

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 29, 2024

Time: 4:00 p.m.

Board Members Present: Mr. Kastor
Mr. Pitts
Mr. Bixler

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

Staff in Attendance: Mr. Adam Panas, 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. Kastor asked for roll call to be taken.
Mr. Kastor, here; Mr. Pitts, here; Mr. Bixler, here

III. 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.

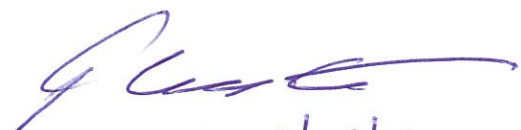
Mrs. Gladwell Swore in everyone that signed in.

IV. Minutes

Mr. Kastor asked for a motion to approve the minutes from the February 20, 2024 meeting.

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

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



7/15/2024

V. Reading of the Request

APPLICATION #BZA2024-06- A variance application submitted by Brady Signs Co. on behalf of Macrew Properties, LLC for the property at 1521 E Perkins Ave, Perkins Township, OH 44870 (PPN 32-68017.000). The variance request is to construct a monument sign set back fifteen (15) feet from the public right of way, whereas Article 28, Section 15 requires a minimum setback of thirty-five (35) feet.

VI. Staff Review

Mr. Panas stated that as Jessica stated that Macrew Properties LLC located at 1521 E Perkins Ave; Perkins Township, OH 44870 has applied for a zoning variance. The current zoning is "C-2"/ General Commercial. The Comprehensive plan shows core commercial development. The proposed development is to Construct a new monument sign to advertise "Workspace", a new land use made possible by the rezoning of this property to C-2 performed in 2023. The requested variances are to Construct a new monument sign set back from the public road right of way a distance of fifteen (15) feet whereas Article 28.15 requires a minimum of thirty-five (35) feet.

Site Details:

- a. The property in question is located at 1521 East Perkins Avenue, immediately west of the current Groff Funeral Home building at 1607 E Perkins Ave.
- b. The subject property is approximately 1.14 acres.
- c. Macrew Properties, LLC has owned this property since January 2023.

Surrounding Land Uses:

North: City of Sandusky Residences.

East: Groff Funeral Home, Koch Building Products; both Zoned C-2 / General Commercial.

South: Some Residences, Zoned R-1A / Single Family Serviced Residential; Edward Jones – Financial Advisor: Patrick Sturdy, The Remembrance Center, The Legacy Center, Ohio Guidestone, Michele A Smith Law Office, Sacred Healing Massotherapy, John K Krupp CPA, Roger Potter – Financial Advisor, Ameriprise, Mary Anne Jeffrey, Farmland, all Zoned PBO / Professional & Business Office.

West: Traditional home rental property (one home on the lot), rented and owned by Macrew Properties, LLC to a tenant, Zoned PUD / Planned Unit Development; Some Residences, Zoned R-1A / Single-Family Serviced Residential.

Comprehensive Plan - Future Land Use Map Designation:

The Perkins Township Comprehensive Plan's Future Land Use Map designates this parcel for future commercial use.

Purpose of Variance:

Per the applicant, the primary purpose of the variance was stated as follows:

“This property has been rezoned for commercial use and to help identify the property, the owner is adding a monument sign to be visible for traffic traveling on Perkins Ave. Its neighboring businesses enjoy signs either in the right of way or very close to it. Complying with the 35’ setback code would result in this sign being easily missed as the public has been conditioned over the years to seeing signs on this stretch of Perkins much closer to the road.

The neighboring Groff Funeral Home monument sign also blocks significant sight lines for a sign located further back from the road when traveling down Perkins Ave from the East.”

Note: This site plan was provided by the applicant.

DEPARTMENTAL FEEDBACK:

Public Works Department - Director: “We won’t know how much of the sidewalk will be within the existing right of way until we design it. To be safe, keeping them back 15-20 feet should be good. We will just have to work around it if it is an issue” ... “If they plan to landscape in the future, they should be aware of the construction that may impact that area. We will always repair what we tear up, but I would like to make them aware of that possibility.”

Building Department - Chief Building Official: No comment.

Police Department - Chief of Police: No comment.

Fire Department - Fire Marshal: No comment.

PUBLIC / ADJACENT PROPERTY OWNER FEEDBACK:

At the time of making powerpoint, the staff had not received any feedback from the public or adjacent property owners.

