

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: May 17th, 2021

Time: 4:00 p.m.

Board Members Present: Mr. David Bertsch, Alternate
Mr. Michael Bixler
Mr. Gary Gast
Mr. Ted Kastor, Chairperson
Mr. Will Spence

Board Members Absent & Excused: Mr. Gast, Mr. Spence

Staff in Attendance: Ms. Angela Byington, Director
Ms. Melanie Murray, Planner/Zoning Inspector

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. Pitts, Here; Mr. Gast, Here; Mr. Bixler, Here; Mr. Bertsch, Here; Mr. Kastor, Present.

III. Minutes

Mr. Kastor asked for a motion to approve the minutes from the April 19th meeting.

Mr. Bixler made the motion and Mr. Pitts seconded. Ms. Byington said All in Favor say Aye. All said 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 request.

V. Reading of the Request

APPLICATION #BZA2021-08 A variance was requested by Tom Bouy of 5204 Hayes Ave. for a property located at 5897 Patten Tract. The variance requested is for a lot split of 200 feet of frontage and 2 acres in lot size, whereas Section 11.3 of the Perkins Township Zoning

Resolution 300 feet of frontage and 5 acres in lot size. A variance for lot size and required frontage in this "A"/Agricultural district is requested.

VI. Staff Review

Ms. Murray stated that this application is because Mr. Bouy wishes to build a single-family home on an agriculturally-zoned property. It is required to have 5 acres in lot size and 300 feet of frontage, whereas this property would have 2 acres in lot size and 200 feet of frontage. In total, this property is 151 acres large.

There were no department comments contrary to this variance request. Staff recommends the approval of this application.

The applicant, Mr. Bouy was sworn in by Ms. Byington. Mr. Bouy affirmed that he would like to perform the lot split to make a cleaner divide between his family's home and agricultural business. The variance is being requested because his family simply does not feel they need as much space of frontage and total lot size for just their home.

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

Mrs. Waldock 1 of 6308 Hayes Avenue inquired how far her neighboring property would be from the lot in question. Mr. Bouy said that their lot would be approximately 1,000 feet away from her lot.

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. Bixler seconded. Mr. Kastor said All in Favor say Aye. All said Aye. None Opposed.

VIII. Discussion from Board

Mr. Kastor said he does not have any issues with this.

Mr. Bixler noted that there is precedence from the board of zoning appeals for allowing a very similar lot split in the past.

Mr. Bertsch motioned to approve Application #BZA2021-08. Mr. Bixler seconded. Roll Call: Mr. Bertsch, Yes; Mr. Bixler, Yes; Mr. Pitts, Yes; Mr. Kastor, Yes.

IX. Reading of the Request

APPLICATION #BZA2021-09 A variance permit was requested by Adam's Signs on behalf of R.G. Nieto Company of 5500 Milan Rd. for the property located at 5200 Milan Rd (PP# 32-03494.003). The variance requested is for 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 signs with the zoning resolution, or removal of the sign if it is

altered in structure, except for changeable copy signs. A variance for the alteration of the non-conforming sign is requested.

X. Staff Review

Ms. Murray stated that this property is located on 5200 Milan Rd and that 5500 Milan Rd has an easement on that property on file to maintain the sign. Ms. Murray said that the applicant wishes to replace the top portion of the sign with an electronic sign and replace the cap on the non-conforming pylon sign. The pylon sign does not conform with the zoning resolution because it is too close to the Right of Way (ROW). We have 5500's easement on file. All parties were notified of this application. The planning department recommends the approval of this application.

Mr. Kastor called for the applicant to defend their application. As the applicant was not present, no one replied. Due to the lack of representation, Mr. Pitts motioned to table BZA2021-009 until representation is here. Mr. Bixler seconded. All board members said Aye.

XI. Reading of the Request

APPLICATION #BZA2021-10 Several variance permits were requested by Firelands Regional Medical Center of 1111 Hayes Ave for the property located at 2520 Columbus Ave. PP# 32-04321.000, 32-00692.000, 32-04317.000, 32-02766.022, 32-04320.000.

The first variance requested is for the addition of 3 monument signs on the property, whereas Section 28.15 allows only one per building.

The second variance requested is to locate two monument signs 10 feet and 3 feet from the required setback line on Columbus Avenue, whereas Section 28.15 requires signs to be located 30 feet from the ROW.

The third variance requested is to locate two monument signs 15 feet and 3 feet from the required setback on Perkins Avenue, whereas Section 28.15 requires signs to be located 35 feet from the ROW.

The fourth variance requested is for the total amount of freestanding monument signage as 198 square feet, whereas Section 28.15 only allows 175 square feet of signage for buildings over 20,000 square feet.

The fifth variance is for the total number of parking spaces at a total of 174 parking spaces, whereas Appendix B restricts the parking allowed to 110% of the required parking. A variance of 19 spaces is requested.

XII. Staff Review

Ms. Murray stated that this property is currently zoned as I-1 Light Industrial and that the development on this property is the new Firelands Regional Medical Center primary care facility.

There were no department comments contrary to these variance requests. Staff recommends the approval of this application.

The applicant, Ms. Lauren Stickland was sworn in by Ms. Byington. Ms. Stickland affirmed that the way the variance requests were described was completely accurate and asked for any questions from the board or the audience.

