

PERKINS TOWNSHIP ZONING COMMISSION MEETING

Held By: Perkins Township Zoning Commission

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

Date: July 18, 2023

Time: 4:00 p.m.

Board Members Present: Mrs. Cheryl Best-Wilke
Mrs. Kula Hoty-Lynch
Mr. Greg Schmid
Mr. John Lippus
Mr. Les Wilson

Board Members Absent & Excused: Mr. Billy Criscione

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

I. Call To Order

Mrs. Best-Wilke called the meeting to order and welcomed the audience and the Commission. Mrs. Best-Wilke led everyone in the Pledge of Allegiance.

II. Roll Call

Ms. Gladwell took Roll Call: Mrs. Best-Wilke, here; Mrs. Hoty-Lynch, here; Mr. Schmid, here; Mr. Lippus, here; Mr. Wilson, here.

Mrs. Gladwell swore everyone in.

III. The approval of meeting minutes from March 13, 2023.

Mrs. Best-Wilke entertained a motion to approve the minutes from March 13, 2023.

Mrs. Hoty-Lynch motioned, and Mr. Schmid seconded.

Mrs. Hoty-Lynch; Yes, Mr. Schmid; Yes, Mr. Wilson; Yes, Mr. Lippus; Yes, Mrs. Best-Wilke; Yes,

IV. Chairperson's Welcome and Explanation of Public Hearing & Public Meeting

Mrs. Cheryl Best-Wilke welcomed everyone to the meeting. She stated that the purpose of the meeting is to consider a request to change an item in the zoning code. The responsibility of this commission was given to us by a zoning resolution to conduct this meeting. First, we will read the request then we will open a public hearing during which we will hear comments, questions, and any concerns from members of the audience. Then the public hearing will be closed, and the public meeting will open. During the public meeting commission members will discuss the

request and vote on a recommendation to present to the trustees, whether to accept, decline or table. Then our recommendation will be forwarded to the trustees who will consider the request at a future trustee meeting.

V. Reading of the Application

Application ZC2023-4 was submitted by William & Marilyn Elliot, for a property located at (PPN# 32-03306.000), located north of 4004 Hayes Avenue. The applicant has submitted an application for a zoning amendment to rezone parcel 32-03306.000 from PBO to R-1.

VI. Staff Report

Ms. Byington stated that as Jessica stated William & Marilyn Elliott applied for a rezone of PPN: 32-03306.000 (Hayes Ave). The present zoning is "PBO"/Professional Business Office. The requested zoning is "R-1"/ Single Family Dwelling District. The property in question is a 14.3061-acre site that was rezoned in 2009 from PBO/ Professional and Business Office District to PUD/ Planned Unit Development for the purpose of constructing a 50-bed nursing home on the property for Firelands Regional Medical Center. This plan never came into fruition and therefore, the land has reverted back to the PBO zoning district. At this time the property owner would like to utilize the parcel to construct a single-family dwelling on the site. The PBO zoning district does not permit single-family dwellings.

(a) Location/Site Details:

Staff have reviewed this application and have conducted a site inspection of the subject property and surrounding area. In this regard, it is noted that the property in question is located along the west side of Hayes Avenue.

(a) Land use:

The subject property is located in an area of the Township that contains a variety of land uses. Land uses in this area include:

North: Undeveloped land zoned as PBO/ Professional Business Office

South: Undeveloped land owned by the applicant zoned R1/ Single Family Residential

East: Residential, Agricultural zoned as "R1A"/ Single Family Residential

West: Agricultural use zoned as R1/ Single Family Residential

• **PUBLIC WORKS STAFF COMMENTS**

The Public Works Department was provided with the proposed zone map amendment, and we have not received any objection.

• **BUILDING STAFF COMMENTS**

The City Building Official has reviewed the proposed zone map amendment and we have not received any objection.

- **POLICE DEPARTMENT COMMENTS**

The Police Chief was provided with the zone map amendment, and we have not received any objection.

- **FIRE DEPARTMENT COMMENTS**

The Fire Chief has reviewed the zone map amendment and we have not received any objection.

- The Township's Future Land Use Map designates this site for future "Agriculture" use. Staff recognizes that several parcels within the area are zoned as R-1 Single Family Residential. Staff do not believe that the zoning amendment will negatively impact the surrounding area.
- Planning staff recommends approval of the application with the following conditions:
 1. All necessary building permits for proposed single family dwelling are obtained.

