

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: January 4th, 2021

Time: 4:00 p.m.

Board Members Present: Mr. Michael Bixler
Mr. Gary Gast
Mr. Ted Kastor
Mr. Larry Pitts, Chairperson
Mr. Will Spence

Board Members & Staff Absent & Excused: Mr. David Bertsch, Alternate

Staff in attendance: Ms. Angela Byington, Community Development Director
Ms. Melanie Murray, Planner/Zoning Inspector
Ms. Melissa Vassallo, Administrative Assistant

I. Pledge of Allegiance

Mr. Pitts called the meeting to order and led the Board and the audience with the Pledge of Allegiance.

II. Roll Call

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

III. Minutes

Mr. Pitts asked for a motion to approve the minutes from the November 16th meeting.

Mr. Kastor made the motion and Mr. Spence seconded. Roll Call: Mr. Kastor, Yes; Mr. Spence, Yes; Mr. Gast, Yes; Mr. Bixler, Yes; Mr. Pitts, Yes.

IV. Chairperson's Welcome and Explanation of Public Hearing & Public Meeting

Mr. Pitts welcomed everyone to the meeting and let them know the process of the meeting will work. He said there are two (2) parts to each application. A public hearing where the applicant expresses their need for the application. And a public meeting, where the board members ask questions and make a decision.

V. Reading of the Request

APPLICATION #BZA2020-19 An application was made by Ohio Eastern Express seeking the approval of a variance to the Zoning Resolution to accommodate an enclosure to an existing accessory structure. The proposed addition would be setback a distance of 9.8 7/8 ft. from the east side lot line whereas Section 21.5 of the Resolution requires a side yard setback distance of 30 ft. in an "I-2"/Heavy Industrial District. A variance of 21.1 1/8 feet is requested.

VI. Staff Review

Ms. Murray said as Melissa stated this property is zoned "I-2"/Heavy Industrial District. The code requires a 30 ft. side yard setback and they have around 10 ft. so they are asking for a variance of a little over 21 ft. The existing structure is already there, they are just closing it. Staff finds this as a reasonable use of the property. It will be used for truck loading & unloading. It is meant to protect workers from weather and improve the shipping process. There were no objections from any department heads.

VII. Swearing In

Mr. Hartman said the structure that they are trying to enclose is a raised dock used to back in trucks for transporting. He said right now it is not safe for his employees since it is open to the weather.

Mr. Cantelli said he is speaking for his mother and his aunt and for himself who owns Cabinet Makers which is the property next to this. He has known Mr. Hartman for 35 years, they are friends, but he wants to know because of the easement will it affect his property, either to build on it or to sell it.

Ms. Murray said the width of the lot is about 50 feet wide. But OEX's project would not affect his property in any way.

Lenora Brown asked if her mother's property is being affecting by this because she got a letter.

Ms. Murray said no, she received a letter because she owns property that is within 200 feet of the property applying for the variance.

A person in the audience asked if Gilcher Court is Zoned Commercial or Residential.

Ms. Murray let them know it is zoned Residential.

VIII. Close Public Hearing/Open Public Meeting

Mr. Pitts asked for a motion to close the public hearing and open the public meeting.

Mr. Gast made the motion, Mr. Bixler seconded. Roll Call: Mr. Gast, Yes; Mr. Bixler, Yes; Mr. Kastor, Yes; Mr. Spence, Yes; Mr. Pitts, Yes.

IX. Discussion from Board

Mr. Kastor asked Ms. Murray if she knows where the line is between residential and industrial in that area.

Ms. Murray said it is zoned industrial right up to that neighborhood.

Mr. Pitts asked for a motion. Mr. Gast said he motions to approve BZA2020-19 as submitted. Mr. seconded. Roll Call: Mr. Gast, Yes; Mr. Spence, Yes; Mr. Kastor, Yes; Mr. Bixler, Yes; Mr. Pitts, Yes.

X. Reading of the Request

APPLICATION #BZA2020-20 – An application was made by the Olio Development on behalf of Raising Canes at 5218 and 5306 Milan Road (32-01999.000, 32-02355.000, 32-01744.000 respectively) for several variance requests. The variance requests are in regard to a new commercial development. The application seeks the approval of three (3) variances. Requests include: (1) A variance to the requested for a flat roof for a one-story building whereas Section 25.25 C(1)(f) of the Zoning resolution only allows a flat roof for structures two (2) stories or greater in height or for a building that is ten thousand (10,000) sq. ft. or more on a single floor and concealed by a parapet wall. A variance for a flat roof is requested. (2) A variance for window transparency whereas the building will only have 13% glazing on the building frontage whereas the Zoning Resolution 25.15 (C)(1)(d) (1 requires building walls facing the right-of-way to have 25% glazing; (3) A variance for increased building signage to 315 sq. ft. where 168 sq. ft. is permitted per Section 28 (12)(4)(c) of the Zoning Resolution.

