

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: August 21, 2023

Time: 4:00 p.m.

Board Members Present: Mr. Kastor
Mr. Larry Pitts
Mr. Bixler
Mr. Gast

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

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

I. Pledge of Allegiance

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

II. Roll Call

Mr. Kastor asked for roll call to be taken.

Mr. Kastor, here; Mr. Pitts, here; Mr. Gast, here; Mr. Bixler here.

III. Minutes

Mr. Kastor asked for a motion to approve the minutes from the July 17, 2022, meeting. Mr. Pitts made the motion and Mr. Bixler seconded.

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

V. Reading of the Request

APPLICATION #BZA2023-18- A variance application submitted by Joshua Fox on behalf of property owners Robert & Beth Mathews for the property located at 5885 Columbus Avenue (Parcel #32-02799.000). The variance request is to allow two front stone walls to be 4.5' tall whereas Article 26.10.2.b requires a maximum height of 3' for walls in a required front yard.

VI. Staff Review

Mr. Panas stated that as Jessica stated, Joshua Fox submitted a zoning variance application on behalf of property owners Robert & Beth Mathews for the property located at 5885 Columbus Avenue (PPN 32-02799.000). The variance request is to allow two front stone walls to be 4.5' tall whereas Article 26, Section 10.2.b requires a maximum height of 3' for walls in a required front yard.

a) Surrounding Land Uses:

- North: Residences; Zoned R-1 / Single Family Serviced Residential
- East: Residences, Some farmland; Zoned A / Agricultural
- South: Farmland; Zoned A / Agricultural
- West: Forest; Zoned A / Agricultural

b) Proposed Development:

- Front walls for improved property aesthetic. The highest structural point of the wall is 4.5' tall. Most of the walls are below the maximum front wall height of 3' tall.

Staff did not receive any comments from the Fire, Police, Public Works, or Building Department. At the time of writing this report, there have been no written or other comments from adjacent property owners about this application. As stated previously in this report, this zoning variance application is to allow two front stone walls to be 4.5' tall whereas Article 26, Section 10.2.b requires a maximum height of 3' for walls in a required front yard.

- **Staff recognizes the following about the proposed variance:**

- It is minimal.
- It will benefit the current property owners.
- It will not be injurious to the current property owners, because it will not create a line-of-sight issue for drivers exiting the property.
- It will not be injurious to the adjacent area.

Staff recommends approval for this variance application.

Joshua Fox stated there was nothing else just an entry point with 2 L shaped pillars, just the piers that the light fixtures are on that are over the 4’.

VII. Staff Close Public Hearing/Open Public Meeting

Mr. Kastor asked for a motion to close the public hearing and open the public meeting.

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

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

VIII. Discussion from Board

Mr. Kastor asked if the board had any questions for the applicant.

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

Mr. Gast motioned to approve Application #BZA2023-18. Mr. Bixler Seconded.

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

IX. Reading of the Request

APPLICATION #BZA2023-19- A variance application submitted by Martin & Barbara Rife for the property at 415 E Bogart Rd (Parcel #32-02194.000). The variance request is to allow an accessory structure to exceed the area of the main floor of the primary residence by 124 sq. ft. whereas Article 13.6.10 requires that lots with one (1) accessory structure have an area equal to or less than the main floor of the primary residence. The square footage of the proposed accessory structure would be 1,114 sq. ft. whereas the square footage of the primary residence is 990 sq. ft.

X. Staff Review

Mr. Panas said as Jessica stated Martin & Barbara Rife submitted a zoning variance application for the property at 415 E Bogart Rd (Parcel #32-02194.000). The variance request is to allow an accessory structure to exceed the area of the main floor of the primary residence by 124 sq. ft. whereas Article 13, Section 6.10 requires that lots with one (1) accessory structure have an area equal to or less than the main floor of the primary residence. The square footage of the proposed accessory structure would be 1,114 sq. ft. whereas the square footage of the primary residence is 990 sq. ft.

(a) Surrounding Land Uses:

- North: SR2; Commercial on Milan Rd; Zoned C-2 / General Commercial
- East: Residences, Zoned R-1 / Single Family Serviced Residential
- South: Residences, some farmland; Zoned R-1 / Single Family Serviced Residential and A / Agricultural
- West: Residences, Zoned R-1 / Single Family Serviced Residential

(b) Proposed Development:

- Larger accessory building for boat storage during the off season.

Staff did not receive any comments from the Fire, Police, Public Works, or Building Department. At the time of writing this report, there have been no written or other comments from adjacent property owners about this application.

- **Variance Request:**

- As stated previously in this report, this zoning variance application is **to allow an accessory structure to exceed the area of the main floor of the primary residence by 124 sq. ft.** whereas Article 13, Section 6.10 requires that lots with one (1) accessory structure have an area equal to or less than the main floor of the primary residence.
- The square footage of the proposed accessory structure would be 1,114 sq. ft. whereas the square footage of the primary residence is 990 sq. ft.
- **Staff recognizes the following about the proposed variance:**
 - It is minimal.
 - It will benefit the current property owners.
 - It will not be injurious to the current property owners, because it will not create a line-of-sight issue for drivers exiting the property.
 - It will not be injurious to the adjacent area.

