

BOARD OF ZONING APPEALS

Norwalk, Ohio

AGENDA

DATE: April 17, 2024
TIME: 6:00 p.m.
LOCATION: **Ernsthausen Community Room**

- I. PLEDGE OF ALLEGIANCE
- II. ROLL CALL
- III. APPROVAL OF MINUTES
 - January 17, 2024
- IV. SWEARING IN OF APPLICANTS/AUDIENCE
- V. COMMUNICATIONS AND PETITIONS
- VI. NEW BUSINESS
 - **24-BZA-002 Ellet Neon Sales & Service on behalf of Ken Ganley Real Estate Investments is requesting a variance from NCO 1179.09**
- VII. UNFINISHED BUSINESS
- VIII. ADJOURNMENT



Jaime L. Peiples, Clerk
Board of Zoning Appeals
CC: Mayor, Zoning, Law, Fire, SSD

January 17, 2024
6:00 p.m.

Ernsthausen Community Room
Norwalk, Ohio

BOARD OF ZONING APPEALS MINUTES

Mrs. Wheeler called the meeting to order. The Pledge of Allegiance was recited. Roll call showed the following members present: Mike Roth, Greg Myers, Carol Wheeler, Josh Welfle, and Ed Ciersezwski. Zoning Officer Mitch Loughton was also present.

MINUTES Mrs. Wheeler moved to approve the minutes from December 20, 2023, as presented. Mr. Ciersezwski seconded. All members voted in favor. Motion carried.

SWEARING IN OF APPLICANTS/AUDIENCE Mr. Roth swore in applicants and members of the audience wishing to speak.

COMMUNICATIONS The clerk stated that the Fire Department has no objection to the variance request on the agenda. The clerk then read a statement from Dorothy Ruffer, 1165 S. Norwalk Road citing no issues with the change. A copy of the letter is on file with the clerk.

NEW BUSINESS

24-BZA-001 Jim Loughton and Mel Hoida are requesting a variance from NCO 1161.01.C.1

Mel Hoida, 31 Sycamore Drive, said he and Mr. Loughton would like to build a storage building. He explained that the lengths of the pre-made trusses limit their options as to size of the building. He said they have spoken to the neighbor Ann McIntyre, and she has no issue with the addition.

Jim Loughton, 43 Sycamore Drive added that following the recent construction on W. Main Street the new storm sewer sits directly in front of their property. He said they would like to install the drain line in a way that it doesn't run under the new garage in case there are ever problems and access is needed.

Mr. Ciersezwski asked if they plan to remove a portion of the existing building. Mr. Loughton said the portion they planned to remove is already down. He said they would like to add on to what is left of the building. He further explained the layout of the proposed building. He said there would be a smaller room connecting the existing structure to the new garage. He said the small room would have a restroom, kitchenette, and sitting area. He said that the proposed structure would still leave 12 feet of access to the rear of the property.

Mr. Ciersezwski referred to an orange cone on the property and asked if it signifies where the building would stop. Mr. Loughton said no, the cone was left by the gas company.

Mr. Roth asked what the hardship would be if the variance was not granted. Mr. Loughton cited the need for proper drainage placement.

Mrs. Wheeler moved to grant the variance. Mr. Myers seconded. Mr. Roth, Mr. Ciersezwski, Mr. Welfle, Mrs. Wheeler, and Mr. Myers voted in favor. Variance granted.

Mr. Roth discussed a change to the Rules and Bylaws regarding the notice of meetings. The change dictates how meeting notices are provided to the public. A copy of the change is on file with the clerk.

Mrs. Wheeler moved to approve the change to notice of meetings. Mr. Ciersezwski seconded. Mr. Roth, Mr. Ciersezwski, Mr. Welfle, Mrs. Wheeler, and Mr. Myers voted in favor. Motion carried.

ADJOURNMENT There being no further business to discuss the meeting was adjourned.



Jaime L. Peiples, Clerk

Memo

To: The Board of Zoning Appeals
From: Mitch Loughton, Zoning Officer
Date: 4/2/2024
Re: Application 24-BZA-002

Ellet Neon Sales & Service, on behalf of Ken Ganley Real Estate Investments, is requesting a variance for the property at 226 Milan Avenue, with the Parcel ID 33-012B-01-018-0000. They are requesting a variance from NCO 1179.09, which states that for free-standing signs, the distance from ground to sign shall be only ten feet (10') with the total sign and supports not to be over 20 feet in height. The sign shall have a maximum total sign area of one hundred square feet (100 sf.) (50 square feet on each side) and located not closer than twenty feet (20') to any street right-of-way line and not closer than twenty feet to any adjoining lot line.

