

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: November 21, 2022

Time: 4:00 p.m.

Board Members Present: Mr. Ted Kastor, Chairperson
Mr. Michael Bixler
Mr. Gary Gast

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

Staff in Attendance: Ms. Byington, Director of Community Development
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. Bixler, here; Mr. Gast, here;

III. Minutes

Mr. Kastor asked for a motion to approve the minutes from the October 17, 2022, meeting.
Mr. Bixler made the motion and Mr. Gast seconded.

Roll Call: Mr. Bixler, Yes; Mr. Gast, 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 #BZA2022-30 A conditional use permit request filed by Eric Kmetz on behalf of OPA Real Estate, LLC for the properties located at 6019 Milan Road, 430 Bogart Road

and 1309 Bogart Road (32-03793.000, 32-03645.000 and 32-03649.000). The Conditional Use Permit is to allow a drive-in/thru businesses whereas 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.

VI. Staff Review

Ms. Byington stated that Eric Kmetz has submitted an application on behalf of OPA Real Estate, LLC. for the property located at 6019 Milan Road, 430 Bogart Road and 1309 Bogart Road. The current Zoning: "C-2"/ General Commercial District. A Conditional Use Permit is required by the Zoning Resolution for properties zoned "C-2"/General Commercial District, in order to operate any business of a drive-in/thru nature. The subject property is located on the corner along the west side of Milan Road and North side of Bogart Road. The property has an approximate frontage of 164 feet on Milan Road and 174 feet on Bogart Road, the area is approximately .79 Acres. Vehicular access to the site is provided by one access drive along Bogart Road. Land use to the north, south, and east of the property is commercial in nature. Land use to the west is residential in use. This project has already received a Conditional Use Permit to operate a medical marijuana dispensary and has received a setback variance. At this time, the owner is requesting a Conditional Use Permit to utilize a drive-thru. Commercial District Section 17.2(4) any drive-thru shall be classified as a conditionally permitted use in the "C-2" / General Commercial District.

The Zoning Resolution sets the following requirements for the Conditional Use Permit.

- a) A setback of at least sixty (60) feet from the right-of-way line of any existing or proposed street must be maintained.
- b) Ingress and egress points shall be located at least fifty (50) feet from the right-of-way of the intersection of any two (2) streets.
- c) All lighting shall be shielded from adjacent residential districts.
- d) A completely opaque wall at least six (6) feet high shall be provided when abutting or adjacent to any residential district.

The plan includes a one-story 3,534 sq. ft. building with a drive-thru. A 6' high masonry screen wall will be provided along the west property line for additional screening to the residential property. All other requirements have been met. The applicant seeks the approval from the Board of Zoning Appeals for a Conditional Use Permit as a result of the Zoning Resolution's requirements. 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.**

Mr. Kastor stated that the applicant has had trouble getting here, but they have been in front of the board before.

Ms. Byington stated yes they have, Eric gave me his number if he had any questions, he is stuck about 45 minutes away.

Mr. Gast asked if the curb cut has been approved by the state?

Ms. Byington stated that there won't be any curb cuts off 250 (Milan Road), so Bogart would be county, but it is an existing cut there, so I don't think they're relocating it.

Mr. Gast stated that sometimes the state will go off the intersection a little bit.

Ms. Byington stated that she hasn't heard anything yet, but we could definitely make that a condition for approval.

Mr. Gene Dagiau – I own property at 1211 and 1215 Bogart Road, and I've been here before, and I thought this meeting was all solved and you may have explained it but I don't hear as well. Originally, they requested it to be marijuana dispensary and a drive thru, then they dropped the drive thru and we approved it for them to put in a medical marijuana dispensary are we going back to the originally and they're wanting to put in a drive thru?

Ms. Byington – thru you Mr. Chair, yes they are requesting a conditional use permit to put a drive thru in. Are you the property to the west, or aren't you more north?

Mr. Dagiau stated he is on the north side of Bogart Road, right in that area. I don't know where 430 Bogart Road is I've never heard of that address.

Ms. Byington stated there are 3 parcels there, they are not combined yet, so all 3 addresses were on the notice.

Mr. Dagiau – the property between my property and that property is not going to be part of what they are requesting. So what you have put up there is the floor plan of what they want to put in. So it won't be the marijuana facility we were talking about.

