

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 16, 2022

Time: 4:00 p.m.

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

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

Staff in Attendance: Mrs. Arielle Blanca, Planning
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. Gast, here; Mr. Bixler, here;

III. Minutes

Mr. Kastor asked for a motion to approve the minutes from the March 21, 2022, meeting.

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

Roll Call: Mr. Gast, Yes; Mr. Pitts, Yes; Mr. Bixler, 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 #BA2022-07 and #BA2022-08 A variance and conditional use permit request filed by Fox Architectural Design, LLC. on behalf of WW Hayes Muffler LLC for the property located at 2806 Milan Road (PPN: 32-03695.000) and Sandusky 250-Perkins LLC. For the property located at 904 Perkins Avenue (PPN: 32-03120.000). The variance request is to allow for a setback of 28 feet off Milan Road whereas Section 17.2(4)(a) of the Zoning Resolution requires a setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street. The Conditional Use Permit is for a drive-in/thru businesses as Section 17.2(4) of the Zoning Resolution requires Conditional Use Permits for properties zoned "C-2"/General Commercial District in order to conduct any business of a drive-in/thru nature.

Joshua Fox- Fox Architectural 3105 Huron Avery road. We are in the process of designing the building for this property that everyone so knowingly knows as the muffler shop at the corner of 250. We are trying to improve this property as much as we can, building has been sitting vacant for a number of years now and we have a client currently in hand. Starbucks is the intended building tenant. The plans we have provided you guys for this meeting have been approved by Starbucks Corporate. They are adamant about the parking spots, and they are adamant about the parking spaces for the drive thru. We are providing 27 spaces of drive-thru stacking to allow for them to stack off the street, unlike the one on 250 south of us here, it gets backed up really bad. A lot of issues with parking and traffic and things like that. We have come up with the idea with the triangular space, it is very difficult to put a building there, so we came up with a drive-thru only it's not a walk-in sit down, just 1,000 sq ft building that handles the drive-thru components. There is a potential of a walk-up window if someone wanted to park out there and walk up to get their drink to go. With the setbacks of where they are at we are trying to utilize the space as much as possible, we have parking spaces that we want to keep. We are trying to tuck it up into the corner as much as possible to use as much dead space as possible.

Ted- So the site plan – 27 parking spots in the drive- thru.

Josh – Yeah, we are stacking up 27 cars, it is a dual lane. If you look at Chic-fil a or Raising Cane's they are all going to the dual lanes now.

Ted - So, when they merge to go to a single lane into the drive-thru how does that work.

Joshua - Just like Chic-Fil A or any other on the south side, they come up they have a timing one car orders and goes then the other.

Ted- I know this is a challenging site, on the corner with limited setbacks.

Josh- Yes, we have tried multiple things over the years, I think since we got it to a drive-thru only. I think that reduces the size of the building and obstacle with the corner and you can see its smaller than the existing muffler shop that is there. We are trying to get it out as far as possible to use that space.

