

MEETING MINUTES

To: Chair and Members of the Board of Zoning Appeals

From: Adam Panas, Planner/Zoning Inspector

Subject: 5/28/2024 Board of Zoning Appeals Meeting Minutes

Date, Time, & Location of Meeting: Tuesday, May 28, 2024 @ 4:00 pm
Perkins Township Services Facility – Big Meeting Room
2610 Columbus Avenue, Sandusky, OH 44870

I. Call to Order.

- a. Mr. Kastor called the meeting to order.

II. Pledge of Allegiance

- a. Mr. Kastor led everyone in the Pledge of Allegiance.

III. Roll Call – Members of the Board and Staff

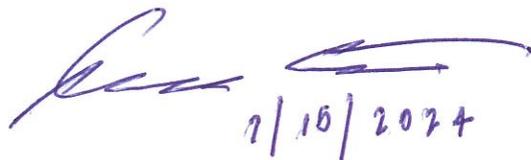
- a. Mr. Kastor asked for a roll call to be taken.
- b. Mr. Adam Panas conducted said roll call:
 - i. Board Members Present:
 1. Mr. Ted Kastor – Chairperson
 2. Mr. Larry Pitts – Vice Chair
 3. Mr. Michael Bixler
 4. Mr. Gary Gast
 5. Mr. David Bertsch
 - ii. Board Members Absent & Excused:
 1. Mr. Will Spence – Alternate
 - iii. The following staff members were in attendance:
 1. Mr. Adam Panas, Planner/Zoning Inspector
 2. Mr. Mason Davis, Intern

IV. Approval of Previous Meeting Minutes (Monday, April 29, 2024 Special Meeting).

- a. Mr. Kastor entertained a motion to approve the previous meeting minutes from April 29, 2024; Mr. Bixler motioned to approve the minutes; Mr. Pitts seconded. Roll Call: All ayes, motion carried.

V. Chairperson’s Welcome and Explanation of Public Hearing & Meeting.

- a. 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.


7/16/2024

VI. Secretary Reads the Request on the Proposed Application.

- a. Mr. Panas read the request on the proposed application. APPLICATION #BZA2024-09- Application for variances was submitted by Jennifer & Joshua Meyer for the property at 2813 Bogart Rd., Perkins Township, OH 44870 (PPN #32-02434.000) to be able to construct an above-ground swimming pool as the 3rd accessory structure on the property; whereas, for properties zoned R-1 (Single- Family Serviced Residential), Article 13, Section 6.10 permits a maximum of two (2) accessory structures, one of which can have an area equal to or less than the main floor of the primary residence, with the second being limited to 196 sq. ft. in area. The proposed pool will be the third accessory structure and has a proposed square footage of 452 s.f.

VII. Staff Reviews the Community Development Staff Report.

- a. Site Details:
 - i. The property in question is located at 2813 West Bogart Road, approximately 850 l.f. east of the intersection of State Route 4 (Hayes Avenue) and West Bogart Road. The subject property is approximately 1.04 acres.
- b. Surrounding Land Uses:
 - i. North: Agricultural, Zoned A (Agriculture)
 - ii. East: Single-Family Dwellings, Zoned A (Agriculture) and R-1 (Single Family Residential)
 - iii. South: Single-Family Dwellings, Zoned A (Agriculture) and R-1 (Single Family Residential)
 - iv. West: Cedar Point Congregation of Jehovah’s Witnesses, Zoned PUD (Planned Unit Development), Single-Family Dwellings, Zoned A (Agriculture) and R-1 (Single Family Residential)
- c. Comprehensive Plan – Future Land Use Map Designation:
 - i. The Perkins Township Compressive Plan’s Future Land Use Map designates these parcels for future low-density residential use.
- d. Purpose of Variance:
 - i. “We are seeking a zoning variance to accommodate the addition of a third accessory building to our property, which will be an above-ground pool. Currently, we have two existing accessory buildings – a garage and a shed. With careful consideration, we will ensure that the placement of the pool maintains the privacy of our family while also preserving the unobstructed views of our neighbors. By strategically situating the pool on our property, we will minimize any potential impact on surrounding properties while enhancing our own enjoyment of the space. We believe

that this addition will not only contribute positively to our family’s quality of life but also uphold the aesthetic and functional integrity of our neighborhood.” **Note: A site plan was provided by the applicant.**

- e. Departmental Feedback:
 - i. Public Works Department – Director: “No concern with application as presented.”
 - ii. Building Department – Chief Building Official: No comment.
 - iii. Police Department – Chief of Police: No comment.
 - iv. Fire Department – Fire Marshal: No comment.
- f. Public/Adjacent Property Owner Feedback:
 - i. At the time of making the PowerPoint presentation for this meeting, the staff had not received any feedback from the public or adjacent property owners.
- g. 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?	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

- h. Based on the evaluation of the variance standards, **staff recommends approval of the variances.** Although our evaluation did not show the request satisfying the standards regarding special circumstances and hardship, staff believes that the size of the applicant’s rear yard leaves plenty of grass covered land after the structure is constructed, thus still achieving our perceived purpose and intent of Article 13 – Single-Family Serviced Residential, Section 6 – Accessory Structures.

