

## MINUTES

### CITY OF WOOSTER BOARD OF BUILDING & ZONING APPEALS

August 2, 2018

**I. MEETING CALLED TO ORDER AND ROLL CALL**

Lukas Gaffey, Chairman of the Board of Building and Zoning Appeals, called the meeting to order. Board members Stewart Fitz Gibbon, Brad Gowins, Lukas Gaffey, Gregg McIlvaine, Ken Suchan and Greg Taylor were present at the meeting. Board member Doug MacMillan was absent. Andrew Dutton, Planning and Zoning Manager was present representing the City of Wooster.

**II. APPROVAL OF MINUTES**

Brad Gowins made a motion to approve the July 5, 2018, regular meeting minutes. Greg Taylor seconded the motion. The motion passed, 6-0.

**III. PUBLIC HEARINGS**

***Application #BZA-18-25.***

Rod Cottrell requested an area variance from Planning and Zoning Code Table 1115-1 to allow a building within the required front yard setback at 513 McDonald Street in an R-T (Traditional Residential) District.

Rod Cottrell, 1591 Highland Park, stated that his son owned the property and built the deck without a permit. Mr. Cottrell explained that the deck was not set back far enough from the road and it replaced an existing deck. Mr. Cottrell continued that the deck was 8 feet by 23 feet.

Roger Peterson, 1626 Woodcrest, stated that the house was located 30 feet from the edge of the street and the property line was 15.6 feet from the street. Mr. Peterson explained that the house was 14.6 feet from the right of way. Mr. Peterson continued that the original deck was 3 feet 10 inches and had a roof. Mr. Peterson stated that the new deck was 4 feet 2 inches beyond the original deck, making the attached deck 8 feet wide.

Mr. Gaffey stated that a deck was required to be setback 20 feet from the right of way.

Mr. Gaffey asked if anyone from the public would like to address the Board regarding the application.

Mark Graham, 486 McDonald Street, stated that he lived across the street and was in favor of the application. Mr. Graham explained that the lots on McDonald street were narrow and shallow with very little space to add improvements.

Brad Gowins made a motion to approve application BZA-18-25, as presented. Gregg McIlvaine seconded the motion.

Greg Taylor voted yes.

Ken Suchan voted yes and stated that the setback was already nonconforming and there was already a stoop in place.

Gregg McIlvaine voted yes and stated that he appreciated the neighbor's remarks that lots in the area were small and it would be difficult to make improvements without a variance.

Stewart Fitz Gibbon voted yes for reasons cited by the Board.

Brad Gowins voted yes.

Lukas Gaffey voted yes.

The motion carried unanimously, 6-0.

***Application #BZA-18-26.***

Brian Maxwell requested an area variance from Planning and Zoning Code Section 1127.09(b)(1)(C.) to allow an internally illuminated entrance sign at 3574 Melrose Drive in an R-4 (Multi-Family Residential) District.

Brian Maxwell, 7510 East Pleasant Valley Road, Independence stated that the company was rebranding throughout Ohio. Mr. Maxwell explained that the sign would be replaced with a permanent monument aluminum sign that would brand the property as Redwood Apartments. Mr. Maxwell continued that the sign would be internally illuminated through the channel letters and not backlit. Mr. Maxwell stated that the soft glow would not be intrusive.

Mr. McIlvaine asked when the sign would be lit. Mr. Maxwell stated that the sign would have a photo eye and would only be lit at night or on cloudy days. Mr. Maxwell explained that in some neighborhoods, the signs had a dimmer switch in case the sign was too bright. Mr. McIlvaine asked if the current signs had spotlights. Mr. Maxwell noted that the signs had LED spotlights with a warm glow.

Jerry Keller, 8982 Dutton Drive, Twinsburg stated that the signs would incorporate 7000K LED strands which would be on at night. Mr. Keller explained that only the letters would be lit and the sign would be acrylic which would help defuse the light. Mr. Keller stated that a dimmer switch could be added to the signs. Mr. Gaffey stated that the main sign would be located on the corner of Milltown and Melrose.

Mr. Gaffey asked if anyone from the public would like to address the Board regarding the application.

David Silvestri, 5200 Sarah Circle, stated that he was opposed to the illuminated sign due to the intersection being challenged with visibility issues. Mr. Silvestri continued that there were concerns that the sign would detract from the residential feel of the neighborhood. Mr. Silvestri stated that residents didn't want the area to look commercialized and wanted to stay away from potential safety issues when navigating the intersection.

Gregg McIlvaine moved to adjourn to Executive Session. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously 6-0 at 6:07 pm.

