

**Meeting Minutes**  
**Wood County Planning Commission**  
**February 6, 2018 @ 5:30pm**

The Wood County Planning Commission met in regular session on Tuesday, February 6, 2018 at the County Office Building in Bowling Green, Ohio. Planning Commission staff in attendance was David Steiner and Katie Baltz. 5 guests were in attendance.

Rob Black called the meeting to order.

Mr. Steiner introduced Steve Arnold, John Schuerman and Erik Wineland as three of the new Planning Commission board members. Planning Commission members introduced themselves to Mr. Arnold, Mr. Schuerman and Mr. Wineland.

**Roll Call**

Tony Allion-Present, Steve Arnold-Present, Rob Black-Present, Theodore (Ted) Bowlus-Present, John Brossia-Present, Doris Herringshaw-Absent, Craig LaHote-Present, John Musteric-Present, John Schuerman-Present, Eric Wineland-Present.

Mr. Musteric made a motion to nominate Rob Black as the Chairman for the Wood County Planning Commission. Mr. Schuerman seconded the motion. Mr. Black called for a vote.

Tony Allion-Yes, Steve Arnold-Yes, Rob Black-Abstain, Theodore (Ted) Bowlus-Yes, John Brossia-Yes, Doris Herringshaw-Absent, Craig LaHote-Yes, John Musteric-Yes, John Schuerman-Yes, Eric Wineland-Yes.

Mr. Black made a motion to nominate John Musteric as the Vice-Chairman for the Wood County Planning Commission. Mr. Allion seconded the motion. Mr. Black called for a vote.

Tony Allion-Yes, Steve Arnold-Yes, Rob Black-Yes, Theodore (Ted) Bowlus-Yes, John Brossia-Yes, Doris Herringshaw-Absent, Craig LaHote-Yes, John Musteric-Yes, John Schuerman-Yes, Eric Wineland-Yes.

Mr. Black made a motion to nominate Katie Baltz as the Secretary for the Wood County Planning Commission. Mr. Musteric seconded the motion. Mr. Black called for a vote.

Tony Allion-Yes, Steve Arnold-Yes, Rob Black-Yes, Theodore (Ted) Bowlus-Yes, John Brossia-Yes, Doris Herringshaw-Absent, Craig LaHote-Yes, John Musteric-Yes, John Schuerman-Yes, Eric Wineland-Yes.

Mr. Steiner stated that one more Planning Commission member was needed and the City of Bowling Green had made a few recommendations for the open seat.

**Old Business**

**New Business**

Mr. Musteric stated that there were a few corrections to the November 2017 meeting minutes. Mr. Bowlus made a motion to approve the December 2017 Planning Commission meeting minutes with corrections, Mr. Arnold seconded the motion. Commission members responded in full support.

## **Staff Activities Report**

Mr. Steiner read a list of activities that had been completed from the staff activities report for the month of January.

### **ZONING - PERRYSBURG TOWNSHIP**

James & Dorothy Randolph submitted an application to rezone 3 parcels of land, each measuring at 0.4373 acres in size, from PUDR – Planned Unit Development-Residential to R-2 Suburban Residential (Low Density).

Ms. Baltz stated that the reason for the rezoning request as stated on the application was that the applicant would like to develop the lots as single-family residential homes under an R-2 Suburban Residential classification.

Ms. Baltz stated that the property being rezoned consisted of three parcels of land in section 33 of Perrysburg Township. Ms. Baltz stated that the land was located on the East side of Simmons Road. Ms. Baltz stated that the parcel was approximately 520 feet south of the Ohio Turnpike/I-80 and 0.49 mile north of State Route 795.

(Ms. Herringshaw entered the meeting at 5:40 PM.)