VI. Staff Review

As Jessica stated this is an application for a conditional use permit and a right of way setback variance. The application was submitted by Fox Architectural Design LLC on behalf of WW Hayes Muffler LLC. Current zoning is "C-1"/Local Commercial District. They have applied for a zone map amendment to change zoning to "C-2"/General Commercial District. Proposed Development: Starbucks Drive-thru. A Conditional Use Permit is required by the Zoning Resolution for properties zoned "C-2"/General Commercial District to conduct a drive-thru. The variance requested is to allow a setback of 28 feet from the right-of-way on the west side of the property, whereas section 17.2(4)(a) of the Perkins Township Zoning Resolution requires a setback of 60 feet. It is noted that the properties in question are located on the South side of Perkins Avenue and the east side of Milan Road. The subject properties are surrounded by commercial uses on all four sides. A large portion of the property located at 904 Perkins Avenue is zoned "C-2"/General Commercial District, however, a small portion of the parking lot is zoned "C-1"/Local Commercial District. The subject property is made up of two parcels, one full parcel and a small section to the north of the second parcel, totally approximately .56 acres. The lot will consist of one 1,000 sq. ft. drive-thru building, two parking lanes allowing the stacking of 27 cars, as well as 28 parking spaces. As noted above, the applicant is seeking a variance to allow a setback of 28 feet from the right-of-way on the west side of the property, whereas section 17.2(4)(a) of the Perkins Township Zoning Resolution requires a setback of 60 feet, although the plan that was submitted shows an 80' setback requirement. It should also be noted that the proposed building appears to be wholly on the smallest parcel at the corner and that the intent is to share the existing parking, south of the building which is not owned by Starbucks. Starbucks will be leasing the building. Additionally, Article 17 of the Zoning Resolution outlines the requirements for conditional uses in a Commercial District. Section 17.2(4), any business of a drive-in/thru nature shall be classified as a conditionally permitted use in the "C-2" / General Commercial District. The location of the proposed building, compared to the existing structure will be closer to SR 250 by approximately 10 ft., however, will be located further away from the intersection and Perkins Avenue. This application has been reviewed from the perspective of the Zoning Resolution's standards as noted above. In this regard, it is noted that planning staff recommends the application for a conditional use permit be approved since the new drive-thru will meet all drive-thru conditional use regulations listed in the Zoning Resolution, except for the requested setback variance of 28 feet from Route 250 which is being recommended for approval. **Staff recommends approval with the condition that if the proposed structure extends onto the separate southern parcel the lots must be combined prior to issuance of a building permit.** The Department of Community Development is supportive of the variance application since the variance would allow for a new commercial structure to replace an existing deteriorating structure on a commercial lot

in the township. Additionally, staff is of the opinion that because of the nature of the lot, it would be nearly impossible to build a new building on this lot without needing a variance.

Joshua- I just wanted to mention one other thing, we did get the approval through ODOT. ODOT has seen this exact plan that we have here, and they are in approval for it as long as we do not change any of the in or out lanes for 250 or Perkins Ave.

VII. 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. Mr. Bixler seconded. Mr. Gast, Yes; Mr. Bixler, Yes; Mr. Pitts, Yes; Mr. Kastor, Yes.

VIII. Discussion from Board

Mr. Kastor stated he would entertain a motion or approve or deny the request.

Mr. Gast motioned to approve Application #BA2022-07 and BA2022-08 Mr. Bixler seconded. Mr. Gast, yes; Mr. Bixler, yes; Mr. Pitts, yes; Mr. Kastor, yes.

IX. Reading of the Request

APPLICATION #BA2022-04 and #BA2022-05

A variance and conditional use permit request filed by Mad River Harley-Davidson on behalf of Erie Shore Property Holdings, LLC for property located at 5316 Milan Rd. (PP #32-03494.011). The variance request is to allow temporary signage for the ten (10) day Ohio Bike Week event whereas Section 28.13(2)(b) of the Zoning Resolution limits the size of temporary signs to 32 square feet in a nonresidential area. The Conditional Use Permit is for outdoor entertainment and business as Section 17.2(4) and 17.2(5) of the Zoning Resolution requires Conditional Use Permits for properties zoned "C-2"/General Commercial District in order to conduct outdoor entertainment and business.

X. Staff Review

Mad River Harley-Davidson has submitted an application on behalf of Erie Shore Holdings, LLC. Current Zoning is "C-2"/General Commercial District. Proposed Development: Ohio Bike Week, During May 27 – June 5, 2022, at Mad River Harley-Davidson. A Conditional Use Permit is required by the Zoning Resolution for outdoor business activities. The variance requested is to allow special event signage. It is noted that the subject property is located along the east side of Milan Road north of State Route 2. The property has an approximate frontage of 245 feet on Milan Road and the area is approximately 2.30 Acres. Vehicular access to the site is provided by multiple driveway connections to Milan Rd. Land use north, south, east, and west of the property is commercial in nature. The applicant seeks the approval of a Conditional Use Permit for outdoor business activities associated with Ohio Bike Week. The applicant is requesting a variance to erect temporary signage during the Ohio Bike Week special event. The Zoning Resolution's current sign regulations do not allow the number and size of the proposed signs. The temporary signage will consist of multiple. This application has been reviewed from the perspective of the Zoning Resolution's standards

related to special events. This request has also been reviewed by Township Departments and found to be acceptable. The Department of Community Development supports this Conditional Use Permit because it is temporary in nature and safety precautions will be taken as the event operator will be working closely with the township Fire and Police Departments. The Department of Community Development supports this variance as it is temporary in nature and will not adversely affect surrounding properties.