Ms. Byington stated it is a medical marijuana facility with a drive thru, kind of like a pharmacy with a drive thru.

Mr. Dagiau stated so you can drive up and get your drugs and leave?

Ms. Byington stated that is correct.

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. Gast motioned to close the public hearing. Mr. Bixler seconded. Mr. Gast, yes; Mr. Bixler, Yes; Mr. Kastor, Yes

Mr. Kastor stated like I said before this applicant has been in front of us before and very understating of the conditions and so on, so I'm going to take a motion to approve or deny this request.

VIII. Discussion from Board

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

Mr. Gast motioned to approve Application #BZA2022-30 with the condition the state must approve the curb cuts on Bogart Road. Mr. Bixler seconded.

Mr. Gast yes; Mr. Bixler yes; Mr. Kastor, yes.

IX. Reading of the Request

APPLICATION #BZA2022-31 A variance request was filed by Peggy Soblesky for the property located at 3720 Hayes Avenue (PP #32-02526.000). The variance requested is to allow a minimum lot frontage of 50 feet whereas Section 13.3 of the Zoning Resolution requires a minimum lot frontage of 75 feet within the "R-1A"/Single Family Residential District.

X. Staff Review

Mrs. Blanca state that Peggy Soblesky has submitted an application for a property located at 3720 Hayes Avenue. The current zoning is "R-1A"/ Single-Family Residential District. The variance requested is to allow a parcel to have a 50-foot lot frontage whereas Section 13.3 of the Zoning Resolution requires a minimum lot frontage of 75 feet. The subject property is located along the east side of Hayes Avenue. The subject property is zoned "R-1"/Single-Family Residential District as well as "R1-A"/Single-Family Residential District. North – PUD and church, south POB and vacant land, west are all zoned "R1-A"/Single-Family Residential and properties to the east are zoned "R-1"/Single-Family Residential District. The applicant is seeking a variance to allow the parcel to be split, allowing the rear parcel to have a lot frontage of 50 feet, whereas 75 feet is required in the "R-1A" zoning district. The rear parcel is currently used as agricultural uses and will remain agricultural. 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 lot frontage would allow the applicant to sell off the farmland in the rear of the parcel while still maintaining the required side yard setback for the existing dwelling on the front lot. Staff recommends the condition that prior to the lot split being approved, it must be confirmed that the parcel maintaining the applicant's primary residence will maintain the minimum required lot area of 11,250 s.f. and that the required setback for the accessory structure is maintained.

Mr. Kastor stated so this 50 foot access to the rear property once it is split, is that like a perpetual easement?

Ms. Byington stated that that was a good question, we have another property just like this one. So, this one I can see from here, they have an access to the property. It is like a U drive so I don't know if they plan on putting a permanent easement there so they can continue to use the U drive or if they would be using the one cut. I'm not sure if the applicant is here but they will be able to much better answer that questions.

Mr. Kastor stated the R-1 minimum lot width is 75, and the variance is for the 25 foot reduction?

Ms. Byington stated correct.

Michael Leslie (Peggy's son)– our family inquired it from our grandmother that has passed away and they want to sell it, but they are trying to figure out if they are going to go with our other family who wants to buy it so we can keep it in the Windau family. If that doesn't go thru were going to put it up and go from there. There is a drive that goes all the way thru, and if we do the 75 foot it puts us 5 foot away from the house, that is why were are asking for 25 foot so we have a little bit more side yard. But depending on what they want, we could put the drive all the way back thru the easement.

Mr. Gast asked if it would be sold for farming, or?

Mr. Leslie stated that it would be sold for farming, that is correct.

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. Bixler motioned to close the public hearing. Mr. Gast seconded.

Mr. Bixler, 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. Bertsch motioned to approve Application #BZA2022-31, Mr. Gast seconded. Mr. Bertsch yes; Mr. Gast yes; Mr. Kastor, yes.

XIII. Reading the Request

APPLICATION #BZA2022-32 A variance request filed by Eugene J. Davlin for the property located at 3205 E. Perkins Avenue (PPN: 32-00838.000). The variance requested is to allow a 16 ft. rear yard setback whereas Section 13.3 of the Zoning Resolution requires a

minimum rear yard setback of 40 feet for properties zoned "R-1A" /Single-Family Residential.

