

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 22, 2022

Time: 4:00 p.m.

Board Members Present: Mr. Ted Kastor, Chairperson
Mr. Larry Pitts, Vice Chair
Mr. Michael Bixler

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

Staff in Attendance: Mrs. Arielle Blanca, Planning
Mrs. Jessica Gladwell, Administrative Assistant

I. Pledge of Allegiance

Mr. Ted Kastor called the meeting to order and led the Board and staff in the Pledge of Allegiance.

II. Roll Call

Mr. Kastor asked for roll call to be taken.
Mr. Pitts, here; Mr. Bixler, here; Mr. Kastor, here;

III. Minutes

Mr. Kastor asked for a motion to approve the minutes from the December 20, 2021, meeting.

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

Roll Call: Mr. Pitts, 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.

Reading of the Request

- V. APPLICATION #BZA2022-1** A conditional use permit was requested by John Reyes on behalf of Patrick O'Brien for the property on East Strub Road (PPN: 32-01943.000 & 32-03476.000). The conditional use permit requested is to allow for a Motor Vehicle Sales and Service. Article 17.2(3) of the Zoning Resolution requires a Conditional Use Permit for a Motor Vehicle Sales and Service Business within a "C-2"/General Commercial District.

John Reyes is present and is the architect on behalf of the dealership. As mentioned, we would like to start a new car dealership on that parcel. There is an adjacent Toyota dealership adjacent from that property.

VI. Staff Review

Mrs. Blanca stated that as Jessica stated this is an application for a conditional use permit for E. Strub Road, PPN: 32-01943.000 and 32-03476.000. John Reyes has submitted an application on behalf of Patrick O'Brien. The current zoning of the property is "C-2"/General Commercial District. The proposed development for the property is a Motor Vehicle Sales and Service Station. The subject property is located on the south side of East Strub Road. As you can see it is currently two parcels and there is an easement between the two parcels. Surrounding properties to the sound and west are zoned "C-2" / General Commercial, the properties to the north are zoned "PUD" / Planned Unit Development and "R1-A" / Single Family Residential, the properties to the east are zoned "R-2" / Two Family Residential.

Appendix E of the Zoning Resolution outlines the requirements for conditional uses in a Commercial District. Staff's review indicates that the proposed use would comply with zoning regulation Section 17.2 (3) for Developmental Setback Standards. The total site area will be made up of 5.59 acres once lots are combined. The total square footage of the building will be 34,052 sq ft. with a total of 459 parking spaces.

The conclusion and recommendation is the following. This application has been reviewed from the perspective of the Zoning Resolution's standards as noted above. In this regard, it is noted that planning staff **recommends the approved of this Conditional Use Permit with the following conditions:**

- 1. Will need to provide proof that the easement has been vacated.**
- 2. The two lots and the easement will need to be combined into one lot.**
- 3. Final site plans will be to be submitted, showing which areas are designated for parking and which are designated for showing cars.**
- 4. A landscape plan and photometric plan will need to be submitted, to be approved by staff.**
- 5. Applicant will need to work with Erie County Engineers office on a drainage plan.**
- 6. All lighting shall be shielded from adjacent residential districts.**
- 7. All building and signage permits must be approved.**

Joe Schell – owns property at 1005 E. Strub Rd. I am curious about the easement, is the easement totally on that lot?

Mrs. Blanca stated that she believes once an easement is vacated, it is split. Each neighbor would get half of the easement.

Joe Schell – so it runs down the residential lot by their lot?

Mrs. Blanca stated that it runs their whole lot.

Joe Schell asked what are the ramifications of getting rid of an easement?

Mrs. Blanca stated that what we have already been told is the easement has already been vacated so they would just need to show proof of that, and then it is essentially already done.

Mary- Lou McPeak – 1004 E. Strub Rd. Is it the easement that on Elizabeth Dr?

Mrs. Blanca stated that it's on the auditor's website, it just showed vacant lot.

Mr. O'Brien stated when it was bought it a few years ago from Kasper's, at one time there was going to be an Elizabeth Dr. in between and then however the property got developed years ago. So, then that was there, so when we bought the property from Kasper's we had that easement vacated so that Elizabeth Dr went away, it doesn't exist anymore.

Mary Lou McPeak asked how far they could come to her property, can you come right up to the lot line then?

Mr. Reyes stated no, as far as building a building or parking anything, there is a designated set back from residential properties. Zoning wise, I believe it is a 30ft building set back from that adjacent property, so we can't put any parking or anything closer than that. There is also a 25 ft landscaping buffer so we would have to put up some kind of landscaping.

Pat O'Brien stated that he believes when he vacated that easement it got Mrs. McPeak more property. You have another 10 or 15ft going westbound that you didn't have before.

Mrs. McPeak stated she remembered asking for that to be vacated. So, I'm going to have a little buffer at least.

Mr. O'Brien stated yes, and we will make it look nice. We have already been doing a lot, so it will look nice.

Mrs. McPeak asked if there was going to be a Walker Rd, that goes East and West that goes on the back side of Target. Does this still exist?

Mr. O'Brien stated that their parking lot goes up to the backend of Target and the road behind there, so there will never be.

Mrs. McPeak stated maybe that road is already Walker Rd.

Mr. Kastor asked if there are any other questions on this Conditional use request.

VII. 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 that this is a "C-2" General Commercial use for a car dealership, which is already in line with what is already going on there. Mr. Kastor stated he would entertain a motion or approve or deny the request.

Mr. Pitts motioned to approve Application #BA2022-1 with the conditions listed, Mr. Bixler seconded. Mr. Pitts, Yes; Mr. Bixler, Yes; Mr. Kastor, Yes.

IX. Old Business

Mr. Pitts asked when is Panda Express coming?

Mrs. Blanca stated that Andy Ouriel messaged her earlier about that and haven't heard anything.

Mrs. Gladwell stated that they had some revision in January that George approved but nothing since then.

Mrs. Blanca stated that Andy was going to reach out to Panda Express to get a date and let me know.

Mr. Kastor asked what about that car wash?

Mrs. Blanca stated which one? The one by Culver's. They did their groundbreaking already, maybe they are just waiting until the weather gets better.

Mr. Bixler asked anything with Burger King?

Mrs. Blanca stated no.

Mr. Kastor asked about the shooting range & RV Park.

Mrs. Blanca stated that we haven't heard anything about the shooting range. The RV Park is still on, they discussed starting in April.

X. New Business

Mrs. Gladwell stated that Hoty's got the medical marijuana lottery.

Mrs. Blanca stated there will potentially be a medical marijuana place going in at Pier One.

Mrs. Gladwell stated that the medical marijuana will go in across from Manny's on 250.

Mr. Kastor asked what was going on with Maui Sands.

Mrs. Blanca stated that she knew that Angie and Amanda met with the property manager, she is not sure much came out of it at this point. I wasn't in on any of those meetings.

Mr. Kastor asked if we were involved with Code Enforcement.

Mrs. Blanca stated it's mostly Amanda.

Mr. Kastor stated that on county building that is I don't know if it's the water department. Why isn't that getting fixed. Is it a jurisdictional thing where the township can't tell the county to clean up their buildings? I was going to confront the commissioners; I think I've heard it was a dispute between the two who will spend the money to fix it. So, there is something going on there, and it is an eye sore.

Mr. Kastor asked about the apartment complex, is that still a go?

Mrs. Blanca stated that the article was very uh, misinformed. They have only had preliminary approval. They still have to submit final plans and go through the county engineers and get a variance approval for the entrance.

XI. Adjournment

Mr. Kastor asked for a motion for adjournment.

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