VIII. Open the Public Hearing.

- a. Applicant/Appellant Presentation
 - i. Mrs. Jennifer Meyer, the applicant and property owner of 2813 Bogart Road, explained that they had been interested in constructing an above-ground pool for use by her children.
- b. Audience remarks:
 - i. “For” Request. No comment.

- ii. “Against” Request. No comment.

IX. Board Motion to Close Public Hearing and Open Public Meeting – Roll Call Vote.

- a. Mr. Bertsch motioned to approve the variance, Mr. Bixler seconded the motion. Roll Call: All ayes, motion carried.
-

X. Secretary Reads the Request on the Proposed Application.

- a. Mr. Panas read the request on the proposed application. APPLICATION #BZA2024-10- Application for a variance was requested by David Speer on behalf of property owner Linda Speer, Trustee for property located at 802 Bogart Rd., Perkins Township, OH 44870 (PPN #32-04411.000) to construct a 2nd accessory structure on their properties; whereas, for properties zoned R-1 (Single- Family Serviced Residential), Article 13, Section 6.10 permits a maximum of two (2) accessory structures.one of which can have an area equal to or less than the main floor of the primary residence, with the second being limited to 196 sq. ft. in area. The proposed area of the second accessory structure is 2,480 s.f.

XI. Staff Reviews the Community Development Staff Report.

- a. Site Details:
 - i. The property in question is located at 802 W. Bogart Rd., directly across the street and to the south of the entrance to the Lake Wilmer Subdivision. The subject property will be approximately 1.79 acres once it is combined. Right now, the western parcel is approximately 0.85 acres, and the eastern parcel is approximately 0.94 acres. Mr. Panas noted that the lot combination was recommended to the applicants due to the current Zoning Resolution not allowing accessories structures on lots without homes on them.
- b. Surrounding Land Uses:
 - i. North: Single-Family Dwellings, zoned R-1 (Single Family Residential)
 - ii. East: Single-Family Dwellings, zoned R-1 (Single Family Residential)
 - iii. South: NASA Property, zoned I-1 (Light Industrial)
 - iv. West: Single-Family Dwellings, zoned R-1 (Single Family Residential)
- c. Comprehensive Plan – Future Land Use Map Designation:
 - i. The Perkins Township Compressive Plan’s Future Land Use Map designates these parcels for future low-density residential use.
- d. Purpose of Variance:
 - i. Per the Applicant, “The variance is based on the two parcels mentioned being combined per the attached legal description which is in process and will be completed by the May 28, 2024 hearing date. The principal

dwelling has 2,597 SF of living space. The proposed accessory building #1 is 2,480 SF and cannot exceed the main floor of the primary residence. The existing accessory building #2 is 768 SF and cannot exceed 196 SF, therefore this variance request is for an additional 572 SF of accessory building area. The variance of an additional 572 SF of accessory building area is required to accommodate the owner’s desire to build the proposed 2,480 SF accessory building #1. Note, this is a large 1.7803-acre parcel, and the structures area is minimal relative to the lot size. Also, this variance will not have any negative impact on the surrounding area.” **Note: A site plan was provided by the applicant.**

- e. Departmental Feedback:
 - i. Public Works Department – Director: “No concern with application as presented.”
 - ii. Building Department – Chief Building Official: No comment.
 - iii. Police Department – Chief of Police: No comment.
 - iv. Fire Department – Fire Marshal: “No concern with application as presented.”

- f. Public/Adjacent Property Owner Feedback:
 - i. At this time, the staff had not received any feedback from the public or adjacent property owners.

- g. 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?	Yes, Yes	Yes, Yes	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

- h. Based on the evaluation of the variance standards, **staff recommends approval of the variances.** Although our evaluation did not show the request satisfying the standards regarding special circumstances and hardship, staff believes that the size of the applicant’s rear yard leaves plenty of grass covered land after the structure is constructed, thus still achieving our perceived purpose and intent of Article 13 – Single-Family Serviced Residential, Section 6 – Accessory Structures.

XII. Open the Public Hearing.

- a. Applicant/Appellant Presentation
 - i. Mr. Joshua Fox, representing Fox Architecture and the property owners,

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stated that they had received documents of approval from Erie County on May 1 and added that he had no additional comments.

- b. Audience remarks:
 - i. “For” Request. No comment.
 - ii. “Against” Request. No comment.

XIII. Board Motion to Close Public Hearing and Open Public Meeting – Roll Call Vote.

- a. Mr. Kastor entertained a motion to close the public hearing and open the public meeting. Mr. Pitts motioned to close the public hearing and open the public meeting; Mr. Bixler seconded the motion. Roll Call: All ayes, motion carried.
- b. Mr. Gast motioned to approve #BZA2024-10, Mr. Pitts seconded. Roll Call: Mr. Kastor, Abstain; Mr. Pitts, Yes; Mr. Bixler, Yes; Mr. Gast, Yes; Mr. Bertsch, Yes. The motion carried.

