

## 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 21, 2021

Time: 4:00 p.m.

Board Members Present: Mr. David Bertsch, Alternate  
Mr. Michael Bixler  
Mr. Gary Gast  
Mr. Ted Kastor, Chairperson  
Larry Pitts, Vice Chair

Board Members Absent & Excused: Mr. Spence

Staff in Attendance: Ms. Angela Byington, Director  
Ms. Melanie Murray, Planner/Zoning Inspector  
Mrs. Jessica Gladwell, Administrative Assistant

### I. Pledge of Allegiance

Mr. Kastor called the meeting to order and led the Board and staff in the Pledge of Allegiance.

### II. Roll Call

Mr. Kastor asked for roll call to be taken. Roll Call: Mr. Kastor, Present; Mr. Pitts, Here; Mr. Gast, Here; Mr. Bertsch, Here; Mr. Bixler, here.

### III. Minutes

Mr. Kastor asked for a motion to approve the minutes from the May 17<sup>th</sup> meeting.

Mr. Gast made the motion and Mr. Bertsch seconded. All Aye. None Opposed.

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

Mr. Kastor welcomed everyone to the meeting. He said it will be held in two (2) parts. First will be the Public Hearing, where the Board will hear from the applicant. Then they will switch to the Public Meeting, where the Board will decide the fate of the application.

### V. Reading of the Request

**APPLICATION #BA2021-09** A variance permit was request by Adam Signs on behalf of RG Nieto Company for property located at 5500 Milan Rd. (PP #32-03494.003). The variance requested is to allow an electronic sign to be installed on an existing non-conforming sign.

Section 28.20 prevents the alteration of non-conforming signage and requires conformance of the sign with the Zoning Resolution or removal if the sign is altered in copy (except for changeable copy signs) or structure. A variance for the alteration of a non-conforming sign is requested.

**VI. Staff Review**

Ms. Murray stated that this application is located at the corner of 5200 Milan Rd. is actually on the property of Chili's but there is an easement. The sign is for 5500 Milan Rd. (plaza in the back) currently zoned C-2. Replace proton of top of sign, and put in an electronic sign, replace cap on existing sign.

There were no department comments contrary to this variance request. Staff recommends the approval of this application. Just noted building plans need to be submitted.

The applicant, Vickie Ricker with Adam Signs was sworn in by Mrs. Gladwell (everyone was sworn in at once). Ms. Ricker states the project 5500 Milan Rd – planned on removing the top portion of the pylon sign, reason for the replacement of the top cap is to match the others in the plaza.

Mr. Kastor asked if any member of the audience had a question for the applicant.

**VII. Close Public Hearing/Open Public Meeting**

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

Mr. Bertsch motioned to close the public hearing. Mr. Gast seconded. Mr. Kastor said All in Favor say Aye. All said Aye. None Opposed.

**VIII. Discussion from Board**

Mr. Gast motioned to approve Application #BZA2021-09. Mr. Pitts seconded. Roll Call: Mr. Gast, Yes; Mr. Pitts, Yes; Mr. Bertsch, Yes; Mr. Bixler, Yes; Mr. Kastor, Yes.

**IX. Reading of the Request**

**APPLICATION #BA2021-011** A variance permit was requested by Universal Signs, Inc. on behalf of Connacht Realty LLC for property located at 3822 Milan Rd. (PP #32-03356.003). The variance requested is to allow an electronic sign to be installed on an existing non-conforming sign. Section 28.20 prevents the alteration of non-conforming signage and requires conformance of the sign with the Zoning Resolution or removal if the sign is altered in copy (except for changeable copy signs) or structure. A variance for the alteration of a non-conforming sign is requested.

**X. Staff Review**

Ms. Murray stated that this property is located on 3822 Milan Rd. and is almost the same situation as last application, adding an electronic sign to bottom portion the existing non-conforming free-standing sign. There were no staff comments or objections. The planning department recommends the approval of this application.

Mr. Kastor called for the applicant to defend their application. Jack with Universal Sign company was present along with Chris from GFS if he has questions as well. The property is located at 3818 Milan. The store is going to go through a remodel this year. As the remodel goes on it is going toward more retail oriented. The message center is going to help people understand the new services and products we will provide. It will help the customers know of the changes to the store.

