

## 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: December 18, 2023

Time: 4:00 p.m.

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

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

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. Pitts asked for roll call to be taken.

Mr. Pitts, here; Mr. Bixler, here; Mr. Spence, here.

### III. Minutes

Mr. Pitts asked for a motion to approve the minutes from the November 20,2023, meeting.  
Mr. Bixler made the motion and Mr. Spence seconded.

**Roll Call:** Mr. Spence, yes; Mr. Bixler, 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 #BZA2023-30-** A Variance application submitted by property owners Cynthia Lentz and William Meggitt for the property located at 703 East Bogart Rd, Perkins Township, Oh 44870 (PPN: 32-02152.000). The variance request is to allow a sixth (6th) accessory structure whereas article 13, section 6 requires a maximum of two accessory structures in “R-1” / Single Family Residential zoned parcels.

**VI. Staff Review**

Mr. Panas stated that as Jessica stated Cynthia S. Lentz & William Meggitt at 703 E Bogart Rd Perkins Township, OH 44870 are the property owners. The current zoning is “R-1” / Single Family Serviced Residential. The comprehensive plan shows low density residential. The proposed development is to add a sixth (6<sup>th</sup>) accessory structure to the property. The variance request is to allow a sixth (6th) accessory structure whereas Article 13, Section 6 requires a maximum of two accessory structures in “R-1” / Single Family Residential zoned parcels.

**• Site Details:**

- The parcel in question is located at 703 East Bogart Road, which is approximately 2 acres large. It is a deep, narrow lot.
- The property has been in the Lentz family since at least 1950. It has been owned by the current owners since March 2023.

**(a) Surrounding Land Uses:**

**a. North:**

- a. The Crossings, Zoned “C-2” / General Commercial

**b. East:**

- a. Residential and Agricultural, zoned “R-1” / Single Family Serviced Residential

**c. South:**

- a. Agricultural, Zoned “A” / Agricultural

**d. West:**

- a. Residential and Agricultural, zoned “R-1” / Single Family Serviced Residential

**(a) Comprehensive Plan: Future Land Use Map Designation**

- a. The Perkins Township Comprehensive Plan Future Land Use Map designates this parcel as low density residential.

**Purpose of Variance:**

- a. The 6<sup>th</sup> accessory structure is being proposed for vehicle and equipment storage.
- b. The equipment is used to maintain the curb appeal of the property.

**DEPARTMENTAL FEEDBACK:**

- (a) **Public Works Department:** No comment.
- (b) **Building Department:** No comment.
- (c) **Police Department:** No comment.
- (d) **Fire Department:** No comment.

**PUBLIC / ADJACENT PROPERTY OWNER FEEDBACK:**

**(a) Neighbor, Mary Bakewell, 619 E Bogart Rd, Phone Calls** -- Mary complained multiple times to multiple staff members that the applicant had installed a concrete pad. Upon each phone call, each staff member informed Mary that we do not require permits for concrete alone, and that we told the applicant they may pour it at their own risk of noncompliance for the desired structure. The applicant chose to proceed.

Based on the evaluation of the standards, the **staff recommends denying this application because (1) no hardship has been demonstrated and (2) the request is excessive compared to the allowable standard.**

Cynthia Lentz- I have a letter from the Kussers that they have no objections with the building going up. If I could, you said something about no previous permits pulled for the other buildings, those were put up by my dad in the 90's way back when. The request for this building is way in the back of the property you can't really see it from upfront. Its going to be a very nice building, I have a lot of toys a nice restored 73 Camero, our goal is to get all the cars out of sight out of mind, nothing will be in the yard. The other garages are full, we have a lot of toys.

William Meggitt – I just want to add to that, we got the house from an estate from her mom and dad, so we have all their belongings along with ours. Their vehicles plus our vehicles from moving in, lawn equipment and that's why we need that building so not everything is sitting outside so it doesn't look like trash.

Mrs. Lentz stated that she had some cars that have been restored where they want to keep them where its heated.

Note From Kusser's read into the record. To whom it may concern, my husband and I (Mark and Charlotte Kusser) 615 E bogart Rd have no objection to Cindy Lentz and William Meggitt at 703 E Bogart Rd to put up a new building on their property.

Mrs. Lentz stated that like I said it's going to be a very nice building, we just want everything out of site out of mind. Where we can go out and tinker with the vehicles. If you guys want to come out and see where it's going to be and looks like you're more than welcome too.