XIV. Secretary Reads the Request on the Proposed Application.

- a. Mr. Panas read the request on the proposed application. APPLICATION #BZA2024-11- Application for a variance was requested by Fox Architectural Design on behalf of property owners Jarrett & Jenna Lang for property located at 2210 Pheasant Run, Perkins Township, OH 44870 (PPN #32-04406.000). The variance was requested to be able to construct a fence/gate in the front yard that is approximately nine feet, six inches (9’-6”) tall, whereas, for properties zoned R-1A (Single Family Serviced Residential) such as these, Article 26, Section 10.2.b require that fences in a front yard shall not rise over three (3) feet in height.

XV. Staff Reviews the Community Development Staff Report.

- a. Site Details:
 - i. The staff has reviewed this application and has conducted a site inspection of the subject property and surrounding area. The property in question is located at 2210 Pheasant Run, in between The Meadows, Atlantic Avenue, and Plum Brook Estates subdivisions. The subject property is 6.6671 acres.
- b. Surrounding Land Uses:
 - i. North: Single-Family Dwellings, zoned R-1A (Single Family Residential)
 - ii. East: Single-Family Dwellings, zoned PUD (Planned Unit Development) and R-1 (Single Family Residential)
 - iii. South: Single-Family Dwellings, zoned PUD (Planned Unit Development); Route 250 commercial properties such as Walmart and UHAUL, zoned C-2 (General Commercial)
 - iv. West: Single-Family Dwellings, zoned R-1 (Single Family Residential)

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- c. Comprehensive Plan – Future Land Use Map Designation:
 - i. The Perkins Township Compressive Plan’s Future Land Use Map designates these parcels for future low-density residential use.

- d. Purpose of Variance:
 - i. Per the Applicant, “Requesting a variance for a fence/gate entry. Refer to entry gate heights. Fence is approximately 9’-6” tall in lieu of 3’-0” for residential zoning. Being at the end of Pheasant run, previously a dead end, the two owners are requesting a taller gate and fence entry to make a nice substantial entry to the properties. There is no reason for this request to affect neighboring properties, only to enhance.” **Note: A site plan was provided by the applicant.**

- e. Departmental Feedback:
 - i. Public Works Department – Director: “No concern with application as presented.”
 - ii. Building Department – Chief Building Official: No comment.
 - iii. Police Department – Chief of Police: No comment.
 - iv. Fire Department – Fire Marshal: “The Fire Department would not have any objection to the fence. Make them aware if the gate locks and we need to make emergency response, this could delay our access to the property. If we do need emergency entry, there is a likelihood of the fence being damaged.”

- f. Public/Adjacent Property Owner Feedback:
 - i. At this time, the staff had not received any feedback from the public or adjacent property owners.

- g. 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?	Yes, Yes	Yes, Yes	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

- h. Based on the evaluation of the variance standards, **staff recommends approval of the variances.** Although our evaluation did not show the request satisfying the standards regarding special circumstances and hardship, staff believes that the proposed structure will help protect the property, will not cause line-of-sight issues, and will enhancing the visual curb appeal of the neighborhood. In the staff’s opinion, this is enough to satisfy the general intent and purpose of the

cited Article and Section of the Resolution.

XVI. Open the Public Hearing.

- a. Applicant/Appellant Presentation
 - i. Mr. Joshua Fox, representing Fox Architecture and the property owners, stated that the fence was created for aesthetic purposes and would feature light fixtures at the entryways as well as a pushpad for UPS and emergency response.
- b. Audience remarks:
 - i. “For” Request. No comment.
 - ii. “Against” Request. No comment.

XVII. Board Motion to Close Public Hearing and Open Public Meeting – Roll Call Vote.

- a. Mr. Kastor entertained a motion to close the public hearing and open the public meeting. Mr. Bertsch motioned to close the public hearing and open the public hearing; Mr. Gast seconded the motion. Roll Call: All ayes, motion carried.
 - b. Mr. Bixler raised a concern that approval of the fence variance would set a precedent. Mr. Panas responded that this particular fence would fit the character of the neighborhood and would be an improvement over a wooden fence.
 - c. Mr. Fox was asked about fence height and clarified that the 9’ height was for the “peak” of the entryway and that most of the fence would be 8’ tall.
 - d. Mr. Kastor asked Fox about exits and emergency response access for the fire department; Mr. Gast suggested the addition of an “override key” for easy emergency access. Mr. Fox added that the nearest property to the fence would be owned by Aidan McDonald and would not be an issue.
 - e. Mr. Gast made a motion to approve #BZA2024-11, Mr. Bertsch seconded the motion. Roll Call: All ayes, motion carried.
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XVIII. Secretary Reads the Request on the Proposed Application.

- a. Mr. Panas read the request on the proposed application. APPLICATION #BZA2024-12- Application for a variance was requested by Fox Architectural Design on behalf of property owners Mark & Jamie Speer for property located at 2219 Pheasant Run, Perkins Township, OH (PPN #32-04406.003) The variance is requested to be able to construct a fence/gate in the front yard that is approximately nine feet, six inches (9’-6”) tall, whereas, for properties zoned R-1A (Single Family Serviced Residential, Article 26, Section 10.2.b require that fences in a front yard shall not rise over three (3) feet in height.