Jessica Benford 3516 Hettle Rd Monroeville. I am an event manager for Mad River Harley Davidson. They layout is pretty much the same as in the past, we have been working closely with our neighbors and secured the space with the plaza already and we are not going to have any big national acts this year. It will be very low key entertainment during the day and early evening, mainly the space will be our vendor space and then the space behind the dealership will be vendor storage and things like that. Actually, even though the space is almost the same size, it is a smaller scale when it comes to music and entertainment, mostly vendors will be on the lot.

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. Pitts seconded. Mr. Bixler, Yes; Mr. Pitts, Yes; Mr. Gast, Yes; Mr. Kastor, Yes.

XII. Discussion from Board

Mr. Kastor stated he would entertain a motion or approve or deny the request.

Mr. Bixler motioned to approve Application #BA2022-04 and BA2022-05 Mr. Pitts seconded. Mr. Bixler, yes; Mr. Pitts, yes; Mr. Gast, yes; Mr. Kastor, yes.

XIII. Reading of the Request

APPLICATION #BA2022-06

A variance was requested by Samuel L. Grieve on behalf of Jeremy A. Brown for a property located at 2809 W. Bogart Road (32-02433.000). The variance requested is to allow a side yard setback of 12 feet on the west side of the property and 20 feet on the right side of the property whereas Section 11.3 of the Zoning Resolution requires a side yard setback of 25 feet in the Agricultural District.

XIV. Staff Review

Samuel L. Grieve has submitted an application on behalf of Jeremy A. Brown. Current Zoning is "A"/Agricultural District. Proposed Development: Residential Dwelling. The variance requested is to allow a side yard setback of 12 feet on the west side of the property and 20 feet on the east side of the property, whereas section 11.3 of the Perkins Township Zoning Resolution requires a side yard setback of 25 feet. It is noted that the

subject property is located along the north side of W. Bogart Road. The subject property is zoned "A"/Agricultural District and all surrounding properties are currently zoned "A"/Agricultural District or "R-1"/Single-Family Residential District. As previously noted in this report, the subject property is zoned "A"/Agricultural District by the Township's Zoning Map and Zoning Resolution. The applicant is seeking a variance to allow a side yard setback of 12 feet on the west side of the property and 20 feet on the east side of the property, whereas section 11.3 of the Perkins Township Zoning Resolution requires a side yard setback of 25 feet. This would allow the applicant to meet the "R-1"/Single-Family Residential Zoning development standards like the surrounding neighboring properties. The variance requested has been reviewed from the perspective of the Zoning Resolution's standards as noted above in this report. In this regard, staff notes there are no major concerns identified that the Board should address when reviewing this application. The Department of Community Development is supportive of this application since the side yard setbacks would allow the applicant to meet the "R-1"/Single-Family Residential Zoning development standards for setbacks like the surrounding neighboring properties.

Sam Grieve- This is my wife Lynn Greive 9326 E Bayshore Blvd. We are looking to build a residential house, around 2,000 square feet. We are asking for a variance for the 18ft instead of the of the 50 ft side yard and 32 ft side yard. We want 20ft on one side and 12ft on the other. It would cause a hardship on our family; we would only be able to put a 40ft house on it.

Helen Marketti 2805 Bogart Rd – I will be your neighbor, the brick house next door. I just wanted to double check as I have a chain length fence on both sides of my house, and I just wanted to make sure that he will be 20ft away from my fence.

Arielle – If the fence is on the property line, can maintain there is no issues there if you had a permit and it was approved. If you are on the east side, then yes, he was asking for 20ft on the east side of the property.

XV. 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. Mr. Bixler seconded. Mr. Gast, yes; Mr. Bixler, Yes; Mr. Pitts, Yes; Mr. Kastor, Yes.

XVI. Discussion from Board

Mr. Kastor stated he would entertain a motion or approve or deny the request.

Mr. Gast motioned to approve Application #BA2022-06 Mr. Pitts seconded. Mr. Gast, yes; Mr. Pitts, yes; Mr. Bixler, yes; Mr. Kastor, yes.

XVII. Old Business

Mr. Kastor stated that during old business, if there is anything that you would like to address to this board regarding zoning variances, now is the time to do that.