Staff recommends approval for this variance application.

Martin Rife – I'm just wanting to put up a building. Storage.

Mr. Kastor asked if neighbors were notified?

Mr. Panas stated yes.

XI. Staff Close Public Hearing/Open Public Meeting

Mr. Kastor 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. Pitts, Yes; Mr. Kastor, Yes.

XII. Discussion from Board

Mr. Kastor asked if the board had any questions for the applicant.

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

Mr. Gast motioned to approve Application #BZA2023-19. Mr. Bixler Seconded.

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

XIII. Reading of the Request

APPLICATION #BZA2023-20- A variance application submitted by Dennis C. Galloway for the property at Parcel #32-01137.033. The variance request is to allow the parcel to be split into two (2) lots with frontage on Ann Drive of 53.24' (west) and 54.82' (east) whereas Article 3.3, requires parcels zoned "R-1A" to have a minimum frontage of 75' on a public road.

XIV. Staff Review

Mr. Panas said as Jessica stated Dennis C. Galloway applied for a lot frontage variance for PPN 32-00137.033, which is a 4.57-acre parcel located to the north of the homes on the north side of Neill Drive. It is surrounded except to the east by other, existing residences in the "Heimlich's Green Creek Subdivision". The variance request is to allow the parcel to be split into two (2) lots with frontage on Ann Drive of 53.24' (west) and 54.82' (east) whereas Article 13, Section 3 requires parcels zoned "R-1A" to have a minimum frontage of 75' on a public road.

(a) Surrounding Land Uses:

- (a) North: Residences; Zoned R-1A / Single Family Serviced Residential
- (b) East: Farmland; Zoned R-1A / Single Family Serviced Residential
- (c) South: Residences; Zoned R-1A / Single Family Serviced Residential
- (d) West: Residences; Zoned R-1A / Single Family Serviced Residential

(b) Proposed Development:

- (a) Lot split to make 2 parcels.

Staff did not receive any comments from the Fire, Police, Public Works, or Building Department. Public Works asked to be contacted prior to the pouring of any driveway to be sure that the proposed drives were properly permitted. At the time of writing this report, several adjacent property owners visited the Perkins Township Community Development Office to inquire about what the applicant's ultimate plans are. No residents have submitted anything explicitly in writing, but those that did visit the Community Development Office appeared to be wary about the change from the norm. Some residents were wary about this application because of the property's previous ownership by the Cantelli family. One resident reported that the family tried to rush the development of more lots, which is why the stubs of Ann Drive exist in the first place. There is even a fire hydrant in the northwest section of the property. Adjacent Property Owners were encouraged to attend the meeting.

• Variance Request:

- As stated previously, the variance request is to allow the parcel to be split into two (2) lots with frontage on Ann Drive of 53.24' (west) and 54.82' (east) whereas Article 13, Section 3 requires parcels zoned "R-1A" to have a minimum frontage of 75' on a public road.

• Staff recognizes the following about the proposed variance:

- It is minimal.
- It will benefit the current property owners.

- It will not be injurious to the current property owners.
- It will not be injurious to the adjacent area.

Staff recommends approval for this variance application.

Mr. Gast stated that basically it's more or less to have a driveway each way into a larger lot. one each way.

Brandon Williams, I live in Huron now, I grew up on 2103 Neil Dr. I heard all about the argument about selling the land behind my mom's house over the years. Personally, I think it is a con job, they didn't want to pay my family anything, my dad has been dead for years. So, my concern is she has a bigger lot than normal, than I think that is going in behind her house. When they also stated, I spent years living there and I walked up to Hull Road because there was no bus service, nothing came back there. The roads are narrow, we have people park 6 and 8 cars on the street in front of their house and it limits traffic quite a bit, it's been going on for years. It took over 10 years for buses to go back there to pick up kids, you put more houses in there it's going to impede in road and street access to where my mom leaves. I'm just saying it's going to create a rat maze. I never thought houses would go in behind the mall, apartments, or condos whatever they are, but they are there now. I'm talking about what's going to happen if you don't put a road in back there, it's going to create problems for the fire department. We had a discussion at a time with the fire department and police that there is only one access into the development on Ann Dr. that is it. There on her deed the planned road was cut in half, it was supposed to go behind the house, she owns a strip that was half the proposed road that never went in, and it's on the deed.

Mr. Kastor stated that we are the board of zoning appeals, we do not do roads. You'd have to go to the Township Trustees and talk about the road situation. What we have in front of us today is a variance for a lot split for two single family lot. The only variance being a front yard setback which we require 75ft and they're asking for 50 something. So that's really what unfortunately the discussion today is limited to. That is the only power we have.