- This application considers the general variance standards contained in Article 7, Section 7.4.5. The results of that review are listed below:

ANALYSIS SUMMARY TABLE			
Standard	Answer	Preferred Answer	Meets Standard?
7.4.5.a – In Accordance with General Purpose & Intent?	Yes	Yes	Yes
7.4.5.b – Establishment of Use Not Permitted in District?	No	No	Yes
7.4.5.c – Special Circumstances Exist (e.g., wetlands, floodplain)?	No	Yes	No
7.4.5.d – Proof of Hardship?	No	Yes	No
7.4.5.e – Necessary for Reasonable Use? Minimum Variance Needed?	No, <u>No</u>	Yes, <u>Yes</u>	No
7.4.5.f – Injurious to the Public or Surrounding Area?	No	No	Yes
7.4.5.g – Confer any special privilege?	No	No	Yes

- Based on the evaluation of the standards, **the staff is unable to recommend approval of the variance.** Although an evaluation of all listed standards is important, staff believes that the questions of hardship, reasonable use, and necessity are the most central to our recommendations. Outside of the absence of a hardship, staff does not see any real issue with the application, nor do we see it setting an improper precedent or being injurious to the public welfare.
- If the Board were to approve the application, staff would recommend the following conditions:
 - Construct the sign at a minimum front yard setback distance **of twenty (20) feet** due to a future planned sidewalk (FY 2026). This would avoid possible issues in the future.
 - Construct the sign at a minimum side yard setback distance of thirty (30) feet, as is required by Article 28.15.
 - Successfully apply for and be issued the appropriate zoning and building permits prior to construction.

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

Mr. Pitts, 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. Kastor motioned to approve #BZA2024-06 as submitted. Mr. Bixler Seconded.

Mr. Kastor, yes; Mr. Bixler, yes; Mr. Pitts, yes;

IX. Reading of the Request

APPLICATION #BZA2024-07- 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., Perkins Township, OH 44870 (PPN #32-03494.011). The variance request is to allow temporary signage for the ten (10) day Ohio Bike Week event exceeding thirty-two (32) square feet in area whereas Article 28.13(2)(b) of the Zoning Resolution limits the size of temporary signs to thirty-two (32) square feet in a nonresidential area.

APPLICATION #BZA2024-08- 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., Perkins Township, OH 44870 (PPN #32-03494.011). The conditional use permit request has been submitted pursuant to Article 17.2 of the Perkins Township Zoning Resolution and is to allow for two types of conditional uses to be conducted on the property zoned C-2 (General Commercial) during Ohio Bike Week 2024: (1) A business of a drive-in/thru nature or so called open front store or open air business; and (2) Open air commercial amusements; both subject to conditions per Article 17.2(4) & 17.2(5), respectively.

X. Staff Review

Mr. Panas stated that as Jessica stated that Mad River is here for a variance and a conditional use permit. The property owner is Erie Shore Property Holdings, LLC located at 1465 State Route 39 NW: Dover, OH 44622. The location for the conditional use and variance is 5316 Milan Rd; Perkins Township, OH 44870. PPN 32-03494.011 & PPN 32-04397.000. The current zoning of the property is "C-2" – General commercial. The comprehensive plan shows Commercial. The proposed development is that they have events taking place on the above listed properties related to Ohio Bike Week 2024. The requested variance is to allow temporary signage for the 10-day Ohio Bike Week event, exceeding thirty-two (32) square feet in area whereas Article 28.13.2.b of the Zoning Resolution limits the size of temporary signs to thirty-two (32) square feet in a nonresidential area.

Site Details:

- a. The properties in question are located at 5316 Milan Road, to the south of the Park Place development, with frontage on Milan Road.
- b. The subject properties, PPN 32-03494.011; PPN 32-04397.000, are approximately 3.05 acres.
- c. The subject properties have been owned by Erie Shores Property Holdings LLC since 2010.

Surrounding Land Uses:

North: Park Place Development, Raising Canes, Panda Express, All Are Zoned C-2 (General Commercial)

East: Walmart, Fairfield Inn, Firelands Corporate Health, All Are Zoned C-2 (General Commercial)

South: Fairfield Inn, Vacant Agricultural Land, Taco Bell, All Are Zoned C-2 (General Commercial)

West: Golden Corral, Longhorn Steakhouse, Olive Garden, Crossings Development, All Are Zoned C-2 (General Commercial)

Comprehensive Plan - Future Land Use Map Designation

The Perkins Township Comprehensive Plan Future Land Use Map designates these parcels for future commercial use.

Purpose of the Variance:

Per the applicant, the primary purpose of the variance was to allow for a variety of temporary signage during the course of the Ohio Bike Week 2024 event.

Notes:

Temporary sign banners have been proposed throughout the entire event, all facing the interior of the same.

Banners will range in size but will not exceed 3' high by 20' in length (60 sq. ft.), per the applicant.

DEPARTMENTAL FEEDBACK:

These departments reviewed the application(s) and had the following feedback:

Public Works Department - Director: No concern with the application as presented.

Building Department - Chief Building Official: No comment.

Police Department - Chief of Police: No comment.

Fire Department - Fire Marshal: No comment.

PUBLIC / ADJACENT PROPERTY OWNER FEEDBACK:

At the time of making this PowerPoint, the staff had not received any feedback from the public or adjacent property owners.