Mr. Kastor asked if any member of the audience had a question for the applicant. He stated Gordon Food Service has been a well-established business in the Township and does a great job keeping their property up. Mr. Kastor noted that is it great to hear of the continued to invest in this location.

**XI. Close Public Hearing/Open Public Meeting**

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

Mr. Bixler motioned to close the public hearing. Mr. Bertsch seconded. Mr. Bixler, yes; Mr. Bertsch, Yes; Mr. Gast, Yes; Mr. Pitts, Yes; Mr. Kastor, Yes.

**XII. Discussion from Board**

Mr. Gast motioned to approve Application #BZA2021-11. Mr. Bertsch seconded. Roll Call: Mr. Gast, Yes; Mr. Bertsch, Yes; Mr. Bixler, Yes; Mr. Pitts, Yes; Mr. Kastor, Yes.

**XIII. Reading of the Request**

**APPLICATION #BA2021-13** A variance was requested by Dan Miller for a property located at 709 Walt Lake Trail (PPN 32-04157.000). The variance requested is to allow an addition to be located 4 feet from the side property line whereas Section 13.3 of the Perkins Township Zoning Resolution requires the minimum side yard setback to be 5 ft. on side 20 ft. total in a "R-1A/Single family Residential District. A variance of 1 foot is requested.

**XIV. Staff Review**

Ms. Murray stated the property is located at 709 walt lake trail and they would like to add an additional garage on the side yard, it would just be a variance of 1ft, they would have 4ft on the side yard where 5 is required. The side set back is still within what the zoning resolution calls for. No objections from and dept staff, building dept notes we need building plans. Staff recommends the approval of this application.

No calls or letters were received in regard to this.

Dan Miller asked if we had any questions, Mr. Kastor had no questions. If I make it 12 ft wide, it meets the requirements, but he would rather use 14ft. It can hardly be seen from the street. Mr. Kastor asked if the adjacent neighbors have been notified, Ms. Murray state they have been and there have been no calls or comments. Asked if they talked to their neighbor about any concerns. Mr. Miller state no he has not.

**XV. Close Public Hearing/Open Public Meeting**

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

Mr. Bixler motioned to close the public hearing. Mr. Gast seconded. Mr. Bixler, Yes; Mr. Gast, Yes, Mr. Bertsch, Yes; Mr. Pitts, Yes; Mr. Kastor, Yes. None Opposed.

**XVI. Discussion from Board**

Mr. Gast motioned to approve Application #BZA2021-13. Mr. Pitts seconded. Roll Call: Mr. Gast, Yes; Mr. Pitts, Yes; Mr. Bertsch, Yes; Mr. Bixler, Yes; Mr. Kastor, Yes.

**XVII. APPLICATION #BA2021-14** A conditional use permit was requested by A and R Tawil Properties for a property located at 6402 Milan Road (PPN 32-04002.000). The conditional use permit requested was for an indoor shooting range whereas Appendix E (A)(5) of the Perkins Township Zoning Resolution requires the acquisition of a conditional use permit for the use of the property as a indoor shooting range. A conditional use permit for an indoor shooting range in a "C-2"/General Commercial District is requested.

**XVIII. Staff Review**

Ms. Murray stated the property is located at 6402 Milan Rd. currently vacant. They would like to convert it to an indoor shooting range. The renderings in the end of your packet show the plans to add an addition onto the rear of the property and use this property in a way it is permitted in a C-2 District, with the conditional use permit. Located off Milan Rd, just south of Bogart Rd.

There were no objections from any staff/no comments. The planning department recommends the approval of this request, so long as the noise isn't heard from other properties surrounding areas, but this is an all indoor shooting range so it should not be a problem.

Mr. Kastor asked who was here in regard to this application.

James Schnogge- Owner of the rental community on 1500 E Bogart, which is very close to the proposed indoor range, where my concern is the noise. Whether that is what specifications or what regulations they'd adhere to, I have 88 residents that are within a stones throw, I mean you can hear someone burp from that distance. I'm just concerned with that type of facility, I believe it should be located more rural. This may have been rural years ago, but its not now.

Mr. Kastor asked if anyone is here from the applicant.

No one was present.

