

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: September 19, 2022

Time: 4:00 p.m.

Board Members Present: Mr. Ted Kastor, Chairperson
Mr. David Bertsch
Mr. Michael Bixler

Board Members Absent & Excused: Mr. Pitts, Mr. Spence and 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. Bertsch, here; Mr. Bixler, here;

III. Minutes

Mr. Kastor asked for a motion to approve the minutes from the August 15, 2022, meeting.
Mr. Bixler made the motion and Mr. Bertsch seconded.

Roll Call: 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 #BZA2022-22 A variance request was filed by Party Place of 4903 Milan Road Sandusky, OH (PP #32-01208.000.) The variance requested is to allow an inflatable sign to be temporarily located on the roof of a business building at this address whereas Section 28.C (5) and (8) would not permit such installation.

VI. Staff Review

Mrs. Blanca stated that Party Place on behalf of Muzilla Properties LLC applied for an application for a property located 4903 Milan Road. The current Zoning: "C-2"/ General Commercial District. Proposed Development: The applicant seeks approval to erect an inflatable sign (pumpkin) on the roof of the building. That sign would be displayed during the "Halloween Season". The applicant seeks relief from Section 28.C(5) of the Zoning Resolution which states no sign shall be placed on the roof of any building and Section 28.C(8) which states that inflatable signs are not allowed within the Township. The applicant did submit information identifying the special circumstances related the variance requested. The applicant stated state "We have received approval and have displayed the pumpkin the past 9 years and would like to continue the tradition". The Department of Community Development is supportive of this application and the granting of the variance will not negatively impact any surrounding properties.

Last year the applicant asked if they needed to attend the meeting, and you guys agreed they didn't have to.

Mr. Kastor stated it's been 9 years since they've started that?

Mrs. Blanca stated I didn't cross check that but I can see 4 years.

VII. Staff 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. Kastor, Yes

VIII. Discussion from Board

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

Mr. Bertsch motioned to approve Application #BZA2022-22 Mr. Bixler seconded.

Mr. Bertsch yes; Mr. Bixler yes; Mr. Kastor, yes.

IX. Reading of the Request

APPLICATION #BZA2022-23 and 24 Two variance requests filed by Schmid Architects, Inc. on behalf of Judi L. Griffith for the property located at 3001 W. Strub Road (PPN: 32-03193.000). The first variance is to allow an accessory structure to be placed in the front yard whereas Section 13.6(2) of the Zoning Resolution does not allow accessory structures to be placed in the front yard for properties zoned "R-1A" /Single-Family Residential. The second variance is to allow an accessory structure to exceed the square footage of the first floor of the main dwelling whereas Section 13.6(1) of the Zoning Resolution does not permit this.

X. Staff Review

Mrs. Blanca state that Schmid Architects, Inc. has submitted an application on behalf of Judi L. Griffith for the property located on 3001 W. Strub Road. The current Zoning: "R-1A" / Single-Family Residential District. Proposed Development is for a Residential Garage. The first variance requested is to allow an accessory structure to be placed in the front yard, whereas Section 13.6(2) of the Zoning Resolution requires accessory structures be erected in the side and rear yards. The second variance requested is to allow an accessory structure to exceed the square footage of the first floor of the main dwelling, whereas Section 13.6(1) of the Zoning Resolution does not permit this. This location map of the parcel, you can see on the zoning map the property is R-1A Residential so is the property to the east and west of this, the property to the north is zoned I2 which is heavy industrial and the property to the south is PUD Planned Unit Development. The applicant did submit information identifying the special circumstances related the variance requested. The applicant stated state "Residence was built in back corner of property and no room for garage to be built behind it. Also, the garage is 320 sq. ft. larger than the footprint of house and provides owner to store vehicles and equipment inside rather than having them covered and outside."

The Department of Community Development staff recommends approval for the first variance request to allow the accessory structure to be built in the front of the home since the main dwelling is set in the rear of the lot, the accessory structure will be utilizing the existing driveway, the property is surrounded by farmland so it will not affect adjacent properties and because the barn will be set back 169 ft. further then a house would be required to based on the zoning district guidelines.

Staff does not recommend approval of the size of the accessory structure, as the first floor of the main dwelling is 1,968 sq. ft. and the property owner did not clearly state what the hardship is for needing additional square footage.

Gary Griffith – 3001 W Strub Rd. When we built the house, we built at the back of the lot for two reasons, it was the highest place on the lot and because of all of the power lines easements from Ohio Edison. I don't really have any place even up next to or behind with all the stuff that is there. As far as the size, I just have too much stuff.

Mr. Bertsch asked what all is currently stored outside?

Mr. Griffith stated currently just the cars, I'm buying storage at other places right now. I had my own business in town, I ran Griff's engine for 40 years and I had a lot of room there where I kept the stuff. Well, I sold the place and as of May I will be done there, and all my personal things have to be moved out of there at that point and time. That's part of all of this too.