Stewart Fitz Gibbon moved to come out of Executive Session. Gregg McIlvaine seconded the motion. The motion passed unanimously 6-0 at 6:17 pm.

Stewart Fitz Gibbon made a motion to approve application BZA-18-26, as presented. Brad Gowins seconded the motion.

Greg Taylor voted no and stated that the sign was not to code.

Ken Suchan voted no and stated that the code stated that no externally illuminated signs were permitted in residential districts and there was not a compelling reason to allow a sign that was internally lit in a residential area.

Gregg McIlvaine voted no and stated that passing the application would set a precedent for others in the residential district.

Stewart Fitz Gibbon voted no for reasons cited by the Board.

Brad Gowins voted yes and stated that the sign was an upgrade from the current sign and he appreciated the screening of the sign.

Lukas Gaffey voted no and stated that the sign was an upgrade and understood the reasoning of the lighting of the sign. He also noted that he agreed with other Board member comments.

The motion was denied 1-5.

***Application #BZA-18-27.***

Brian Maxwell requested an area variance from Planning and Zoning Code Section 1127.09(b)(1)(C.) to allow an internally illuminated entrance sign at 1069 Mindy Lane in an R-4 (Multi-Family Residential) District.

Brian Maxwell, 7510 East Pleasant Valley Road, Independence stated that the proposed site for the new sign was not at a busy intersection. Mr. Maxwell explained that the sign would be located at the entrance on Mindy Lane.

Mr. Gaffey asked if anyone from the public would like to address the Board regarding the application. No one from the public was present to address the application.

Ken Suchan made a motion to approve application BZA-18-27, as presented. Stewart Fitz Gibbon seconded the motion.

Stewart Fitz Gibbon voted no and stated that there was a lot to be said for the newly written code. He indicated that if the Board had more specifications, they may be able to make a moderated decision.

Brad Gowins voted no and stated that the sign would be located in a denser residential area as opposed to a corner where two roads intersected.

Gregg Taylor voted no and stated that he agreed that the area was busier and was composed of apartment buildings.

Ken Suchan voted no, but noted new technologies are available in sign lighting.

Gregg McIlvaine voted no and stated that information regarding light emissions from signs would be beneficial.

Lukas Gaffey voted no for reasons cited by the Board.

The motion was denied 0-6.

***Application #BZA-18-28.***

Brad Tarleton requested an area variance from Planning and Zoning Code Table 115-1 to allow a building within the required front yard setback at 1300 Briarcrest Circle in an R-1 (Suburban Single-Family Residential) District.

Brad Tarleton, 1300 Briarcrest Circle, stated that the proposed roofed addition was setback 22 feet from the right of way. Mr. Tarleton explained that the property was located on a cul-de-sac and there was an existing cement front porch on the house. Mr. Tarleton continued that the roof impeded on the setback by 3 feet. Mr. Tarleton stated that the porch was made of composite decking.

Mr. Gaffey asked if anyone from the public would like to address the Board regarding the application.

Denny Brayer, 1284 Briarcrest Circle, stated that he lived beside the property and he did not have any objections to the small porch addition.

Kellen Viar, 1300 Briarcrest Circle, stated that he was the homeowner and he wanted the property to look a little nicer. Mr. Viar explained that a roof structure would make the porch more useful and the front yard more appealing.

Stewart Fitz Gibbon made a motion to approve application BZA-18-28, as presented. Brad Gowins seconded the motion.

Stewart Fitz Gibbon voted yes and stated that the situation was unique in the way the house was placed on the lot due to the cul-de-sac and terrain.

Brad Gowins voted yes and stated that with the shape of the lot, the proposal would not negatively impact the neighborhood and the request was the minimum necessary.

Greg Taylor voted yes.

Ken Suchan voted yes for reasons cited by the Board.

Gregg McIlvaine voted yes.

Lukas Gaffey voted yes for reasons cited by the Board.

The motion carried unanimously, 6-0.

***Application #BZA-18-29.***

John Keating requested an area variance from Planning and Zoning Code Tables 1115-4 and 1125-1 to allow a reduced lot width and to allow building and parking within the required setbacks at 1790 Eagle Pass in an I-1 (Office/Limited Industrial) District.

John Keating, 141 East Liberty Street, stated that he was the attorney for Weaver Custom Homes. Mr. Keating explained that the lot was located at the end of Eagle Pass, was a pie shaped lot on a cul-de-sac and was used for industrial warehouses. Mr. Keating continued that

the company decided to sell the property and the proposal was to subdivide the lot into 2 lots. Mr. Keating stated that by dividing the lot there would be setback issues with the internal boundary line that would divide the 2 lots. Mr. Keating explained that the appearance of the property would be the same with no new construction, additions or alterations.