Mr. Galloway stated it's simple, I want to take 4.58 acres cut it into and build two single family homes. There is no road proposed, just a driveway into the lots. It's plain and simple.

Doug Brown 2100 Neil Drive. I guess my question would be I'm not sure if 75 to 53 is minimal, why does it exist? That must exist for a reason, it is safety. What is it? All sudden coming in and throwing it out and letting someone come in 1/3 less than required is now acceptable.

Mr. Gast stated that correct me if I'm wrong, the 75ft is to build a house on the frontage, he's not building a house on the front, he's building it back.

Ms. Byington stated that the variance is to the amount of frontage on a right of way. Theoretically you have that requirement to make sure you don't have odd shape lots that go from 10 ft lots to 100 ft and then over. To have regular lots. It's not a setback requirement, it's the distance of the frontage. In reality those frontages are much wider than a normal driveway would be. Its only going to be the width that is touching the road right there, in our opinion it is a minimal variance, because the purpose of that section is to avoid odd shape lots, this is allowing them to have a smaller frontage its not making the ma smaller lot, it still has a large frontage, and the portion of the right of way is less.

Mr. Brown stated that he understood that, but he doesn't understand how you'd split that and not make two odd shape lots.

Ms. Byington stated that there are different ways to look at what odd lots are. What we are trying to avoid is bowling alley lots, which would be 15 ft of frontage like I said goes back 100 ft, flag lot's those kinds of things.

Mr. Brown stated that 75 to 52 isn't a bowling alley lot?

Ms. Byington stated no, it doesn't change the shape of the lot, the lot shape is not changing.

Mr. Brown stated that he is kind of curious as to why some of the angel paths property back of to this property as well, they view this lot. It's a little surprising that there was an understanding to the Township that there would be no development until Angels Path properties were sold.

Ms. Byington stated that she was not aware of any such deal on that, and we provided all proper notice.

Mr. Brown stated that all of them were in the cul-de-sac. So, the gas lines and all those other things that run down the middle, you can put a house on a gas line? I know you're going to pawn it off on someone else, but for us here it is all together.

Ms. Byington stated that she's not pawning anything off, they have not submitted their plans for where the structures will go yet.

Mr. Brown stated so the cart before the horse here?

Ms. Byington stated that yes, how you're stating it is correct. This is how we always review a project when it comes in, it's the first step.

Mr. Brown continued questions regarding gas lines. It affects a lot of people back there, I know the roads aren't your concern, but they are your concern, you work in the Township. So, it does, it intertwines with other departments and you're adding additional traffic back there.

Troy Baumgardner – 2109 Neil Dr. you guys said this is going to bring value to our neighborhood, based off what? Where is the information to back there. In there, if you go back, staff recommendations. Right there it will benefit the current property owners.

Mr. Panas stated that they want to build a house, this will allow them to build a house. It's for the current property owners.

Mr. Baumgardner stated oh okay, I get it. How does it help our properties in the neighborhood, if its going to be an odd lot. I mean for us I'm looking at it as we got the space but where are the houses going to go, what's it going to look like?

Mr. Panas stated that we don't know that right now, but any house or houses that the applicant would be able to construct would be subject to our normal review process., which include analyzing existing public right of ways or private right aways, easements for gas in this situation which we've been made aware of. It's not like this is just going to be approved and tossed to the wind, it would be subject to the same exact approval process that any of you would be subject to if you wanted to build a house a shed or anything like that, there's no funny business. It's just two lots two proposed homes utilizing stub roads.

Cale Krers 2105 Jeanette court – is that proposed property in a flood plain with that ditch back there? So, is that going to be taken into consideration? I'm not opposed to building houses back there.

Mr. Gast stated that jeanette drive was all a 100-year flood plain.

Mr. Panas asked when the last time that was checked?

Mr. Gast stated I'm unaware.

Brandon Williams – Let me give you a historical idea what happened here, when I was a kid we got 11 inches of rain, the field behind my moms house. There was water all the way up. All of that was covered in water, the creek everything almost went up onto her property, that's been a corn field or soybean for a long time. But it has flooded in the past.

Diane Toft 2107 Neil Dr. My big concern is that the zoning in place is, so we don't have odd shape lot, or placements of homes. No matter where you place those homes, it's going to be awkwardly placed because there's not enough frontage, you're going to have the front of this house in the back of someone house or the side yard in someone else's house. I know for us personally, we just moved in about 9 years ago and when we bought the house, we bought it for that backyard, bug backyard beautiful view, lots of privacy, and when we bought the house we looked into the zoning to make sure that lot was not buildable because to us, that was important to our property and what we value, and clearly the zoning laws were there for a reason and upheld not thrown to the wind.

Mr. Kastor asked when you looked into it, who told you it wasn't buildable?