XIV. Staff Review

Eugene J. Davlin has applied for a property located at 3205 E. Perkins Avenue. The current zoning is "R-1A"/ Single-Family Residential District. The variance requested is to allow a parcel to have a 16-foot rear setback whereas Section 13.3 of the Zoning Resolution requires a minimum rear yard setback of 40 feet. The variance is being requested because the owner would like to split off a portion of their land with the residence on it to separate it from the remainder of the farmland. The subject property is located along the north side of Perkins Avenue. The subject property is zoned "R1-A"/Single-Family Residential District. Properties to the north are zoned "I-1"/Heavy Industrial, properties to the south are zoned "R-1A"/Single-Family Residential and properties to the west are zoned "R-1B"/Single-Family Residential." The applicant is seeking a variance to allow the parcel to be split, allowing the parcel with the dwelling to have a rear yard setback of 16 feet, whereas 40 feet is required in the "R-1A" zoning district. The rear parcel is currently used for agricultural use and will remain agricultural.

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 this would allow the applicant to split off the main dwelling from the farmland and buildings on the second parcel in the rear of the parcel.

Staff does recommend the following conditions:

1. Prior to lot split approval, the owner must confirm that the new proposed lot will meet the required minimum lot area of 11,250 s.f.
2. Prior to lot split approval, the land that the drive exists upon must be included as part of the new land or an easement must be recorded giving access to the new parcel (which the residence is on) If a new driveway is proposed to be installed, the Township would likely oppose it due to the proximity to the intersection with one drive existing.

Further, if the property were proposed for further development, a major subdivision would have to be approved by the County and any change in land use beyond single family would require a rezoning, which would require notification to surrounding property owners.

Mr. Gast asked if the drive would be used by both or how is that going to work?

Ms. Byington stated that she does touch on that in the condition and if the applicant is there, they can talk about it as well.

Mr. Kastor asked if all of this property was R-1A?

Ms. Byington stated yes, all R-1A. Also, I would state that we have gotten a lot of phone calls after sending out mailings to the adjacent property owners. As far as the land is currently zone it is residential. If there is any concern over a subdivision or something they could already do that, this is just for the lot split. If anyone ever wants to do a subdivision that goes thru the county. If anyone were ever wanting to put in apartments, that requires the land to be re-zoned to come back here and we would notify everyone.

Mr. Kastor stated that he thinks some people are interest in that.

Janna Walace 3009 E Perkins Ave- So I'm curious and what I don't understand the changing to farming too residential? So, all it is, is a change in the setbacks.

Mr. Davlin – she's talking about that driveway. That driveway is farm property, I don't even have an easement to it. That is my house in the white and yellow. That's why I left it that way because I wanted it to be farm. My daughter and myself both use that driveway. My daughter lives in the house next to me, I want that property separated from the farm, the reason because the variance is because I don't want the farm building on that property. Do you understand what I'm saying?

Mr. Kastor stated yes I completely understand.

Ms. Byington stated thank you for clarifying that since we didn't have a chance to talk beforehand. I still would recommend that there is an easement on that for the new property though because that is the only way to access that property. I think there would be an issue with a curb cut if you ever wanted a curb cut on that property.

Mr. Davlin stated there is no curb there.

Ms. Byington stated I know but to put in another drive. I did talk to our administrator on this one as well and he seemed to think the county would have an issue. See this is the only way for you to get to this house. You can continue to do that but its just a legal easement that says this property can utilize this to get to this house, is all it is.

Mr. Gast said as long as they own the property.

Ms. Byington said even if they were to sell it to anyone else, this person would still be able to access it because they would have an easement.

Mr. Davlin stated so what about this, I'm currently renting the house to my daughter. Does she have to have an easement to go on my property.

Ms. Byington stated so as of right now this isn't a separate lot, its on the lot. If its separated it just protects whomever owns that property. You wont probably be able to ever put a driveway in, so its protecting you or whomever in the future 100 years from now access the property.

Mr. Davlin stated he won't be around for 100 more years, and neither will you. I understand what you're saying.

Ms. Byington said I'm just trying to protect everyone, it was just a recommendation.

Mr. Davlin stated its just another legal thing that I'm going to have to get is what you're telling me.

