

## 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: July 18, 2022

Time: 4:00 p.m.

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

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

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. Bertsch, here; Mr. Bixler, here;

### III. Minutes

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

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

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

### IV. Minutes

Mr. Kastor asked for a motion to approve the minutes from the July 5th, 2022, meeting.

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

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

### V. 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.

**VI. Reading of the Request**

**APPLICATION #BZA2022-17**

A variance request filed by Eric Kmetz of Ohio Patient, on behalf of 250 Bogart Corner, Ltd. for the property located at 430 Bogart Road (PPN: 32-03645.000), 1309 Bogart Road (PPN: 32-03649.000) and 6019 Milan Rd (PPN: 32-03793.0 00). The requested variance is to permit a lot combination which will result in a lot area of 0.8 acres, whereas Section 17.3 of the Zoning Resolution requires a min lot area of 1 acre.

**APPLICATION #BZA#2022-18**

A variance request filed by Eric Kmetz of Ohio Patient Access, on behalf of 250 Bogart Corner, Ltd. for the property located at 430 Bogart Road (PPN: 32-03645.000), 1309 Bogart Road (PPN: 32-03649.000) and 6019 Milan Road (PPN: 32-03793.000). The requested variance is to allow new construction with a proposed setback of fifty (50) feet off of U.S Rte. 250 whereas Section 17.3 of the Zoning Resolution requires sixty (60) feet.

Mrs. Gladwell Swore in everyone that signed in.

**VII. Staff Review**

As Jessica stated this is an application submitted Eric Kmetz has applied on behalf of 250 Bogart Corner Ltd. for the property located on 6019 Milan Road (PPN 32-03793.000). Current Zoning: "C-2" / General Commercial District. The proposed Development: Medical Marijuana Dispensary. The first variance is to permit a lot combination which will result in a lot area of 0.8 acres, whereas Section 17.3 of the Zoning Resolution requires a minimum lot area of 1 acre. The second variance is to allow a front yard setback of 50 feet off Route 250, whereas Section 17.3 of the Zoning Resolution requires a 60-foot setback. The applicant received a conditional use permit for this property at the last Board of Zoning Appeals meeting on July 5<sup>th</sup>.

The Department of Community Development staff recommends approval for this application since the first variance would allow three separate smaller lots to be combined into one larger one and the second variance will allow a new business on an irregular shaped lot a in a commercial district.

Eric stated he didn't have anything to add, appreciates all the flexibility lately. Both variances are needed to get the right size building.

Mr. Kastor asked if there has been any correspondence?

Mrs. Blanca stated nope, none.

Gene Dagiau- stated he's just a resident of the area, and he's here because he was under the impression, we approved a portion of that property to be used as a medical marijuana dispensary, which I have no problem with. Now I am under the impression we have something entirely different involved, and I see we are looking for some changes in the zoning but not knowledge with what they are planning to put there, now do I understand that correct?

Eric Kmetz – stated its still a use for a medical marijuana facility. Were just changing the prints and the size. We actually added the landscaping buffer.

Gene Dagiau- Ok so what I'm understanding now, I'm not as quick as I once was but as what I'm understanding now is that you did get approval for a smaller building and you're going to put a bigger building in now?

Eric Kmetz stated not necessarily the entire corner, the building grew by approximately 1,000 sq ft from the original submission and that's the only thing that's changed.

Gene Dagiau stated the way he is understanding now is if they approve it, that there will be no room to put another building on that corner, it will just be the dispensary.

Eric Kmetz stated we have squeezed every part of that building onto the property possible, the rest is parking which is a requirement. The rest is easements on bogart and Milan and the landscaping buffer.

**VIII. 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.

**IX. Discussion from Board**

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

Mr. Bertsch motioned to approve Application #BZA2022-17 and BZA2022-18 Mr. Bixler seconded. Mr. Bertsch, yes; Mr. Bixler, yes; Mr. Pitts, yes; Mr. Kastor, yes.

**X. APPLICATION #BZA2022-19**

A variance request filed by Hoty Builders, LLC on behalf of Nelson OH Land Holdings, LLC for the property located at 6703 Milan Road (PPN: 32-01662.000). The requested variance is to allow construction of a landscape mound to a height of 9 feet whereas Section 26.10, 3) provides for a maximum heigh of eight (8) feet.

**XI. Staff Review**

As Jessica stated the property is 6703 Milan Rd, the applicant did receive a conditional use permit for this property in November 2021, for a RV resort. Hoty Builders, LLC has applied on behalf of Nelson OH Land Holdings, LLC for the property located on 6703 Milan Road (PPN 32-01662.000). The current Zoning: "C-2" / General Commercial District. Proposed Development: Recreational Vehicle Resort. The variance is to allow construction of a landscape mound to a height of 9 feet whereas Section 26.10(3) provides for a maximum height of 8 feet.

The Department of Community Development staff recommends approval for this application since the 9' landscape mounds will set at a minimum of 62 feet from the State Route 250 right of way.

Mrs. Hoty- Lynch stated that she doesn't have anything to add. It is technically a resort, give it more a cozy feel. It is pretty much across all the frontage of 250. The entrance will be more off the side setback, there will be a mound, entrance then a little more mound.

**XII. 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. Bertsch, Yes; Mr. Kastor, Yes.

**XIII. Discussion From the Board**

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

Mr. Bertsch motioned to approve Application #BZA2022-19 Mr. Kastor seconded. Mr. Bertsch, yes; Mr. Kastor, yes; Mr. Pitts, yes; Mr. Bixler, yes.

**XIV. Old Business**

**XV. New Business**

**XVI. Adjournment**

Mr. Kastor asked for a motion for adjournment.

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