Ms. Baltz stated that the property being rezoned was currently zoned PUD-R - Planned Unit Development Residential. Ms. Baltz stated that the land immediately surrounding the parcels were also zoned PUD-R. Non-adjointing parcels to the North, West and South were zoned R-2 Suburban Residential

Ms. Baltz stated that the Wood County Land Use Plan had designated the area where the parcel was located at as being in an Enhancement Area. Ms. Baltz stated that the Perrysburg Township Zoning Resolution stated that the purpose of a Planned Unit Development District (PUD) “is to provide flexibility in achieving a more integrated development, each comprised of its own unified plan. The PUD should be a well-integrated development in terms of major design elements such as roads, drainage systems, utilities, sidewalks, and open space”. Ms. Baltz read an excerpt from the Perrysburg Township zoning resolution which stated that “A PUD may be a residential development and, in which case, is referred to as a PUD-R. A PUD-R may only be applied to an agricultural or residential uses. The tract of land proposed to be developed as a PUD-R must be owned, leased, or controlled by one (1) person or single entity and must be at least five (5) contiguous gross acres in size”. Ms. Baltz stated that the parcels are not currently 5 acres in size and that the owners would like the ability to develop single family homes on each of the parcels.

Ms. Baltz stated that the property did not contain any floodplains or wetlands. Ms. Baltz stated that public water and sewer were currently available to this property.

Ms. Baltz stated that given the parcel’s location near other land that is zoned R-2 Suburban Residential (Low Density), there being no floodplains or wetlands on the property, and there being public water and sewer available to the property, it was the recommendation of the

Wood County Planning Commission Staff that the Planning Commission recommend that Perrysburg Township approve the rezoning request.

There being no further discussion, Mr. Allion made a motion to recommend that Perrysburg Township approve the request to change the zoning classification of the 3 parcels of land, from PUDR-Planned Unit Development-Residential to R-2 Suburban Residential (Low Density). Mr. Musteric seconded the motion. Mr. Black called for a vote.

Tony Allion-Yes, Steve Arnold-Yes, Rob Black-Yes, Theodore (Ted) Bowlus-Yes, John Brossia-Yes, Doris Herringshaw-Yes, Craig LaHote-Yes, John Musteric-Yes, John Schuerman-Yes, Eric Wineland-Yes.

### **ZONING - TROY TOWNSHIP**

Capital Growth Properties Buchalter submitted an application to rezone 1.65 acres of land from A-1 Agricultural to C-1 Neighborhood Commercial in Section 3 of Troy Township.

Ms. Baltz stated that the property being rezoned was 1.65 acres of an existing 32.98 acre parcel of record. Ms. Baltz stated that the reason for the rezoning request as stated on the application was that the applicant had a retail client that had an interest in this area and the intersection serving this parcel in particular, for a potential retail location.

Ms. Baltz stated that the parcel was located just west of State Route 420 on the North side of Truman Road. Ms. Baltz stated that the parcel was located east of Lemoyne Road, and west of Pemberville Road.

Ms. Baltz stated that the property being rezoned was currently zoned A-1 Agricultural. Lands to the north and west were zoned A-1 Agricultural, Lands on the South side of Truman Road were zoned R-4 Residential (Troy Villa Mobile Home Community) and lands to the East of I-420 were zoned R-1 Residential and A-1 Agricultural.

Ms. Baltz stated that the Wood County Land Use Plan had designated the area where the parcel was located at as being in a Growth Management Area. The Growth management area was located just north of a targeted Economic Development area. Ms. Baltz stated that the property did not contain any floodplains or wetlands. Ms. Baltz stated that public water was available and sewer was located across the street and could be extended to serve the property.

Ms. Baltz listed some of the Permitted and Conditional uses within a C-1 Neighborhood Commercial District as designated in the Troy Township Zoning Resolution.

Ms. Baltz stated that an item of concern with this proposal was the issue of spot zoning. Ms. Baltz stated that all of parcels surrounding the subject parcel were zoned A-1 Agricultural or Residential. Ms. Baltz noted that the proposed size of this rezoning request was 1.65 acres of land and that small parcel sizes were typically indicative of spot zoning.