Mr. Kastor stated its not that big of a deal, that easement.

Mr. Gast stated that it just is going to protect you more than anything.

Mr. Kastor stated that you just don't know what the future is and without that easement if that whole farm and that strip were sold, you don't have access to that property.

Mr. Davlin said if that farm is sold there isn't going to be a house there anyway. I'll get the easement; it just seems senseless.

Mr. Gast asked Mr. Davlin if he is deeding that property to his daughter once its split?

Mr. Davlin stated that it is deeded back to him.

Mr. Gast stated he was just asking, it just protects yourself if you were and you were to move out of state.

Tera Toft, 3032 Bayfield Dr.- I don't feel like I have a dog in the fight for this. I wasn't sure about the setbacks and that is why I came. That makes total sense, I just wanted to share my experience. It's basically a shared drive, my bother has one downtown area. It just protects you down the road, it really is no big deal I just wanted to reassure you.

Audience- so why are you changing it?

Mr. Davlin stated I'm changing it because I want that house from the rest of the farm. So, one person can't say that I own the farm because my house is on the farm. I want it separated.

Ms. Toft stated and this way one person can't say that this is only their driveway.

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. Gast motioned to close the public hearing. Mr. Bixler seconded.

Mr. Gast, yes; Mr. Bixler, Yes; Mr. Kastor, Yes.

Mr. Kastor stated that were looking at a lot split with a rear yard variance. The recommendation from the Township is to include an easement to access that drive.

Ms. Byington stated yes that is the recommendation. The condition is the other one is that before the lot split is finalized they would need to submit the legal description and survey. Which is part of the process for the lot split anyways.

Mr. Davlin stated he already gave paperwork.

Ms. Byington stated that was probably turned into Arielle and I will look over it and give you a call if I have any questions.

Mr. Kastor asked if he would have the option if he doesn't want to go in easement route. To apply to the county for an access drive to that property, a curb cut per say?

Ms. Byington stated that yes, he could, and again this is just our recommendation. This is his property and at the end of the day if he doesn't have access, that is something he would have to deal with. Another option would be at some point to ask the county for another access entrance, yes.

Mr. Kastor asked if Mr. Davlin understood that.

Mr. Davlin stated yes I'll do the easement for now, I want this done and over with I've been doing it for 6 months.

XVI. Discussion from Board

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

Mr. Gast motioned to approve Application #BZA2022-32 with the easement Mr. Bixler seconded.

Mr. Gast yes; Mr. Bixler yes; Mr. Kastor, yes.

XVII. Reading the Request

APPLICATION #BZA2022-33 and 34 Two conditional use permit requests filed by Cory Hall, U-Haul Company of NW Ohio, on behalf of Michael Wick for the properties located on Milan Road (PPN: 32-03494.024 and 32-03494.026). The first Conditional Use Permit is to allow the outside display and storage of goods and merchandise whereas Section 17.2(12) of the Zoning Resolution requires Conditional Use Permits for properties zoned "C-2"/General Commercial District in order to permit the outside display and storage of goods and merchandise. The second Conditional Use Permit is to allow mini-storage buildings as Section 17.2(8) of the Zoning Resolution requires Conditional Use Permits for properties

zoned "C-2"/General Commercial District in order to have mini-storage buildings on a parcel.

APPLICATION #BZA2022-35, 36 and 37 Three variance requests filed by Cory Hall, U-Haul Company of NW Ohio, on behalf of Michael Wick for the properties located on Milan Road (PPN: 32-03494.024 and 32-03494.026). The first variance is to allow no fencing around the mini-storage buildings whereas Section 17.2 (8)(g) of the Zoning Resolution requires the storage facility to be enclosed by a six (6) foot high, completely opaque fence. The second variance is to allow a reduction in permitted parking, having only 200 parking spaces, whereas Appendix B of the Zoning Resolution requires one space per every 150 square feet of floor area for all other types of business or commercial use permitted in any commercial district, requiring 668 parking spaces. The third variance is to allow prefabricated metal panels on the building elevation whereas Section 25.15 (C)(1)(b) states smooth faced block, concrete panels, or prefabricated metal panels are prohibited as predominant building materials for any building or structure.