Ellet Neon Sales & Service is wanting to relocate the existing free-standing pylon sign that is approximately thirty-five (35') feet tall, has approximately one hundred and fifty-eight square feet (158 sf.) per side and placing it on the opposite side of the parcel, approximately twelve feet (12') from the street right-of-way line.

BOARD OF ZONING APPEALS
CITY OF NORWALK, OHIO

In the matter of:

Application No.: 24-BZA-002

APPLICATION FOR VARIANCE

Norwalk Codified Ordinance, Section 1137.02(A)

1. NAME ADDRESS, AND PHONE NUMBER OF APPLICANT N.C.O. 1137.02(A)(1)

Name: Ellet Neon Sales & Service, Inc. Amy Noble MI
Last First MI

Address: 3041 E. Waterloo Rd.
Street

Address 2 (including unit #)
Akron OH 44312
City State Zip

(330) 628-9907
Phone

2. LEGAL DESCRIPTION OF PROPERTY N.C.O. 1137.02(A)(2)

A legal description must be obtained and attached to this Application for a Variance. A variance from the terms of the Zoning Ordinances shall not be granted by the Board of Zoning Appeals unless a complete application is received by the Board.

In addition to the legal description, include the mailing address of the property:

Ken Ganley Chrysler Dodge Jeep Ram 226 Milan Ave. PPN#33-012B-01-018-0000

3. DESCRIPTION OF NATURE OF VARIANCE REQUESTED N.C.O. 1137.02(A)(3)

Request a variance to relocate the existing Chrysler Dodge Jeep Ram pylon sign to due site
improvements and update faces only according to current branding standards. The existing sign
is 10' x 15' (150sf) and 35' oah. Variance requests would be for 100sf in size and 15' in height
as deviations from code. The sign will request to be placed at a 12' setback from the r.o.w.
a variance of 8' setback from code.

4. A LIST OF ALL PROPERTY OWNERS AND THEIR ADDRESSES WHO ARE WITHIN, CONTIGUOUS TO, OR DIRECTLY ACROSS THE STREET AND MAY HAVE AN INTEREST IN THE VARIANCE.

N.C.O. 1137.02(A)(4) The owners of all properties lying within 300 feet of any part of the exterior boundaries of said property and their addresses are as follows: (attach additional sheets if necessary)

see attached

Name	Address

5. A NARRATIVE STATEMENT DEMONSTRATING THAT THE REQUESTED VARIANCE CONFORMS TO THE FOLLOWING STANDARDS: (N.C.O. 1137.02(A)(5))

- a. DEMONSTRATE SPECIAL CONDITIONS AND CIRCUMSTANCES THAT EXIST WHICH ARE PECULIAR TO THE LAND, STRUCTURE, OR BUILDING INVOLVED AND WHICH ARE NOT APPLICABLE TO OTHER LANDS, STRUCTURES, OR BUILDINGS IN THE SAME DISTRICT.

Large dealership property that maintains this existing pylon sign and four different vehicle manufacturer's brands on one sign. Dealer would like the opportunity to enhance the property while maintaining their current brand sign.

- b. EXPLAIN WHY A LITERAL INTERPRETATION OF THE PROVISIONS OF THE CITY OF NORWALK ZONING ORDINANCES WOULD DEPRIVE THE APPLICANT OF RIGHTS COMMONLY ENJOYED BY OTHER PROPERTIES IN THE SAME DISTRICT.

The code would eliminate this pylon sign, along with the current setback requirements would result in a smaller style sign that is less visible and potentially blocked by inventory.

- c. DO THE SPECIAL CONDITIONS AND CIRCUMSTANCES EXPLAINED ABOVE RESULT FROM THE ACTIONS OF THE APPLICANT? WHY?

Requested variances are based upon the dealerships project for adding improvements to this existing business, building and site identification signage. Updating exactly what is currently onsite.