Ms. Baltz stated that the staff recommendation for this rezoning request would be denial based on the spot zone situation. Ms. Baltz stated that the subject parcel adjoins or is surrounded by parcels zoned A-1 Agricultural or residential. Ms. Baltz stated that the Commission was only making a recommendation to Troy Township, and that the Township would make the final decision.

Mr. Black noted that the applicant was not present at the meeting. Ms. Baltz stated that she had spoken to the applicant and he was located out of state and was planning on attending the Township's meeting.

Mr. Brossia asked what was located across the street from the subject parcel. Mr. Todd Gottschalk, Troy Township Zoning Inspector, stated that Troy Villa Mobile Home park was located across the street, to the south of the subject parcel. Mr. Brossia asked if the subject parcel was on the corner with the communication tower. Mr. Gottschalk stated that the tower was on a different parcel. Mr. Gottschalk noted that there was a communications building with switches and electrical equipment with a drive way located west of the subject parcel, and that the communications tower was located on a parcel north of the subject parcel.

Mr. Gottschalk stated that public utilities could not be regulated by township zoning.

Mr. Musteric stated that he had right of way concerns with Truman Road and stated that he would like to speak with the applicant regarding those concerns if the rezoning were approved, and before a site plan was submitted.

Mr. Brossia asked how a communications tower was placed in the middle of the field. Mr. Steiner stated that public utilities were exempt from zoning and that the tower could be placed there.

Mr. Wineland asked if the property being rezoned was utilized for farming. Mr. Gottschalk stated that the subject parcel and the surrounding parcels to the north were being farmed.

Mr. Musteric made a motion to recommend that Troy Township deny the request to rezone 1.65 acres of land from A-1 Agricultural to C-1 Neighborhood Commercial in Section 3 of Troy Township. Mr. LaHote seconded. Mr. Black called for a vote.

Mr. Brossia stated that it was a somewhat strange piece of property, and asked what else could occur on this property if this commercial request were denied. Mr. Steiner stated that single family residential or agriculture could remain on this property. Mr. Musteric asked if the applicant could rezone a larger area of the parcel as commercial. Mr. Steiner stated that the applicant could request whatever they wanted. Mr. Steiner stated that it would still be considered a spot zone situation. Mr. Wineland asked if spot zoning was prohibited. Mr. Steiner stated that spot zoning was not prohibited, however, it was typically not allowed, especially not for small parcels. Mr. Allion stated that the Commission would rather see a larger area of land to be rezoned rather than piece by piece.

Mr. Black called for a vote on the motion to deny the rezoning request.

Tony Allion-Yes, Steve Arnold-Yes, Rob Black-Yes, Theodore (Ted) Bowlus-Yes, John Brossia-Yes, Doris Herringshaw-Yes, Craig LaHote-Yes, John Musteric-Yes, John Schuerman-Yes, Eric Wineland-No.

**SUBDIVISION – MIDDLETON TOWNSHIP**

Feller Finch & Associates and McCarthy Builders had submitted a final plat entitled “River Bend Lakes Plat Four” for final review and approval.

Mr. Steiner stated that the item was on the December 2017 Agenda, but wasn’t heard due to the County Engineer reporting that his review of it found too many mistakes to continue the review. The plat was subsequently corrected and resubmitted for approval.

Mr. Steiner stated that the plat was located in the existing River Bend Lakes Subdivision and that plat access would occur through the extension of Grand Bank Way.

Mr. Steiner stated that Plat Four contained a total of fifteen (15) single family lots and covered approximately 10.834 acres of land. Mr. Steiner noted that plat improvements consisted of streets, sidewalks, curbs, gutters and utilities. Mr. Steiner stated that there was a retention pond shown on the plat.

Mr. Steiner stated that that plat was zoned R-3 Residential and that all lands to the north, east and west were zoned R-3 Residential as well. Mr. Steiner noted that lands to the south were zoned both R-3 Residential and A-1 Agricultural. Land use in the area was primarily medium to low density residential.

Mr. Steiner stated that there were minor scrivener errors found on the plat by the County Engineer.

