

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: April 24, 2023

Time: 4:00 p.m.

Board Members Present: Mr. Larry Pitts
Mr. Gast
Mr. Spence

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

Staff in Attendance: Mrs. Casey Sparks, Planner
Mrs. Jessica Gladwell, Administrative Assistant

I. Pledge of Allegiance

Mr. Pitts called the meeting to order and lead the Board and staff in the Pledge of Allegiance.

II. Roll Call

Mr. Pitts asked for roll call to be taken.

Mr. Pitts, here; Mr. Gast, here; Mr. Spence, here.

III. Minutes

Mr. Pitts asked for a motion to approve the minutes from the November 21, 2022, meeting.

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

Roll Call: Mr. Gast, Yes; Mr. Spence, Yes; Mr. Pitts, Yes.

IV. Chairperson's Welcome and Explanation of Public Hearing & Public Meeting

Mr. Pitts 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 #BZA2023-06 A conditional use Permit filed by Henry “Mac” Lehrer/ Hoty Enterprises, Inc on behalf of D & J Columbus Realty, LLC for the property located at 2531 Columbus Ave (Parcel 32-00711.000). The property is zoned as “C-2”/ General Commercial District. Section 17.2(11) of the Zoning Resolution requires a conditional use permit for residential use in conjunction with commercial use.

VI. Staff Review

Casey stated Henry “Mac” Lehrer/ Hoty Enterprises, Inc. on behalf of D 7 J Columbus Relay, LLC has applied for a Conditional Use for the property located at 2531 Columbus Ave (Parcel 32-00711.000) The current zoning is “C-2” / General Commercial District. The Proposed Development is for Residential use in conjunction with commercial use. The subject property is zoned “C-2”/ General Commercial. The properties to the north are zoned as “I-1” Light industrial, the property to the south and east are zoned as “C-2”/ General Commercial, and the property to the west is zoned as “C-2”/ General Commercial.

- One dwelling unit may be permitted in conjunction with commercial use.
- The commercial use associated with this residential property would be the hotel. If approved Mr. Wells will no longer reside in one of the hotel buildings and will utilize this structure as his residence.
- The permitted dwelling unit may only be occupied by the owner/operator of the commercial use.
- As stated, Mr. Wells is currently the owner/ operator of the commercial use, and it is his intention to reside at 2531 Columbus Ave.
- Off-street parking must be provided for the dwelling unit in accordance with Section 27.8 of this Code.
- Off- street parking is provided at the rear of the property as this was previously utilized as a business.
- The dwelling unit must be a minimum of 450 square feet in floor area.
- The property is approximately 1,863 square feet.
- The dwelling unit, if attached to commercial use, must meet the same setback requirements as commercial use. If detached, the dwelling unit must meet the same setback requirements as single-family dwellings in the R-1B" District.
- This property is a detached single-family dwelling that was constructed in 1900 and as such the setbacks will likely not meet current zoning requirements however staff would consider this a legally non-conforming structure.
- The applicant has applied for a conditional use permit for the approval of a residential use in conjunction with a commercial use.
- No comments at the time of writing the report from Police, Fire, Public Work. Building Department indicated permits will be required.
- The staff does recognize that per the zoning resolution the residence must be in conjunction with the business, so it is important that the lots be combined.

Staff would recommend approval of the conditional use with the following conditions:

- The applicant shall combine this lot with the adjacent parcel where the hotel is located.

Mr. Lehrer emailed me this afternoon with some of his concerns regarding combining the residential with the commercial property. He can speak to this a lot better than myself, but if you basically what he is indicating is that it would be a hardship for the property owner at this time. The current residential property would have to go and get a commercial loan when. They are looking to do a residential loan. The hotel currently doesn't have any debts it's paid off, so he would have to take a loan out on that property again. So, from a staffing standpoint we did review his comments and we are fine with this, the only thing we have reached out to Mr. Lehrer is that if the hotel was to change ownership and the new owner would want to reside at this property they would have to go for re-zoning because then the property wouldn't be associated with a commercial use and a residential use.

Dominic Wells- 2531 Columbus Ave, Owner of the Motel.