- d. WILL THE GRANTING OF THIS VARIANCE CONFER ON THE APPLICANT ANY SPECIAL PRIVILEGE THAT IS DENIED BY THIS ORDINANCE TO OTHER LANDS, STRUCTURES, OR BUILDINGS IN THE SAME DISTRICT? WHY?

As this is an existing pylon sign, we do not fee that it would be injurious to surrounding neighboring businesses or impact any city services.

6. SKETCH

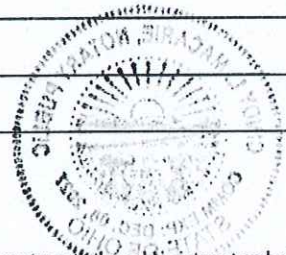
The Applicant must submit a sketch (scaled drawing is not necessary) of the area in question showing (a) shape and dimension of the lot, with existing buildings and accessory buildings, (b) lines within which proposed building are to be erected or altered, (c) existing and intended use of each building, (d) number of families or house-keeping units that the buildings are designed to accommodate, and (e) any other information with regard to the lot or neighboring lots which applicant feels will further clarify his/her request and provide for the proper hearing.

7. ADDITIONAL INFORMATION

Please explain any additional information applicant would like the board to consider as it evaluates application.

As stated in each response above, this dealership is updating and enhancing its overall appearance.

Ken Ganley CDJR would like the opportunity to maintain their current sign while keeping up to date also with their four franchise requirements.



8. TERMS

The Board of Zoning Appeals may authorize a variance from the terms of this Ordinance which shall not be contrary to the public interest and where owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. A variance shall not be granted unless the Board makes a specific finding based directly on the particular evidence presented to it which supports conclusions that the standards and conditions imposed by this Section have been met by the applicant. No variance shall be granted which will alter the character and use of a zoning district or to correct an error of judgment in zoning laws. N.C.O. 1137.02

Except as otherwise permitted, a variance from the terms of the Zoning Ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals. N.C.O. 1137.02(A)

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Ordinance in the district involved or any use expressly or by implication prohibited by the terms of this Ordinance in said district. In granting any appeal or variance, the Board of Zoning Appeal may prescribe any appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the appeal or variance has been granted, shall be deemed a violation and punishable under Section 1133.016 of this Ordinance. N.C.O. 1137.03(D)

The undersigned hereby applies for permission for the variance as described above in accordance with plans, application, and all data attached heretofore filed with the Zoning Inspector, all of which as hereto attached and made a part of this application.

No previous application or appeal under the City of Norwalk, Ohio, Zoning Ordinance has been made by me affecting these premises. I hereby depose and say that all the above statements contained in all the exhibits transmitted herewith are true.

Each application shall be accompanied by a check payable to the City of Norwalk, or a cash payment in the amount of one-hundred dollars (\$100), plus the postage cost for every property owner within 300 feet of the property requesting the variance, to cover the costs of all publishing, posting and/or mailing notices of hearings. Make checks payable to: CITY OF NORWALK

Once complete, the Application, Legal Description, Sketch, and Application fee shall be submitted to the Zoning Inspector and/or the Clerk to the Board of Zoning Appeals, City Hall, 38 Whittlesey Ave., P.O. Box 38, Norwalk, Ohio 44857

Questions: Clerk to the Board of Zoning Appeals (419) 663-6760
Building & Zoning Officer (419) 663-6783

EXHIBIT A

Lot Split Legal Description

Portions of Parcel No. 33012B010180000 and Parcel No. 33033090050000

Being a parcel of land located in part of Great Lot 9, Section 3, Inlots 2225- 2233, 2318-2323, part of Inlots 2288-2292, a 20-foot-wide vacated alley, a 15-foot-wide vacated alley, and part of vacated Lake Avenue, Norwalk Township, now City of Norwalk, Twp 4 North, Range 22 West, Huron County, Firelands Connecticut Western Reserve, State of Ohio, and further particularly described as follows:

Beginning at a drill hole found at the intersection of the east right-of-way line of Milan Avenue (A.K.A. U.S. Route 250) (R/W Varies), and the north right-of-way line of Gallup Avenue, also being the southwest corner of Inlot 2233;