Mr. Steiner stated that it was the recommendation of the Planning Commission Staff that the Planning Commission approve the plat. Mr. Wineland asked what types of plat errors were found. Mr. Steiner stated that some of the errors were things like font size, needing a disk with the drawing, and other minor issues.

Mr. Musteric stated that one of his concerns was the culvert under Grand Bank Way. Mr. Musteric stated that he discovered that there were no approved construction plans and that money would need to be put into escrow for the construction of the subdivision before the plat would be signed.

Mr. Allion made a motion to approve “River Bend Lakes Plat Four” with the condition that all of the corrections and requirements be met. Mr. Schuerman seconded the motion. Mr. Black called for a vote.

Tony Allion-Yes, Steve Arnold-Yes, Rob Black-Yes, Theodore (Ted) Bowlus-Yes, John Brossia-Yes, Doris Herringshaw-Yes, Craig LaHote-Yes, John Musteric-Yes, John Schuerman-Yes, Eric Wineland-Yes.

## **VARIANCE REQUEST– SUBDIVISION RULES AND REGULATIONS**

Cynthia Holmes had submitted an application for a variance from the Wood County Subdivision Rules and Regulations in order to allow the applicant to split off a 0.259 acre parcel of land located in the East Bend Addition Block “C” Lot 10, & PT LOT 11 in River Tract 70 of Perrysburg Township.

Mr. Steiner stated that a situation like this item had never occurred in the Director’s tenure with the Planning Commission.

Mr. Steiner stated that at the November 2017 meeting, a request to rezone the same parcel from an R-1 Residential zoning classification to an R-3 zoning classification was heard by the Planning Commission. Mr. Steiner stated that the applicant’s approach was to receive an R-3 zoning classification from the Township which would bring the subject parcel into conformance with the Township’s R-3 zoning requirements. Mr. Steiner stated that the Wood County Planning Commission voted to recommend to Perrysburg Township that the Township deny the request. The issue of a spot zone was cited as one of the main factors in the decision.

Mr. Steiner stated that the subject parcel was located in East Bend Addition Block “C” Lot 10, & PT LOT 11 in River Tract 70 of Perrysburg Township. More specifically the parcel was on the west side of River Road, 500 feet south of Rockledge Road and 1,450 feet west of Hufford Road.

Mr. Steiner stated that the applicant currently owned the entire 0.737 acre parcel. Mr. Steiner stated that the parcel exists as one complete parcel for taxing purposes, however the parcel was split by State Route 65 – River Road.

Mr. Steiner stated that the subject parcel was zoned R-1 Rural Residential and lands to the north and south of the parcel were also zoned R-1. Mr. Steiner stated that the Maumee River was located on the western border of the subject parcel and lands to the east of the house parcel were located within the City of Perrysburg and were zoned R-3 Single Family Residential. Mr. Steiner stated that the Land Use Plan had designated the area where this parcel is located at as being in an enhancement area.

Mr. Steiner stated that all utilities were available to the parcel, and there were no wetlands on the parcel. Mr. Steiner noted that there was some floodplain, however the subject parcel had a steep drop off on the rear of the lot, and the floodplain didn’t begin until the water’s edge.

Mr. Steiner stated that the applicant was unable to receive a variance from the Township as the township didn’t grant frontage or area variances. Additionally, an earlier attempt to have the parcel rezoned from R-1 to R-3 was not approved. Mr. Steiner stated that the applicants decided to try and seek a variance from the Subdivision Rules and Regulations in an attempt to split the subject parcel. Mr. Steiner stated that the particular section of the Wood County Subdivision Rules and Regulations that this variance was being requested from was Section 2.03 – the Administration section. Mr. Steiner stated that language in Section 2.03 stated that “such variances shall not have the effect of nullifying the intent and purpose of these Regulations, the comprehensive plan, or the zoning resolution, when they exist”.