Mac Lehrer with Hoty Enterprises – I can introduce the group we have here. We are the listing agent for 2531. The owners are Dan & Jane Gildenmeister. The buyer for the property is Nick Wells, he owns the adjoining properties. Casey, what we are trying to do, you pretty much alluded to all of that. We are just trying to; Mr. Wells would like to move in at some point and make it his residence. We have quite a few of these along Columbus Ave that are zoned C-2 but are used for residential use. So, we are hoping that the board will offer the same courtesy to Mr. Wells to offer that type of living arrangement on Columbus Ave without recourse. We have a situation here where we talk about hardship, or the spirit of the ordinance, and this is what we're looking at is if we bundle or combine the properties, we do create a hardship because of the mortgage situation. Mr. Wells is taking out a mortgage to purchase 2531 Columbus Ave. and is getting a residential loan, subject to the approval here of the conditional use. So, we have a lot riding on us if we can get this okay'd and the Gildenmeister have a lot riding on this as well as they are the owners of the property. So, this is kind of neighbor-to-neighbor real estate, this is one buying the other. We believe that the motel, just because it is adjacent, doesn't have bearing on how we are going to operate here. We have one on one parcel and the stand alone on the other. We do realize we have a C-2 district but we are playing along with the requirements of the conditional use permit. We have a lot here where everyone is trying to get along and support this. The adjacent property owner 2537 Columbus Ave, Dave Baumgardner, proprietor for Chic Fil A, he is on board, I can send you the text I got from him. We also have a text message from Rob Moore corporate council for Firelands Regional Medical Center, they are our neighbors across the street, and they are also on board. We also have a neighbor in the audience tonight, Ms. Melching the neighbor behind, she's in the middle just like she's sitting right there. Everyone here in the neighborhood is in favor. We've had a lot of good emails back and forth but today is the day we are all in favor of.

Mr. Pitts asked if anyone else had anything to say, stated Mr. Lehrer presented that very well.

Mr. Wells stated that he grew up on Glicher Court, his grandpa owned a trailer park there in the 30's my dad build the motel in the 70's and my mother ran it until she was in her 90's, its where I want to live. I love having Kroger across the street, I will never forgive Drug Mart for leaving. You got to get what you can get, and Glicher Court doesn't have houses for sale, and when it came up for sale, I know Dan and I like the house.

Mr. Leher stated that he wanted to address that they are 100% okay with staff comments other than the last line as noted here. Other than that we are 100% on board and make sure we are clear on that, so we can move along on this side.

Mr. Pitts asked if there is anyone wanting to speak against?

VII. Staff Close Public Hearing/Open Public Meeting

Mr. Pitts asked for a motion to close the public hearing and open the public meeting.

Mr. Gast motioned to close the public hearing. Mr. Spence seconded. Mr. Gast, yes; Mr. Spence, Yes; Mr. Pitts, Yes;

VIII. Discussion from Board

Mr. Pitts asked if the board had any questions for the applicant.

Mr. Gast stated he only had one. Mr. Gast asked if any of the rooms in the house will be used as overflow rooms for the motel?

Mr. Wells stated no, no that is not intended.

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

Mr. Gast motioned to approve Application #BZA2023-06 as submitted with not lot combine. Mr. Spence Seconded.

Mr. Gast yes; Mr. Spence, yes; Mr. Pitts, Yes;

IX. Reading of the Request

APPLICATION #BZA203-07 A variance 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.

APPLICATION #BZA 2023-08- A 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) 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

As Jessica stated that the applicant Mad River Harley- Davidson, on behalf of Erie Shore Holdings, LLC for a property located on 5316 Milan Road (PPN 32-03494.011) for a variance for special event signage to be used between May 26- June 4, 2023, for Ohio Bike Week. The Current Zoning: "C-2"/ General Commercial District. The variances requested are to allow temporary signage consisting of multiple banners exceeding the required number and size required for temporary signs. Adjacent to existing dealership property. The applicant is requesting to erect temporary signage during the Ohio Bike Week's special event. The zoning resolution's current sign regulations do not allow the number and size of the proposed signs. The temporary sign will consist of multiple banners, no larger and 3' high by various widths, not exceed 15' in length. This application has been reviewed from the perspective of the Zoning Resolutions standards as noted above. Staff recommends approval of the variance to allow for special event temporary signage for Ohio Bike Week during the dates of May 26- June 4, 2023, as it is temporary in nature and will not adversely affect surrounding properties. No comments from Police, Fire, building at this time of writing the report. The Fire Department has stated that the tent location and access to the property will need to maintain a 20' fire land and turning radius for Fire Department equipment.

As Jessica stated that the applicant Mad River Harley- Davidson, on behalf of Erie Shore Holdings, LLC. has submitted a conditional use permit to conduct outdoor business at 5316 Milan Road. The current zoning: "C-2" / General Commercial District. A conditional use permit is required by the Zoning Resolution for property zoned "C-2"/General Commercial District to conduct outdoor business. The applicant requests a conditional use permit in order to conduct outdoor business. Section 17.2(4) requires a conditional use permit for any outdoor sales. Section 17.2(4) states that open- air business is permitted to occur with a conditional use permit issued by the Board of Zoning Appeals. Police, Fire, building, and public works did review; FD stated that the tent location and access to the property will need to maintain 20' fire lane and turning radius for the equipment. This application has been reviewed from the perspective of the Zoning Resolution's standards as noted above. Staff has recommended approval of the 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.