1. Thence North $10^{\circ} 11' 09''$ East, along the east right-of-way line of Milan Avenue (A.K.A. U.S. Route 250), a distance of 239.88 feet to a mag nail found at the intersection of the east right-of-way line of Milan Avenue (A.K.A. U.S. Route 250), and the south right-of-way line of vacated Lake Avenue, also being the northwest corner of Inlot 2225;
2. Thence South $88^{\circ} 47' 18''$ West, along the south right-of-way of vacated Lake Avenue and the east right-of-way line of Milan Avenue (A.K.A. U.S. Route 250), a distance of 4.25 feet to a drill hole set at the intersection of the east right-of-way line of Milan Avenue (A.K.A. U.S. Route 250) and the south right-of-way line of vacated Lake Avenue;
3. Thence North $10^{\circ} 46' 40''$ East, along the east right-of-way line of Milan Avenue (A.K.A. U.S. Route 250), a distance of 35.00 feet to a drill hole set;
4. Thence South $79^{\circ} 42' 01''$ East, a distance of 353.41 feet $5/8''$ iron pin set on the west right-of-way line of a 40-foot-wide vacated unnamed street (INST.#2023 20230320001268) and the east line of Inlot 2292;

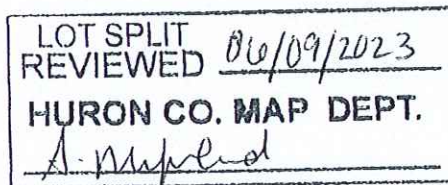
5. Thence South 05° 51' 07" East, along the west right-of-way line of the 40-foot-wide vacated unnamed street, the east line of Inlot 2292, and the east line of Inlot of 2323, a distance of 207.50 feet, to a 5/8" iron pin with "CDE" cap found at the intersection of the north right-of-way of Gallup Avenue (R/W 50') and the west right-of-way line of a 40-foot-wide vacated unnamed street, also being the southeast corner of Inlot 2323, passing over a 5/8" iron pin found with "B&A" cap found at 76.91 feet and being the southeast corner of Inlot 2292;
6. Thence South 89° 53' 06" West, along the to the north right-of-way of Gallup Avenue, a distance of 413.59 feet, to the place of beginning, passing over a 5/8" iron pin found at 139.30 feet and containing 2.0832 acres (90,739.8360 sq. ft.), 0.3771 acres are within Parcel #330330090050000, and 1.7061 acres are within Parcel #33012B01080000, of land, more or less, but subject to all legal highways, easements, and restrictions of record;

Bearings are based on Grid North of the Ohio State Plane Coordinate System, NAD83 Datum, GEOID 12A, by ODOT VRS.

Prior Deed Reference: KG Real Estate Investments, LLC, INST.#201803090001362 and INST.#202104200002798.

All 5/8" iron pins set are 30" long rebar with yellow plastic caps stamped "C.D. ENG 8456 & 8512".

This description was prepared by Contractors Design Engineering, (Consulting Engineers and Surveyors, Norwalk, Ohio) in February, 2023 per Adam E. Weaver, Registered Surveyor No. 8456 from an actual survey performed January 2022 on the premises by Contractors Design Engineering.



1.7061 Acres in 33-012B-01-018-0200
 0.3771 Acres in 33-0330-09-005-0000

Lot Combination Legal Description

Portions of Parcel No. 33012B010180000, Parcel No. 33033090050066, Parcel No. 33009C011009507 and Parcel No. 33012B011009902

Being a parcel of land located in part of Outlot 8 and 9, Section 3, part of Inlots 2288-2292, former railroad right-of-way, 40-foot-wide vacated street, and part of vacated Lake Avenue, Norwalk Township, now City of Norwalk, Twp 4 North, Range 22 West, Huron County, Firelands Connecticut Western Reserve, State of Ohio, and further particularly described as follows:

Beginning at a drill hole found at intersection of the north right-of-way of Gallup Avenue (R/W 50') and the east right-of-way line of Milan Avenue (A.K.A. U.S. Route 250) (R/W Varies), also being the southwest corner of Inlot 2233. Thence North $10^{\circ} 11' 09''$ East, along the east right-of-way line of Milan Avenue (A.K.A. U.S. Route 250), a distance of 239.88 feet to a mag nail found at the intersection of the east right-of-way line of Milan Avenue (A.K.A. U.S. Route 250), and the south right-of-way line of vacated Lake Avenue, also being the northwest corner of Inlot 2225. Thence South $88^{\circ} 47' 18''$ West, along the south right-of-way of vacated Lake Avenue and the east right-of-way line of Milan Avenue (A.K.A. U.S. Route 250) a distance of 4.25 feet to a drill hole set at the intersection of the east right-of-way line of Milan Avenue (A.K.A. U.S. Route 250) and the south right-of-way line of vacated Lake Avenue. Thence North $10^{\circ} 46' 40''$ East, along the east right-of-way line of Milan Avenue (A.K.A. U.S. Route 250) a distance of 35.00 feet to drill hole set at the intersection of the east right-of-way line of Milan Avenue (A.K.A. U.S. Route 250) and the north right-of-way line of vacated Lake Avenue, and being the principal place of beginning;