XVIII. Staff Review

Cory Hall, agent for U-Haul Company of NW Ohio, has applied on behalf of Michael Wick for two parcels located at Milan Road (PPN 32-03494.024 and 32-03494.026) for a U-Haul Truck Rental, Storage Building and Mini-Storage Buildings.

These parcels are located at the end of Ramada Street, behind the Walmart. Two Conditional Use Permits are required by the Zoning Resolution for properties zoned "C-2"/General Commercial District, in order to:

- i. operate mini-storage and,
- ii. for outside display and storage of goods and merchandise.

The parcels have a combined total acreage of 16.2 acres. Vehicular access to the site is provided off of Ramada Street. Land use to the east and north is residential in nature, land use to the south and west of the property is commercial in nature.

The applicant seeks the approval of two Conditional Use Permits to allow for U-Haul truck rental, renovation of the old movie theater, and construction of a temperature controlled storage building and 5 mini-storage buildings.

Phase 1: For Approval

Parcel #1 (9.05 acres):

- convert the existing two-story building (29,433 s.f. first floor) into a storage building.
- construction of 5 mini storage buildings (10,000 s.f.)
- site renovations to include parking lot renovation, including additional storm water catch basins and associated storm sewer lines.

- Landscaping, lighting, and fencing. A landscaping and photometric plan is included with this report and the applicant will be confirming the height and material of the fence.
- Signage is not included in this application.

Phase 2: For approval:

developing the abutting vacant parcel with an interior climate controlled 3-story self-storage building (Building C - 94,764 GSF) and a one-story U- Box self-storage building (Building B- 9,268 GSF). The proposed uses consist of self-storage and U-Haul truck and trailer sharing. Access will be off Ramada Street and proposed curb cut for the southern parcel (Phase 2).

The Public Works Department has reviewed the proposed conditional use request and has stated that everything looks good with the additional storm water catch basins and line sizes. County soil and water have reviewed this plan and will be working directly with the applicant on compliance with their department.

The Building Official has reviewed the conditional use requests and has stated "Building permits are required prior to proceeding with construction."

The Fire Department has reviewed the conditional use requests and has stated "Outdoor displays will be fine provided they do not impede fire department access in an emergency and if the intent is to construct new mini storage buildings a requirement for hydrants within 400' of all sides of the units would be required. This would be measured along an approved path of travel by fire apparatus."

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. **The applicant will need to work with Erie County Stormwater Management and submit an approval letter to Perkins Township Community Development.**
2. **If any of the requested variances are denied (to waive the requirement for the mini-storage units to be enclosed by a fence, reduction in parking spaces and utilization of prefabricated metal panels on building elevations) it will be required that revised plans be approved by staff.**
3. **Final staff approval of the building plans will be required to confirm that the Design Guidelines have been met.**
4. **All new light fixture specifications and locations must be submitted for staff approval.**
5. **Parking space (including ADA spaces) and aisle dimensions must be shown on a revised plan.**
6. **All Building and sign permits will need to be applied for and approved.**
7. **The "Future Building and Site Expansion" shown on the plan must be approved by staff.**
8. **All access to the site must be from Ramada Street.**
9. **A revised landscape plan shall be submitted for staff approval showing mixed landscaping between the parking lot and the Walmart property.**
10. **All storage rentals must be conducted within an enclosed structure. Rental space for outdoor storage of recreational vehicles or other items is prohibited. The only outdoor storage that is permitted is of official U-Haul trucks and trailers.**

11. The two parcels will be combined prior to phase 2 construction commencing.

Staff recommends approval with the following 11 conditions.

Cory Hall, agent for U-Haul Company of NW Ohio, has submitted an application on behalf of Michael Wick for two parcels located at Milan Road (PPN 32-03494.024 and 32-03494.026) for a U-Haul Truck Rental, Storage Building and Mini-Storage Buildings. The current Zoning: "C-2" / General Commercial District.

Requested Variances:

- to eliminate the fencing requirement around the mini storage buildings, whereas Section 17.2 (8)(g) of the Zoning Resolution requires the storage facility to be enclosed by a six (6) foot high, completely opaque fence.
- to allow 200 parking spaces, whereas 668 parking spaces are required by resolution.
- to allow prefabricated metal panels on the building elevation, whereas Section 25.15 (C)(1)(b) states smooth faced block, concrete panels, or prefabricated metal panels are prohibited as predominant building materials for any building or structure.

