

## PERKINS TOWNSHIP BOARD OF ZONING APPEALS MEETING

Held By: Perkins Township Board of Zoning Appeals

Place: Perkins Township Service Facility, Meeting Room, 2610 Columbus Avenue

Date: June 15th, 2020

Time: 4:00 p.m.

Board Members Present: Mr. Larry Pitts, Chairperson  
Mr. Michael Bixler  
Mr. Will Spence  
Mr. Kastor  
Mr. David Bertsch, Alternate

Board Members & Staff Absent & Excused: Mr. Gary Gast

Staff in attendance: Mr. Gary Boyle, Administrator  
Ms. Melanie Murray, Planner/ Zoning Inspector  
Mr. Ryan Printy, Planning Intern

### **I. Call to Order**

Mr. Pitts called the meeting to order at 4:00 p.m.

### **II. Pledge of Allegiance**

Mr. Pitts led the Board and the audience with the Pledge of Allegiance.

### **III. Roll Call**

Mr. Pitts asked for roll call to be taken. Mr. Pitts, Here; Mr. Kastor, Present; Mr. Bixler, Here; Mr. Spence, Present; Mr. Bertsch, Here; And Mr. Gast is absent.

### **IV. Minutes**

Mr. Pitts asked if there were any corrections to be made to the June 1st, 2020 minutes. Mr. Bixler said the only change he noted was that Mr. Boyle was listed as being in attendance at the June 1st meeting and he was not there. Mr. Bixler said with that change, he motions to accept the minutes. Mr. Spence seconded the motion. Roll Call: Mr. Bixler, yes; Mr. Spence, yes; Mr. Bertsch, yes; Mr. Kastor, yes; Mr. Pitts, yes.

**V. Chairperson’s welcome and explanation of Public Hearing & Meeting**

Mr. Pitts welcomed everyone and explained how the meeting will operate. Public hearing in the 1st part, then close the public hear and then have a public meeting. He said the difference is the public hearing, the audience can talk in favor or against the application. Then they will have their meeting.

**VI. Reading of the Request**

**APPLICATION #BA2020-05** – A conditional use application was filed by Camelo Ruta for a property located on the east side of Route U.S. 250 (5918 Milan Road). (PPN #32-01503.000) The conditional use requested is regarding a proposed new use on the property. This application requests the use of the property for the outdoor display and storage of goods and merchandise for a U-Haul rental operation and business offices. Section 17.2 (12) allows this type of use on a “C-2”/Commercially Zoned property with a conditional use. A conditional use permit for the outside display of goods and merchandise is requested.

The secretary read the application. Ms. Murray reviewed the Staff Report with the Board. Ms. Murray stated the property right now is zoned PUD Planning & Development. The property right now is a dormitory/hotel use. They have applied for a conditional use permit to use rentals and sales on the property. The property is 3.2 acres, access is provided by Milan Road.

Ms. Murray continued with staff comments. Public Works had no comments. The Building Department had no comments. The Park Department said as long as the vehicles aren’t interfering with building access, they have no comments either.

**VII. Open Public Hearing**

Mr. Pitts asked if everyone is signed in. The secretary swore everyone in.

Pete McGory addressed the room. He said he is there for Mr. Ruta as a friend but also as an attorney. He stated his understanding of what is being requested today is a use variance on this fairly large parcel of property, which has gone from C2 to a PUD usage to allow a U-Haul center to be placed on the south portion of the property. He said he heard what staff presented and that helped him because he admits that he is totally uneducated about the details of what the requirements are. He went on to say that he has viewed the property and it seems like a reasonable use on the face of it. It is on a very large commercial road. There are some residential houses behind. But it is his understand that the U-Haul usage would be in front around 250, which is 4 lanes and commercial usage. Mr. McGory continued to say that Mr. Ruta, who owns a number of various businesses in Perkins Township, in Sandusky and into Ottaway County, is asking for whatever variance is required in order for him to pursue this U-Haul venture. Mr. McGory said he thinks this business would be beneficial to the township and hopefully beneficial to Mr. Ruta as well. He then said he knows there are some neighbors of Mr. Ruta in attendance at the meeting and he is not sure how they feel about the U-Haul application. He spoke about the tall highway sign behind the buildings that is in need of a new

sign facing. He said Mr. Ruta had been holding off, rather than pay for it and get a blank insert, he had been waiting for a decision on this application for the U-Haul usage, in hopes that a U-Haul sign could be put in the sign facing. Mr. McGory asked if anybody had any questions about what he had said.