Mr. Meggitt stated that their contractor is here if they have any questions for him.

Mary Bakewell – 619 E Bogart Rd. About 10+ years ago they started putting the structures in across the pool, and I called Tom Ferrell, I didn't know who else to call and Tom Ferrell said that its Perkins Township, you can have 8-10 structures on their property nobody cares if they just put them up wherever they want. Now that I realize we are zoned R-2 there is a reason you did this the way you did, to keep the properties neat. You drive down Bogart Rd, the properties are neat, lawns are cut. If you start letting people bring in all these structures all over the place, it's going to look like driving on the road to Fremont where they have all these out buildings all over the place, I don't want that. I want my home when I go to sell it to look nice. I feel if you allow them to add number 6, what's next? 7, 8 10 your zoning department is not even necessary then, just let everyone do what they want. If they didn't apply for the other things, I don't know. Like I said, I called Tom Ferrell 10 years ago. Being a neighbor who is going to be selling their house one day, I don't want a lot of out buildings sitting around there.

Mrs. Lentz – to address her comments about calling Tom Ferrell, the pool structures my dad put that pool in when I was in Jr. High. The tornado wiped it all out, but the cement pads were there, and they put the buildings back up/ This is the first addition were doing since my mom and dad have passed. I think this is going to make it better, it will be a nice-looking building and everything will be in the sheds. It's back almost to route 2.

Martha Pitcher – 707 Bogart Rd – on the other side of Bill and Cindy. I have no objection to this at all, I look at it this way, it is their property and it's far enough off the road that no one will notice it. Like they said they have vehicles they will be able to store stuff and work on it, I don't object to it at all.

Mr. Meggitt asked what is the max number of structures you can have on a property?

Mr. Panas stated that you can have a main dwelling that you live in and up to two accessory structures.

Mrs. Lentz stated that Mr. Panas stated that he told her it was 5. As far as our house is concerned, you guys can come out and look at it, we don't live in a trashy house. It is up kept; we're not trying to do anything.

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

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

Mr. Bixler asked if they needed all those buildings, are they being used?

Mr. Meggitt stated yes, the red one has all the pool pumps and everything to run the pool. The other shed has all the pool belongings, cover filters, toys, and stuff like that. If need be, I don't have a problem with tearing one out of I have too, if I can get that building because I can make room in the new one for that pool stuff. It's just a shed. The building that we want to put up is a steel frame building.

Mr. Spence stated that the building that you're proposing is that from the right way.

Mr. Meggitt stated that he would say at least  $\frac{3}{4}$  of the way back.

Mr. Bixler asked if the side yard setback is 20 ft?

Mr. Panas stated that is correct, that is what was proposed.

Mrs. Lentz stated that it was Marcia's side.

Mr. Bixler stated, and Mary is on the other side.

Mrs. Lentz said that is correct Mary is on the other side and on Mary's side there are a row of trees.

Mr. Spence stated that in our code we use pools and pool structures as accessory buildings, and with those totals about 640sq ft of these, and noted that the existing accessory buildings square footage is 180% of zoning resolution standards.

Discussion continued about variations of square footage exceedances.

Mr. Bixler asked if it would help at all if one of them were moved and one taken out, something to compromise the situation?

Mr. Panas stated that yes it certainly could, but our staff's concern wasn't with structures 2 3 4 but to speak candidly structure 1 & 5 aren't enough for the typical residential use. We deal with and I want to preference what I'm going to say I'm not saying this is or would be the case, but we deal with quit a but if hoarding situations and not being on your property past the driveway that is to be honest code compliance and hours with code enforcement. If you can't take care of everything with your property with 2000 sq ft of garage. Maybe we need to add on to the current garage or reposition like the applicant mentioned the driveway on the western side of property, which could be an opportunity.

Mr. Spence stated that he understood how additional buildings cause additional things or toys or hoarding or a business.

Mr. Panas stated that we've had that too.

Mrs. Lentz stated that there is no business to be run, promise that. I have classic cars and trucks it's the whole reason for it.

Mr. Panas stated that if we know and accept that as facts for this applicant the staffs then, the whole reason were here is to look for non-current owners, is for the future owners, that is the only thing I'd like to have the board consider.