Mrs. Toft stated that they looked into it, there's not enough frontage, we looked at the lot, we looked at the laws, it wasn't buildable because there's not enough frontage. Then talked to the neighbors and it's been tried before and shut down. We felt comfortable buying the house, that's less than desirable, but we love the lot we love the location the yard, the privacy and the beauty which is going to be ruined if we split off and put awkward houses right behind my house where there isn't a road and houses shouldn't be there.

Mr. Brown stated that to answer your questions, who said it wasn't buildable? Yall did. YOU said it was 75 ft and now you're going down to 52 feet.

Mr. Kastor stated that I understand that the lot is zoned residential.

Mr. Brown said, "Well sure, yea.

Mr. Gast stated that they think the lot is going to be shrunk to 53 ft and it's not. It's just the driveway that is going to be shrunk.

Mrs. Toft states right but the driveway is going to lead to the house behind my house that is awkwardly placed where there's no road back there. It doesn't fit, that's a weird placement.

Ms. Byington stated that I think one important thing is that if this doesn't go through tonight, they can build one house back there. Just know that because it's a legally non-conforming house. But if it's not approved, he can still do one house.

Mr. Kastor asked any other questions?

2101 – can't hear her name. She is concerned about the sewer back there. We have two sanitary sewer grates, and they fill up, and I can't see where putting more houses back there will be beneficial to the sewer situation. I was in to see this gentleman; can you please explain to me what the white lines on those maps were.

Mr. Panas asked these white lines on this map?

An unknown voice stated no, the one you gave me in the office.

Mr. Panas stated that if it is those lines, it's the past lot lines, the historical lot lines, they are not what is legally governing these at this time.

Brian Marinelli – 2100 Jeanette Court I just recently moved to the area, and like Mrs. Toft stated over there we specially bought that house for that reason as well. My only big concern is I know our house lot is half an acre and I'm pretty sure a lot of the ones around this area are a half-acre and maybe a little more, little less. Splitting it in half, each lot is

going to be two, is there some point down the line that it can be shrunk into 4 separate lots.

Mr. Brown stated that he kind of had that question too, just because that is what is proposed now, can they change their mind and change it to half acre lots?

Mr. Kastor stated that then they would have to submit, and a variance is required and they'd have to come in front of the board of zoning appeals. The things were talking about are a lot split and a frontage variance, anything beyond that, you'd have to go through the process. Does it set a precedent? I mean,

Mr. Brown stated yes, you're changing something so yes it does set a precedent.

Mr. Kastor stated that yes, we acknowledge that so, we look at every case and variance individually. Most of these, as you see from the previous ones, no one even shows up.

Mr. Brown stated that those are apples and oranges, those aren't affecting millions of dollars of properties, that's chump change.

Mr. Kastor stated that is correct, before you interrupted me, the point I was going to make is that in this case, when this many people show up, obviously there are issues, and you are neighbors and care about your neighborhood that you are here to express your opinion. We don't have to follow the staff recommendations, ok? This is a little unusual, but the case is a little unusual. If you are against the front yard setback being reduced from 75ft to 53 ft, raise your hand. If you are in favor of the front yard setback, raise your hand. Okay, thank you.

Mr. Williams stated that his mother's property, when it was purchased, was 150ft wide and 150ft deep I believe, and that section that was a proposed road ended up on her deed also, and she's been paying taxes on it for over 30 years. So, my only concern and my big mouth right now, is that for years people have been trying to get that lot away from my mom for years and have offered them dirt. I have at least the min set of legal classes during my career, I'm retired and I'm here just to say that my brother and I are both concerned about what is going to happen to her land. I'm here to make sure she is not going to get hosed.

Mr. Kastor stated that everyone here needs to understand that if the variance request is denied, they can still build one home back there. It's a non-conforming lot, there is no zoning variance required. Correct, Angie?

Ms. Byington stated, yes that is correct.

Mr. Baumgardner asked if this is pretty well known that someone/ anyone can build back there?

Ms. Byington stated that they can ask us that, but I am not sure what is well known to people.

Mr. Baumgardner stated that then if that is the case, then why hasn't it been? And my answer to that is that it's not a desirable acreage to a possible home builder.

Mr. Kastor stated that what is not desirable to you, may be to someone else.

Mr. Baumgardner stated that he knows he's just saying they should build a house on it, and it would have been known already.

Ellie Anderson 2108 Neil Dr, listening to the meeting, my concern level has risen a lot. Because things can be imagined happening, I've heard 2 houses and 4 houses and I've heard the sewer and water lines that are already there that are going to be used more, and the driving back in the area increased traffic, and all of these are concerns because we were all doing very well.

Mr. Kastor stated thank you.

Mr. Williams stated that there was already a proposed land development back there years ago, and they were trying to get my parents' land, it went on and on for 10 years and my dad ran them off every time. They wanted a bunch of houses to go in there, so that's the level of concern about my mother's property, okay. I can give you names, so to speak.