William Elliott – Owner of the land. When we bought the property from Firelands Medical Center, it was like the lady stated there. All we want to do is change it to R1-A, we still want to keep it farm the way it is now, we only want to take one lot out on the south side of the property. It's going to be in a trust, for my granddaughter and Elliot Family Trust. That is our request.

Ms. Byington – Mr. Elliott stated he wanted R1-A but it requested R1 which is the zoning of your current property as well.

Mrs. Hoty- Lynch stated are they splitting it off?

Ms. Byington stated that she apologizes that Casey worked with them for this. Mr. Elliott, you don't plan on splitting anything correct?

Mr. Elliott stated no, they are keeping it one and farming the rest.

Mr. Lippus asked if you could do commercial farming on residential?

Mrs. Hoty-Lynch stated that she guesses that was her question.

Mr. Lippus asked if it is commercial or family farming.

Mrs. Elliot stated that they rented it out to someone to farm.

Ms. Byington stated that it would be correct it has always been farmed.

Mrs. Elliot stated yes.

Ms. Byington stated so it would a legal non-conforming use would be my opinion on that.

Mrs. Hoty-Lynch stated that it seems to make more sense on rezoning a chunk for the residential lot, verses re-zoning the entire parcel. Then you would be stuck with 14 acres of R1 and if someone you know, I know there's been a lot of time passing since 2000. You know then if someone wants to do commercial use and 10 years from now, it's zoned residential not commercial. Are there different setbacks for residential ad commercial on route 4.

Ms. Byington stated that yes there are. I think there are a lot of residential properties doing this on route 4, and even if it wasn't zoned to single family, it would be PBO, and I don't know if commercial farming is permitted on PBO either. So, it would be agricultural, I feel like there is some sort of exception for residential farming, but I don't have the code in front of me. But I understand what you're saying, I don't think long term PBO would work either.

Mrs. Hoty-Lynch stated that she doesn't disagree with that either, she's just saying that from a comprehensive plan standpoint, the talk has been widening route 4 and commercial development and I just question the whole parcel going to commercial instead of just the portion that will be used.

Mr. Lippus stated unfortunately we find them as they come up, and then we have to re-look at it. I don't have a problem with it, I was just curious.

Mrs. Best-Wilke stated so are you saying it's beneficial so we can either do the whole acreage as R1 or take a part of it R1.

Mrs. Hoty-Lynch stated you'd have to split it and make a new parcel, that's the problem.

Mrs. Best-Wilke stated that something that can be done, and beneficial to them number 1. Or something that can be done at the same time or is it a separate issue.

Ms. Byington stated that it is something that can be done, but I don't know if they're ready to split a lot right now, or ever have any intention on have the back as a different use in the near future, it might make more sense to know what the new user wants.

Mr. Wilson asked you want that whole 14 acres to not just be one house, but like 3 or 4 houses in the future?

Mrs. Elliott stated no no, we are talking about one house.

Mr. Wilson stated for right now but I'm saying in the future.

Mrs. Elliott stated right now and forever. No, we're not going to turn it into a subdivision no.

Ms. Byington stated that it is your decision and that is something that you could discuss with them to allow rezoning of the whole parcel or a split. I just don't if they've thought about it or want to split it right now.

Mr. Wilson stated that taxes, is there a difference between the taxes.

Ms. Byington stated that it should be on the use of the land.

Mrs. Hoty-Lynch stated that she guesses that is her questions, if they put up a single-family home and they farm it, how does that work for commercial farming?

Ms. Byington stated that they would know how it works because they have it like that now.

Mrs. Elliott stated that when there was a house there, there was only one tax bill. In our own property where we live too is only one tax bill.

Ms. Byington stated that you could always make a recommendation, since the trustees make the final decision. Make your recommendation and they can either accept it, deny it or modify it.

Mrs. Best-Wilke stated that to just ease her mind, would it be beneficial too, are there costs involved with splitting off the lot?

Mrs. Hoty-Lynch stated yes.

Mrs. Best-Wilke stated that is additional costs they will incur, so if they wanted the back part could either be agricultural.

Ms. Byington stated that the back would still have to have some sort of frontage so they would have to do a split where they would have enough frontage for both lots based on what zoning classification, they both have.

Mr. Elliott stated that where they are going to put the house, there is probably 275-300 ft in the front of that property. I'm going to go on the south side, on the other acres there, I'm only taking out 110 ft from the south side going north and 225 ft going back.

Mrs. Hoty-Lynch stated that when you state you're taking out, its still one parcel.

Mrs. Elliott state were not talking in your term.

