

PERKINS TOWNSHIP BOARD OF ZONING APPEALS MEETING

Held By: Perkins Township Board of Zoning Appeals

Place: Perkins Township Service Facility, Meeting Room, 2610 Columbus Avenue

Date: July 17, 2023

Time: 4:00 p.m.

Board Members Present: Mr. Kastor
Mr. Larry Pitts
Mr. Bixler
Mr. Bertsch
Mr. Spence

Board Members Absent & Excused: Mr. Gast

Staff in Attendance: Ms. Angela Byington, Director of Community Development
Mr. Adam Panas, Planner
Mrs. Jessica Gladwell, Administrative Assistant

I. Pledge of Allegiance

Mr. Kastor 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; Mr. Bertsch, here; Mr. Spence, here.

III. Minutes

Mr. Kastor asked for a motion to approve the minutes from the May 15, 2022, meeting.

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

Roll Call: Mr. Pitts, Yes; Mr. Bertsch, Yes; Mr. Spence, Yes; Mr. Bixler, 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 #BZA2023-17. A variance application submitted by Brady Sign Co. for the property located at 2806 Milan Road. (Parcel # 32-03695.000). The variance request is to allow a side yard setback of 26.5' for a sign to be located along Perkins Ave whereas Article 28.15 requires a side yard setback to be half of the required front yard setback, which would require this sign to have a 30' side yard setback.

VI. Staff Review

Ms. Byington stated that as Jessica stated Brady Signs, on behalf of Sandusky 250 Perkins LLC has applied for a 3.5' variance for a sign to be relocated at 2806 Milan Road (Parcel 32-03695.000). The current zoning is "C-2" / General Commercial. Relocation of a sign to be placed 26.5' from the side yard setback. Section 28.15 requires a side yard setback to be half of the required front yard setback, which would require this sign to have a 30' side yard setback. The applicant has requested to relocate the existing freestanding sign on the property. The sign needs to be relocated to accommodate the Starbucks drive thru. The applicant will be removing the structural post closest to Perkins Ave. and utilizing the other post to support the new signage. The existing sign is currently a legal nonconforming sign as the existing setbacks do not meet the current zoning resolution regulations. Section 28.20 states that a legal non-conforming sign shall lose its legal non-conforming status if the sign is to be altered (except for changeable copy signs) or if it is enlarged, relocated, or preplaced. Article 6 of the Zoning Resolution states that a nonconformity may not be moved, extended, altered, or expanded without approval of the Board of Zoning Appeals approval. Article 28.15 requires a side yard setback to be half of the required front yard setback, which would require this sign to have a 30' side yard setback. The subject property is zoned "C-2"/ General Commercial. Staff did not receive any comments from Fire, Police, Public Works, or the Building Department.

Staff would recommend approval of the 3.5' variance. Article 6 of the Zoning Resolution states the Board of Zoning Appeals is authorized to grant a variance from the provisions of the Zoning Resolution in order to allow the restoration, reconstruction, extension, or substitution of a nonconforming use of land or structure.

Article 6 conditions of approval:

- a) The restoration, reconstruction, extension or substitution of the nonconforming use or structure will not be contrary to the public interest.
- b) Where, owing to special conditions, a literal enforcement of the provisions of this Resolution would result in unnecessary hardship.
- c) There must exist special circumstances or conditions, fully described by the applicant, which are such that the strict application of the provisions of this Resolution would deprive the applicant of reasonable use of the structure or land. Mere loss in value shall not justify an approval by the Board of Zoning Appeals; there must be deprivation of beneficial use of the structure or land.

d) The lot area shall be adequate to accommodate the required off-street parking for the structure as restored, reconstructed, extended, or substituted. The design, location and surface of the parking area shall be provided to reduce congestion, promote safety and to reduce the impact on the existing neighborhood.

e) No nonconforming use shall be permitted to restore, reconstruct, extend, or substitute if it will result in a greater detriment to surrounding properties.

f) No nonconforming use may be expanded beyond the property limits as existing at the time this Resolution was adopted or amended to make the use or structure nonconforming. g) Where nonconforming use status applies to a structure and premises in 78 Perkins Township Zoning Resolution combination, removal or destruction of the structure shall eliminate the nonconforming status of the land. Destruction for the purpose of this Article is defined as damaged to an extent of more than sixty (60) percent of the replacement costs at time of destruction.

h) The replacement of one mobile home with another mobile home shall not be considered reconstruction or restoration under this provision.

i) If any nonconforming use is discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Resolution for the district in which such land is located.