Laurie Harris - This is my husband, Christopher Harris; we live on Beatty Lane. So, for the past few years we have had some changes in our lane neighborhood which consists of 5 homes. We have had the Tru Hotel that was built. That was approved by the Township Zoning for a parking lot, we were against that but unfortunately that fell short. Now we hear that Mr. Carl Ruta who owns Best Budget Inn needs a driveway onto Beatty Lane also, which we are totally against. This is something that is a conditional use permit for the U-Hauls I believe, on top of re-zoning for the long term stay that has caused lots of problems for us personally with the type of clientele that comes there to stay. There is just another thing that we have to deal with, with another lane when Mr. Longer already has a lane well exit or entrance that was already there along with a drive next to our home. Now he wants to squeeze in a drive for his U-Hauls onto our lane. You know this lane connects to Perkins Townships Cemetery you know we kind of feel like we are the keepers there since Mr. Ruta has allowed illegal drug activity to go on, we have had to call the police. We have had people staying there use our address's. That was a huge mistake letting that happen, I don't know if you guys are personally friends with Mr. Ruta. I worked for him when I was very young, we all know he just does what he wants to do and basically, we are very tired of it, and if my husband and I were debating to put our home up for sale, because for 1. The police are always there, I have dropped off reports from when it started. We live here this is our home, this is our biggest investment you know. I shouldn't have to worry about my kids being in the front yard being harassed by some drunk, druggie which had happened on new year's eve. He was arrested he was homeless and came from the hotel over to our property. So, now we must deal with this not only do I have to watch people walk around out my front window and deal with baseball things going on in the parking lot next to our home, now he lets his U Hauls run all night long. I have been misinformed by Perkins Township, starting with Paul Ricci with this Tru Hotel. I have about 200 emails, I am up to here. Seriously, we totally feel like we are being pushed out, I can tell you that we have been disrespected. Mr. Coleman and Mr. Ferrell kind of laughed at us and said well they can do what they want to do when they were putting their parking lot next to our home. I get that Mr. Longer owned it, its zoned "R-1" but the fact is that we were not properly notified and that is why Megan Shurland was fired from this department. I know that Melanie is not longer here along with Mr. Ricci but after we made the complaint. It's just funny to me that this huge parking lot had to be done before the building was even constructed. So basically, enough is enough, we pay our taxes, and I don't even have a speeding ticket. We love our community, but what Mr. Ruta is doing is not enhancing our small little neighborhood. Ruta also owns the two other hotels across the street, those look fine. Why do we get the ghetto ass hotel that has all the issues, it's not fair. I am completely tired of it; we don't even know if we can sell our home because of this and the Tru Hotel.

Mr. Kastor – Have you ever talked to Mr. Ruta

Sandra Fillmore – We live on Beatty Lane- Yes, it is pointless. He said maybe we shouldn't have moved behind a hotel.

Mr. Kastor stated that this is a board of appeals, we did grant a conditional use for the U Hauls. I will tell you he kind of took advantage of us.

Mrs. Fillmore – yeah, we were told that he couldn't have them parked 10 ft near my fence, I am right behind the hotel. He has got them right up against the fence then I find out that's where we put the U Hauls – then I find out we were lied to because it was supposed to be all vehicles. All vehicles weren't allowed to be up against the fence. They climb on the vehicles and come over to our yard over the fence, they were hiding in our trees, the druggies. My grandkids can not play in the backyard anymore because we don't know what is there or what we will find.

Mr. Kastor stated we are the zoning board of appeals

Mrs. Harris stated so that would be the zoning commission

Mr. Kastor stated no they are sperate, the zoning commission deals with re-zoning and zoning of properties. We deal with any variance request regarding the zoning. So, our involvement with your situation regarding the conditional use, it was a variance for the U-Hauls. I will tell you we have had trouble regulating that, where we were going to pull the conditional use permit then worked out some last-minute agreement where he can park his U-Hauls trailer and vehicles. I'm very sympathetic to your concerns, you are residents, it doesn't sound like you have been treated fair. I would think if I were involved, I would make him put up some buffering between your fence and his.

Discussion continued between Mrs. Harris, Mrs. Filmore and the board regarding Mr. Ruta and Best Budget Inn.

XVIII. New Business

No applicants for next month, as of now unless Ruta applies.

XIX. Adjournment

Mr. Kastor asked for a motion for adjournment.

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