

Minutes of Perrysburg Public Hearing

Meeting Held March 7, 2023

CALL TO ORDER - 5:55 P.M.

Mayor Mackin called the first public hearing to order at 5:55 p.m.

ROLL CALL

Present were Council members Kevin Fuller, Jonathan Smith, Mark Weber, Cory Kuhlman, Jan Materni, and Barry VanHoozen (6). Council member Tim McCarthy was not present. Also present were Amber Rathburn, Clerk of Council, and Brody Walters, Planning and Zoning Administrator.

DISCUSSION

Assignment of Permanent Zoning

The purpose of the hearing was to hear public comment regarding an Assignment of Permanent Zoning to S1 (Scenic and Open Space) for the portion of the property found to be below 590' of elevation and R1 (Single Family Residential) for the portion of the property found to be at or above 590' of elevation for (6) parcels located on the north side of West River Road, just north of Riverford Drive: Parcel P60-100-601000043001, P60-100-601000001000, P60-100-601000002000, P60-100-601000003000, P60-100-601000004000, and P60-100-601000043005.

Mr. Walters explained that the Schroeder/Rich Property was annexed into the City of Perrysburg and they are looking to establish Permanent Zoning as the property comes into the City. The Planning Commission agreed 5-0 to recommend the Split Zoning of S1 and R1.

Mr. Weber asked if there is a definite line where the 590' is now and if the owner can bring in dirt to bring other areas up to that level. Mr. Walters responded that there is a line on the map, representing a possible fill scenario. He added that it is not relevant at this moment, but it is possible that the 590' of elevation can be modified in the future, meaning they would be back for a rezoning of the part that is elevated out of the floodplain.

Mr. Smith asked about potential lot changes and the possibility of multiple curb cuts. Mr. Walters stated that because it is a State Route, ODOT would likely only approve one curb cut.

Mr. VanHoozen asked why they are potentially going through a two-step process. Mr. Walters explained that City Council cannot approve a possible, theoretical scenario.

Mr. Walters re-emphasized that there is not any action permitted to happen tonight. This is simply a dialogue for discussion to happen.

Jim Hagen, 10741 Avenue Road, had several questions about the River level, if someone wanted to put a home on stilts, and losing property for the public good. Mr. Walters stated that the property was purchased privately and the land will not be for the public good. Mayor Mackin stated that these are technical questions and could be discussed with Administration.

Mark Himmelein, 28315 West River Road, is about four properties down from the property in question. He stated that the River level was at 587.5' as of an hour ago, according to the National Weather Service. Mr. Himmelein asked about defining the boundary at the levels they are today, which Mr. Kuhlman noted that that is what they are doing today.

Paul Brock, 27123 West River Road, is representing his Mom, who is right nextdoor to the development. He mentioned three court cases that have went all the way to the Supreme Court involving the Schroeder/Rich property.

Rob Krain, Director of the Black Swamp Conservancy, understands that they want to look at the 590' line exclusively today. He wanted to go on record regarding cut and fill, adding that it would be a Floodplain Administrator decision, with no public comment until the damage has already been done. Mr. Krain added that the State of Ohio is devoted to getting clean water into the Maumee River and Lake Erie, which the community needs to support through thoughtful planning, zoning, and floodplain administration decisions. He is urging for no cut and fill in this floodplain.

Scott Libbe, 28301 West River Road, stated that he is pleased that the rezoning being discussed is only at the current 590' level and is very much concerned with cut and fill of the floodplain. Mr. Libbe, like in Mr. Seibold's letter, is worried about filling in, rather than building up on the area that has already been filled.

Paul Brock, 27123 West River Road, added that when the development begins to be constructed, an Ohio EPA Stormwater Construction permit is required. He supports the Black Swamp Conservancy.

Mark Rich, 29357 Simmons Road, stated that he would like to be able to build on the bluff, but that is thirty feet of fill that has not been compacted. He noted that the Brock property is R1 all the way to the River. Mr. Rich stated it is a nonissue for him if it is S1 below 590', as long as he is able to move the dirt and build the homes down below.

Mr. Kuhlman clarified if there is a property that is zoned all R1. Mr. Walters stated that there is one anomaly, otherwise all are zoned R1 where they are buildable and the floodplain area as S1.

ADJOURNMENT

There being no further comments, the public hearing adjourned at 6:24 p.m.

Amber Rathburn, Clerk

Thomas Mackin, Mayor