

MINUTES

CITY OF WOOSTER BOARD OF BUILDING & ZONING APPEALS

August 3, 2017

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 Ken Suchan, Lukas Gaffey, Gregg McIlvaine and Greg Taylor, were present at the meeting. Board member Stewart Fitz Gibbon arrived at 5:36 pm. Board members Brad Gowins and Doug MacMillan were absent. Andrew Dutton, Planning and Zoning Manager, was present representing the City of Wooster.

II. APPROVAL OF MINUTES

Greg McIlvaine moved to approve the July 6, 2017, regular meeting minutes. Ken Suchan seconded the motion. The motion passed, 4-0.

III. PUBLIC HEARINGS

Application #BZA-17-31.

Robert Reynolds representing Dennis Helmuth requested a use variance from Planning and Zoning Code Sections 1133.02 and 1133.07 to allow an accessory storage structure without a principal use or structure and an area variance from Section 1169.15(b) to allow the expansion of a gravel driveway at 1333 Mechanicsburg Road in an R-1 (Suburban Single Family Residential) District.

Robert Reynolds, 839 Forest Drive, stated that the property was located on Mechanicsburg Road and consisted of 1½ acres. Mr. Reynolds explained that in 2006, the property was subdivided into three residential building lots. He continued that the applicant wanted to put a pole barn on the lot. Mr. Reynolds stated that years ago there was an attempt to making building residential, but it was never completed.

Mr. Reynolds explained that the applicant wanted to improve the property and the neighbors were aware of the variance for the pole building. He continued that there were several alternatives available to the owner. Mr. Reynolds stated that one alternative was to make necessary modifications to the existing building, which would not require a variance. Mr. Reynolds continued that a second alternative was to construct a new storage structure, which would require a variance. He stated that the applicant would prefer to replace the existing pole barn with a modern garage, which would improve and enhance the property. Mr. Reynolds explained that the replacement building would be located in the same place as the other building and the existing gravel driveway would be expanded. He stated that the applicant would like to store his hot air balloon, trailer and other personal items in the accessory building.

Dennis Helmuth, 515 Beechwood Avenue, stated that he was the owner of the property and flew his balloon about 12 times per year. Mr. Helmuth explained the building would be used for storage of the balloon. He continued that the current building was in bad shape, had a damaged foundation and was an eyesore. Mr. Helmuth stated that the neighbors were very enthusiastic about the replacement of the old structure with a new one. Mr. Helmuth explained that the building would not change the character or uses of the neighborhood.

Gregg McIlvaine asked if anyone ever lived in the building as a residential home. Mr. Helmuth answered no one had ever lived in the building. Mr. McIlvaine asked when was the last time the building was used for storage. Mr. Helmuth replied that the building never stopped being used for storage.

Mr. Reynolds stated that the lot was ideal to construct a house in the future.

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

Mike Vaughn, 1175 Greensview Drive, stated that the building was directly behind his house. Mr. Vaughn explained that he did not want the building to be higher than 16 feet tall and he was aware that the building was in the same footprint. Mr. Gaffey stated that if the building was removed, a new structure would need to be a single family residence. He noted that the proposed structure was for storage, which necessitated a use variance.

Mr. Reynolds stated that the new proposed structure was 18½ feet in height at the peak of the roof. Mr. Reynolds explained that the property was zoned R-1 and the owner could put up a two story house on the lot. Mr. Dutton stated that the maximum height for a house was 35 feet and the maximum height for an accessory structure was 20 feet.

Ken Suchan asked if there was a line of landscaping behind the building. Mr. Gaffey stated that there was an existing tree line behind the structure. Mr. Helmuth described the current garage with pictures that he provided to the Board.

Bob Haugh, 1361 Mechanicsburg Road, stated that he was a neighbor and wanted to see the plans go through and did not want the building used for commercial purposes.

Mr. Gaffey expressed concerns of future use of the structure as a commercial warehouse. Mr. Gaffey noted that each variance was reviewed on a case to case basis.

Stewart Fitz Gibbon moved to adjourn to Executive Session. Greg Taylor seconded the motion. The motion passed unanimously, 5-0, at 5:52 pm.

Stewart Fitz Gibbon moved to come out of Executive Session. Greg Taylor seconded the motion. The motion passed unanimously, 5-0, at 6:07 pm.