Mr. Kastor asked Ms. Stickland to elaborate on what would be displayed on the signs. Ms. Stickland said that although sign plans have not been entirely finalized, one sign would contain something that informed patients about which part of the facility to go to for certain services. The other sign would have the name of the facility and a tag-line on it. The parking variance is to create 19 spaces worth of space; however, there would not actually be 19 spaces incorporated. Instead, this extra space would be used to accommodate larger vehicles.

Mr. Kastor asked the audience if anyone wanted to speak about this application. No one replied.

XIII. 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. Bixler seconded. Mr. Kastor said All in Favor say Aye. All said Aye. None Opposed.

XIV. Discussion from Board

Mr. Kastor noted that he has a conflict of interest to this application, as he is a member of the Hospital Board. As such, Mr. Kastor abstained from any further motions or votes for this application.

Mr. Bertsch motioned to approve Application #BZA2021-10. Mr. Bixler seconded. Roll Call: Mr. Bertsch, Yes; Mr. Bixler, Yes; Mr. Pitts, Yes.

XV. Reading of the Request

APPLICATION #BZA2021-11 Consideration of the revocation of a conditional use permit for 5918 Milan Rd., which permitted outdoor display or storage of goods and merchandise. This property has been found in non-compliance with the Zoning Resolution and its conditional use permit regarding the location of its U-Haul vehicles. Revocation of a conditional use permit is authorized under Section 4.9 of the Perkins Township Zoning Resolution. The owner of the property did not request a hearing at the time of the staff report.

XVI. Staff Review

Ms. Murray asked the board to please review the photos and email logs related to this revocation provided to them in their meeting binders. Staff recommends either a

revocation of this conditional use permit or a modification to the existing permit that limits the number of vehicles displayed on the front of the property, as well as the number of signs that can be put up on the property's fences.

Mr. Kastor asked for the audience's input. Representing the owner of this parcel, Mike Ruta, Pete McGory replied. Mr. McGory stated that he thinks this situation has gotten to this point because of miscommunication/a total lack of communication on the part of the owner and his legal team with the Township.

Mr. McGory claimed that he nor Mr. Ruta recall hearing any conditions pertaining to the placement of vehicles at the original zoning variance hearing. He admits that such conditions very well could have been stated and neither of them heard it.

McGory stated that Ms. Murray met with them on-site earlier that day to show them where the state's ownership of Rt. 250 ended and how far back their U-Hauls must be from that line. Mr. McGory repeatedly pleaded and re-iterated to the zoning board of appeals that this situation has been straightened-out and that there will be no further compliance issues.

As he continued to plead his client's case, he doubled back to the correspondence he had with the Township regarding this matter. Mr. McGory stated that the email images Ms. Murray sent him did not mark the end of the State's Right of Way clearly enough.

Mr. Kastor asked Ms. Murray if this explanation was accurate from her perspective. Ms. Murray said that she believes that everyone now understands the situation. However, she highlighted the potential problem of a vehicle overflow on the front of the property. Ms. Murray also stated that this condition of being behind a defined setback line was in the permit that Mr. Ruta applied for.

Mr. Kastor amplified Ms. Murray's concerns about the overflow of U-Hauls in that parking lot. Mr. Kastor also stated that if the images the Township had access to were not clear enough for the applicant that they could have hired a surveyor.

Mr. McGory stated that this is true but he believes the planning department should be able to tell them where that line was.

Mr. Kastor asked if anyone from the audience would like to comment on this variance request. No one replied.

Mr. Kastor asked the board if they had any questions. Mr. Bertsch asked "On average, how many vehicles are in the lot?" Mr. McGory stated "With all due respect, I'm not sure that the number of vehicles in the lot was part of the original variance grant." He then stated that inventory levels vary every day and that they keep 3-4 of each size U-Haul on the property at any given time.

Mr. Ruta stated that up until the day of this hearing, he struggled to get someone from the Township to show him where the setback line was. He stated that he wants to obey zoning regulations and that he has every intent to do so moving forward into the future. It was simply because of his lack of knowledge of where that setback line was that he was not in compliance.

Mr. McGory reaffirmed what Mr. Ruta stated and assured the board that future compliance would not be an issue.

Mr. Kastor stated that a total revocation of a permit would be the “last straw” for Mr. Ruta at this property. He instead suggested that the planning department meet with Mr. Ruta and his legal representation to outline additional conditions on the permit for the number of vehicles displayed in the front parking lot as well as how many U-Haul signs can be displayed on the property.

Mr. Bertsch added that this would be a good opportunity to improve the image of the property from an “eyesore” to something more presentable.

Ms. Byington advised that the additional conditions placed on the permit must be brought before the zoning board so that the conditional use permit may be officially updated.

The board and the applicant both acknowledged that no further motions were needed and that staff would contact the applicant with meeting details.

XVII. 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. Bixler seconded. Mr. Kastor said All in Favor say Aye. All said Aye. None Opposed.

XVIII. Discussion from Board

None

XIX. Old Business

None

XX. New Business

None

XXI. Adjournment

Mr. Kastor asked for a motion for adjournment.

Mr. Bertsch made the motion and Mr. Gast seconded. Mr. Kastor said All in Favor say Aye. All said Aye. None Opposed.