Mr. Printy 3521 Jeanette stated that he vaguely remembers the way back when the previous effort to try and build houses back there. I believe it's already pumped with fire hydrants; my big question is since you're building a lot back in that area off the road, who is going to put a road in to get back to the proposed lot to build on.

Mr. Gast stated that the owner.

Mr. Printy stated that then it'd be a private drive, does that seal it off from here on in, because one of the big issues was off Ann Drive one way and then hooking into the other way and adding that traffic flow through there. This may be a trustee issue.

Mr. Gast asked when was Jeanette drive added back there? 30 years ago?

Mr. Printy stated that he remembers when it went on in front of the trustees.

Mrs. Toft stated that this might be inappropriate timing and location, but I don't know why he's wanting to split it and build, I don't know how to get in touch with you, but I know we'd be open to buying the land right behind our property, if you're just looking to unload it and it's an easier way to get rid of it.

Mr. Brown stated that he realizes that it's the property owner's responsibility to pave a driveway, the question would be there is no way that would be assessed, there is a lot of retirees back in that neighborhood that are fixed incomes that don't need to be settling, I know you're going to tell me it's not your consideration, when it is. So, take that into consideration when you're voting. There is a lot of reluctance here, and if suddenly everyone on that street gets an assessment for a road getting put in, there's going to be a problem.

Mr. Panas stated that that wouldn't just happen that way, they'd have to go through the county and get a minor or major subdivision and quite frankly the smaller the lot is the less theoretically.

Mr. Brown stated that that's fine, just as long as you're on the recording saying that.

Ms. Byington stated that he is correct, you'd have to go through the county for a major subdivision approval to put a road in, you can't just put a road in. Each lot must have frontage, so there can only be two lots here because there is no frontage. They'd have to put in a public road, and to put in a public road, they'd have to go to the county to a major subdivision, it's a whole other process.

Mr. Gast stated that by the time you put a road in there, there would be no room to put a house. Each lane has to be 12.5 ft x 2 is 24ft, and then utilities on each side, another 10 or 12 ft, for right of way.

Jenna Mulry 2020 Jeanette Dr. I just have a question to clarify, so if this doesn't get approved tonight, he can still build one house, if it gets approved then what just out of curiosity, what is the next step if it gets approved.

Mr. Panas stated that if the applicant wants to build a house on either lot, he will have to apply to us for a zoning department review along with the building department review.

Mrs. Mulry asked if that was something that people get to vote on.

Mr. Panas stated no, not at all, as long as it conforms with our building and zoning code.

Mike McNulty 35 I just want to emphasize my concerns about my property value, you know this piece of land here is nestled by a lot of homes' backyards, and if that is not done right it can be critical. So that could really have a negative impact on our property value. I know there is a lot that is sandwiched between the meadows and shady lane, that have just been built up, still not finished, it's been under construction for over 2 years, I know the people they are a nice family. That construction has been going on for years now. If all of that was to nestle back in our back yards if that were to happen, even a single home, two big homes. The first thing the family did was put up a little outbuilding to house equipment four wheelers, it means it would negatively affect our property value, I believe.

Mr. Brown stated that the house he's talking about is the size of Ponderosa, okay.

Mr. Kastor stated that the one lady asked if it was appropriate to question the property owner if they were willing to sell the land, I've been on this board for 30 years and that is appropriate, we've had this exact situation where people are used to living next to a vacant lot and you get a letter in the mail where its not going to be vacant lot anymore and they're not happy about it. If you want to control a vacant lot next to you, then your best option is to buy it. So maybe your group who has views of that lot, can put something together. Any other questions, comment regarding the lot split and the frontage.

Mr. Gast asked Mr. Galloway if he is going to build the house themselves or are you going to sell the land.

Mr. Galloway stated that it's not going to be a road, its going to be a driveway, and he stated that it would be him selling the lots.

Maryann 2103 Jeanette Court – doesn't Mr. Galloway own farmland behind and all the way over to Galloway.

Mr. Galloway said no.

Maryann asked who owns that?

Mr. Galloway stated Nyles Olds owns that property across the ditch.

An unidentified voice stated that she just doesn't understand how Ann Drive will just turn into a driveway.

Mr. Panas stated Ann Dr would just simply serve as the public right of way, that the proposed lot would have frontage on. Just like some of you that say you live on Neil Dr. Some of you live on the north side of Neil Drive, your driveway the apron of the front and the driveway approach comes off Neil drive. It's the same concept just a different road and looks a little different than yours do. The driveway would start on private property.

Mr. Printy asked if it's turned into a private drive, does that prevent any future development of all those other lots where they had all the fire hydrants in? It's going to be two private drives.

Ms. Byington stated that they'd have to do a major subdivision, you can't have frontage on a private drive.

Mr. Printy stated that if he has a private drive at the end of the stub, how do you even.

