

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: February 20, 2024

Time: 4:00 p.m.

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

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

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. Gast, here Mr. Spence, here.

III. 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.

IV. Minutes

Mr. Pitts asked for a motion to approve the minutes from the December 2023 & January 2024, meetings.

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

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

V. Reading of the Request

APPLICATION #BZA2024-03- A variance application submitted by ML Poulos Ltd for the property at 1717 E Perkins Ave, Perkins Township, OH 44870 (PPN 32-02061.000). The variance request is to extend the existing nonconforming use of structures and land by constructing three (3) additional storage buildings in the rear yard of the property, whereas Article 6, Section 1 prohibits the extension of a nonconforming use of a structure and land.

VI. Staff Review

Mr. Panas stated that as Jessica stated that ML Poulos Ltd at 3213 Country Club Ln, Huron, OH 44839 applied for a variance for the property located at 1717 E Perkins Ave, Perkins Township, OH 44870 PPN 32-02061.000. The current zoning is "C-2" / General Commercial. The comprehensive plan shows this property being commercial. The proposed development is to construct three (3) additional storage buildings in the rear yard of the property; and a side yard variance to conform with current standards. The requested variances are to extend the existing nonconforming use of structures and land on this property (a mini storage building facility on a commercially zoned lot). The parcel in question is approximately 3.04-acres in size. The current owner, ML Poulos Ltd., has owned this property since 1992.

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:

Expand existing use by constructing up to three (3) additional buildings.

Note: This site plan was provided by the applicant.

DEPARTMENTAL FEEDBACK:

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

Building Department, Township Administrator: No comment.

Police Department, Chief of Police: No comment.

Fire Department, Fire Marshal: No comment.

City of Sandusky Planning Department: The City's Planning Department appreciated our reaching out and noted that, if the mini-storage building were in their jurisdiction they would require a 40' minimum setback. They did acknowledge that this requirement has no bearing within our jurisdiction and noted that our 30' minimum setback for the rear yard came close to this anyway.

PUBLIC / ADJACENT PROPERTY OWNER FEEDBACK:

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

NOTE: This application considers two sets of standards. First, are 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)?	Yes	Yes	Yes
7.4.5.d - Proof of Hardship?	Yes	Yes	Yes
7.4.5.e - Necessary for Reasonable Use? Minimum Variance Needed?	Yes, <u>Yes</u>	Yes, <u>Yes</u>	Yes
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

NOTE: Second, are the **Standards Relating to Nonconforming Structures** contained in Article 6, Section 6.7. The results of that review are listed below:

ANALYSIS SUMMARY TABLE			
Standard	Answer	Preferred Answer	Meets Standard?
6.7.1.a - Contrary to Public Interest?	No	No	Yes
6.7.1.b - Proof of Hardship?	Yes	Yes	Yes
6.7.1.c - Special Circumstances Exist?	Yes	Yes	Yes
6.7.1.d - Lot Area Adequate for Off- Street Parking?	Yes	Yes	Yes
6.7.1.e - Will it Detriment the Surrounding Area?	No	No	Yes
6.7.1.f - Will it Expand Beyond Property Lines?	No	No	Yes
6.7.1.g - Is Removal/Demo of 60% or more?	No	No	Yes
6.7.1.h - Replacement of mobile homes?	No	No	Yes
6.7.1.i - Nonconforming Use Ever Stopped for >2 years?	No	No	Yes

GENERAL VARIANCE STANDARDS

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)?	Yes	Yes	Yes
7.4.5.d - Proof of Hardship?	Yes	Yes	Yes
7.4.5.e - Necessary for Reasonable Use? Minimum Variance Needed?	Yes, <u>Yes</u>	Yes, <u>Yes</u>	Yes
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

**STANDARDS RELATING TO
NONCONFORMING STRUCTURES**

ANALYSIS SUMMARY TABLE			
Standard	Answer	Preferred Answer	Meets Standard?
6.7.1.a - Contrary to Public Interest?	No	No	Yes
6.7.1.b - Proof of Hardship?	Yes	Yes	Yes
6.7.1.c - Special Circumstances Exist?	Yes	Yes	Yes
6.7.1.d - Lot Area Adequate for Off- Street Parking?	Yes	Yes	Yes
6.7.1.e - Will it Detriment the Surrounding Area?	No	No	Yes
6.7.1.f - Will it Expand Beyond Property Lines?	No	No	Yes
6.7.1.g - Is Removal/Demo of 60% or more?	No	No	Yes
6.7.1.h - Replacement of mobile homes?	No	No	Yes
6.7.1.i - Nonconforming Use Ever Stopped for >2 years?	No	No	Yes

