

**MINUTES
BOARD OF BUILDING AND ZONING APPEALS**

June 4, 2015

MEMBERS PRESENT: Ken Suchan, Gregg McIlvaine, Doug MacMillan, Stewart Fitz Gibbon and Lukas Gaffey

MEMBERS ABSENT: Adrian Eriksen and Tate Emerson

STAFF PRESENT: Andrew Dutton

I. MINUTES

Ken Suchan moved to approve the Minutes of May 7, 2015 as received. Stewart Fitz Gibbon seconded the motion. Motion carried by a 5-0 vote.

II. PUBLIC HEARINGS

Appeal #2015-14. William Anfang III, representing F.O.W.C.F. LLC, requesting a use variance from Planning and Zoning Code Section 1143.02(d) to allow prohibited museum and administrative/professional office uses at 877 West Old Lincoln Way in an M-2 (General Manufacturing) District.

Ronald Grosjean stated the Wayne County Fairboard had signed a purchase agreement to purchase the former Cook property. Mr. Grosjean stated the property would be used to create a museum that would display the history of Wayne County agriculture. The display would be centered around one of the first barns built in 1810 in Wayne County, a portion of which would be reassembled inside the building. Mr. Grosjean indicated the Buchholz barn was originally built on the present day Wooster High School property and had been taken down and preserved. Mr. Grosjean stated the vision was to display agricultural items, pictures, memorabilia and other items of interest which were actually developed in Wayne County. The building would be open to the public for special events and, during the week of the Wayne County Fair, it could be used by organizations for private tours and other special events.

Mr. Gaffey questioned if the majority of the museum would be located inside the building. Mr. Grosjean stated yes, although they would likely use the outside for displays during the week of the Fair and for special events.

Mr. McIlvaine questioned if the building was currently empty. Mr. Grosjean stated yes. Mr. McIlvaine questioned how long the building had been vacant. Mr. Grosjean stated since March.

Mr. Suchan questioned the previous use of the building. Mr. Grosjean stated PCS Metals had occupied the building; Leppo Rental was located there prior to PCS.

Mr. Grosjean indicated that most of the property was already fenced in and provided good security; there was also a night light on the building. Mr. Grosjean stated the building would

need to be renovated to make it more attractive. Mr. Grosjean stated the building was older but was a solid structure.

Mr. Fitz Gibbon stated as outlined in the application, it was an extension of the Fairgrounds. Mr. Grosjean stated that was correct indicating the Fairgrounds was across the street and almost contiguous to the Fairgrounds only being separated by the road. Mr. Grosjean stated he thought there would be other uses for the building during the Fair and during the offseason.

Mr. Gaffey opened the public hearing up for comment.

Gregg McIlvaine moved to grant the request based on the use being less intensive and that he was glad it would be made part of the Fair.

Ken Suchan seconded the motion.

Ken Suchan voted yes.

Gregg McIlvaine voted yes.

Doug MacMillan voted yes. Mr. MacMillan stated he liked the idea of an agricultural institution use for the property. Mr. MacMillan noted that "up the street" was another museum and indicated he felt the location was appropriate given that it was across the street from the Fairgrounds.

Stewart Fitz Gibbon voted yes citing reasons noted by Mr. MacMillan.

Lukas Gaffey voted yes.

Motion carried by a 5-0 vote.

Appeal #2015-15. Eric Swartzentruber requesting an area variance from Planning and Zoning Code Section 1147.09(h)(5) to allow an indoor commercial recreation use to be located further than 300 feet from an arterial or collector street at 1550 Spruce Street Extension in an M-2 (General Manufacturing) District.

Eric Swartzentruber stated he was requesting approval of an area variance to permit the use of an indoor commercial recreational use. Mr. Swartzentruber stated the use would strengthen the local economy and had no effect on residential districts and was a beneficial and desirable use of an existing structure. Mr. Swartzentruber stated he owned the building for quite some time and had a difficult time to getting it leased for manufacturing. Mr. Swartzentruber stated many families currently traveled to Medina, Cleveland and Columbus to take advantage of the training which would be offered in the facility. Mr. Swartzentruber stated some of the activities would include lacrosse, soccer and other youth activities which were sports not easily done in a gymnasium.

Mr. MacMillan questioned the businesses within the immediate vicinity. Mr. Swartzentruber stated the businesses consisted of Wooster Transit, and Wayne Door used a building for warehousing. The closest manufacturing operation was Wooster Products and a feed mill; PSC was also located nearby.