Mr. Ryan Brady – Angie did a good job explaining the area. WE do have the Starbucks being built on the corner parcel which the drive thru is pretty close to the existing sign. Trying to utilize the existing sign. If we had to move away from the current location it would take away more parking for the existing tenants.

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

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

VIII. Discussion from Board

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

Mr. Spence asked that when the signs were approved for Starbucks did you notice that the signage was in the way of the drive thru?

Ms. Byington stated that no we did not notice if it was on the site plan when submitted.

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

Mr. Bertsch motioned to approve Application #BZA2023-17. Mr. Bixler Seconded.

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

IX. Old Business

X. New Business

Ms. Byington stated that she needed to make a quick update. Casey is on vacation this week, but she is resigning to spend more time with her family. She will probably move onto something else, probably not in the round of government. So, we posted for that position. Most of you might remember Adam Panas, he was our intern about two years ago. He has been working for Maumee Valley. He has some experience in zoning, with a commission he worked in front of sometimes.

Mr. Kastor asked if Arielle was still here working part time from home?

Ms. Byington stated that no she isn't.

Conversation continued regarding who does what in the Community Development office.

Mr. Kastor asked how Mr. Ruta is getting along with his neighbors.

Ms. Byington stated that fine, we haven't heard anything from anyone. It is overrun with U-Haul, I will have to put Tami on that, I think that is technically their primary use.

Mr. Spence asked if construction sites have to be maintained from a weed perspective.

Ms. Byington stated yes, the weed place? Amanda has sent notices for that.

Mr. Spence asked if the 18-wheeler sign at the new RV park was allowed?

Ms. Byington stated that I don't believe so. I will look into that.

Mr. Kastor stated that it sounds like Maui Sands is still in court?

Ms. Byington stated that as Maui Sands we have a public hearing tomorrow morning, the trustees are having one at 9. We've been working with the prosecutor's office and the new owners, and their lawyers. The owners that were part of the scandal, regarding an agreement that lays out timeframes for rehabilitation and demolition as well as securing the property if they don't have it secured and providing an escrow amount. We're not going to stop the public hearing process in case anything was to happen, so that is going to happen tomorrow. Which will then, if the trustees approve it, would be basically saying that it is insecure and a nuisance and needs to be demolished.

Mr. Kastor stated that man it would be nice, just have that KBI demo team when they're done and bring them over.

Ms. Byington stated that it's too bad that the county commissioners terminated that agreement out there for the TIF because we could've used that money for the Demo. So, when it went through the Turk, we were going to use it for Bay winds to extend that road but could've been used for demolition.

Mr. Kastor asked if the schools got their money back.

Ms. Byington stated that we all got some money back. We will see what happens, there is some movement on Maui Sands.

Mr. Kastor asked if anyone is sniffing around the old Burger King?

Ms. Byington said no, but it's starting to look bad. Trying to find something we can do with that.

Mr. Kastor asked if Test Drive next to Firelands Toyota was a private road?

Ms. Byington stated yes, it is a private road, it might not even be a private road, it might just be part of their parcel. We went through the whole thing when they closed it down, and we couldn't do anything about them closing it with the barriers. Then they re-opened it and put in the speed bumps now. Apparently, someone almost got hit, their customers.

Mr. Bertsch stated that he keeps getting questions regarding the car wash next to Culvers.

Mrs. Gladwell stated that their 12-month extension is almost up, so at that time they will have to get all new permits.

XI. Adjournment

Mr. Kastor asked for a motion for adjournment.

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