Based on the evaluation of the standards, **the staff recommends approval of both variances** because the property was formerly a conforming use and by no fault of the applicant did it become nonconforming. Secondly, a strict application of the Zoning Resolution would cause unnecessary hardship because the applicant has no alternative to applying for these variances to expand the existing use on the property.

Mr. Poulos – I represent ML Poulos, who is Michelle which is my wife. Adam pretty much stated that we wouldn't be here if it wasn't for the fact that several months ago the zoning changed to only have them in industrial zoning. This is just completing our master plan.

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

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

Mr. Spence stated that this is pretty straight forward.

Mr. Bixler stated that all surrounding property owners were notified.

Mrs. Gladwell said yes.

Mr. Gast asked about drainage? Not anywhere near the neighbors?

Mr. Poulos stated there's a detention pond.

Mr. Gast asked if lighting was going to be a problem.

Mr. Poulos stated that the lighting has already been in for the whole property.

Mr. Gast asked about them being put on footers.

Mr. Poulos stated that they are pre-engineered to the highest standards.

VIII. Discussion from Board

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

Mr. Gast motioned to approve #BZA2024-03 as submitted. Mr. Spence Seconded.

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

IX. Reading of the Request

APPLICATION #BZA2024-04- A variance application submitted by Aligned Data Centers (NEO) PROPCO, LLC for the property at 2509 Hayes Avenue, Perkins Township, OH 44870 (PPN 32-01325.000). The variance request is to reduce the required loading spaces to three (3) per building (estimated 4 buildings total), whereas Article 27, Section 10 requires 44 loading spaces per building.

APPLICATION #BZA2024-05- A variance application submitted by Aligned Data Centers (NEO) PROPCO, LLC for the property at 2509 Hayes Avenue, Perkins Township, OH 44870 (PPN 32-01325.000). The variance request is to construct four (4) primary buildings that are fifty-seven feet and six inches (57'-6"), respectively, whereas Article 21, Section 5 requires a maximum height of fifty (50) feet for primary buildings on lots zoned I-2 (Heavy Industrial) such as this one.

X. Staff Review

Mr. Panas stated that as Jessica stated Aligned Data Centers (NEO) Propco, LLC 2800 Summit Avenue. Plano, TX 75074. The property is located at 2509 Hayes Avenue, Perkins Township, OH 44870. PPN 32-01325.000. The current zoning of the property is "I-2" / Heavy Industrial, with the comprehensive plan showing Industrial. The proposed development is to Construct up to four (4) total primary buildings, approximately 476,000 sq. ft. each, to lease warehousing space for clients' data servers. The requested variances are **Variance 1:** Reduce the required loading spaces to three (3) per building (estimated 4 buildings total), whereas Article 27, Section 10 requires 44 loading spaces per building. **Variance 2:** The variance request is to construct four (4) primary buildings that are fifty-seven feet and six inches (57'-6"), respectively, whereas Article 21, Section 5 requires a maximum height of fifty (50) feet for primary buildings on lots zoned I-2 (Heavy Industrial) such as this one. **Site Details:** The parcel in question is approximately 128.66 acres in size. The current owner, Aligned Data Centers NEO Propco, LLC has owned this property since 12/15/2023.

Surrounding Land Uses:

North: City of Sandusky – Mix between Single-Family, Multi-Family, Mill's Golf Course, and Sandusky Schools Campus

East: Mix of mostly commercial uses, some zoned C-2 and others zoned I-1.

South: Mix of commercial uses, mostly medical offices with some farmland.

West: Mostly industrial properties, either used for agriculture, industrial businesses, or for energy production.

Comprehensive Plan - Future Land Use Map Designation

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

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 concern with the application as presented.

Police Department - Chief of Police: No comment.

