brown stated the proposed homes were bigger and more expensive than planned. Mr. Charlie Brown stated he would like to see a deck dock installed and didn't see the danger of being 16' away from the water. Mr. Kohring stated he would like to see 30' of dry land setback rather than water, he suggested to either move the villa or the pond. Mr. Charlie Brown stated he would like to check every site plan before it is approved by the zoning inspector. Mr. Ewald stated the review would not be necessary by the developer and reported per Wood County Subdivision Regulations, the goal of the regulations was to promote and protect the public health, safety, and general welfare of citizens. Mr. Ewald stated that he believed no one in the room was qualified to make a decision on

what should happen without more information, and stated that he had many concerns. Mr. Kohring stated people were buying the wrong size lot for the homes they wanted to build. Mr. Sonner questioned why the lots that were not along the lake could not be extended to accommodate a larger home. Chairman Weidner explained that the commission needed to set precedence, given that one mistake was discovered with the setback lines, the whole development should not be changed. Mr. Scott Molden, owner Prestancia Building Company, stated he was unaware of the 30' rear yard setback and that a \$400,000 home would not fit on the lot. Chairman Weidner stated any builder should question what the setbacks were on a lot. Mr. Molden stated the rear yard setback was not on the plan. Mr. Vetter stated that if the lot were extended 12', it would be extended into the lake that was owned by the homeowners association. Mr. Ewald stated if the lot in question were extended, it would take the view away from other lots. Mr. Huber questioned if level of the lake was at design level. A builder representing Prestancia Building Company stated that he believed it was at the level of the overflow pipe. Mr. Huber questioned what the difference in elevation was between the lake and basement floor. The builder estimated the difference was approximately 16". Mr. Huber questioned if the foundation was on undisturbed soil. The builder stated that it was and reported the basement was sealed with Tough and Dry Waterproof. Mr. Ewald questioned who owned the lots that surrounded the one in question. Mr. Charlie Brown stated that Riverbend Development and another contractor owned the lots that surrounded. Mr. Ewald questioned if the contractor knew his lot size could be changed. A builder stated that all affected lot owners had signed the proposed re-plat.

When the item was turned over to commission members for a motion, Mr. Fitzgerald made a motion and approved lots 37-46 of the re-plat based on the fact that there wasn't a safety concern. Mrs. Schuerman seconded the motion. Mr. Kohring questioned if the motion would have the lot line moved or would allow the houses to be built closer to the water. Mr. Fitzgerald stated it would allow the houses to be closer to the water. Mr. Vetter stated that the Commission could not overwrite Middleton Township zoning. Mr. Fitzgerald withdrew his motion. Mr. Tim Brown questioned if the water was considered open space. Mr. Steiner stated it was considered open space. Mr. Kohring made a motion to deny the request until more information was presented. Mr. Ewald seconded the motion and Commission members responded with a vote of 8 in favor, 1 opposed (Jim Carter), and 1 abstention (Pat Fitzgerald). Mr. Ewald made a second motion that allowed lots 37 and 38 to have 12' added to the rear lot line, with a condition that the rear property line would be at least 2' away from the waters edge. Mr. Fitzgerald seconded the motion and Commission members responded with a motion of 8 in favor, 2 opposed (Tim Brown, Richard Kohring), motion carried.

ZONING - PERRYSBURG TOWNSHIP

Tim McCue of McCue Homes had submitted an application for a major amendment to a layout and footprint of a PUD which had originally been approved at the November 2, 1998 Planning Commission Meeting. The applicant wished to have the ability to plat the living units in the PUD so that they could be sold off as individual lots.

Mr. Steiner began his review and stated the property was located in River Tract 70 of Middleton Township. Mr. Steiner stated the property was bounded on the East by

Hufford Road, on the West by the CSX Railroad, to the South by Valleybrook Farms, Plat 4, and North of State Route 795. Mr. Steiner stated that the property was contiguous to the City of Perrysburg. Mr. Steiner reported that the PUD was granted approval by the Planning Commission in November of 1998 and once again in September of 2002. Mr. Steiner stated that the latest PUD footprint was the same version that was granted approval in September of 2002, the only difference being that the developer wished to have the ability to plat the units individually. Mr. Steiner noted that the applicant had requested the same platting ability for the River Oaks PUD development in 2004, and was granted approval by the Commission members.

Mr. Steiner reported that the condominium type PUD consisted of 16 separate living units, located in four separate buildings, on approximately 3.7 acres of land. Mr. Steiner stated that PUD improvements included a common area open space, storm water detention area, landscape and buffering along the western border of the development, water and sanitary sewer along with necessary utility easements, and a 30' private access drive onto Hufford Road.

When the item was turned over to the Commission members for review and discussion, Mr. Fitzgerald asked for a recommendation. Mr. Steiner stated he recommended approval. Mr. Ewald made a motion and recommended to Perrysburg Township that the Township approved the PUD amendment. Mr. Fitzgerald seconded the motion with Commission members in full support.

ZONING – PERRYSBURG TOWNSHIP

This item was formally withdrawn.

Director's Time

Mr. Steiner reported that Mr. Kohring and himself had discussed putting together a roadway committee. Mr. Steiner stated that Linda Holmes was on the committee and various townships had shown interest. Mr. Ewald questioned if rules and regulations needed to be considered which regarded the quality of water run off for factory farms. Mr. Steiner stated the Planning Commission had no authority over water run off.

There being no further discussion, the meeting stood adjourned with a motion from Mr. Perkins. Mr. Carter seconded the motion with Commission members in full support.