Brad – From Ohio Bike week. Looking to be pretty much the same as last year. We are doing a little less entertainment on the first week downtown so there might be expecting a

smaller crowd. Some new businesses came into the plaza, the pool hall, we talked to them. We seemed to keep everyone happy last year with the flow of traffic.

XI. Staff Close Public Hearing/Open Public Meeting

Mr. Pitts asked for a motion to close the public hearing and open the public meeting. Mr. Spence motioned to close the public hearing. Mr. Gast seconded.

Mr. Spence, yes; Mr. Gast, yes; Mr. Pitts, Yes.

Mr. Gast stated that they have been coming back for 16 years, hopefully many more years, if he keeps having to come in, can he just keep submitting and paying his fees and not have to come? I know we have done it for the party store and their pumpkin, I'm just trying to save them time, us time.

Mrs. Sparks stated that if we have done it in the past, she's more than happy to look into that for him. He would still have to submit the site and everything as before.

XII. Discussion from Board

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

Mr. Gast motioned to approve Application #BZA2023-07 Mr. Spence Seconded.

Mr. Gast yes; Mr. Spence, yes; Mr. Pitts, Yes;

Mr. Gast motioned to approve Application #BZA2023-08 Mr. Spence Seconded.

Mr. Gast yes; Mr. Spence, yes; Mr. Pitts, Yes;

XIII. Reading the Request

APPLICATION # BZA 2023-09- A variance application filed by Gene R. Abercrombie on behalf of Buckeye Investment N.W.O Limited Liability Company for the property located at 922 West Perkins Ave (Parcel 32-01452.000). The variance request is to allow a 30.50' rear yard setback, whereas Section 20.5 requires a 50' rear yard setback; and a 54' front yard setback whereas Section 25.20 requires a 70' front yard setback.

APPLICATION # BZA 2023-10- A conditional use permit filed by Gene R. Abercrombie on behalf of Buckeye Investment N.W.O Limited Liability Company for the property located at

922 West Perkins Ave (Parcel 32-01452.000). The property is zoned as "I-1"/Light Industrial District. Section 20.2(2) and Section 17.2(4) of the Zoning Resolution requires a conditional use permit for drive-in/thru in nature.

John Reyes – Star Architect group, representing my client here. What we are proposing here is a coffee shop. B cubed, primarily just drive through, and for this property we have received a variance for the setbacks so that's why we're requesting it. Conditional use, again since it's a drive thru pickup type of facility. Beyond that, If there are questions I'm here to answer.

Mr. Pitts stated that the building that is currently there.

Mr. Reyes stated that it will be a new structure.

Mr. Pitts asked what the plans are, existing curb cuts?

Mrs. Sparks stated that they do propose to use current curb cuts. She stated that she has been in contact with them quite a bit this week in regard to building plans. Staff does do site plan approval, that doesn't go through a board, but some of the material types, some of the boards don't meet the code requirements. This is a modular building that is constructed in and then brought onto the site. Our code doesn't allow for prefabricated materials. So, they will be submitting an additional application for the actual building materials themselves next month.

Mr. Gast asked since building materials, I assume these cubes are kind of like a conex box reconfigured?

Mr. Reyes stated yes, it is similar, it's got a stucco finish to it.

Mr. Gast stated I understand all that, the only concern I'd have which would fall underneath the building official would be is how it gets connected to the ground? Do you pour a slab to the footer? Because they're moveable.

Mr. Reyes stated yes, there are 11 foundations that are kind of like a light pole base that goes out and you put rebar in there and b cubed out of Michigan will epoxy into the anchor bolts.

Mr. Gast stated so my question is what wouldn't be approved of with that, it's like a trailer? Actually, secured better than a trailer.

Mrs. Sparks stated that yes but how the code reads it is a prefabricated material is prohibited and that is what they're doing here. From a staffing perspective we have had

many conversations with them regarding this and we would recommend approval for this, but we couldn't approve it without a variance. So, this evening we will go ahead and if you approve of the setback variance and the conditional use for the drive-through, it's definitely up to you. But from an applicant's perspective they might want to be able to know those are approved before they move forward. I did tell the applicant that we would kind of at least present that to you, to give them some feedback.

Mr. Gast asked if these are made of steel or are they made like a trailer?

Mr. Reyes stated that they are made of steel. They're called sit panels wood panels with structural framing in them with insulation in them.

XIV. Staff Review

As Jessica stated that Gene R. Abercrombie, on behalf of Buckeye Investments N.W.O., Limited Liability Company, has submitted an application for variances for both the rear and side yard setbacks. The current Zoning: "I-1" / Light Industrial Proposed Development: The applicant has requested a 30.50 rear yard setback whereas Section 20.5 requires a 50 ft rear yard setback; and a 50.14 ft front yard setback whereas Section 25.20 requires a 70 ft front yard setback. The subject property is zoned "I-L" / Light Industrial. Properties to the north are located within the City of Sandusky and are commercial in nature, properties to the south and east are zoned as I-1/ Light Industrial and properties to the west are zoned as "I-2" / Heavy Industrial.

