

MINUTES

CITY OF WOOSTER BOARD OF BUILDING & ZONING APPEALS

December 1, 2016

I. MEETING CALLED TO ORDER AND ROLL CALL

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

II. APPROVAL OF MINUTES

Brad Gowins moved to approve the November 3, 2016, regular meeting minutes. Stewart Fitz Gibbon seconded the motion. The motion passed 4-0.

III. PUBLIC HEARINGS

Appeal #2016-42.

Robert Reynolds of Reynolds Law Office representing William and Pauline Walter requested an area variance from Planning and Zoning Code Section 1133.07(h) to allow a fence in the front yard taller than permitted and without transparency and a use variance from Planning and Zoning code section 1133.02(d) to allow parking in an existing driveway space as a principal use at 1141 Billiar Street in an R-T (Traditional Residential) District.

Robert Reynolds, 839 Forest Drive, stated that he represented Bill and Pauline Walter. Mr. Reynolds explained that the Walters bought and tore down the abandoned house next to their home. Mr. Reynolds noted Mr. Walter wanted to improve the lot and put up a fence right away before he realized the fence was not in conformance with the zoning code. Mr. Reynolds stated the fence faces about 1/3 of the vacant lot. Mr. Reynolds explained the fence was in violation of the building code in several respects. Mr. Reynolds continued that Mr. Walter wanted to park several vehicles on the property. Mr. Reynolds stated that he now wanted only to utilize the original parking for his property and landscape the rest of the driveway. Mr. Reynolds indicated he wanted a single parking space for his existing home. Mr. Reynolds explained that Mr. Walter did not want to combine the two lots due to someday having the option of selling the vacant parcel. Mr. Reynolds stated that demolishing the abandoned home and cleaning up the lot have been a major improvement to the neighborhood.

Mr. Emerson asked for clarification to what sections of fence were in question of the zoning code. Mr. Reynolds replied that the section of fence that was the problem was the parts that run perpendicular to the road that was 6 feet in height and nontransparent.

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

Stan Ewan, 203 Palmer Street, stated that Mr. Walter has kept the neighborhood cleaned up and in excellent condition. Mr. Ewan indicated that he did a great job improving the vacant lot next to his home.

Mindy Cavin, 324 Palmer Street, said that Mr. Walter lived in the area for many years and had maintained all of his properties. Mrs. Cavin continued that he kept his property very nice and cleaned up and had one of the best properties in the area.

Brad Gowins moved to adjourn to Executive Session. Doug MacMillian seconded the motion. The motion passed unanimously, 4-0, at 5:50 pm.

Brad Gowins moved to come out of Executive Session. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously, 4-0, at 6:00 pm.

Mr. Emerson asked for clarification to what section of the fence was out of compliance. Mr. Dutton answered that the only sections not in compliance were the sections perpendicular to the road the sections parallel to the road were in conformance.

Mr. Emerson made a motion to approve the application with the condition that the parking was limited to the current location and one vehicle and should a house be built on the vacant property that the fencing and the parking must come into conformance. Brad Gowins seconded the motion. The motion passed unanimously, 4-0.

Appeal #2016-43.

Bryan Hall of GPD Group representing Taco Bell of America, LLC requested an area variance from Planning and Zoning Code Section 1147.07(8) to allow a drive-thru facility on a property less than 1 acre and with a width of less than 125 ft., Section 1141.06(a)(2) to allow parking within a required side setback Section 1141.12(a) to allow a trash receptacle within a required setback, Section 1165.04(b) to install fewer trees that required, Section 1116.05(a) to install fewer frontage trees that required, and Section 1165.06(a) to allow a parking row without a defining landscaped island at 4094 Burbank Road in a C-5 (General Commercial) District.

Bryan Hall, 520 S. Main Street, Akron, briefly reviewed the variances. Mr. Hall stated the plans include demolishing the current building on the site, rebuild and construct a new Taco Bell, drive-thru, and patio facility. Mr. Hall continued the access to the restaurant will be the internal access road inside the shopping center. Mr. Hall noted the parking was conforming to 22 parking spaces. Mr. Hall stated the storm drains would collect water runoff. Mr. Hall reported the trash enclosure location in the southwestern portion of the property one and a half feet from the property line. Mr. Hall continued that the drive-thru lane would remain almost the same as the current building. Mr. Hall stated the variances that they were proposing were because of the small lot size. Mr. Hall explained the lot created for a Taco Bell allows them a sign along the property. Mr. Hall continued when the lot was created this gave the lot 104 feet of frontage and changed the setbacks. Mr. Hall stated that Taco Bell had requested relief on the setbacks to allow the use of a minimal size lot. Mr. Hall mentioned they were not increasing the area of development. Mr. Hall noted to allow parking within a side setback of 10 feet they proposed 4.5 feet which were due to the size of the lot. Mr. Hall stated the reduction to the side setback was to allow the required parking spaces.

Mr. Emerson asked if the location of the south property lot was approved. Andrew Dutton answered that this was a piece of one larger property. Therefore, the outlots were together when they sold the lot to Taco Bell they put in the property lines.

Mr. Hall continued that Taco Bell did not propose any street trees because of the easements across the front along Burbank Road. Mr. Hall explained that the easement was a utility line also gas line, storm sewer and overhead wires in that area prevented them from planting the required amount of trees. Mr. Emerson asked if there was room between the property and the easement to plant trees. Mr. Hall noted they were planting trees around the sign and shrubbery going in around the drive-thru lane. Mr. Hall reviewed the landscaping plans for the Board of Building and Zoning Appeals pointing out the easements and the position of trees and shrubs. Mr. Dutton stated there were no street trees in the right of way along that section of Burbank Road due to the easement. Mr. Hall continued that two trees were added as part of the frontage trees. Mr. Hall stated Taco Bell wanted more people to sit down by making the restaurant more pleasant on the interior and adding a patio along the front of the building. Mr. Hall stated the last variance to allow a parking row without a defining landscaped island Taco Bell proposed that the area was needed for the garbage truck to have access to the enclosed trash receptacle.

Mr. Emerson and Mr. Hall discussed the drainage for the lot and the small size of the lot.

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

Stewart Fitz Gibbon made a motion to approve the variances as presented. Brad Gowins seconded the motion.

Stewart Fitz Gibbon voted yes stating the reasonable argument has been made for appropriate use of the lot and consistency with the rest of the development.

Brad Gowins voted yes and stated his respect to the challenges of the small lot and a Taco Bell in the area was an added benefit to the surrounding business.

Doug MacMillian voted yes.

Tate Emerson voted yes.

The motion passed unanimously, 4-0.

Appeal #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.

Appeal #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 bulk outdoor 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.

IV. MISCELLANEOUS

Meeting Dates. The setting of Board of Building and Zoning Appeals meeting dates for 2017, per the proposed schedule.

Doug MacMillan made a motion to approve the schedule as presented. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously, 4-0.

Board Elections. The election of Chairman and Vice-Chairman of the Board of Building and Zoning Appeals for 2017.

Tate Emerson announced that he was stepping down from the board.

Mr. Emerson moved to elect Lukas Gaffey as the Chairman of the board and Stewart Fitz Gibbon as the Vice Chairman for 2017. Brad Gowins seconded the motion. The motion passed unanimously, 4-0.

V. ADJOURNMENT

Doug MacMillian made a motion to adjourn. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously, 4-0.

Tate Emerson, Chairman

Carla Jessie, Administrative Assistant