Mr. Pitts asked if they understand the situation that we have? It is by the zoning code you're only allowed two additional structures out (accessory) buildings as we call it. Right now you have 5 and you want to add one more, so you will be up to 6 on your property and so that creates the problem.

Mrs. Lentz asked if we could come out and look as they have a big lot.

Mr. Pitts stated that we totally understand that but at the same time we need to look at as you know its just not your property, but going forward, if we say the Lentz have six buildings on their property and the neighbor down the street comes in and says what's one more? So that is the difficulty we have right now.

Mr. Spence stated that there is precedence and not only about the 6<sup>th</sup> building but square footage in exceedance of what's allowed, we have approved that in the past. It's a second building rather it's a pole barn or a number. Is it the fact that it's the 6<sup>th</sup> building or the additional square footage? To the other neighbor's concern where do you stop, right?

Mr. Panas stated that there are certain minimums if you want to build a house but not accessory buildings. I can speak to our recent variance request the exceedances are generally much less, but I leave a lot of it up to you but the black and white. But by the book it recommended denial, by the book by the text you can only have two. I think you would like an ideal situation. I'm not saying this should happen to anything but let's say you forget about 2,3,4. Number one is close to the house, and if they can attach that not just a breezeway and then do an addition to building 5. Variances would still be needed but it's just food for thought.

Mr. Spence stated that it changes the percentage because part of the garage becomes the house, and square footage and now you're down to 3 buildings minus the pool ones.

Mr. Pitts asked if they understand why they are discussing what they are discussing here.

Mrs. Lentz stated she somewhat gets, I didn't realize when we started that it would look more orderly, we figured we'd get more complaints about the cars in the driveway or the utility trailers we want to get in the garage that we use in the summer. Were just trying to make the property look neat, and as far as someone insinuating my property isn't worth what theirs is, ours appraised pretty high and were going to keep it that way. I'm kind of disappointed I thought we had enough space, like I said all these buildings were there because I was still in high school. I didn't know the pool would be an accessory structure.

Mr. Panas stated that with his review the time that something has been there doesn't affect his review.

Mrs. Lentz stated that the township is welcome to drive out there, the building to make everything neat, she has classic cars she's not going to get rid of.

Contractor- stated that the process you were just discussing about the possibility of consolidating structures to help combat the number 6 that is coming on.

Discussion about the current accessory structures on the building and consolidating.

Mr. Pitts stated that first off, I don't think that we can make a decision today, maybe what happens is we table this, and you come back with a different plan, which would incorporate some of the things that you just said. We're stuck between a rock and a hard spot; we're trying to figure this out and we want you to be able to enjoy your property but at the same time it must be code. We can give a variance on that, as long as it's within certain parameters. At this point you're just over where it needs to be.

Mr. Spence stated that we have allowed it in the past, it just gets outside of what we're allowing, it sets a presence for the next person and at the same time protecting the intent of the code. I think tabling it and coming back would help and bring back to review the plans. It would possibly solve some of the concerns and flexibility.

Mr. Pitts said, "do you want to do that? I can entertain a motion.

Mr. Panas stated that you can table it, you can either table it to a certain date and then we don't have to publish it again. If we table it indefinitely, that leaves it on to the applicant, if they want to continue with the plan, they can contact our office within the deadline.

Mr. Pitts stated that if we table this, what is a good time for you to come back a plan, next meeting, two meetings? Indefinitely?

Mrs. Lentz stated that at the next meeting because we want to continue with it.

Mr. Panas stated that he wanted to make the board aware that they would still need to get any building permits to get any conditions and so that might add to the timeline because with building drawings.

Mr. Bixler stated that what Adam is stating is that it might take longer than a month.

Mr. Panas stated that was correct, realistically, because of just knowing our building official and his review timeline. Maybe I'm thinking of the overall timeline.

### **VIII. Discussion from Board**

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

Mr. Spence motioned to approve Table #BZA2023-30 until the next scheduled meeting. Mr. Bixler Seconded.

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

Mr. Portables asked various questions regarding the contracting work about attaching and figuring out other accessory structures.

### **IX. Old Business**

#### **X. New Business**

Old Lake Wilmer Bar, now Round a Bout Bar they talked to us about putting a shipping container on the property, at the rear. It's an extension of a non-conforming use.

#### **XI. Adjournment**

Mr. Pitts asked for a motion for adjournment.

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