The subject property is located on the east side of Milan Road, behind Walmart and is accessed by Ramada Street. The two parcels have a combined lot area of 16.2 acres. Land use to the east and north are residential in nature, land use to the south and west are commercial in nature.

The applicant is seeking three variances. The first variance is to eliminate the fencing requirement around the mini-storage buildings, whereas Section 17.2 (8)(g) of the Zoning Resolution requires the storage facility to be enclosed by a six (6) foot high, completely opaque fence. The second variance is to allow a reduction in permitted parking, having only 200 parking spaces, whereas Appendix B of the Zoning Resolution requires one space per every 150 square feet of floor area for all other types of business or commercial use permitted in any commercial district, requiring 668 parking spaces. The third variance is to allow prefabricated metal panels on the building elevation, whereas Section 25.15 (C)(1)(b) states smooth faced block, concrete panels, or prefabricated metal panels are prohibited as predominant building materials for any building or structure.

The Building Official has reviewed the conditional use requests and has stated "Building permits are required prior to proceeding with construction."

The Fire Department has reviewed the conditional use requests and has stated "There is no problem with a reduction in parking spaces on the property, additionally I assume the metal panels are for construction of new mini storage units which we would not have a problem with, and this is a standard. Whatever the use of the panels we would not have an issue with them provided they are installed per the Ohio Building Code and maintained."

Variance #1 – waiver to the requirement to enclose the mini-storage units with fencing. Staff has reviewed this request based on all uses of the property and the location of the site. It is our opinion that the proposed fencing along the east side of the property, adjacent to the residential development, is sufficient. Further, there is a large buffer area located on the north side of the property, which will protect the adjacent residential development. The business utilizes 24-hour video surveillance plus additional technology to maintain a safe environment for users of the facility and the surrounding neighborhood.

Variance #2 – waiver to the required number of parking spaces to allow 200 spaces versus the required 668. This particular development is primarily utilized for storage and is not a high traffic generator.

Variance #3 – waiver to the prohibition of using prefabricated metal panels on new buildings. The resolution states that, “only high quality, durable building materials shall be used, including such materials as brick, wood, sandstone, other native stone, and tinted/textured concrete masonry units”. The proposed two new buildings will include pre-manufactured insulated metal panels with various textures including cementitious finishes. The mini storage buildings are premanufactured with exterior metal panels. The existing building will be painted, and additional design elements will be added. There are several finish textures that the elevations will include, which will bring interest to the building façade and upgrade the current property value.

1. To the requirement to enclose the mini-storage units with fencing, staff is of the opinion that 6' fencing along the east side of the property is sufficient due to the mounding, existing tree coverage and proposed video surveillance.
2. To the number of parking spaces. The proposed use does not create a lot of traffic or require a lot of parking. The proposed 200 spaces will be sufficient.
3. To the use of prefab metal panels as a predominant material. Due to the location and lack of up-close visibility, staff believes the proposed material is appropriate.

The Department of Community Development is supportive of this application since this would allow the applicant to renovate a vacant and dilapidated building along with a vacant parcel of commercial land along the Route 250 Corridor.

Corey Hall, 1739 W Alexis, Toledo Ohio – This is similar to what we do in other areas. We pride ourselves on building a state of the art facility and being good neighbors. We would like to revitalize that and bring some light back to it which it seems to be some problems over the years.

Mr. Kastor stated that this is the orange U-Haul franchise.

Mr. Hall stated yes, we are the corporate facility.

Mr. Kastor stated so if you get off the turnpike and head north on 250, it looks like were the U-Haul headquarters of Ohio.

Mr. Hall stated yes.

Mr. Kastor asked if there could be that many franchises that close.

Mr. Hall stated that he believed those are owned by the same owner. So basically anyone can be a franchise owner if they would like to be. Typically for something like this, our main focus as a company is storage in most areas now. I know it seems like there is a bigger presence, but we feel like there is a bigger presence in the area.

Mr. Kastor stated that were not here to question your business. That theater has been vacant for a long time. So I think the Township will welcome use of that property for sure, and the proposed use seems to fit in pretty well.

Ms. Byington stated that its not a high traffic generator and it sits back off the main road. We think it's a good use for that property.