Normally when the applicant is not represented, we table it. We table the variance request, you have very fair questions, and we would ask the applicant what they'd do to address the noise concerns, and they aren't here to represent themselves. So, unless there

are any issues from any other board members, I'd like to entertain the motion to table this application until the applicant is available to address this in person.

**XIX. Discussion from Board**

Mr. Pitts motioned to table Application #BZA2021-14. Mr. Gast seconded. Roll Call: Mr. Pitts, Yes; Mr. Gast, Yes; Mr. Bertsch, Yes; Mr. Bixler, Yes; Yes; Mr. Kastor, Yes.

**XX. APPLICATION #BA2021-15** A conditional use permit was requested by Ian Atwood, Height Venture Architecture and Design on behalf of Panda Express Inc. for a property located at 5218 Milan Rd (PPN 32-01999.000 (at the time of notice)). The conditional use permit requested was for a drive-thru restaurant whereas Section 17.2 (4) of the Perkins Township Zoning Resolution requires the acquisition of a conditional use permit in a "C-2"/General Commercial District.

**XXI. APPLICATION #BA2021-16** A variance was requested by Ian Atwood, Height Venture Architecture and Design on behalf of Panda Express Inc. for a property located at 5218 Milan Road (PPN 32-01999.000 (at the time of the notice)). The variances requested were as followed: (1) A variance to Section 25.15(1) to allow less than 25% transparency along the façade facing the ROW. (2) A variance to Section 25.15(1)(f) to allow building construction of a flat roof for a building less than 2 stories tall. (3) A variance to Section 28.10 (3) to allow building signage of 162 square feet whereas 130 square feet is permitted. (4) A variance to Section 28.12 (4)(a) to allow a freestanding sign to be setback 20 from the ROW where 30 feet from the ROW is required. (5) A Variance to Appendix B for the sit-down restaurant parking requirements from 1 space to every 3 of seating capacity, maximum of 27 (110%) to 59 parking spaces. A variance of 32 parking spaces is requested.

**XXII. Staff Report**

Ms. Murray states the property is located at 5218 Milan Rd located next to the new Raising Canes, there is a slight change to the site plan, the most current site plan is in the back of the packet. It shows a little less parking it shows a variance of 23 parking spaces not 32 now they cut 9 out, at the request of the community development staff due to being a lot of parking. AT the time of notice this was one property, now it is split into two different parcel numbers.

Police said the parking lot seemed a little congested, other than that we just require building plans and permits to be pulled when the applicant is ready.

The Community Development Department recommends the approval of this application, noting the parking may be some what of a concern, but they did cut 9 spots out of the original site plan.

Eric England with Heigh Venture Architect representing Panda Express. I wanted to talk briefly about each variance that we were requesting. The one with the 25% transparency, I think the intent of the code was to provide openness to your building- wanting to see where you're going coming from the parking lot into the building. The dining room is really

boxed in by those two elevations, the one facing the street and the one facing the parking lot. The one facing the parking lot has the main front door, so most of the guest will be coming in the side of the building, so the entire dining room is really incased by windows. Were at 14% but were working towards that, which is why we're asking for the variance to get to 25%. The other half of the building is the work engine of the building, houses the drive- thru, so that's okay we can't really put windows in there. All the way down the drive thru lane is the cook line is, all the equipment, coolers & freezers, we don't want to put windows in there. This is why the front area is the dining room, which is wrapped in windows even though only 14% is in the façade facing the street. In regard to number 2 with the flat roof, our parapet is 5.5 ft tall on the short side of the roof, which flows to the drive thru side which is 6.5 ft. so all the RTUS, mechanical equipment, mega bare handlers, and exhaust fans are covered by those parapets, so you shouldn't see the equipment you're not going to see anything up there, it will be clean lines. The building signage were looking for an additional 32sq ft, its really because of the addition of that rear sign, that faces the shopping center, and this is the additional sign that puts us in the variance mode. We feel like that sign is important because guests are coming from both sides since we don't have direct access to Milan Rd, so we have to use signals on either side in order to get to our business, to give some indication they're going in the right direction. For the free-standing sign setback, 20 ft instead of 30ft, when the Cane's came in, they established a cross access across the front that put the allowed 30ft sign right in the middle of that cross access. They were able to push their parking row up a little to achieve the 30 ft, if we were not to ask for the variance, we would be some 60ft back on the north side of the driveway. So we would like to pull it forward out of the easements that are already there just on the south side of that access drive that would really again help us get access in and our of the site. Parking as mentioned we dropped it down by 9 spaces. With 70 seats, we feel that 50 are not too many, or being 'overly' parked. We do have the originals submittal that had 21% coverage, if the intent is to limit the amount of pavement and the runoff, we achieved the 20% coverage which is pretty good for storm water. With the revised plan were up to almost 30% so we've added more vegetation between the drive thru area and the drive lanes, were still at the 50 parking spots operationally that is a good number for us even though the building is 2300 sq ft with 70 seats, that actually works out with the amount of drive thru, takeout and delivery traffic and guests that are actually dining in.