Ms. Byington stated that it'd be a driveway, there's a difference between a driveway and a private road that must be constructed to certain standards. Even if there was one, it would have to go through a major subdivision process.

Mr. Printy stated that he understood that, but he still owns the drive.

Discussion about the difference between a private drive and driveway continued. Along with where the stub/inlet where be.

XV. Staff Close Public Hearing/Open Public Meeting

Mr. Kastor asked for a motion to close the public hearing and open the public meeting.

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

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

Mr. Gast stated that Mr. Galloway just wants to split the lot so he can sell it, two lots instead of one.

Mr. Kastor stated that correctly, he is requesting a lot of split and frontage reduction as we've talked about. We personally must listen to the neighbors, and when there is such a large overwhelming concern, personally I don't think we can approve of these variances. I know some of them have lived there for a long time. Now if the variance is rejected as we explained, there can be a house built back there because its non-conforming lot, nothing to do with variances. Also, Mr. Galloway, you have rights if the variance is denied you can appeal the decision with the zoning boards through the courts. That's why we have a fireworks store in the township, it was denied, and they took it to court and that's why there's a fireworks store.

Mr. Galloway stated that if he gets the votes, that will seal the deal with any other possible development back there, other than two houses.

XVI. Discussion from Board

Mr. Kastor asked if the board had any questions for the applicant.

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

Mr. Bixler motioned to deny Application #BZA2023-20. Mr. Pitts Seconded.

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

XVII. Reading of the Request

APPLICATION #BZA2023-21- A variance application submitted by Muzilla Properties for the property at 4903 Milan Rd (Party Place; Parcel #32-01208.000). The variance request is to display a 12' tall membrane pumpkin "sign" on the roof of the building for the 2023 Halloween Season whereas Article 25.3.5 requires that no sign shall be installed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building; and Article 25.3.6 requires that no inflatable signs be installed or used for commercial purposes.

XVIII. Staff Review

Mr. Panas said as Jessica stated Muzilla Properties applied for a sign variance for Party Place at 4903 Milan Road, Sandusky, OH 44870 (PPN 32-01208.000). The variance request is to display a 12' tall membrane pumpkin "sign" on the roof of the building for the 2023 Halloween Season whereas Article 25, Section 3.5 requires that "... no sign shall be installed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building; and Article 25.3.6 requires that no inflatable signs be installed or used for commercial purposes."

(a) Surrounding Land Uses:

- (a) North: Commercial; Zoned C-2 / General Commercial
- (b) East: Commercial; Zoned C-2 / General Commercial
- (c) South: Commercial and Mineral Aggregate; Zoned C-2 / General Commercial and MA / Mineral Aggregate
- (d) West: Commercial and Mineral Aggregate; Zoned C-2 / General Commercial and MA / Mineral Aggregate

(b) Proposed Development:

- (a) Display 12' tall membrane pumpkin "sign" on the roof for the 2023 Halloween Season. The sign will be removed after October 31, 2023.

Staff did not receive any comments from the Fire, Police, Public Works, or Building Department. At the time of writing this report, one neighboring property owner expressed that they have no objection to the temporary display of the pumpkin sign. The neighbor was John M. Hoty, Manager of PLI II, Ltd. 4920 Milan Investments, Ltd. and Hoty MD, Ltd.

• Variance Request:

- As stated previously, the variance request is to display a 12' tall membrane pumpkin "sign" on the roof of the building for the 2023 Halloween Season whereas Article 25, Section 3.5 requires that ...
- no sign shall be installed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the

face of the building; and Article 25, Section 3.6 requires that no inflatable signs be installed or used for commercial purposes.

- **Staff recognizes the following about the proposed variance:**
 - It is minimal.
 - It will benefit the current property owners.
 - It will not be injurious to the current property owners.
 - It will not be injurious to the adjacent area.

Staff recommends approval for this variance application.

XIX. Staff Close Public Hearing/Open Public Meeting

Mr. Kastor asked for a motion to close the public hearing and open the public meeting.

Mr. Kastor asked if we could do this sever 5 years.

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

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

XX. Discussion from Board

Mr. Kastor asked if the board had any questions for the applicant.

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

Mr. Gast motioned to approve Application #BZA2023-21. Mr. Bixler Seconded.

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

XXI. Reading of the Request

APPLICATION #BZA2023-22- A variance application submitted by RVC Sandusky, LLC for the property at 6703 Milan Rd (RVC Outdoor Destinations; Parcel #32-01662.000). The variance request is to allow a vehicle sign to be parked on the property for longer than 72 consecutive hours whereas Section 28.16.2 requires that vehicle signs be parked no longer than 72 consecutive hours.