XIX. Staff Reviews the Community Development Staff Report.

- a. Site Details:
 - i. The staff has reviewed this application and has conducted a site inspection of the subject property and surrounding area. in between The Meadows, Atlantic Avenue, and Plum Brook Estates subdivisions. The subject property is 4.52 acres.

- b. Surrounding Land Uses:
 - i. North: Single-Family Dwellings, zoned R1-A (Single Family Residential)
 - ii. East: Single-Family Dwellings, zoned PUD (Planned Unit Development) and R-1 (Single-Family Residential)
 - iii. South: Single-Family Dwellings, zoned PUD (Planned Unit Development); Route 250 commercial properties such as Walmart and UHAUL, zoned C-2 (General Commercial)
 - iv. West: Single-Family Dwellings, zoned R-1 and R-1A (Single-Family Residential); Parkvue Condominiums zoned R-3 (Multi-Family Housing); Fairfield Inn, zoned PUD (Planned Unit Development)

- c. Comprehensive Plan – Future Land Use Map Designation:
 - i. The Perkins Township Comprehensive Plan’s Future Land Use Map designates this parcel for future low density residential use.

- d. Purpose of Variance:
 - i. Per the applicant, “Requesting a variance for a fence/gate entry. Refer to entry gate heights. Fence is approximately 9’-6” tall in lieu of 3’-0” for residential zoning. Being at the end of Pheasant run, previously a dead end, the two owners are requesting a taller gate and fence entry to make a nice substantial entry to the properties. There is no reason for this request to affect neighboring properties, only to enhance.” **Note: A site plan was provided by the applicant.**

- e. Departmental Feedback:
 - i. Public Works Department – Director: “No concern with application as presented.”
 - ii. Building Department – Chief Building Official: No comment.
 - iii. Police Department – Chief of Police: No comment.
 - iv. Fire Department – Fire Marshal: “The Fire Department would not give any objection to the fence. Make them aware if the gate locks and we need to make an emergency response, this could delay our access to the property. If we do need emergency entry, there is a likelihood of the fence being damaged.”

- f. Public/Adjacent Property Owner Feedback:
 - i. At the time of making the PowerPoint Presentation for this meeting, the

staff had not received any feedback from the public or adjacent property owners.

- g. 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?	Yes, Yes	Yes, Yes	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

- h. Based on the evaluation of the variance standards, **staff recommends approval of the variances.** Although our evaluation did not show the request satisfying the standards regarding special circumstances and hardship, staff believes that the proposed structure will help protect the property, will not cause line-of-sight issues, and will enhancing the visual curb appeal of the neighborhood. In the staff’s opinion, this is enough to satisfy the general intent and purpose of the cited Article and Section of the Resolution.

XX. Open the Public Hearing.

- a. Applicant/Appellant Presentation
 - i. No further comments from Mr. Joshua Fox
- b. Audience Remarks:
 - i. “For” Request. No comment.
 - ii. “Against” Request. No comment.

XXI. Board Motion to Close Public Hearing and Open Public Meeting – Roll Call Vote.

- a. Mr. Gast motioned to approve #BZA2024-12, Mr. Pitts seconded the motion. Roll Call: All ayes, motion carried.

XXII. Secretary Reads the Request on The Proposed Application.

- a. Mr. Panas read the request on the proposed application. APPLICATION #BZA2024-13- Application for a Conditional Use Permit was requested by Boing US Holdco, Inc. for the property at 5031 Milan Rd., Perkins Township, OH (PPN #32-00863.002), which is zoned “C-2” (General Commercial). The conditional use permit was requested to operate an automobile service station on the property, pursuant to the requirements of Article 17, Section 2.1 of the Perkins Township Zoning Resolution.

XXIII. Staff Reviews the Community Development Staff Report.

a. Site Details:

- i. The staff has reviewed this application and has conducted a site inspection of the subject property and surrounding area. The property in question is located at 5031 Milan Road.
- ii. The property is approximately 1.6265 acres and was formerly part of the larger “Deehr Property” located immediately west of the subject property, at PPN 32-00863.000, prior to being purchased by Boing US Holdco., Inc. in 2023.

b. Surrounding Land Uses:

- i. North: Ashley Furniture, Hoty Enterprise Building, Party Place, Starbucks, Meijer, all zoned C-2 (General Commercial)
- ii. East: Fazoli’s, The Forest Dispensary, Raising Canes, Panda Express, Mad-River Harley-Davidson, Park Place Development, Walmart, Firelands Corporate Health, all are Zoned C-2 (General Commercial), Fairfield Inn, zoned PUD (Planned Unit Development)
- iii. South: The Crossings Development, Panera Bread, a Kohl’s, Home Depot, Sam’s Club, Olive Garden, LongHorn Steakhouse, Golden Corral, Buffalo Wild Wings, Great Clips, Sally Beauty, Dollar Tree, Applebees, CourtOne Tennis, Sleep Inn, Maui Sands, Shell Gas Station, all zoned C-2 (General Commercial)
- iv. West: “The Deehr Property”, Undeveloped Land, zoned C-2 (General Commercial); Single-Family Dwellings (Columbus Park), Zoned R-1B; Wagner Quarry, zoned MA (Mineral Aggregate)

c. Comprehensive Plan – Future Land Use Map Designation:

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

d. Purpose of Variance:

- i. Per the applicant, “The site is proposed to be used as a drive-through car wash as well as an automobile service station. The service station will mainly feature “drive-through” oil changes for general consumer automobiles, as well as fluid checks and replenishments. Vacuum spaces will be provided on site for customers to park and self-vacuum their automobiles. Two conditional uses are required, one to allow for an Automobile Service Station (17.2.1) in the C-2 District and the other to allow for a Car Wash (17.2.2) in the C-2 District. Both Conditional Use Permits have been approved (BZA2022-2) and have expired. This application is a renewal for the two previously approved permits.” **Note: A site plan was provided by the applicant.**

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- e. Departmental Feedback:
 - i. Public Works Department – Director: “No concern with application as presented.”
 - ii. Building Department – Chief Building Official: No comment.
 - iii. Police Department – Chief of Police: No comment.
 - iv. Fire Department – Fire Marshal: “The Fire Marshal has reviewed the conditional use permit request and has stated that there will be a requirement to provide a fire hydrant within 400’ of each structure. Additionally, there must also be access to the buildings for Fire vehicles which meet the requirements of the fire apparatus access road section of the Ohio Fire Code.”

- f. Public/Adjacent Property Owner Feedback:
 - i. At the time of making the PowerPoint Presentation for this meeting, the staff had not received any feedback from the public or adjacent property owners.

- g. 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 (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 <u>so as to</u> 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;	Yes, <u>Yes</u>	Yes, <u>Yes</u>	Yes
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;	Yes	Yes	Yes
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

- h. If the Board were to approve the application, staff would recommend the following conditions:
 - i. **The applicant must now submit a full set of plans to scale, 3 sets**

hard copy, 1 set digital, and pay for site plan review by the zoning inspector and the Chief Building Official. Through this administrative process, the application shall address the remaining site design items, as well as any other additional items necessary to display compliance with the Ohio Building Code and Ohio Fire Code:

1. Fire Hydrant Locations & Access by Fire Apparatus: The applicant shall work with the Perkins Township Fire Department to meet fire regulations, such as provide a fire hydrant within 400' of each structure and also provide access to the buildings for Fire vehicles which meet the requirements of the fire apparatus access road section of the Ohio Fire Code.
2. Access between properties: An access easement must be recorded on Permanent Parcel Number 32-00863.000 and Permanent Parcel Number for access to the subject parcel, Permanent Parcel Number 32-00863.002.
3. Official documentation from ODOT: Will need to provide written documentation from ODOT and the Crossings once access is approved.
4. Elevations: Building elevations shall be submitted, to be approved by staff.
5. Site Lighting: A photometric plan shall be submitted, to be approved by staff.
6. Signage: An application for sign plan approval shall be submitted and approved. This application shall include a site plan, dimensional plan, elevations, and section of the sign(s).
7. For the public utilities of water and sewer, the applicant shall work with the Erie County Department of Environmental Services to properly establish service.
8. For the public utility of stormwater, the applicant shall work with the Erie County Soil and Water Conservation District to properly manage the stormwater on the site.

XXIV. Open the Public Hearing.

- a. Applicant/Appellant Presentation
 - i. Andrew Barklay, the applicant and representative for Take 5, claimed that ODOT had been contacted and did not have issues with development, and that the legal documents just needed to be finalized. He stated that the driveway would not be connected to Panera Bread.
- b. Audience remarks:
 - i. "For" Request. No comment.
 - ii. "Against" Request. No comment.

XXV. Board Motion to Close Public Hearing and Open Public Meeting – Roll Call Vote.

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- a. Mr. Bertsch asked if the driveway would be connected to the Panera Bread lot, Mr. Panas responded that no, it was not, unless new information was provided by the applicant in the future.
 - b. Mr. Bertsch asked if ODOT had provided feedback, Mr. Panas stated that this had not yet been obtained.
 - c. Mr. Kastor entertained a motion to close the public hearing and open the public meeting. Mr. Bertsch made a motion to close the public hearing and open the public meeting, Mr. Pitts seconded the motion. Roll Call: All ayes, motion carried.
 - d. Mr. Bertsch made a motion to approve #BZA2024-13, Mr. Pitts seconded the motion. Roll Call: All ayes, motion carried.
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XXVI. Secretary Reads the Request on the Proposed Application.

- a. Mr. Panas read the request on the proposed application. APPLICATION #BZA2024-14- Application for a Conditional Use Permit was requested by Boing US Holdco, Inc. for the property at 5031 Milan Rd., Perkins Township, OH (PPN #32-00863.002), which is zoned “C-2” (General Commercial). The conditional use permit was requested to operate a car wash on the property, pursuant to the requirements of Article 17, Section 2.2 of the Perkins Township Zoning Resolution.