Mr. Keating stated that each property would have frontage on Eagle Pass and direct access to the public street.

Mr. Gaffey asked if anyone from the public would like to address the Board regarding the application.

Ken Weaver, 13616 Dover Road, Apple Creek, stated that he had attempted to rent and sell the property. Mr. Weaver explained that dividing the property was a strategy to bring business into the community and make it affordable.

Ken Suchan made a motion to approve application BZA-18-29, as presented. Brad Gowins seconded the motion.

Greg Taylor vote yes.

Ken Suchan voted yes.

Greg McIlvaine voted yes.

Stewart Fitz Gibbon voted yes and stated that there would be no change in the overall use of the property.

Brad Gowins voted yes.

Lukas Gaffey voted yes and stated that the use did not change and the overall look, feel and configuration of the buildings would be the same.

The motion carried unanimously, 6-0.

***Application #BZA-18-30.***

Jason Miller of RMA Surveying requested an area variance from Planning and Zoning Code Table 1115-3 to allow a building taller and further from the right of way than permitted, Section 1123.05(b)(6)(C.) to allow parking lot rows longer than permitted without a parking lot island, Section 1119.05(b)(4) to allow EIFS building material within 3 ft. of grade, Table 1125.04 to allow less off-street parking than required at 50 Riffel Road in a C-2 (Community Commercial) District.

Jason Miller, 145 East Third Street, Marion, Indiana, stated that the portion of the request to allow EIFS material within 3 feet of the grade was withdrawn from the application. Mr. Miller explained that a modification would be made to the architectural plans of the building to meet the code requirement. Mr. Miller continued that the building height needed a variance to allow a height of 53 feet 10.5 inches. However, he stated the rooftop bar would be removed from the plans reducing the proposed height. Mr. Miller stated that the next lower level would be 49 feet and 6.5 inches, which was the parapet for the roof face on the west side of the building. Mr. Miller explained that the actual building was less than 45 feet in height.

Mr. Miller stated that the maximum front building setback changed to 60 feet in a recent code amendment. Mr. Miller explained that the revised plan was to maximize parking for the hotel and the Greenbriar Conference Center. Mr. Miller continued that the conference center parking would be deferred. Mr. Miller stated that that proposal would increase the existing parking on the Greenbriar property as a whole.

Mr. Miller stated that there was a shared parking agreement with the Greenbriar Conference Center in the purchase agreement. Mr. Miller explained that the plan was asking for parking in the side yard setback. Mr. Miller continued that the proposed use was a 98 room 4 story Holiday Inn Express Hotel.

Stewart Fitz Gibbon asked if the shared parking agreement would remain with the hotel property if the sale did not go through on the Greenbriar property. Mr. Miller stated that the shared parking agreement would be included with the sale of the hotel property.

Mr. Miller explained that the hotel was a new prototype and was a standard 4 stories with a parapet wall.

Mr. Gaffey asked if anyone from the public would like to address the Board regarding the application. No one from the public was present to address the application.

Ken Suchan made a motion to approve application BZA-18-30, as presented with conditions of the Planning Commission regarding provisions for differed parking. Brad Gowins seconded the motion.

Greg Taylor voted no and stated that the hotel did not fit in the location.

Ken Suchan voted yes and stated that the proposed plan worked out most of the problems with the amount of parking and the two sites would work together.

Gregg McIlvaine voted yes and stated that the request was fairly minor and he felt a lot of work had gone into the improvement to the community.

Stewart Fitz Gibbon voted yes for reasons cited by the Board and noted that the project had been aired with media coverage and had been before City Council, The Planning Commission and the Board of Building and Zoning Appeals. He stated that he felt the process had worked out well and the plan was reasonable and reflected the unique circumstances.

Brad Gowins voted yes and stated that the hotel fit within the character of the area and the variances were the minimum necessary.

Lukas Gaffey voted yes and stated that it made sense to have a hotel beside the Greenbriar Conference Center and it would be an incentive to purchase that building.

The motion carried 5-1.

**IV. APPLICATIONS CONTINUED TO BE TABLED**  
***Applications #2016-19 and #2016-20.***

V. **ADJOURNMENT**

Stewart Fitz Gibbon made a motion to adjourn. Brad Gowins seconded the motion. The motion passed unanimously, 6-0.

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**Lukas Gaffey, Chairman**

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**Carla Jessie, Administrative Assistant**