1. Thence North $10^{\circ} 22' 31''$ East, continuing along east right-of-way line of Milan Avenue (A.K.A. U.S. Route 250) a distance of 214.73 feet to a 5/8" iron pin found;
2. Thence South $77^{\circ} 37' 37''$ East, along the east right-of-way line of Milan Avenue (A.K.A. U.S. Route 250) a distance of 4.00 feet to X- cut in the sidewalk;
3. Thence North $10^{\circ} 28' 29''$ East, along east right-of-way line of Milan Avenue (A.K.A. U.S. Route 250), a distance of 81.24 feet, to a 1/2" iron pin found;

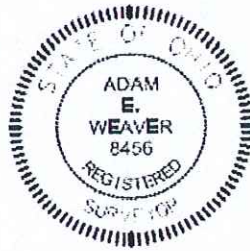
4. Thence North 81° 40' 40" West, along the east right-of-way line of Milan Avenue (A.K.A. U.S. Route 250) a distance of 4.00 feet to 1/2" iron pin "slightly bent" found;
5. Thence North 10° 27' 07" East, along the east right-of way line of Milan Avenue (A.K.A. U.S. Route 250). a distance of 110.23 feet to 1/2" iron found;
6. Thence South 79° 13' 45" East a distance of 8.02 feet to a 5/8" iron pin with a "Baker" cap found on the east line of the right-of way of Milan Avenue (A.K.A. U.S. Route 250) and the southeast corner of land now or formerly owned by Milan Avenue Holdings LLC as recorded in INST# 20107260005536 of the Huron County Recorder's Office;
7. Thence South 79° 13' 45" East, along the south line of said Milan Avenue Holdings LLC's land, a distance of 338.19 feet to a 5/8" iron pin with "CDE" cap found on the former east right-of-way line of the railroad and the west line of land now or former owned by City of Norwalk as recorded in D.V. 131, Pg. 71 of the Huron County Recorder's Office, passing over a 3/8" iron pin found at 269.31 feet;
8. Thence South 05° 51' 07" East, along the west line of said City of Norwalk's land, and the former east right-of-way line of the railroad, a distance of 607.10 feet to a 5/8" iron pin with "CDE" cap found at the intersection of the west right-of-way line of a 40-foot-wide unnamed street, the former east right-of-way line of the railroad, and the north right-of-way line of Gallup Avenue;
9. Thence South 89° 53' 06" West, along the to the north right-of-way of Gallup Avenue, a distance of 106.54 to a 5/8" iron pin with "CDE" cap found at the intersection of the north right-of-way of Gallup Avenue (R/W 50') and the west right-of-way line of a 40-foot-wide vacated unnamed street, also being the southeast corner of Inlot 2323
10. Thence North 05° 51' 07" West, along the west right-of-way line of the 40-foot-wide vacated unnamed street (INST. #20230320001268), the east line of Inlot 2292, and the east line of Inlot of 2323 a distance of 207.50 feet to a 5/8" set iron pin, passing over a 5/8" iron pin found with "B&A" cap found at 130.59 feet and being the southeast corner of Inlot 2292;
11. Thence North 79° 42' 01" West, a distance of 353.41 feet to the place of beginning and containing 4.2326 acres (184,372.0560 sq. ft.) of land, more or less, but subject to all legal highways, easements, and restrictions of record.

Bearings are based on Grid North of the Ohio State Plane Coordinate System, NAD83 Datum, GEOID 12A, by ODOTVRS.

Prior Deed Reference: KG Real Estate Investments, LLC. INST.#201803090001362. INST.#202104200002798, and INST.#202302100000554

All 5/8" iron pins set are 30" long rebar with yellow plastic caps stamped "C.D. ENG 8456 & 8512".