XXVII. Staff Reviews the Community Development Staff Report.

- a. Site Details:
 - i. The staff has reviewed this application and has conducted a site inspection of the subject property and surrounding area. The property in question is located at 5031 Milan Road.
 - ii. The property is approximately 1.6265 acres and was formerly part of the larger “Deehr Property” located immediately west of the subject property, at PPN 32-00863.000, prior to being purchased by Boing US Holdco., Inc. in 2023.
- b. Surrounding Land Uses:
 - i. North: Ashley Furniture, Hoty Enterprise Building, Party Place, Starbucks, Meijer, all zoned C-2 (General Commercial)
 - ii. East: Fazoli’s, The Forest Dispensary, Raising Canes, Panda Express, Mad-River Harley-Davidson, Park Place Development, Walmart, Firelands Corporate Health, all are Zoned C-2 (General Commercial), Fairfield Inn, zoned PUD (Planned Unit Development)
 - iii. South: The Crossings Development, Panera Bread, a Kohl’s, Home Depot, Sam’s Club, Olive Garden, LongHorn Steakhouse, Golden Corral, Buffalo Wild Wings, Great Clips, Sally Beauty, Dollar Tree, Applebees,

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- CourtOne Tennis, Sleep Inn, Maui Sands, Shell Gas Station, all zoned C-2 (General Commercial)
- iv. West: “The Deehr Property”, Undeveloped Land, zoned C-2 (General Commercial); Single-Family Dwellings (Columbus Park), Zoned R-1B; Wagner Quarry, zoned MA (Mineral Aggregate)
- c. Comprehensive Plan – Future Land Use Map Designation:
- i. The Perkins Township Comprehensive Plan’s Future Land Use Map designates this parcel for future commercial use.
- d. Purpose of Variance:
- i. Per the applicant, “The site is proposed to be used as a drive-through car wash as well as an automobile service station. The service station will mainly feature “drive-through” oil changes for general consumer automobiles, as well as fluid checks and replenishments. Vacuum spaces will be provided on site for customers to park and self-vacuum their automobiles. Two conditional uses are required, one to allow for an Automobile Service Station (17.2.1) in the C-2 District and the other to allow for a Car Wash (17.2.2) in the C-2 District. Both Conditional Use Permits have been approved (BZA2022-2) and have expired. This application is a renewal for the two previously approved permits.” **Note: A site plan was provided by the applicant.**
- e. Departmental Feedback:
- i. Public Works Department – Director: “No concern with application as presented.”
 - ii. Building Department – Chief Building Official: No comment.
 - iii. Police Department – Chief of Police: No comment.
 - iv. Fire Department – Fire Marshal: “The Fire Marshal has reviewed the conditional use permit request and has stated that there will be a requirement to provide a fire hydrant within 400’ of each structure. Additionally, there must also be access to the buildings for Fire vehicles which meet the requirements of the fire apparatus access road section of the Ohio Fire Code.”
- f. Public/Adjacent Property Owner Feedback:
- i. At the time of making the PowerPoint Presentation for this meeting, the staff had not received any feedback from the public or adjacent property owners.
- g. This application considers the general variance standards contained in Article 7, Section 7.4.5. The results of that review are listed below:⁹

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 <u>so as to</u> 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;	Yes, <u>Yes</u>	Yes, <u>Yes</u>	Yes
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;	Yes	Yes	Yes
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

- h. If the Board were to approve the application, staff would recommend the following conditions:
 - i. **The applicant must now submit a full set of plans to scale, 3 sets hard copy, 1 set digital, and pay for site plan review by the zoning inspector and the Chief Building Official. Through this administrative process**, the application shall address the remaining site design items, as well as any other additional items necessary to display compliance with the Ohio Building Code and Ohio Fire Code:
 - ii. Fire Hydrant Locations & Access by Fire Apparatus: The applicant shall work with the Perkins Township Fire Department to meet fire regulations, such as provide a fire hydrant within 400' of each structure and also provide access to the buildings for Fire vehicles which meet the requirements of the fire apparatus access road section of the Ohio Fire Code.
 - iii. Access between properties: An access easement must be recorded on Permanent Parcel Number 32-00863.000 and Permanent Parcel Number for access to the subject parcel, Permanent Parcel Number 32-00863.002.
 - iv. Official documentation from ODOT: Will need to provide written documentation from ODOT and the Crossings once access is approved.
 - v. Elevations: Building elevations shall be submitted, to be approved by

- staff.
- vi. Site Lighting: A photometric plan shall be submitted, to be approved by staff.
- vii. Signage: An application for sign plan approval shall be submitted and approved. This application shall include a site plan, dimensional plan, elevations, and section of the sign(s).
- viii. For the public utilities of water and sewer, the applicant shall work with the Erie County Department of Environmental Services to properly establish service.
- ix. For the public utility of stormwater, the applicant shall work with the Erie County Soil and Water Conservation District to properly manage the stormwater on the site.