Stewart Fitz Gibbon made a motion to approve the variance as presented with the amendment that the accessory structure would only be used for storage of personal items by the owner or the property. Ken Suchan seconded the motion.

Stewart Fitz Gibbon voted yes and stated that the use of the building had to be for purposes consistent with a residential accessory building with storage of personal items and recreational equipment by the owner of the property.

Gregg McIlvaine voted yes and stated that his vote was based on the fact that it was an improvement to the existing building.

Greg Taylor voted yes for reasons cited by the Board.

Ken Suchan voted yes and stated that the amendment specified the approval of the use as a residential accessory use.

Lukas Gaffey voted no.

The motion passed, 4-0-1.

Application #BZA-17-32.

Jackie Rice requested a use variance from Planning and Zoning Code Section 1133.02 to allow the outdoor storage of vehicles and equipment for commercial use at 4480 Young Drive in an R-1 (Suburban Single Family Residential) District.

Bob Eckinger, 461 Wadsworth Road, Orrville, stated that he represented Jackie Rice, the homeowner. Mr. Eckinger noted that Mrs. Rice's brother, Kenneth Honabarger lived at the property and owned Honabarger Landscaping. He continued that Mr. Honabarger parked his truck and trailer in her driveway. Mr. Eckinger explained that Mrs. Rice filed an application for a home occupancy business. Mr. Eckinger stated that Mr. Honabarger was not conducting any business in the home and was only parking his truck and trailer there at night. Mr. Eckinger explained that Mr. Honabarger was not removing the lawnmowers at night, which eliminated any noise issues. Mr. Eckinger stated that Mr. Honabarger was only parking the truck and the trailer on the property behind the required setback. Mr. Eckinger stated that the Zoning Certificate for a home occupation was returned and Mrs. Rice was told that she needed a variance.

Mr. Dutton explained the Planning and Zoning Code's definition of a home occupation was "Any use or profession conducted entirely within a dwelling and carried on only by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change its character".

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

Jackie Rice, 4480 Young Drive, stated that her brother was staying with her because she was terminally ill with severe health issues and needed 24 hour care. Mrs. Rice explained that she was in the process of looking for another property. Mrs. Rice continued that the other neighbors did not have a problem with noise or her brother's truck and trailer.

Mike Robison, 4490 Young Drive, stated that he lived beside Mrs. Rice and he wanted a quiet place to live. Mr. Robison explained that he wore ear plugs to bed because he did not know when the noise from lawn mowers, the trucks, dump truck, and the front end loader would start. Mr. Robison continued that the use set a bad precedent for everyone in the City. Mr. Robison stated that he put up the fence hoping that it would take care of some of the noise from Mrs. Rice's property. Mr. Robison continued that Mrs. Rice's driveway encroached on his property and the trucks from the lawn service were tearing up the grass.

Stewart Fitz Gibbon moved to adjourn to Executive Session. Ken Suchan seconded the motion. The motion passed unanimously, 5-0, at 6:35 pm.

Stewart Fitz Gibbon moved to come out of Executive Session. Greg Taylor seconded the motion. The motion passed unanimously, 5-0, at 6:44 pm.

Gregg McIlvaine made a motion to approve the variance as presented. Ken Suchan seconded the motion.

Stewart Fitz Gibbon voted no and stated that a commercial use in a residential area was not an appropriate use in the district.

Gregg McIlvaine voted no and stated that he was sympathetic to the situation, but there were alternatives to park the equipment elsewhere. He also noted that he felt the use did not belong in a residential neighborhood.

Greg Taylor voted no and stated that outdoor storage of commercial vehicles was not permitted for use in a residential district.

Ken Suchan voted no and stated that a similar application on Nupp Drive for a commercial paving contractor to park commercial vehicles in the yard was unanimously denied. He noted there were other alternatives for outdoor commercial vehicle storage.

Lukas Gaffey voted no for the issues cited by the Board members and stated that the fact that the code did not allow for this type of storage on a residential property.

The motion failed unanimously, 0-5.

Application #BZA-17-33.

Victor Norwich requested an area variance from Planning and Zoning Code Section 1133.07(h)(1)(A) to allow a solid 6 foot fence in the front yard at 814 North Grant Street in an R-2 (Single Family Residential) District.