XXII. Staff Review

Mr. Panas said as Jessica stated A variance application was submitted by Lloyd Lauland, owner of RVC Sandusky, LLC for the property at 6703 Milan Rd (RVC Outdoor Destinations; Parcel #32-01662.000). The variance request is to allow a vehicle sign to be parked on the

property for longer than 72 consecutive hours whereas Article 28, Section 16.2 requires that vehicle signs be parked no longer than 72 consecutive hours.

(a) Application History:

- (a) On Monday, July 17, 2023, a member of the Perkins Township Board of Zoning Appeals made staff aware of the storage trailer doubling as a vehicle sign and asked staff to verify that the correct permitting was purchased and approved.
- (b) Adam Panas, Planner/Zoning Inspector reached out to the applicant to inquire about the vehicle sign. Adam determined that the sign was not allowed. The applicant inquired about their potential remedies for the situation.
- (c) On Monday, July 31, 2023, the applicant submitted for a zoning variance.

(a) Surrounding Land Uses:

- North: Commercial; Zoned C-2 / General Commercial
- East: Commercial; Zoned C-2 / General Commercial
- South: Farmland; Zoned C-2 / General Commercial
- West: Farmland; Zoned A / Agricultural

(b) Proposed Development:

- Use a "wrapped" semi-truck trailer for both storage and advertisement while the RVC outdoor park is being constructed.

Staff did not receive any comments from the Fire, Police, Public Works, or Building Department. At the time of writing this report, we have not received any written or other feedback from adjacent property owners. Let it also be known that most of the surrounding properties within 200 feet of the property lines are owned by Route 250 Real Estate LLC, which is an LLC owned by the design-build firm for the applicant on the subject property, Hoty Builders. The Board needs to determine if this variance is necessary for the reasonable use of the land or building and whether the variance that has been requested is the minimum variance necessary. It is the staff's opinion that the variance requested is not minimal or reasonable.

Alternatives to granting this variance (*the below option was presented to the applicant prior to their variance application, but the applicant declined it):

- **The applicant could apply for a temporary sign compliant with the following regulations:**
 - No more than one (1) sign or flag (excluding American, State, Township, or Military Service flags) per nonresidential occupant.
 - No more than 32 square feet.

- Installed for no more than 30 consecutive days.
 - Installed no more than four (4) times per calendar year (January through December) and not to be installed consecutively.
 - Not be permanently anchored to the ground, via concrete or asphalt.
 - Be at least 15 feet from the edge of the roadway.
 - If the sign complied with these requirements, it would be able to be administratively approved.
- **The applicant could apply for a temporary sign compliant with the following regulations:**
- No more than one (1) sign or flag (excluding American, State, Township, or Military Service flags) per nonresidential occupant.
 - No more than 32 square feet.
 - Installed for no more than 30 consecutive days.
 - Installed no more than four (4) times per calendar year (January through December) and not to be installed consecutively.
 - Not to be permanently anchored to the ground, via concrete or asphalt.
 - Be at least 15 feet from the edge of the roadway.
 - If the sign complied with these requirements, it would be able to be administratively approved.

Summary:

- **Variance Request:**
- As stated previously, the variance request is to allow a vehicle sign to be parked on the property for longer than 72 consecutive hours whereas Article 28, Section 16.2 requires that vehicle signs be parked no longer than 72 consecutive hours.
 - The subject property is zoned “C-2” / General Commercial by the Township’s Zoning Map and Zoning Resolution.
- **Staff recognizes the following about the proposed variance:**
- It is not minimal.
 - It will benefit the current property owners.
 - It will not be injurious to the current property owners.
 - It will set a precedent for future vehicle signs, making it difficult for staff to enforce duration restrictions on future vehicle signs.
 - Because of the precedent it would set, granting this variance may be injurious to the adjacent area.

Staff recommends denial of this variance application.

Todd Hart- Hoty Builders. You know I am I and our office in a whole are trying to figure out why the Township is trying to enforce signage on a job trailer, if so, why would they enforce it on this job trailer and not any other that sit in the township currently or let a lot this project. I think for the ownership group from out of town, this trailer was specifically brought to this job to store 200 pedestals that are going to be put on the job site. The fact they wrapped it or didn't wrap it, it's a job trailer, by code job trailers are allowed. So, to enforce the signage code on this, we think it is unfair, because on the same job there is another semi-trailer from another contractor that has his logo on it, it would be advertising, Hoty Builders has a job trailer there as well. I think there are a total of 7 trailers that are there. We are questioning why enforce the sign code on this trailer when there are other trailers within the township with business signage on it.

Mr. Panas stated that this is the complaint we received, that is the entire reason our office looked into it, it was specifically about this one trailer.

Mr. Hart said if you realize if you try to enforce a sign code on this because it has something on it about the park, this is a company that has brought a 20-million-dollar development into Perkins Township the trailer they're using to utilize storage material is being called out as non-compliant. There is a semi-trailer parked 20 ft away, exact same thing advertising his business.

Mr. Gast stated that he's not advertising for another proposed project he's advertising for himself, as you guys do.