XI. APPLICATION #BA2020-21 – An application was made by the Olio Development on behalf of Raising Canes at 5218 and 5306 Milan Road (32-01999.000, 32-02355.000, 32-01744.000 respectively) for a Conditional Use Permit. A Conditional Use Permit is needed to accommodate a proposed drive thru restaurant.

XII. Staff Report

Ms. Murray said there are three (3) variances requested. One for a flat roof, for window transparency, and for increased signage, as well as a conditional use for a drive thru. All of these are required by our Zoning Resolution. Ms. Murray goes on to say these are largely aesthetic and will not affect any other regulations. There were no objections when sent out to staff and the Planning Department recommends the approval of these variances and the conditional use.

Mr. Gatliff tells the board they will be doing a lot consolidation and then a lot split. It will be a consolidation of three (3) lots. Mr. Gatliff said the flat roof they feel is very consistent with many of the other building around the area. First, the flat roof keeps a lot of the architectural elements that is standard to their brand. And it helps with screen the roof top equipment, so it is not visible from the ground level. As for the window transparency, they do provide windows along the front facade as well as along the sides of the dining room area. But they keep them above the height of the tables. This is for privacy for the people who are sitting there and keeping it below the truss level. They do have a covered patio area that has lights

and fans that is open 100% of the perimeter but has a steel canopy over top. It also has a garage door to tie in the patio to the inside. Mr. Gatliff went on to say they are proposing 315 sq. ft. for signage. 140 sq. ft. of that is for their mural. The mural is part of their brand. All of their restaurants have this hand painted mural. They also add the community name to the building. The rest of the signage comes from the four (4) walls. The wall signs are needed because of the location of the building. It is an out lot of the park place shopping center. They want visibility from all four (4) sides. There is limited access to them so maximizing the visibility is essential. The rest of the signs is the patio banner and a picture of the Raising Cane dog, in which the restaurant was named after.

XIII. Close Public Hearing/Open Public Meeting

Mr. Pitts asked for a motion to Close the Public Hearing and Open the Public Meeting. Mr. Gast made the motion and Mr. Spence seconded. Roll Call: Mr. Gast, Yes; Mr. Spence, Yes; Mr. Kastor, Yes; Mr. Bixler, Yes; Mr. Pitts, Yes.

XIV. Discussion from Board

Mr. Kastor asked when they are going to start.

Mr. Gatlin said they are hoping to start construction as of 02/08/2021.

Kr. Kastor asked if they hire any local contractors.

Mr. Gatlin said yes, they try to keep things local.

Mr. Gast asked if any neighbors complained.

Ms. Murray said no.

Mr. Pitts said if there are no other questions, he will ask for a motion and a second.

Mr. Spence made the motion to approve BZA2020-20 and BZA2020-21 as submitted. Mr. Gast seconded. Roll Call: Mr. Spence, Yes; Mr. Gast, Yes; Mr. Kastor, Yes; Mr. Bixler, Yes. Mr. Pitts, Yes.

XV. Old Business

None

XVI. New Business

Mr. Kastor asked if we could get a big map of the township with Zoning Districts.

Ms. Murray also said they need to handle the reappointments. Mr. Spence will need to be reappointed.

Mr. Spence said he is too busy, and he makes a motion for Mr. Kastor to be chair.

Mr. Kastor agreed to be chair and Mr. Pitts to be vice chair. Mr. Spence is reappointed to another term.

Mr. Spence made a motion for Mr. Kastor to be chair and Mr. Pitts to be vice chair. Mr. Gast seconded. Roll Call: Mr. Spence, Yes; Mr. Gast, Yes; Mr. Kastor, Yes; Mr. Bixler, Yes, Mr. Pitts, Yes.

XVII. Adjournment

Mr. Pitts asked for a motion to adjourn.

Mr. Spence made the motion and Mr. Gast seconded. Roll Call: Mr. Spence, Yes; Mr. Gast, Yes; Mr. Kastor, Yes; Mr. Bixler, Yes; Mr. Pitts, Yes.