

## 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: October 18, 2021

Time: 4:00 p.m.

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

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

Staff in Attendance: Mrs. Arielle Blanca, Planner/Zoning Inspector  
Mrs. Jessica Gladwell, Administrative Assistant

### I. Pledge of Allegiance

Mr. Ted 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.

Mr. Kastor, here; Mr. Pitts, Here; Mr. Bertsch, Here; Mr. Bixler, here.

### III. Minutes

Mr. Kastor asked for a motion to approve the minutes from the August 16, 2021, meeting.

Mr. Pitts made the motion and Mr. Bixler seconded.

**Roll Call:** Mr. Pitts, Yes; Mr. Bixler, Yes; Mr. Bertsch, Yes; Mr. Kastor, Yes.

### 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.

Mrs. Gladwell Swore in everyone that signed in.

## V. Reading of the Request

**APPLICATION #BA2021-27** Three variance permit requests filed by Cheryl Glass-Schell on behalf of Strub Road LLC for a property located at 1005 E. Strub Road. (PP #32-03356.004). The first variance request is to allow for parking on a stone lot in the rear of the building through June 2022 whereas Article 27.2 (5) of the Zoning Resolution requires parking areas shall be hard surfaced with hard asphalt, concrete binder, or semi-pervious pavement. The second variance request is to allow for the front driveway aisle to be 23 feet 4.5 inches whereas Appendix C of the Zoning Resolution requires driveway aisles be 25 feet. The third variance request is to allow for the front parking lot space widths to remain as existing with three spaces being under the required 9 feet width whereas Appendix C of the Zoning Resolution requires parking spaces with a 90-degree angle to have a width of 9 feet.

### Staff Review

Mrs. Blanca stated that this application is located at 1005 E Strub Rd. Cheryl Glass-Schell submitted an application on behalf of Strub Road LLC. The current zoning is "C-2" General Commercial District. The proposed development is for Coastal Swing. Requested variances: The applicant seeks relief from Article 27.2(5) of the Zoning Resolution which states, "areas shall be hard-surfaced with hard asphalt, concrete binder or semi-pervious pavement" and from Appendix C which requires driveway aisles be 25 feet and requires parking spaces with a 90-degree angle to have a width of 9 feet.

Applicant is seeking 3 variances:

**1.** relief from Article 27.2(5) : to utilize a 17-space stone parking lot versus a required paved parking lot. The lot is behind the building and is requested to be utilized from October 2021 through June 2022. After that time, the lot would be paved.

- Relief from Appendix C for the existing front parking lot as follows:

**2.** permit a driveway aisle to be 23'-4 ½", whereas the zoning resolution requires 25 feet (variance of 1'-7 ½") and

**3.** to permit two parking spaces with 90-degree angles to have widths below the required 9 feet with one measuring 8'-11" and the other 8'-10- ½".

The nonconforming dimensions of the lot were recognized during site plan review for the change of use. The applicant recently had the lot restriped as normal maintenance and was unaware of the deficiencies.

- There are three alternatives the applicant must avoid the stone parking lot variance:
  1. *Paving the parking lot now.*
    - The applicant has stated that due to COVID the cost is a hardship.

2. *Share parking with a neighboring business.*

- The owner has received permission to use shared parking with Chet and Matt's Pizza, however the agreement will expire at the end of October.

3. *Based on the existing 22 parking spaces, the applicant could eliminate 18 seats within the business, to conform with the required parking.*

- The applicant has not commented on this option.
- Since the applicant has not commented on the third alternative, staff is unable to recommend approval of this variance.

The Department of Community Development supports the requested variance for the front parking lot driveway aisle as well as the front parking space widths. Staff believes these two variances are minimal and will not have a negative effect on the parking situation at the property. Additionally, the applicant did state that they have a hardship because the parking lot is located between the sidewalk which provides ADA access to the building and the gas meter, therefore physical barriers exist to expanding the lot.

**Dan Halley – Co Owner of coastal Swing.** Long story is we need a parking lot to pay for our parking lot. Which Greg has mentioned a number of times. Through the extensive build out project, of this business (which we are really excited to bring into Perkins Township) the run-up time and cost of materials that we've needed as many of you probably know have skyrocketed to the point that we just bought 500 golf balls from Canada. We had to sort through those today, it's just been very unique. In conjunction with that the cost of materials for our contractor who installed the stone lot for example, he's up there and we have priced out a couple of different options and quite frankly it's not feasible for us right now. Our projection from the very beginning we were talking through the build out and everything like that, sure it probably would have been fine until the costs and everything really skyrocketing the past few months. So, our request is to utilize the stone lot the way that it is now and same dimensions that it would be paved at least for our opening/first season into winter and the early spring hopefully getting done before then end June 2022. As far as Chett and Matts goes I've had many conversations with Chett, we have a good relationship; however, with the number of staff he has and the number of patrons he has that come into his business. Their busy time are weekends, our busy time is going to be weekends, right next door to each other. He doesn't feel as comfortable moving forward that were going to be able to utilize a lot his space while still allowing him to utilize that space for his own staff and guest everyone else included. To Arielle's point to remove seats from our building, quite frankly that really defeats the whole purpose because the less parking we have the less people are coming in, and the less revenue the company will be generating which can prolong the completion of the parking lot. So those

17 spots in the back, at least for the time being upon opening would be a massive benefit for us. Quite frankly we need them by code to accommodate the number of seats that we plan on having at the new establishment.