Mr. Kastor asked is this a prototype store that they've build in other types of the country? Same footprint size, same materials? Yes. Has there been congestion in the parking spots? Most of the congestion comes thru the drive- thru when you don't have adequate stacking and they run 3 to 4 mins per order. When the store first opens its going to be nuts. We'll have some growing pains; customer traffic is a clear path of travel. I think I wouldn't anticipate a lot of traffic issues with cars.

### **XXIII. Close Public Hearing/Open Public Meeting**

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

Mr. Bertsch motioned to close the public hearing. Mr. Gast seconded. Mr. Bertsch; Yes, Mr. Gast; Yes, Mr. Bixler, Yes; Mr. Pitts, Yes; Mr. Kastor, Yes. None Opposed.

**XXIV. Discussion from Board**

Are we moving to approve both of these together? – Yes.

Mr. Bertsch motioned to approve Application #BZA2021-15-16. Mr. Bixler seconded. Roll Call: Mr. Bertsch; Yes, Mr. Bixler; Yes, Mr. Gast, Yes; Mr. Pitts, Yes; Mr. Kastor, Yes.

- XXV. APPLICATION #BA2021-17** A variance was requested by Peggy Reidy and Bill Olegniczak for a property located at 4311 Columbus Ave (PPN# 32-00411.000). The variance requested is to allow an awning/addition to be located 53 feet from the front yard property line whereas Section 25.20 of the Perkins Township Zoning Resolution requires a 60-foot front yard setback. A variance of 7 feet is requested.

**XXVI. Staff Review**

Ms. Murray states as noted this property is located at 4311 Columbus Ave, on the corner of Michigan and Columbus. They requested a front yard setback variance for a awning that is going to be placed into the front yard setback on the property. Currently is zoned as a R-1 B, was originally submitted by Koch aluminum and we found they were going to need a variance. There are building plans and an existing deck on the property.

There weren't any objections by staff or department. The planning department recommends the approval of this application.

Peggy Reidy – owner of 4311 Columbus Ave  
Bill Olegniczak – only going to come 2ft off the ridge line of our house.

**XXVII. Close Public Hearing/Open Public Meeting**

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

Mr. Gast motioned to close the public hearing. Pitts seconded. Mr. Gast; Yes, Mr. Pitts; Yes, Mr. Bertsch; Yes, Mr. Bixler, Yes; Mr. Kastor, Yes. None Opposed.

**XXVIII. Discussion from Board**

Mr. Gast motioned to approve Application #BZA2021-17. Mr. Bertsch seconded. Roll Call: Mr. Gast; Yes, Mr. Bertsch; Yes, Mr. Bixler; Yes, Mr. Pitts, Yes; Mr. Kastor, Yes.

**XXIX. Discussion from Board**

Mr. Kastor asks for the record to show that the applicant from **APPLICATION#BA2021-14 A and R Tawil Properties** Is present.

Motion to remove the table and proceed with the meeting and hearing – Mr. Gast Motions, Mr. Bertsch Seconds. Roll Call; Mr. Gast; Yes, Mr. Bertsch; Yes, Mr. Bixler; Yes, Mr. Pitts, Yes; Mr. Kastor, Yes.

Sworn in A and R Tawil Properties. Mrs. Gladwell re-read the application and Ms. Murray re-read the staff comments.