Victor Norwich, 814 North Grant Street, stated that he wanted to extend the fence 24 feet into the front yard. Mr. Norwich explained the fence would provide additional privacy and the neighbor's residence extended further toward the street than his home. Mr. Norwich continued that the neighbor could build a fence on the same lot line, which was 33 feet closer to the street.

Ken Suchan asked if the adjacent house was an apartment house. Mr. Norwich stated the home was a multi-family home. Mr. Gaffey asked if the fence extension was across the front yard or just on the side. Mr. Norwich answered that the extended section was only on the side.

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

Ken Schuesselin, 820 North Grant Street, stated that he lived in the area for 41 years and he felt that the fence was not a problem. Mr. Schuesselin explained that there was a fence in the back of the property which looked very nice.

Stewart Fitz Gibbon made a motion to approve the variance as presented. Ken Suchan seconded the motion.

Greg Taylor voted yes.

Ken Suchan voted yes.

Stewart Fitz Gibbon voted yes.

Gregg McIlvaine voted yes.

Lukas Gaffey voted yes.

The motion passed unanimously, 5-0.

Application #BZA-17-34.

Roger Larrison requested an area variance from Planning and Zoning Code Section 1134.07(c)(4) to allow a reduced spacing between buildings at 883 Carriage Lane in an R-2 (single family Residential) District.

Roger Larrison, 883 Carriage Lane, stated that the scope of the project was in line with the practice of homeowners in the community. Mr. Larrison explained that several other homeowners had built decks and patios that were nonconforming. Mr. Larrison continued that several decks and patios in the area were within the 10 feet requirement. Mr. Larrison stated he was going through the proper channels by submitting to the Architectural Committee for the Homeowners Association to build an enclosed 8 foot by 16 foot deck. Mr. Larrison explained that the only owner affected was the homeowner to the west side, Dr. Louise Miller, and she had given verbal approval to add the enclosed patio. Mr. Larrison stated that the proposed enclosed deck and house next door be 7 feet 9 inches apart. Mr. Larrison explained that many individuals in the development had added a deck or patio.

Ken Suchan asked if the existing deck was less than 10 feet from the home. Mr. Larrison stated that the deck was approximately 7 feet 5 inches from his home.

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.

Gregg McIlvaine made a motion to approve the variance as presented. Greg Taylor seconded the motion.

Stewart Fitz Gibbon voted yes and stated that the deck was approved through the Home Owners Association process and the neighbor had given her approval for the patio.

Gregg McIlvaine voted yes for the same reasons cited.

Greg Taylor voted yes.

Ken Suchan voted yes and stated that the application was consistent with the neighborhood.

Lukas Gaffey voted yes and stated that the application fit with the community.

The motion passed unanimously, 5-0.

Application #BZA-17-35.

Daniel Calvin representing Chesterland Productions PLL requested an area variance from Planning and Zoning Code Section 1143.06 to allow a reduced side loading area setback at 1660 Enterprise Parkway in an M-2 (General Manufacturing) District.

Daniel Calvin, 225 North Market Street, stated that the property consisted of two buildings and the request was to split the lot into two lots. Mr. Calvin explained that a variance was needed to setback requirements due to the location of the loading dock and driveways. Mr. Calvin continued that one of the tenants in the north building wanted to buy the building for future growth in the area. Mr. Calvin stated that the tenants employed about 45 employees. Mr. Calvin explained that with the two proposed parcels, there would be easements for access, maintenance and utilities.

Lukas Gaffey stated that the proposed lot split would result in a zero foot setback for the adjacent loading and service area. Mr. Calvin stated that the whole area between the buildings was a concrete surface. Stewart Fitz Gibbon asked where the tenant expansion would occur. Mr. Calvin answered that the tenant would expand within the building.

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.

Stewart Fitz Gibbon made a motion to approve the variance as presented. Gregg McIlvaine seconded the motion.

Stewart Fitz Gibbon voted yes and stated that there was no plan to change the footprint and the common area. He noted that the application was a reasonable enhancement of the current property.

Gregg McIlvaine voted yes.

Greg Taylor voted yes.

Ken Suchan voted yes.

Lukas Gaffey voted yes for reasons previously cited.

The motion passed unanimously, 5-0.

Application #BZA-17-36.

Robert Reynolds representing Dannan Properties Ltd. requested an area variance from Planning and Zoning Code Section 1165.04(a) to allow fewer street trees than required and Section 1165.05(a) to allow fewer frontage trees than required at 1821 Cleveland Road in a C-2 (Neighborhood Business) District.