This description was prepared by Contractors Design Engineering. (Consulting Engineers and Surveyors, Norwalk, Ohio) in February, 2023 per Adam E. Weaver, Registered Surveyor No. 8456 from an actual survey performed January 2022 on the premises by Contractors Design Engineering.



REVIEWED 06/09/2023
HURON CO, MAP DEPT.
A. M. [Signature]

3.0401 Acres in 33-012B-01-018-0000
0.4962 Ac in 33-012B-01-100-9902
0.4335 Ac in 33-009C-01-100-9507
0.2628 Ac in 33-0330-09-005-0066



DODGE

Jeep



RAM

RECOMMENDATION DETAIL

E-01

INVENTORY

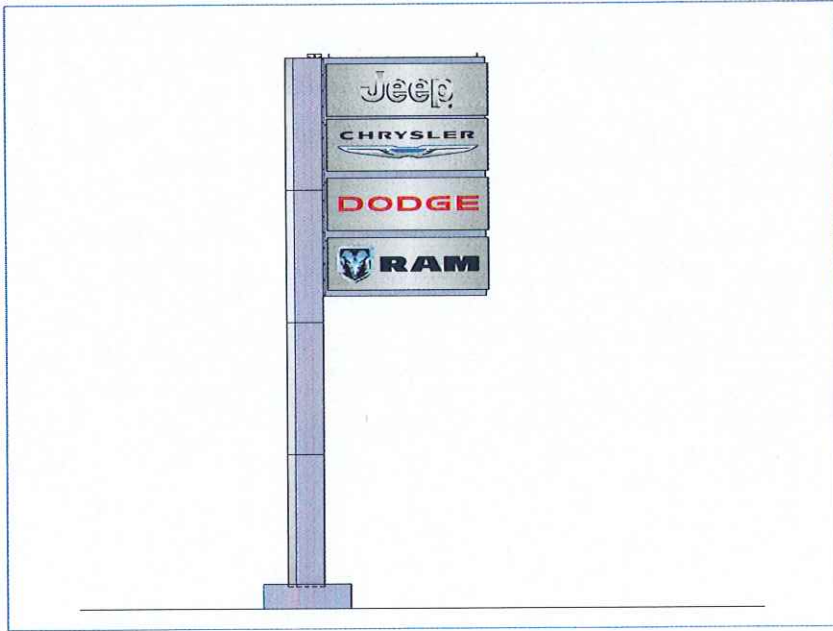
Sign Text / Description		
9 Series 10'x 15' at 35' OAH		
Height	Width	Depth
N/A	N/A	N/A
Letter Height		Height Off Ground
N/A		N/A
Face Material		Sign Material
N/A		N/A
Visible Opening		Retainer Size
N/A		N/A
Surface Material		Surface Color
N/A		N/A
Illuminated		Illumination Type
N/A		N/A
Double Face		Mount
N/A		N/A



Inventory Comments
 Photo represents existing site conditions.

RECOMMENDATION

Recommended Action
Relocate/Retro-fit
Recommended Sign
9 Series CDR+J 10' x 15' Brand Sign at 35'-0" OAH
Wall Repair Action
N/A



Recommendation Comments
 Principle will retro-fit existing Brand Sign with new graphics reading Jeep, Chrysler, Dodge, and Ram. Dealer to ensure an existing 20-amp electrical circuit is available and conforms to current NEC standards. Electrical to be working at time of installation.



DODGE

Jeep



RAM

SIGN DETAIL

**CDR+J Silver Jeep on Top -
9 Series Pylon @ 35' OAH**

SQUARE FOOTAGE
158.57 sq ft

MANUFACTURING DETAILS

- PAINTED ALUMINUM SIGN CONSTRUCTION WITH CHROME ACCENTS ON CLADDING
- 3M FACES w/ 1ST SURFACE DECORATION VINYL/ COLOR DIGITAL PRINT

ILLUMINATION

LEDS INTERNAL ILLUMINATION
CIRCUITS REQUIRED (1) 20 AMP

ALL ELECTRICAL COMPONENTS TO BE UL LISTED
GROUNDING PER UL AND NEC SPECIFICATIONS

COLORS

- BLACK
- BLUE PMS 287
- RED PMS 1797C
- SILVER