XXVIII. Open the Public Hearing.

- a. Applicant/Appellant Presentation.
 - i. Mr. Andrew Barklay had no further comments.
- b. Audience remarks:
 - i. “For” Request. No comment.
 - ii. “Against” Request. No comment.

XXIX. Board Motion to Close Public Hearing and Open Public Meeting – Roll Call Vote.

- a. Mr. Pitts made a motion to approve BZA2024-14, Mr. Gast seconded the motion. Roll Call: All ayes, motion carried.
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XXX. Secretary Reads the Request on the Proposed Application.

- a. Mr. Panas read the request on the proposed application. APPLICATION #BZA2024-15- Application for a Conditional Use Permit was requested by Standard Wellness LLC on behalf of property owner 5020 Milan Road LLC for the property at 5020 Milan Rd., Perkins Township, OH 44870 (PPN #32-03494.013), which is zoned “C-2” (General Commercial). The conditional use permit was requested to construct a drive-through window and lane to the existing facility, pursuant to the requirements of Article 17.2.1 of the Perkins Township Zoning Resolution.
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XXXI. Staff Reviews the Community Development Staff Report.

- a. Site Details:
 - i. The staff has reviewed this application and has conducted a site inspection of the subject property and surrounding area. The property in question is located at 5020 Milan Road, which is north of Chili’s and south of Fazoli’s on the east side of U.S. Route 250 (Milan Road). The subject property is approximately 1.1334 acres.
- b. Surrounding Land Uses:

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- i. North: Fazoli's, Ashley's Furniture, All Are Zoned C-2 (General Commercial)
 - ii. East: Park Place Development, Walmart, All Are Zoned C-2 (General Commercial)
 - iii. South: Crossings Development, Olive Garden, Longhorn Steakhouse, Panera Bread, All Are Zoned C-2 (General Commercial)
 - iv. West: Undeveloped Agricultural Land, Zoned C-2 (General Commercial)
- c. Comprehensive Plan – Future Land Use Map Designation:
 - i. The Perkins Township Comprehensive Plan's Future Land Use Map designates this parcel for future commercial use.
- d. Purpose of Variance:
 - i. Per the applicant, "Addition of a drive-through window to existing facility. Drive-through will feature a secure, enclosed lane that ensures privacy and safety for both customers and staff operating within existing business hours under all regulatory compliance. Design includes surveillance and security measures to monitor and manage flow of traffic, ensuring minimal impact on the surrounding area." **Note: A site plan was provided by the applicant.**
- e. Departmental Feedback:
 - i. Public Works Department – Director: "No concern with application as presented."
 - ii. Building Department – Chief Building Official: No comment.
 - iii. Police Department – Chief of Police: No comment.
 - iv. Fire Department – Fire Marshal: "This proposed drive-through would require the fire department connection (FDC) to be relocated. It is currently mounted near the Northwest corner of the building and the traffic would interfere with our access." Fire Marshal, Keith Eastman, also stated that, "The property owner will need to add a fire hydrant since there is not **one accessible within 400' of the building.**"
- f. Public/Adjacent Property Owner Feedback:
 - i. At the time of making the PowerPoint Presentation for this meeting, the staff had not received any feedback from the public or adjacent property owners.
- g. 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 (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;	No	Yes	No
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	No	Yes	No
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;	Unclear	Yes	Unclear
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

- h. Based on the evaluation of the standards, **the staff recommends denial of this conditional use permit request for a drive-through at 5020 Milan Road, Perkins Township, OH 44870.** Our evaluation shows that this drive-through would be (1) Hazardous to an existing use (Article 9.2.4, substantiated by Appendix C), (2) Will not be serviced adequately by essential public facilities and services (Article 9.2.5); and (3) Will not conform with the setback requirement of 60 ft listed in Article 17.2.4.a.
- i. It is the opinion of the staff that, for the reasons expounded on in the analysis section, the instances of nonconformances with the standards contained in Articles 9.2.4, 9.2.5 and 17.2.4.a outweigh the project's likely compliance with the other standards contained in those sections, respectively. Staff believes that the instances of noncompliance, especially the lack of compliance with Article 9.2.4, are paramount for consideration by the Perkins Township Board of Zoning Appeals.

XXXII. Open the Public Hearing.

- a. Applicant/Appellant Presentation
- i. Mr. Joe Andulics, the applicant and representative of the Forest Dispensary, stated that the drive thru was intended for order pickup and would not be like a "traditional" drive thru where orders would be taken. They feel that this addition would help contain traffic flow on the property. He clarified that they had contacted Fazoli's to relocate two lighting poles from Fazoli's to the Dispensary lot in order to mind lot lines.
 - ii. Mr. Andulics presented updated drawings to the board to address outstanding concerns. He added that they would provide appropriate

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signage to indicate the drive thru was for pickup only. Mr. Andulics stated the drawings were “construction drawings” and pointed out to the Board that the lane was marked as 10’ wide, contrary to the set of plans they provided to staff with their application.