Mr. Steiner stated that some of his thoughts on the matter were:

1. Applicant had no other options for splitting off the subject parcel.
2. The subject parcel was the only parcel in the vicinity where one parcel straddles River Road.
3. There was unarguably a topographic constraint (the steepness of the parcel on the Maumee River). In other words, the variance was not being requested for a situation when an applicant has plenty of room and options for splitting their parcel.
4. Given this topographic constraint, building on this lot would be extremely difficult.
5. Applicants would need to go to the Perrysburg Township BZA to place any kind of structure on the parcel. This in effect would create a self-policing situation that would make building on the lot difficult.
6. It would eliminate a spot zone situation, keeping the parcel zoned the same as all surrounding parcels.

Mr. Steiner stated that it was the recommendation of the Planning Commission Staff to grant the variance to allow the parcel to be split off as requested. Mr. Steiner recommended that if the variance were granted, it should be noted in the motion that the newly created parcel cannot be changed and or altered in any way without approval from the Wood County Planning Commission.

Mr. Greg Wagoner of Shumaker, Loop and Kendrick stated that he represented the applicant. Mr. Wagoner stated that their proposed lot split was consistent with the other lots in the area that had already been granted splits or variances. Mr. Wineland asked if there were other split parcels in the area that had different owners on the west side of River Road than the owner on the east side of River Road. Mr. Wagoner stated that yes, there were other parcels in the area that had different owners on each side of the road.

Mr. Wineland asked what the extraordinary and unnecessary hardship was for this situation. Mr. Wagoner stated that there was no other avenue to split the land to make it consistent with the surrounding land due to Perrysburg Township's rules to not grant frontage or size variances.

Mr. Musteric asked if the owners would have to replat the lots since it was in a subdivision. Mr. Steiner stated that a replat would not be required per the Subdivision Regulations that allowed for lots in very old subdivisions to be split without replatting. Mr. Musteric asked how the other lots in the area were able to be split. Mr. Steiner stated that he wasn't sure. Ms. Baltz stated that she traced a few of them back and the lots were administratively approved to be split without documentation. Mr. Musteric stated that he didn't like that Perrysburg Township pushed the issue back on the Planning Commission to approve since the Township won't grant variances. Mr. Musteric wanted to know how all of the other splits were approved in the past.

Mr. Wineland made a motion to approve the variance from the Subdivision Rules and Regulations that would allow the lot to be split. Mr. Arnold seconded the motion. Mr. Black called for a vote.

Tony Allion-Yes, Steve Arnold-Yes, Rob Black-Yes, Theodore (Ted) Bowlus-Yes, John Brossia-Yes, Doris Herringshaw-Yes, Craig LaHote-Abstain, John Musteric-No, John Schuerman-Yes, Eric Wineland-Yes. Motion carried.

## **PUBLIC FORUM**

### **CHAIRMAN'S TIME/COMMISSION MEMBERS' TIME**

Mr. Black stated that the 2018 Meeting schedule had been passed out to the members. Ms. Baltz stated that a revised schedule for the meetings and deadlines had been passed out to reflect the correct year. Every meeting will be the first Tuesday of every month in 2018.

Mr. Wineland made a motion to approve the meeting schedule for 2018. Mr. Bowlus seconded the motion. Mr. Black called for a vote.

Tony Allion-Yes, Steve Arnold-Yes, Rob Black-Yes, Theodore (Ted) Bowlus-Yes, John Brossia-Yes, Doris Herringshaw-Yes, Craig LaHote-Yes, John Musteric-Yes, John Schuerman-Yes, Eric Wineland-Yes.

Mr. Steiner stated that he had met with the County Administrator to discuss putting a fee schedule in place for services rendered by the Planning Commission staff. Mr. Steiner stated that he was instructed to meet with one of the County Commissioners and the County Administrator to discuss the matter further. Mr. Steiner stated that he would report back to the Planning Commission board on what the Commissioners' recommendation would be on the matter.

### **DIRECTOR'S TIME**

There being no further items of business, Mr. LaHote made a motion to adjourn the February 6, 2018 Planning Commission Meeting, Mr. Wineland seconded the motion, Commission members responded in full support, meeting adjourned.