- Parking: The applicant is proposing four parking spaces, currently meeting parking requirements, however staff would recommend additional spaces for walk up customers.
- Building Materials/ Elevation: A modular building is proposed, plans call for a prefabricated dry it concrete material for the exterior of the building. Two windows are proposed. The applicant is proposing a flat roof.
- Dumpster: The applicant is proposing to enclose the dumpster with 7' vinyl enclosure.
- Landscaping: The applicant has not proposed landscaping for the parking lot area.
- Lighting: The applicant is proposing LED floodlights, no sight lighting poles
- Signage: To date the applicant has only indicated signage on the building

- Parking: Additional spaces are recommended. No outdoor patio at this time
- Building Materials: A variance would be required. Section 25.15(d) required decorative elements such as caps, brickwork, and trim around windows. Staff believes that additional elements should be added.
- Roof: Section 25.105 states that flat roofs are permitted if the roof is concealed by a parapet extending at least three feet but not more than 10 feet above the roof, capped with a three-dimensional cornice treatment. The applicant is currently not meeting this requirement.
- Landscaping: Staff has recommended landscaping areas for parking lot
- Signage: Any additional site signage will need to be approved by staff.
- No comments from Police, Fire, Public Works at this time of writing the report. The building department stated all permits are needed.

- This application has been reviewed from the perspective of the Zoning Resolution's standards as noted above. Due to the numerous items that need to be addressed and revised on the plans, the Department of Community Development recommends the application be tabled. The following items need to be addressed:
 1. The applicant shall address all outstanding issues regarding the building materials and site design.
 2. The applicant shall provide landscaping for the site. Landscaping types and plant sizes will need to be and must meet the requirements set forth in the Zoning Resolution.
 3. At this time the applicant is not proposing an outdoor patio area, however in the future if the applicant would like to move forward with one a conditional use permit is required.
 4. The applicant shall work with Erie County Soil and water to ensure all stormwater permits are issued.

Staff recommends approval with the following 11 conditions.

This application has been reviewed from the perspective of the Zoning Resolution's standards as noted above. Due to the numerous items that need to be addressed and revised on the plans, the Department of Community Development recommends the application be tabled. The following items need to be addressed:

1. The applicant shall address all outstanding issues regarding the building materials and site design.
2. The applicant shall provide landscaping for the site. Landscaping types and plant sizes will need to be and must meet the requirements set forth in the Zoning Resolution.
3. At this time the applicant is not proposing an outdoor patio area, however in the future if the applicant would like to move forward with one a conditional use permit is required.
4. The applicant shall work with Erie County Soil and water to ensure all stormwater permits are issued.

No comments from Police, Fire, Public Works at this time of writing the report. The building department stated permits are needed at the time of construction.

Mr. Pitts said his only concern is with the color. There are some with brick, some with blue, orange. If these are your colors here, we would really like you to just stay with that. We are always trying to improve the look of Perkins Ave, so we just want to continue that.

Mr. Pitts asked if there was anyone here to speak against the project.

XV. Staff Close Public Hearing/Open Public Meeting

Mr. Pitts asked for a motion to close the public hearing and open the public meeting. Mr. Spence motioned to close the public hearing. Mr. Gast seconded.

Mr. Spence, yes; Mr. Gast, Yes; Mr. Pitts, 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 #BZA2023-09 Mr. Spence seconded.
Mr. Gast yes; Mr. Spence yes; Mr. Pitts, yes.

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

Mr. Gast motioned to approve Application #BZA2023-10 Mr. Spence seconded.
Mr. Gast yes; Mr. Spence yes; Mr. Pitts, yes.

XVII. Old Business

Mr. Gast voiced his opinion regarding the U-Haul storage units and how they're being secured.

XVIII. New Business

Mrs. Sparks stated she had a discussion item.

Mrs. Gladwell asked if she wanted this on recording.

Mrs. Sparks said no, we can adjourn.

Mr. Gast stated he had another question; I know the gentleman owns the property where he was going to put mini storage at the old Kroger site. I see he took his construction trailer and put it back there again. I know he owns the property, but almost everyone else has them fence it in or block it off, whatever.

Mr. Spence asked if Target had to get permits to put all those storage containers out there.

Mrs. Gladwell stated yes, and our fire department went out there as well.

The Board of Zoning Appeals discussed the proposed single family dwelling permit for Merriweather Drive. The Board discussed the proposed split level and the square footage requirements throughout the different levels of the home. The Board determined that the proposed single-family home met the intent of the of the of the of the of the zoning regulations in regard to square footage.

XIX. Adjournment

Mr. Pitts asked for a motion for adjournment.

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