Mr. Pitts let Mr. McGory know if there are questions, they will be asked at the public meeting portion.

Mr. Pitts opened the floor for anyone who would like to speak for or against this application.

Lori Harris and Sandra Filmore, Beatty Lane residents, introduced themselves to the board. Ms. Filmore said that Lori lives beside Tru Hotel and she lives behind. She said she walked over and spoke to Mr. Ruta and told him everything she wanted done. Ms. Filmore said previously you could see through the trees, but Mr. Ruta put a fence there and she cannot see through anymore. She also said he is going to finish the south side panels. She expressed that she is totally fine with it now. And that she does not have anything against Mr. Ruta. She said he has done everyone that she spoke to him about. She understands the sign is not done but that is because he does not know if this application is going to get passed. Ms. Filmore said they (Ms. Harris and herself) are for it being passed. But they do have other issue that they are requested a zoning meeting for.

#### **VIII. Close Public Hearing**

Mr. Pitts said he needs a board motion to close the public hearing and they will open it up to a public meeting.

Mr. Spence summoned to close. Mr. Bixler seconded. Roll Call: Mr. Spence, yes; Mr. Bixler, yes; Mr. Bertsch, yes, Mr. Kastor, yes; Mr. Pitts, yes.

#### **IX. Discussion from Board**

A question was asked regarding how long the lot has been used for this purpose because there have been quite a few U-Hauls out there already.

Ms. Murray stated that she sent them a violation letter and that is how this whole application process came about.

Mr. McGory asked if he can answer that question. He said it is his understanding that they probably did not know that a variance was required. It was previously commercial and now its PUD and he does not think that there was any intent to do something that was not allowed. They are now just trying to comply with what they were guided to do.

Mr. Pitts then asked Ms. Harris and Ms. Filmore if they are perfectly fine with it now. And if the fence is complete.

Ms. Filmore said that as far as she is concerned the fence is complete. She continued to say there are a couple areas where you used to be able to see through the trees and he has covered those areas. She stated behind her garage, they are 40-foot-high trees that are big and thick, you cannot see through there, so he did not put a wood fence there. Ms. Filmore says she is fine with that and Mr. Ruta is going to do 3, 4 more panels down and that is it.

Mr. McGory said he thinks that what the township is requesting as part of the change from C2 to PUD is a separate issue that what is being talked about. It appears to him that the two (2) neighbors are fine with the application for the U-Haul variance and Mr. Ruta has indicated there are a few more fence panels that need to go to the south to comply with the requirement from the township. Mr. McGory stated that it is a very long fence, one portion appears to be older and he added new panels to extend it out. So, the neighbors may not feel there needs to be more panels, but he thinks the township may. He continues to say that he thinks the plan is to place those couple more panels.

Mr. Pitts goes on to affirm that it is his understanding that this is a separate issue but questions the sign matter.

Mr. McGory stated that is going to be filled in one way or the other. It is going to say U-Haul if this variance is granted and it is going to be blank or something else if it is not granted.

Mr. Pitts asked if there are any other questions. Mr. Pitts asked if he could have a motion and a second.

Mr. Kastor addressed Mr. Chairman. He said he moves the application BA2020-05, which is a conditional use permit to allow outside display of good and merchandise in a C2 district be approved as submitted.

Mr. Spence seconded. Roll Call: Mr. Kastor, yes; Mr. Spence, yes; Mr. Bixler, yes; Mr. Bertsch, yes; Mr. Pitts, yes.

#### **X. Old Business**

There was no old business to discuss.

#### **XI. New Business**

Mr. Spence asked if a letter was sent to Mr. Gast. Ms. Murray replied that she spoke to Gary about it and says she is going to email Mr. Gast to see if he is okay with the alternate position. Ms. Murray went on to say that they must have action from the board so it will be discussed at the next board meeting.

#### **XII. Adjournment**

Mr. Pitts said I need a motion to adjourn. Mr. Kastor replied so moved. Mr. Bertsch seconded. All board members were in agreement and the meeting was adjourned.