Mrs. Best-Wilke stated is there already driveway access?

Mr. Elliott stated that they have to make one.

Mrs. Best-Wilke stated she misunderstood, thinking there was a house there before.

Mrs. Elliott stated that is at address 4004.

Mrs. Hoty-Lynch asked what the setbacks are for residential on route 4.

Ms. Byington stated that she didn't have her code, she apologizes. They have plenty of land if they want to put it to the south side and split it with setbacks. I mean he's got plenty of room.

Mrs. Best-Wilke asked if there were any other comments, questions or concerns.

VII. Close Public Hearing/Open Public Meeting

Mrs. Best-Wilke asked for a motion to close the Public Hearing & open the Public Meeting.

Mr. Lippus made the motion. Mr. Schmid seconded.

Mr. Lippus; yes, Mr. Schmid; yes, Mrs. Hoty-Lynch; yes, Mr. Wilson; yes, Mrs. Best-Wilke, yes.

VIII. Discussion from Commission

Mr. Wilson stated that he doesn't have an issue, there are several houses there already and if we get commercial there, then we might be talking lot splits at that point.

Mrs. Elliott stated she would probably be gone by that time.

Mrs. Hoty-Lynch stated that that is what her concern is, is that as we're talking. You're only planning on building on a small portion of it but were getting asked to re-zone the whole piece and you know, kind of in my opinion the comprehensive plan for the county is that they may in the future live route 4 because there is so much commercial access. We are just trying to plan what happens 10 20 30 years from now. To me, I would feel a little more comfortable if we were just going to re-zone the portion for the house.

Mrs. Elliott stated that for her she was looking at tax purposes.

Mrs. Hoty-Lynch stated that for tax purposes its going to be farmed anyways, so you're not going to be paying taxes on it anyway. From the townships perspective of it, if it were to be developed as commercial land, it'd be more valuable. I think that is my only hesitation, and I understand there is a cost to splitting it and as an owner you might not want to go through those expenses.

Mrs. Best-Wilke stated so basically if and when that happens its going to be whomever is in charge of the trust at that time, and they can deal with it.

Mrs. Elliott stated yes.

Discussion started and continued about portions of the comprehensive plan.

Mr. Schmid stated with the comprehensive plan, you'd be putting in a single family house, potentially where it's all commercial everywhere else. I know this is your own choice, but I know when we went through the widening, a lot of the neighbors were upset because so much of this was turning commercial.

Mrs. Elliott stated commercial doesn't seem to be working out very well for that piece of property.

Mr. Schmid stated that the future goal is to do all commercial land use.

Mrs. Hoty-Lynch stated that there was also discussion about widening and that's why I asked about the setbacks because if we knew the setbacks for the house would be more the commercial set back than the residential it wouldn't be such an issue with the widening.

Mr. Elliotts stated that the house is going to be back far enough that if it was ever widened it's not a problem.

Mrs. Hoty-lynch stated that it makes her feel better that its not a hinderance to come in and widen. Those are again just kind of my thoughts. If we could find out what that setback would be.

Ms. Byington stated that I don't know if you can condition a rezoning legally, but I think that you can choose to recommend only a portion of it to be re-zoned.

Mrs. Best-Wilke stated just take that setback into consideration when you build this home.

Ms. Byington stated that route 4 might have its own setbacks as well, I'd have to look it up.

Mrs. Best-Wilke stated during the Public Meeting portion is where the commission discusses any questions. She stated that she will entertain a motion to approve, deny or table the application.

Mr. Schmid made the motion to approve application ZC-2023-4 and re-zone to R-1.

Mrs. Hoty-Lynch stated that she would like to ask a question before we vote. Can we make a recommendation to the trustees. I mean is our recommendation is it to be re-zoned or it to be split?

Ms. Byington stated that legally, I don't know. Maybe you'd deny the application as it and make a recommendation to approve or tabled and a new motion on the floor. The other thing I can do is have my report to the trustee state the concerns.

Mrs. Hoty-Lynch stated that she'd have no issues re-zoning where they want to put the home. I just don't want to be in the situation 15 years from now and we have a residential property, and the family has to go through the expense of re-zoning or a PUD, because there is potential to that as well.

Mrs. Best-Wilke stated that there are expenses associated with us denying or tabling under those conditions that are going on them to have the property split. That is not our purpose here to have them have additional expenses.

Mr. Schmid stated that that is the way all of these are.

Mrs. Hoty-Lynch stated obviously we'd be going against the comprehensive plan re-zoning this. That is kind of my issue, maybe.