Fire Department - Fire Marshal: The Fire Marshal discussed fire hydrant spacing and access to the site during phase 1 of construction with the applicant. The full record of comments is on file with the application. The applicant was amenable to all requests made by the Fire Marshal.

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?	<u>Var. 1:</u> Yes <u>Var. 2:</u> Yes	Yes Yes	Yes Yes
7.4.5.b - Establishment of Use Not Permitted in District?	<u>Var. 1:</u> No <u>Var. 2:</u> No	No No	Yes Yes
7.4.5.c - Special Circumstances Exist (e.g., wetlands, floodplain)?	<u>Var. 1:</u> Yes <u>Var. 2:</u> Yes	Yes Yes	Yes Yes
7.4.5.d - Proof of Hardship?	<u>Var. 1:</u> Yes <u>Var. 2:</u> Yes	Yes Yes	Yes Yes
7.4.5.e - Necessary for Reasonable Use? Minimum Variance Needed?	<u>Var. 1:</u> Yes, Yes <u>Var. 2:</u> Yes, <u>Yes</u>	Yes, Yes Yes, <u>Yes</u>	Yes Yes
7.4.5.f - Injurious to the Public or Surrounding Area?	<u>Var. 1:</u> No <u>Var. 2:</u> No	No No	Yes Yes
7.4.5.g - Confer any special privilege?	<u>Var. 1:</u> No <u>Var. 2:</u> No	No No	Yes Yes

Based on the evaluation of the standards, **the staff recommends approval of both Variance 1 (Parking) and Variance 2 (Height)** because a strict interpretation of the Zoning Resolution would fail to recognize the special circumstances of the land and building, thus resulting in undue hardships.

Eric Benson – Said thank you for running through the variances. Starting with the variance application Adam did a nice job outlining the need verse what code calls for. With the way

the data center works for us, we really need 3 spaces, 2 for trucks and a 3rd for our trash receptacles and a truck that serves that. We say at max it's typically say two trucks a day we'd anticipate when the site is fully functional. That's probably a high number, it's probably less than that through the week. So again, it's talking about each one of the buildings, the 44 is well beyond what we would need or require. Speaking to the height variance, we can definitely go into a little more depth, but basically how they work, we have many, many, racks of servers within a data hall, all of those servers create a bunch of heat, the racks the fiber coming in, all the power coming in and then we have a space between the ceiling and the top of the equipment that is part of our heat rejection system, so that goes into as Adam mentioned our cooling solution and that is how we keep the inside of the data centers cool. That's kind of the need from the 27ft floor to floor comes in.

Mr. Gast asked you used that the cooling, obviously that will be designed all fireproof?

Unknown stated that the ceiling itself is not fireproofed- but the data halls themselves, the partitions, the walls are fireproofed with a 1hr rating floor to floor. I believe we are carrying a 2b construction type for this facility which doesn't require a rating between doors. We could certainly discuss this if it was a concern, we have built in other municipalities with 2b and didn't have to have floor to floor. The drop ceiling from structures is probably the same as Eric was talking about. Travels through the servers and up through and the air recirculates back into the back of the fan coils that pitch out into the hall.

Mr. Gast stated things like that just circulate the fire faster.

So, our data halls are all rated, the walls around the perimeter of the data hall are rated, we voluntarily rate the walls from a smoke and fire standpoint. It's just the ceiling itself is not rated because we must have the air circulating.

Mr. Spence stated that the only thing I've counted on, this is for Ted since he's not here is that were putting dock bays and trash receptacles front facing the road. I understand it's the design and its zoned industrial area but I'm tired of driving down 250 seeing dumpsters. I'm sure there is some screening, it's just the angle.

Mr. Pitts asked with the 4 developing buildings, are they going to be developed compass the entire 128 acres or are they all 4 going to be closer to route 4.

Mr. Benson stated that yes, we are anticipating they would all face Hayes Ave. It's 129 acres but there is 30+ acres on the western side that is wetlands, were trying to avoid getting into those areas.

Mr. Spence stated that the dock, is fine based off of other things.

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

XII. Discussion from Board

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

Mr. Gast motioned to approve #BZA2024-04 & 05 as submitted. Mr. Spence Seconded.
Mr. Gast, yes; Mr. Spence, yes; Mr. Bixler, Yes; Mr. Pitts, 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.


TED KASIOR 4/30/24