- b. Audience remarks:
 - i. “For” Request. No comment.
 - ii. “Against” Request. No comment.

XXXIII. Board Motion to Close Public Hearing and Open Public Meeting – Roll Call Vote.

- a. Mr. Kastor entertained a motion to close the public hearing and open the public meeting. Mr. Bertsch motioned to close the public hearing and open the public meeting, Mr. Gast seconded the motion. Roll Call: All ayes, motion carried.
- b. Mr. Kastor and Mr. Gast noted that the drawings given to them at the meeting were “construction drawings” and that they believed 10’ was wide enough. Mr. Bixler disagreed, stating that does not sound like it will be wide enough. Mr. Bixler asked staff member, Adam Panas for his opinion. Mr. Panas concurred with Mr. Bixler’s concern and his supporting arguments against approving the application as it was presented to staff. Mr. Bixler asked Mr. Panas for his opinion on how to handle the application, to which Mr. Panas replied that he would the Board table the application and take a closer look at the documents that were submitted just minutes prior to the Board and staff. Mr. Bertsch stated that this would not be a bad idea.
- c. Mr. Gast motioned to approve #BZA2024-15 for conditional use, Mr. Pitts seconded the motion. Roll Call: Mr. Kastor, yes; Mr. Pitts, yes; Mr. Bixler, No; Mr. Gast, yes; Mr. Bertsch, yes. The motion carried.

XXXIV. Secretary Reads the Request on the Proposed Application.

- a. Mr. Panas read the request on the proposed application. APPLICATION #BZA2024-16- Application for variances was requested by Benjamin Boos on behalf of property owner Michael Kraus for property located at PPN 32-02871.000, approximately 0.7 miles south of W. Bogart Rd, zoned “A” (Agricultural), on the west side of the road. The variances are requested to be able to create a parcel with an area of approximately 3.8251 acres and approximately 80.45 feet of frontage, parcel whereas Article 11.3 requires a minimum lot area of 5 acres and 300 feet of frontage, respectively.

XXXV. Staff Reviews the Community Development Staff Report.

- a. Site Details:
 - i. The staff has reviewed this application and has conducted a site inspection of the subject property and surrounding area. The property in

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question is located at Permanent Parcel Number 32-02871.000 Hayes Avenue, approximately 0.7 miles south of W. Bogart Rd, on the west side of the road.

- b. Surrounding Land Uses:
 - i. North: Residences and Agriculture, zoned A (Agricultural District)
 - ii. East: Residences and Agriculture, zoned A (Agricultural District) and R-1 (Single-Family Residential)
 - iii. South: Residences and Agriculture, zoned A (Agricultural District)
 - iv. West: Agriculture in Margareta Township.

- c. Comprehensive Plan – Future Land Use Map Designation:
 - i. The Perkins Township Comprehensive Plan’s Future Land Use Map designates this parcel for future agricultural use.

- d. Purpose of Variance:
 - i. Per the applicant, “Build a new home.” **Note: A site plan was provided by the applicant.**

- e. Departmental Feedback:
 - i. Public Works Department – Director: “No concern with application as presented.”
 - ii. Building Department – Chief Building Official: No comment.
 - iii. Police Department – Chief of Police: No comment.
 - iv. Fire Department – Fire Marshal: No comment.

- f. Public/Adjacent Property Owner Feedback:
 - i. At the time of making the PowerPoint Presentation for this meeting, the staff had not received any feedback from the public or adjacent property owners.

- g. 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, etc.)?	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

- h. Based on the evaluation of the variance standards, **staff recommends approval of the variances.** The lot split being proposed will result in a lot that is still much

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greater in size than residential use lots and is consistent with the character of the neighborhood. Creating this lot would maintain a natural border maintained while increasing our county's housing stock.

XXXVI. Open the Public Hearing.

- a. Applicant/Appellant Presentation
- b. Audience remarks:
 - i. "For" Request. No comment.
 - ii. "Against" Request. No comment.

**XXXVII. Board Motion to Close Public Hearing and Open Public Meeting – Roll Call
Vote.**

- a. Mr. Kastor entertained a motion to close the public hearing and open the public meeting. Mr. Bixler motioned to close the public hearing and open the public meeting, Mr. Gast seconded the motion. Roll Call: All ayes, motion carried.
 - b. Mr. Bertsch motioned to approve #BZA2024-16, Mr. Gast seconded the motion. Roll Call: All ayes, motion carried.
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XXXVIII. Old Business.

- a. Mr. Panas stated that staff did not have any old business to be discussed with the Board.

XXXIX. New / Other Business.

- a. Mr. Panas stated that staff did not have any new business to be discussed with the Board.
 - b. Next Meeting Notices: At this time, no applications have been filed for the June BZA Meeting. Applicants had until 4:00 PM today, Tuesday, May 28, 2024 to submit application materials.
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XL. Adjourn Meeting.

- a. Mr. Kastor motioned to adjourn the meeting; Mr. Bertsch seconded the motion. Roll Call: All ayes, motion carried. The meeting was adjourned.