Alex Tawil – representing A and R Tawil Properties. Apologized for being late, he thought it was at 430. We've been shooters for a very long time, we opened up Towers Armory about 4 years ago, it's our passion something we enjoy. We have been talking about coming out here since day one as a second location, and we just never had the opportunity any earlier because of the cost. Now that our experience has built up where we were at and we feel really confident in coming here, and providing something for the community and the tourists.

Mr. Kastor- Concerns on noise? You're adjacent to a pretty good size residential community and is there a caliber limit on firearms? What can you do to keep the noise in the building?

Alex- It's the construction. It will be built a little different than what we have in Oregon, try to instead of just block wall, concrete poured. We're going to buffer it out and put in rubber to absorb the noise. Even where we were at right now, you're going to here (knocking on a door). Nothing like a regular gun shot, hoping to quiet it down even more. Concrete block, solid poured filled- roof is concrete. Metal is used to detect down. Concrete roof is used for extra precaution for break ins and everything else. Had a fire at the location in Oregon- was contained on the shooting range.

Kastor- Private or Public? age requirements? **Alex-** Public, no age requirements as long as you are capable to shoot and they come with a guardian, you're allowed to go on the range. Its safety of course, making sure they can hold a rifle. They do a lot of bachelor parties, birthday parties, business parties' stuff like that. We have a 3D stimulator that we shoot on.

Do you have neighbors in your existing facility? Yes right next door. Any issues? Never not once. Any Noise complaints? No never. What are your hours of operation? Open from 10 – 8 Mon – Sat 12-6 Sunday. How many people can you accommodate at a time? 24 different lanes with range officers on the lanes. Safety is number 1- What are your yardage ranges? Toledo is 130 here is 75ft because we are limited the property lines. Handguns/Rifles? Yes there will be handguns and rifles/ we shoot 50 BMG Barrett which is actually quieter than an AR 15 because it is suppressed. That's how safe it is, the backstop is designed to hold up to a 50bmg.

Mr. Schenogee- owner of property of stone's throw from your proposed facility. Do you have any proof that the way you are going to add on this by manufactured materials or engineered specifications or anything that can be used by the commission too to guarantee we won't hear the noises?

There is nothing out there, the only proof is what we have right now. And right now we are going above to what we have now, by adding more. We would stay in the allowed decimals.



Mr. Schenogee continued to state his concerns and Alex continuing explaining.

Mr. Kastor stated that we are a zoning board of appeals. This property is zoned as a C-2 general business, a shooting range does fall under the conditional use of a C-2 general business and if you/someone were that concerned about living next to a C-2 general business then perhaps you'd decide to live somewhere else. Also, within the guidelines of a C-2 general business there are noise requirements measured in decibels. So, if there are complaints, and the noise does exceed what is allowed in that district, it could result in revoking your conditional use permit, so there is some recourse here if the applicant does exceed those limits.

Mr. Murray re-read the staff report again.

**XXX. Close Public Hearing/Open Public Meeting**

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

Mr. Gast motioned to close the public hearing. Pitts seconded. Mr. Gast; Yes, Mr. Pitts; Yes, Mr. Bixler; Yes; Mr. Bertsch; Yes, Mr. Kastor, Yes. None Opposed.

**XXXI. Discussion from the Board**

Mr. Gast asked if he has submitted plans for review- asking if there was a section for the wall. In split face block. Concrete poured. Divider walls in the range will be 12 inches. Ceiling is precast 8 in then on top of that usually the roofing material is foam to taper water to a certain direct. Fire direction all one way? Yes, shooting towards the back, the noise doesn't come out the back, it comes through the sides.

Mr. Bertsch motioned to approve Application #BZA2021-14. Mr. Gast seconded. Roll Call: Mr. Bertsch; Yes, Mr. Gast; Yes, Mr. Bixler; Yes, Mr. Pitts, Yes; Mr. Kastor, Yes.

**XXXII. Old Business**

We have not set a date with the Ruta family to meet about the various issues there. The sign is replaced, and we are hoping to have a meeting with them next week.

**XXXIII. New Business**

Ms. Murray stated Meeting next month, already have a few applications. Copies of the Comprehensive Plans were given out.

**XXXIV. Adjournment**

Mr. Kastor asked for a motion for adjournment.

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