Mr. Elliott stated that they are grandparents and have one granddaughter and she's getting married here soon so we don't need any more expense. I can deal with the setbacks and whatever this is, we got the land. I can't see an argument, but I understand all that you're

saying, but don't make it more difficult. Do you know what it is to build a house today? And keep it in the family trust, I think I'm begging for you to understand where we came from.

Mr. Lippus stated that you can tell by the conversation from us up here, we want to do it right. We know in the comprehensive plan; we identify route 4 to have some changes that are coming. Based on what I just said, are you up against a time frame that you want to do this, or do you have time for us to table this to get it right for both of us.

Mr. Elliott asked what kind of time are we talking?

Ms. Byington stated that you would have a choice or a special meeting. If we tabled it to a date, you wouldn't have to do the 10-day notice. Or you could wait until the next months, if there was a special meeting, we tabled it to then it could be another 4 weeks for zoning commission and then trustees. After trustees there is a 30-day period, but during that period you could have your building plans in for review, but all in it could be another 2 months total until its official on the books. It could be sooner.

Mrs. Best-Wilke asked how much it cost them to put in this zoning change.

Ms. Byington stated \$350.

Mrs. Best-Wilke stated what will it cost them to split that lot?

Ms. Byington stated that there are not a lot of surveyors out there now and the surveys we've gotten have come back pretty high.

Mrs. Hoty-Lynch stated if I had to guess around \$2,500.00.

Mrs. Best-Wilke stated that then they would have to submit another application after its split to re-zone. So that s two applications and a split.

Ms. Byington stated that maybe if it was tabled, we could amend it and not have to pay the fee again for rezoning.

Mrs. Best-Wilke stated that she doesn't want them to have to pay any more than what they have too, they're not a corporation.

Ms. Byington stated that at minimum there is a cost for the survey and then have everything put together on the new deed and recorded. So those are expenses.

Mr. Lippus stated that he has a feeling if it's not done right for both groups, that your granddaughter could have issues down the road, I don't think you want to do that to her. Then again, we don't know.

Mr. Elliott stated that he has figures that it's going to cost him 5-6k to split it off.

Mr. Lippus stated that we have a motion on the table, do we have a second? Do we have a different motion?

Mrs. Best-Wilke seconded Mr. Schmid's motion to approve.

Mr. Schmid, no; Mrs. Best-Wilke, Yes; Mrs. Hoty-Lynch, no; Mr. Wilson; need more information; Mr. Lippus, no;

Ms. Byington stated that this will still go to the trustees for the final decision.

Mrs. Best-Wilke stated that so are we tabling it or are we making another motion to disapprove, I will entertain.

Ms. Byington stated that if you guys deny it, and at the trustee meeting were good with just 10 acres.

Mrs. Hoty-Lynch stated that I think we should need another motion, like you said your staff notes could be the recommendation was denied but we feel it could be approved for a lesser acreage, and they may go against our recommendation they have the right to do that.

Ms. Byington stated that the recommendation was denial, and in my staff report I will bring up all of the comments and the thought process behind it, and it seems like the entire commission would be onboard with it for a smaller acreage and I will work with the property owners in between now and the trustee meeting.

Mr. Wilson stated it's a bigger piece than what they described.

Mrs. Hoty-Lynch stated that if they did a PUD would they still have to parcel it or no?

Ms. Byington stated no. but that is a whole another expense because you must pin down where the setbacks are, and the end uses.

Mrs. Hoty-Lynch stated that I was thinking about the property across from Kalahari is a PUD and it's very light for that reason, because then you can get the commercial setback for a residential construction within the PUD and that might be. I don't remember what all the PUD requirements must be approved by the county.

Ms. Byington stated that not if it's not a subdivision but there is a preliminary approval a final approval, it's lengthier more timing.

IX. Old Business

None.

X. New Business

Staff update.

Ms. Byington stated that Casey is on vacation for this meeting sorry if I wasn't more prepared, she will be back next week for the rest of this month and then she is resigning to spend more

time with her family. We have hired Adam Panas. He is from Perkins Township and has his masters in public administration. We are happy to have him on board, he started yesterday.

XI. Adjournment

Mrs. Cheryl Best-Wilke entertained the motion to adjourn.

Mrs. Hoty-Lynch made the motion; Mr. Lippus seconded. Roll Call: Mrs. Hoty-Lynch Yes; Mr. Lippus, Yes; Mr. Schmid, yes; Mr. Wilson, yes; Mrs. Best-Wilke, Yes.