Greg Schmid, Scottley Dr. – There are 2 homes on one parcel, his mom lives at the house to the right of this parcel, I'm not sure if that helps sq footage wise since its one lot, or? You can see with all the easements, they had to there's about 150 to the west there is a property line there they had to buy an additional 100 ft of footage because of the Ohio Edison easements on that property. It is a beautiful piece of property. The images of the garage he wants to build is very attractive and goes with the property.

XI. Staff 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. Kastor, Yes

XII. Discussion from Board

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

Mr. Bertsch motioned to approve Application #BA2022-23 and 24, Mr. Bixler seconded. Mr. Bertsch yes; Mr. Bixler yes; Mr. Kastor, yes.

XIII. Reading the Request

APPLICATION #BZA2022-25 and 26

Two conditional use permit requests filed by Andrea Cardo, Agent for Interplan, LLC. on behalf of HOTY 250 Target, LTD. for the property located at 4108 Milan Road (PPN: 32-00515.000). The first Conditional Use Permit is to allow an Automobile Service Station whereas Section 17.2(1) of the Zoning Resolution requires Conditional Use Permits for properties zoned "C-2"/General Commercial District in order to conduct an Automobile Service Station. The second Conditional Use Permit is to allow 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.

APPLICATION #BZA2022-27 and 28

Two variance requests filed by Andrea Cardo, Agent for Interplan, LLC. on behalf of HOTY 250 Target, LTD. for the property located at 4108 Milan Road (PPN: 32-00515.000). The first variance is to allow a 18 ft. side yard setback along the western property boundary whereas Section 17.3 of the Zoning Resolution requires a 30 ft. side yard setback. The second variance is to allow a flat roof whereas Section 25.15(C)(1)(f) of the Zoning Resolution only allows flat

roofs for structures two (2) stories or greater, except that a flat roof may be permitted on a structure containing 10,000 square feet or more on a single floor.

XIV. Staff Review

Andrea Cardo, Agent for Interplan, LLC. has submitted an application on behalf of HOTY 250 Target, LTD. for the property located at 4108 Milan Road. Current Zoning: "C-2" / General Commercial District. Proposed Development is for a Valvoline Instant Oil Change facility. Perkins Township Zoning Resolution 17.2(1) and 17.2(4), in order to operate an automobile service station with a drive-thru. The first variance is to allow an 18ft. side yard setback along the western property boundary whereas Section 17.3 of the Zoning Resolution requires a 30 ft. side yard setback. The second variance is to allow a flat roof whereas Section 25.15(C)(1)(f) of the Zoning Resolution only allows flat roofs for structures two (2) stories or greater, except that a flat roof may be permitted on a structure containing 10,000 square feet or more on a single floor. The applicant did submit information identifying the special circumstances related the variance requested. The applicant stated state "Building orientation on the lot, in addition to the lot width of 121.50' and to allow for vehicular circulation around the site while maintaining sufficient drive aisle widths requires relief from the side setback requirement of thirty feet (30') along the western property boundary. Proposed building encroachment dimension of 11.91'" and "the landlords maximum building height limitations make our standard gable and tower less possible, and a flat roof is requested."

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 this **application be approved, with the following conditions:**

1. **A new site plan will need to be submitted meeting the parking requirements of Appendix C – Required Off-Street Parking Space Dimensions or a variance will need to be requested.**
2. **A landscaping plan shall be submitted and approved by Community Development Staff.**
3. **The applicant will need to work with Erie County Stormwater Management and submit an approval letter to Perkins Township Community Development.**
4. **All Building and sign permits will need to be applied for and approved.**
5. **Outside sales or storage is not permitted.**

The Department of Community Development staff recommends approval for the two requested variances, the first variance because this will allow traffic to flow out of the other side of the parking lot and meet driveway aisle requirements and the second variance because many of the commercial buildings neighboring this property have flat roofs as well.

Robin – with Valvoline Dayton area. I guess my first question is what questions do you have for me regarding site plan, Valvoline, our building?

Mr. Bertsch stated that the packet is a pretty decent amount of good information. It looks like there is not a lot of skirting or parapet wall to cover the HVAC on the roof.

Robin stated they are exhaust fans not HVAC units, they can be painted to match to hid, if that would work. We typically do a hip roof, but with the height restrictions its difficult to do with our interior. To allow for the large garage doors. I think the flat roof matches the buildings in the area.

Mr. Bixler asked if she had any objections to the conditions the staff put on?

Robin state no but had a question. When you say new site plan submitted, new landscaping plan submitted, is that part of the permit packet or is that something that needs to be done before permitting, to get an initial approval?