Robert Reynolds, 839 Forest Drive, stated that the property had frontage on both Cleveland Road and Beall Avenue. Mr. Reynolds explained that the landscaping calculation was based on two frontages. Mr. Reynolds continued that the landscape plan called for 15 trees on the lot, which he felt was excessive. Mr. Reynolds stated that the proposed plan would reduce the number of trees to 8. Mr. Reynolds explained that the bike path would also cross the property along Beall Avenue.

Ken Suchan asked what was the species of the trees. Mr. Reynolds answered that there was a mix of different kinds of trees.

Andrew Dutton stated that the landscaping calculation was based on the road right-of-way. He noted that the double frontage the property resulted in 300 feet of total street frontage.

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.

Stewart Fitz Gibbon made a motion to approve the variance as presented. Ken Suchan seconded the motion.

Stewart Fitz Gibbon voted yes and stated that the lot was a unique circumstance. He also stated that the project was an improvement to the neighborhood.

Gregg McIlvaine voted yes.

Greg Taylor voted yes.

Ken Suchan voted yes.

Lukas Gaffey voted yes and stated that the request was reasonable, the double frontage lot was unique and there were a fair amount of trees proposed.

The motion passed unanimously, 5-0.

Application #BZA-17-37.

Daniel Calvin representing Timothy Enterprises LLC requested an area variance from Planning and Zoning Code Section 1143.06 to allow a reduced side parking setback, and Section 1165.05(a) to allow fewer frontage shrubs than required at 4653 Cleveland Road in a C-5 (General Commercial) District.

Daniel Calvin, 225 North Market Street, stated that the car detailing business required parking spaces for some customers that would come through on a daily basis. Mr. Calvin explained that the south property line was shifted to comply with the setbacks, however, the front corner did not meet the required parking setback. Mr. Calvin stated that the property to the south was under common ownership. Mr. Calvin explained the shrub and the landscaping requirements and noted that there was a significant amount of buffering proposed. Mr. Calvin stated that there was previously no landscaping on the site. Mr. Calvin continued that the intent of the code was to provide proper screening between the right of way, which the proposal accomplished with 24 shrubs.

Lukas Gaffey asked if the proposed parking lot was paved or gravel. Mr. Calvin answered that the parking lot would be asphalt. Mr. Gaffey stated a concern of stormwater runoff with the proposed asphalt. Mr. Gaffey explained that someone directly behind the property had requested clarification to ensure that the run off was redirected appropriately. Mr. Gaffey noted that detention areas were indicated on the plan.

Ken Suchan asked if the properties were combined into one continuous lot. Mr. Calvin stated that there were several lots which would all be combined into one property.

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.

Stewart Fitz Gibbon made a motion to approve the variance as presented. Greg Taylor seconded the motion.

Greg Taylor voted yes.

Ken Suchan voted yes.

Stewart Fitz Gibbon voted yes.

Gregg McIlvaine voted yes.

Lukas Gaffey voted yes.

The motion passed unanimously, 5-0.

IV. APPLICATIONS CONTINUED TO BE TABLED

Application #2016-19. (Application Continued to be Tabled by the Applicant)

Doug Drushal of Critchfield, Critchfield and Johnson, Ltd. representing Renner Development Company Ltd. requested a use variance from Planning and Zoning Code Section 1143.02(d)(2)G. To allow a prohibited use for the outdoor storage of materials at 1055 East Henry Street in an M-1 (Office/Limited Manufacturing) District.

Application #2016-20. (Application Continued to be Tabled by the Applicant)

Doug Drushal of Critchfield, Critchfield, and Johnston, Ltd. representing Renner Development Company Ltd. requested an area variance from Planning and Zoning Code Section 1143.07(a)(2) to allow the outdoor bulk storage of materials without a means to effectively prevent spreading, Section 1143.07(d) to store outdoor materials on a surface which is not asphalt or concrete, Section 1143.07(e) to store outdoor materials without the required screening, Section 1165.07 to allow a non-residential development without the required buffer yard, and Section 1169.15(b) to allow gravel access drives at 1055 East Henry Street in an M-1 (Office/Limited Manufacturing) District.

V. ADJOURNMENT

Greg Taylor made a motion to adjourn. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously, 5-0.

Lukas Gaffey, Chairman

Carla Jessie, Administrative Assistant