**Mr. Bixler** asked if he will be keeping the Catawba Island location open.

**Mr. Halley** stated yes, this will be the second location.

**Mr. Bixler** stated that it is kind of just in a plaza, so you just have a few spots there.

**Mr. Halley** stated it's a shared lot all together since it is a plaza.

**Mr. Pitts** asked what are the plans, you're going to be able to seat how many people?

**Mr. Halley** stated he based on our site plan; I think it's 49. We've altered the interior layout several times in conjunction with what's required on the parking side. The simulators require 4, which is 16 then every individual 3 seats require a parking space and then for every 3 employees one as well. So, looking at our floor plan, the number of seats were having at the bar, high tops and simulators 49 is the number and were going to need spots in the back to accommodate that.

**Mr. Bertsch** asked don't asphalt plants typically shut down around Thanksgiving. So, if you're required to put asphalt back there, what are even the odds that you'd be able to get it done before the plants shut down this fall.

**Mr. Halley** state probably not great unless we really really really try to push. But like Greg said we've gotten quotes back from people and it's just not feasible, or where it was a year ago. Fall is the absolute pinnacle cost to get asphalt work done, to the point of the guy who did our stone lot, he said he could do concrete for almost the same price. That is where it was left with us, in addition to that we had to nail him down hard to just do the work he did. Thankfully he is a mutual friend and got it done for a favor for us.

**Mr. Bertsch** asked if there has been and precedence of situations like this where people need asphalt laid but can't get it done before the plants close.

**Mrs. Blanca** stated she has not been aware of any that we have granted in the past.

**Mr. Kastor** stated there has been a few times where we have granted an extension to lay asphalt.

**Mrs. Blanca** stated that there are no comments and there were no staff comments, fire department has no issues with it, and other departments didn't respond. We did not receive any comments from neighboring properties. The only thing we did receive was the letter from Chett and Matts that stated their parking agreement would end October 30<sup>th</sup>.

**Mr. Pitts** asked when the start time would be for the business/when are you going to open.

**Mr. Halley** stated they're shooting for October 30<sup>th</sup> for an open house date for the general public then fully open by that Thursday or Friday.

Mr. Bertsch asked how long they've been renovating inside.

**Mr. Kanis** stated May 8<sup>th</sup> – it was a big undertaking.

**Mr. Kastor** asked if they are okay as far as signage, asked if they were familiar with our zoning regs, so everything is going to conform.

**Mr. Halley** stated those are being installed this Friday, both companies are working with the Township for size and compliance.

#### **VI. 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. Bertsch, Yes; Mr. Bixler, Yes; Mr. Pitts, Yes; Mr. Kastor, Yes.

#### **VII. Discussion from Board**

Mr. Kastor stated he is familiar with the project, he's talked with Mr. Halley as a small business owner, he has a venture in Catawba as well. When trying to get this completed with minimal amount of funds and so I have some sympathy for him. I think Mr. Halley has learned a few things within the process, in Perkins Township we have a certified building department, and you must have stamped plans, which he has been in review with Mr. Poulos. Just a couple of guys putting a business together, that can be daunting, and I have some sympathy but at the same time I certainly understand the recommendation of the board. For us to ignore the paving requirement does set a precedent. I mean certainly if a national retailer came in front of us and said were not paving or would you give us relief on paving, I don't think we would do that, but in the case were talking a couple inches on the stalls, and the isle width. So were talking about delaying the paving on the stone area in the back. I like to think we take a pro-business approach when someone tries to invest our township.

Mr. Bertsch stated if we were to put a stipulation on the approval, Mr. Halley stated he wanted it done by June 2022 what leverage do we have to make that happen, or what happens if it doesn't get paved. He stated he's always worried about setting a precedent. What we do for one we should do for the other. So I guess you gentleman seem legitamte and have great intentions, you've put a lot of money and time into this, and we certainly want that, to get you guys open. On the other hand, I would want some confidence that you're going to get that paved.

**Mrs. Blanca** stated that we could make that a condition, and if they don't get it done by then we would take away their variance and take away their occupancy for the building. They must meet a certain parking amount to have the occupancy they'd like, so we would just have to limit their occupancy.

**Mr. Bertsch** asked if that would come back in front of the appeals board if it came down to that.

**Mrs. Blanca** stated she wasn't sure, but the occupancy would be approved by the building official. So, we would have to get him involved and have him limit the C of O.

**Mr. Kastor** stated by then Mr. Poulos would just take over.

**Mr. Halley** stated at the end of the day we want it to be done before June. We don't want gravel back there.

**Mr. Bertsch** stated that I understand you're this close to getting the business open and beginning to make money, and we appreciate that. So, I would be open to maintaining the stipulation of that getting done by the end of June 2022.

**Mr. Bixler** stated he's willing to make that adjustment also, he thinks we should encourage this business, he thinks it's a good thing for the Township.

Mr. Bertsch motioned to approve Application #BA2021-27 with the stipulation that the paving is done by June 30, 2022. Mr. Bixler seconded. Mr. Bertsch, yes; Mr. Bixler, Yes; Mr. Pitts, Yes; Mr. Kastor, Yes.

#### **VIII. Old Business**

Asked if the new carwash was still coming next to Culvers. We stated that the plans were approved, along with Panda Express.

#### **IX. New Business**

Board talked about the new apartments from Cafaro & new mall tenets. The board asked what was going on with the U Haul business with Ruta.

#### **X. Adjournment**

Mr. Kastor asked for a motion for adjournment.

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