Mrs. Blanca stated that it would actually be part of your site plan approval and I know I already have your site plan submitted separately from this, but yes when I was looking over the site plan while doing this report, I noticed that your parking spaces say 9*18 and when they are 90 degree angle they need to be 9*19. So, I did notice that so that would need to be updated.

Robin – okay great. We are excited to be in the area.

Mr. Bertsch asked if it was the first one.

Mrs. Gladwell stated there is one on Perkins by Wendy's.

Robin stated were hoping to take the burden off that store that does high volume.

Mr. Kastor asked if they considered the abandoned Burger King site.

Robin stated that she did not, but where is it at? Seems like you're peddling that.

Mr. Kastor stated it looks like a bright commercial addition to our main commercial district Rt 250.

Robin stated she was just there and there was a lot of traffic and cars.

Mr. Kastor asked if this is one of these where you stay in your car for the oil change?

Robin stated yes, it is, you stay in your car for the oil change. We do ask if you want your tires rotated that you exit your vehicle, we have a waiting room for you with restrooms. Our parking is for employees only, so you're not going to have any overnight parking any tractor trailer rigs delivering anything. Our product is delivered in a box truck once a week for some of our filters and batteries, wipers things like that. Then our oil comes once maybe twice a week depending on our needs, it'll take the waste oil from our basement and deliver new oil to the tanks in our basement which takes 15 20 mins. Not a lot of time so no one should be hindered.

Mr. Bertsch asked if they take used oil from the public.

Robin stated no we do not.

Mr. Bertsch stated he always has issues getting rid of his 5-gallon buckets

Robin stated that you're not the first person to ask that, we recycle everything from oil to the filters. The only trash we produce most of the time is from employees bringing their lunch.

XV. Staff 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. Kastor, Yes;

XVI. Discussion from Board

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

Mr. Bixler motioned to approve Application #BA2022-25, 26 (with conditions listed by staff) along with 27 and 28, Mr. Bertsch seconded.

Mr. Bixler yes; Mr. Bertsch yes; Mr. Kastor, yes.

XVII. Old Business

Mrs. Blanca stated that someone brought up Lowes for outside storage and sales. She wrote them a letter and they will be on next months building. They are coming to apply for a conditional use permit. Wolf Inn – not really Wolf Inn Its My Vegan Soul had them flags and stuff out front, wrote them a letter. They took them down this weekend and then put them back up. I talked to the guy today, he is going to come in and get the information for temporary signs.

Mr. Bertsch stated Chett and Matts had a flag up today.

Mrs. Blanca stated that the new Gorilla Smoke Shop has them up as well, so I will be writing a few letters.

Mr. Kastor stated that the Smoking Beer Jungle put a sign on a truck and put it in front of the building.

Mrs. Blanca stated they did? It's gone down, right?

Mr. Kastor said yes. Is there anything about putting a sign on your trailer and putting it in front of your business?

Mrs. Blanca stated that brings up Gary Gast, he had a question about Tusing Builders putting a trailer in front of the old Kroger. She stated they own that and use it to keep up on maintenance around the area, so we are going to allow them to keep it there. They said they would remove it when it was not mowing season, Gary was worried it was a sign. It is 150 ft off the road.

Mr. Bertsch asked if the campground hasn't made any move?

Mrs. Blanca stated they reached out last week, they are starting construction soon they hope.

Mr. Bertsch stated I noticed the new big dealership on Strub has started. What about the Carwash next to Culvers?

Mrs. Blanca stated they were putting too much dirt up on Friday, we had to have Amanda go out there and tell them to water the dirt. The county called and complained.

Mrs. Gladwell stated she's waiting for someone to call and complain about the new build in front of concord care center because the dirt is piled high close to the road for vision or line of site issues.

Mr. Kastor stated how is the ongoing dispute with Ruta and his neighbors?

Mrs. Gladwell stated that we haven't heard anything.

Mr. Bertsch asked if there are less police calls?

Mrs. Blanca stated that Ruta is extending their parking lot, paving it out. It was all stuff that was approvable by staff. They aren't doing anything they aren't supposed to.

Mr. Kastor stated he's seen Mathews is selling that lot on the corner of Perkins and 250.

Mrs. Blanca stated that is the city.

Mr. Kastor – Maui Sands?

Mrs. Blanca stated haven't heard anything

Mr. Bertsch – KBI is going to do some stuff on lot, or inspections?

Mrs. Blanca stated that she's briefly heard something about that from Angie, but I don't know much.

Mr. Kastor said last time he's heard they were going to demo it. Friday is the Perkins homecoming parade, is there a township ordinance that you can't throw candy from a moving vehicle?

Mrs. Blanca stated that I don't think so, but I would ask police?

XVIII. New Business

Mrs. Blanca stated that last month is her last month with Perkins. She's going to stay home with her kids. I will be working till the end of October, we will have one more meeting together.

XIX. 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. Kastor; Yes.