ANALYSIS SUMMARY TABLE			
Standard	Answer	Preferred Answer	Meets Standard?
7.4.5.a - In Accordance with General Purpose & Intent?	Yes	Yes	Yes
7.4.5.b - Establishment of Use Not Permitted in District?	No	No	Yes
7.4.5.c - Special Circumstances Exist (e.g., wetlands, floodplain)?	No	Yes	No
7.4.5.d - Proof of Hardship?	No	Yes	No
7.4.5.e - Necessary for Reasonable Use? Minimum Variance Needed?	No, No	Yes, Yes	No
7.4.5.f - Injurious to the Public or Surrounding Area?	No	No	Yes
7.4.5.g - Confer any special privilege?	No	No	Yes

- Based on the evaluation of the variance standards, **the staff recommends approval of the variance.** Although our evaluation did not show the request satisfying the standards regarding hardship, reasonable use, and necessity, the staff is still amendable to the request **because of the temporary nature of the event.** As mentioned previously in this report, this is an annual event, and the agents for the property owner have a good track record of communicating with all Township officials and departments to become properly permitted each year.

The conditionally permitted uses requested are:

- (1) A business of a drive-in/thru nature or so called open front store or open-air business, subject to conditions listed in Article 17.2.4; and
- (2) Open air commercial amusements, subject to conditions listed in Article 17.2.5.

Purpose of the Variance:

Per the applicant, the primary purpose of requesting this conditional use permit is to allow for the previously described uses only for the Ohio Bike Week 2024 event.

Notes:

The exact vendors within the depicted tents will not be determined until a time closer to the event.

DEPARTMENTAL FEEDBACK:

These departments reviewed the application(s) and had the following feedback:

Public Works Department - Director: No concern with the application as presented.

Building Department - Chief Building Official: No comment.

Police Department - Chief of Police: No comment.

Fire Department - Fire Marshal: No comment.

PUBLIC / ADJACENT PROPERTY OWNER FEEDBACK:

At the time of making this powerpoint, the staff had not received any feedback from the public or adjacent property owners.

ANALYSIS SUMMARY TABLE (9.2 GENERAL STANDARDS FOR ALL CONDITIONAL USES)			
Standard	Answer	Preferred Answer	Meets Standard?
1) Is in fact a conditional use as appears on the schedule of district regulations adopted for the zoning district involved;	Yes	Yes	Yes
2) Will be in accordance with the general objectives, or with any specific objective, of the Township's Comprehensive Plan and/or zoning resolution;	Yes	Yes	Yes
3) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;	Yes	Yes	Yes
4) Will not be hazardous or disturbing to existing or future neighboring uses;	Yes	Yes	Yes
5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;	Yes	Yes	Yes
6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;	No, <u>Yes</u>	Yes, <u>Yes</u>	Yes, see above analysis.
7) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;	No	Yes	No
8) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and	Yes	Yes	Yes
9) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.	Yes	Yes	Yes

- Based on the evaluation of the standards, **the staff recommends approval of this conditional use permit request for both open-air businesses and amusements, respectively.** Although our evaluation shows that this event will come with some detrimental effects to the general welfare of the public, the staff is amendable to the request because of its temporary nature. As mentioned previously in this report, this is an annual event, and the agents for the property owner have a good track record of communicating with all Township officials and departments to become properly permitted each year.

Staff recommends that the BZA approves this variance with the following conditions.

1. Successfully apply for and be issued the following zoning and building permits.

Transient Vendor / Temporary Store Licenses:

Temporary Electrical Service Permit:

Temporary Occupancy Permits:

2. Coordinate ahead, during, and after the event with the Perkins Township Police and Fire Departments regarding services needed and payment owed for said services.

Note: These conditions are not new requirements. In fact, these applications have been submitted already. They just cannot be reviewed until the variance and conditional use permit are approved, respectively. The applicant is already aware of these “conditions”, as this is a long-standing event. They are being recorded here simply to memorialize their necessity and to make follow-through easier for all parties involved now and in the future.

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

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

XII. Discussion from Board

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

Mr. Bixler motioned to approve #BZA2024-07 & 08 as submitted. Mr. Pitts Seconded.

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

XIII. Old Business

Mr. Panas stated that we had an update for the signage violation. The Tusing Trailer has been moved and stayed off the old Kroger lot for almost 2 months. I did get a complaint from a neighbor that just walked in about the sign on Perkins Ave. I have asked them to turn the brightness down a few times and they have, I will drive by when I leave to see if its still abrasive to the eye. I just emailed them. In December, we talked too, well had an application for an accessory building for number of buildings and quantity. They have since got an attorney, Rich Gilliam, I met with him, I think he is acting as their project manager.

Mr. Gast stated that he thinks he moved the Tusing Trailer to another spot in the Township.

Mr. Gast asked if we were going to do anything for the U-Haul storage units. I think someone needs to go out there because it's a joke. If they're not fastened down and they have electric running to them.

Mr. Spence asked if the new villas' signs were approved.

Mr. Panas said yes, they were.

XIV. New Business

Mr. Panas stated that there are no applications at this time for the next meeting. Possible home occupation on Stony Ridge Drive.

Forrest signage was discussed about the window sign that just went up. Adam talked to the state pharmacy.

XV. Adjournment

Mr. Pitts asked for a motion for adjournment.

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

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