Mary Bhiel 4311 Woodridge Drive – representing the Plum Brook Condo Association. We would like to have a fence put between the properties. We have a mound now, but people still walk over that mound to go over to Wal-Mart. So, we request the fence be put there.

Mr. Hall stated that they have full intent to put that there. We see the amount of traffic that goes thru there now someone keeps mowing that. Yeah, we would build a 6ft fence wood not visible cant see through it. Having a fence is part of our plan.

David 4308 Woodridge Drive – some of my concerns are the increase of noise, what are the hours of business going to be with the noise? Being in a subdivision that is going to be right there right next door to it, houses are wrapping right around the outskirts, without a fence around the units. A fence serves a purpose, it protects your property and our property.

Mr. Gast stated they are going to put in a fence.

David stated he was talking about the storage units, if you put a 3 story storage unit in, behind the only movie theater, that will be right up against our property line.

Mr. Hall stated that our facilities create 0 noise. I don't know what type of noise they would generate. The 3 story, everything is inside the building. People would actually back their truck up into the building, so it would basically be silent. We have a facility that is 25 ft from residential. We changed the lighting to not shine on their property, our facility I assure you, if you ever had an issue with noise other than construction days we create 0 noise. I think any use other than ours would create more noise. Typically, once units are full, they don't come back for 6 months or a year later, 10 – 15 customers per day.

Audience asked if there would be a fence on all 3 sides.

Mr. Hall stated that they would do the back and the east. The north side I don't think we'd be able to do because its mostly wet lands. My personal cell phone along with the store managers will be on the store, we pride ourselves on being a good neighbor.

Jeff – 5212 Spence Road – civil engineer helping U-Haul. With the fence on the eastern side and maintaining the existing trees and we will also propose a few more trees. We are also doing a tree survey to find out exactly what is there to maintain and meet the requirements for the code for the buffer which I think would help. I know there's not much noise they anticipate.

Mr. Hall stated that if anyone has any more questions from here on out, they are more than welcome to contact him to sit down and figure things out.

Jeff – one thing I wanted to point out on the trees in the landscaping. there is an electric transmission line so I am not able to put tall threes there, you understand why. With the fence and some shrubs or something, but nothing taller that would interfere.

Dave Speer- represent my son Mark. He lives off the meadows there right behind Walmart and the retention pond. Where does that come into play with the plans here.

Mr. Hall stated I'm not familiar with that area. The pond runs for left to right.

Jeff stated that there is actually a series of pons which the pond up here feeds into this pond. This whole development, all drains from that pond to this pond. But it all flows longer which allows time for detention. Our sites drainage was previously designed this being developed. There is an existing storm water system with catch basins.

Discussions continued and showing Mr. Speer his concerns on the site plan and showing what our current sites and buildings look like.

XIX. Staff 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. Kastor, Yes.

Mr. Kastor stated that this is quite a large comprehensive project to use this area that has been underused for a while. To the residents to the condo, you've got residential right next to "C-2" Commercial. C-2 Commercial provides uses for a lot of things. If I were living in your development I would welcome this storage facility in your development, because this is about as tame as you're going to get for "C-2" Commercial business, but I certainly

understand your concerns. The developers sound as if they are going to be collaborative in working with you.

Mr. Gast stated that if I'm not mistaken that could've been a night club or anything.

Mr. Hall stated that were a family-owned business so were present and be a part of what we build.

XX. Discussion from Board

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

Mr. Gast motioned to approve Application #BZA2022-33 & 34 as submitted, Mr. Bixler seconded.

Mr. Gast yes; Mr. Bixler yes; Mr. Kastor, yes.

Mr. Gast motioned to approve Application #BZA2022-35, 36 & 37 as submitted with the 11 conditions, Mr. Bixler seconded.

Mr. Gast yes; Mr. Bixler yes; Mr. Kastor, yes.

Eric Kmetz showed up, he stated he wanted to show up in person. So, there is one condition put on the approval. The access from Bogart is an existing drive, just contact the state and county to verify you have approval for that.

Eric said it's my understanding that were using a current one. Check the county on that?

Mr. Kastor stated yes check the county on that.

Ms. Byington stated that she knows Arielle talked to the county about that, if not it's a quick call to the county.

XXI. Old Business

XXII. New Business

XXIII. 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. Kastor; Yes.