Mr. Hart stated so that isn't a sign?

Mr. Panas stated are you upset that we didn't go after the other ones as well? I just want to properly understand your point.

Mr. Hart said no, I'm saying you're calling that a sign, right? But the trailer right next to it is not a sign?

Mr. Panas stated that wasn't complained about?

Mr. Hart stated that a job trailer is permitted by code.

Mr. Panas stated correctly, but once it's wrapped, it's considered a vehicle sign. I presented to the applicants the other options. Maybe I should've said this when I ended my presentation, staff would be very open to a variance to something to do with temporary signage right here, because that doesn't set a slippery slope precedence, and I presented this to the applicant, and what I received is what I received so uhm I mean that is all this hinges one.

Mr. Hart said what you're proposing is that they could have a sign that is 32 sq ft right?

Mr. Panas said correctly, without coming in front of the board.

Mr. Hart stated that what we're here for is to get a variance.

Mr. Panas stated that the wrong thing was applied for, I can't help that.

Mr. Hart asked if he could direct him to what should have been applied for. They should've applied for what? A variance to have a non-conforming temporary sign?

Mr. Panas said effectively, yes, I'm looking for my phrasing on it.

Mr. Hart said once again, "I'm not understanding, this group is looking to come in and build a community they're looking to operate a business in the community, they're looking to be good neighbors. They are unclear as to why this code is being enforced on one job trailer. If you're saying it's a sign it's a sign, then what variance should I direct them to apply for.

Mr. Gast stated that they had a similar problem with a trailer at the old Kroger's.

Mr. Hart stated that also the necessity as a contractor when you have a job trailer for storage of materials, to put a wrap on it or whatever else, makes good business sense. And the fact of the matter is that is a storage trailer.

Mr. Panas stated that what you could've applied for would be bullet point two or three, two, three, four. If you wanted to anchor it permanently, that's fine.

Mr. Kastor asked who owned the trailer.

Mr. Hart stated that he believes that RVC has leased it directly, part of the use of it is those pedestals that come from the ownership group of RVC from other projects being stored in a trailer that they leased.

Mr. Kastor said the owner leased a trailer to store products that he purchased which will be installed by the contractor.

Mr. Gast stated that basically he could also, if he wanted to skirt the system, latch on to that trailer and move it back after 72 hours.

Mr. Pitts stated let me ask a question. We all understand that's a trailer, we all understand it, and it's a job site. That has a sign on it, and the sign is bigger than what it should be. So, if the sign is not on the trailer, the trailer is still the trailer. The sign is just the wrong sign on the wrong application.

Mr. Hart stated that to communicate with the ownership group, what variance should they apply for?

Mr. Panas asked to take your pick from that?

Mr. Hart said they should request a variance on the sq ft on the sign on that trailer.

Mr. Panas stated that he would recommend some of the other clauses.

Mr. Kastor stated that if there wasn't a complaint filed.

Mr. Hart asked what the complaint was.

Mr. Kastor stated that he doesn't know, someone most've complained. Like I said I like to personally look at each case individually.

Discussion continued about what variances could've been applied for.

Mr. Kastor stated that we could approve a variance for what is there now.

Mr. Gast stated correctly, but can we put verbiage in there that it's a one time shot right now, and anyone that does it, they must do the same thing.

Mr. Kastor stated that the variance approval could state that it was approved on this specific site and project and further variances for the temporary sign regulations would be reviewed individually. Were allowed to do this, Mr. Hart has raised some good questions. It could happen again, but a guy may have a 1-acre site and store a trailer on it.

Mr. Gast asked if we had any other complaints from anyone else.

Mr. Panas stated no, there were not any additional. I do not see anything where we can't do anything like Mr. Kastor proposed.

XXIII. Staff Close Public Hearing/Open Public Meeting

Mr. Kastor 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. Pitts, Yes; Mr. Kastor, Yes.

XXIV. Discussion from Board

Mr. Kastor asked if the board had any questions for the applicant.

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

Mr. Gast motioned to approve Application #BZA2023-22 for this specific trailer and sign this project, this project only and all other projects/signs would have to come in front of this board for approval. Mr. Pitts Seconded.

Mr. Gast, yes; Mr. Pitts, Yes; Mr. Bixler, No; Mr. Kastor, Yes.

Mr. Longer showed up regarding the 'safety, security and wellbeing' of his J-1 students being next to the new RVC outdoor camping facility. He brought it to Mr. Harts attention that he feels that a fence or 'buffer' should be in place to better the safety of his employees. Mr. Hart and Mr. Longer voiced their opinions back and forth on this topic. The item was not an agenda item.

XXV. Old Business

XXVI. New Business

XXVII. Adjournment

Mr. Kastor asked for a motion for adjournment.

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

Roll Call: Mr. Pitts; Yes, Mr. Bixler, yes, Mr. Pitts, yes; Mr. Kastor, yes.