Mr. Gaffey questioned traffic in the parking lot. Mr. Swartzentruber stated there was a cul-de-sac so there was not really any need for through traffic. Mr. Swartzentruber stated because it was a private street, they did not get any exposure so it was difficult to find a use for the property. Mr. Suchan questioned who maintained the private street. Mr. Swartzentruber stated he did.

Mr. McIlvaine questioned how many participants were expected at any one time. Mr. Swartzentruber stated 40-50, but during 2-hour increments, there could be as many as 100 based on 50 leaving/50 coming. Mr. Swartzentruber stated the hours of operation would typically be from 5:00 p.m. until 10:00 p.m., and it was 100% indoors; there would be nothing outside whatsoever except for parking.

Mr. MacMillan questioned parking, noting that there appeared to be a lot of area available. Mr. Swartzentruber stated he submitted a parking plan to the Planning and Zoning Division.

Mr. Gaffey opened the public hearing up for comment.

Doug MacMillan moved to approve Appeal #2015-15.

Gregg McIlvaine seconded the motion.

Ken Suchan voted yes. Mr. Suchan stated he found the use to be very appropriate in the area.

Gregg McIlvaine voted yes, for reasons cited by Mr. Suchan.

Doug MacMillan voted yes. Mr. MacMillan stated the property was isolated, and there were no residences around it; the businesses were all self-contained with fencing. Mr. MacMillan stated he could not imagine that the use would create any problems.

Stewart Fitz Gibbon voted yes, for all the reasons previously cited.

Lukas Gaffey voted yes, based on the reasons cited by other Board members.

Motion carried by a 5-0 vote.

Appeal #2015-16. John Scott requesting an area variance from Planning and Zoning Code Section 1133.07(b) to allow an accessory structure and driveway section within the required side yard setback at 714 North Bever Street in an R-2 (Single Family Residential) District.

John Scott stated the purpose of the request was to allow the construction of a 20' x 24' garage which would align with the existing graveled driveway. Mr. Scott stated to the rear of the home was a glazed block foundation from a garage that was constructed in 1914 when the home was built. Mr. Scott stated in order to align the entrance of the garage to the driveway, the structure needed to be in the same location where it had once existed which was approximately 1' from the property line. Mr. Scott stated the on-street parking on Bever Street was "not very good" and was on the west side only, so adding the garage would provide another off-street parking space which would be convenient and would get a

vehicle off the street. Mr. Scott stated there were many properties on Bever Street that were similar in shape (narrow) which made for no other viable location for the garage on the property.

Mr. Suchan questioned if he anticipated two cars “getting in here”. Mr. Scott stated the structure would allow it, but he did not feel the access would allow it (9’ door).

Mr. MacMillan questioned if he planned on backing out from there. Mr. Scott stated yes—he backed out of the driveway all the time. Mr. Scott further stated if he did not park a car on the pad, he could turn around in the driveway.

Mr. MacMillan noted that houses in the area had similar garages and were located in a similar fashion. Mr. Scott stated the house immediately north had a garage which was right on the property line.

Mr. McIlvaine questioned if consideration had been given to curving the driveway and meeting the 5’ setback. Mr. Scott stated he had, but the issue then became coverage of the lot in the rear. Mr. Scott stated there was also a considerable grade difference as well.

Mr. McIlvaine questioned if he had discussed the proposed driveway with his neighbor. Mr. Scott stated yes, and he was “okay with it”.

Mr. Suchan questioned the fence which was shown on the drawing submitted. Mr. Scott stated there was an existing 48” chain link fence. Mr. Suchan questioned if there would be gravel between the fence and the garage. Mr. Scott stated the gravel driveway terminated at the back end of the current home, and he would add some type of apron (stone, block or concrete); the 1’ would likely be compacted gravel. Mr. Dutton noted that any new drives needed to be concrete, asphalt or a hard surface.

Mr. Gaffey opened the public hearing up for comment.

Andrew Hemming, 711 North Bever Street, stated he lived right across the street from the property and indicated that many of the residents were in the same, similar situation where there were not many options. Mr. Hemming indicated he was in favor of the appeal.

Mr. Dutton stated he received a telephone call from Ruth MacKenzie who indicated she, too, was in support of the application and felt it would be an improvement to the neighborhood.

Ken Suchan moved to grant the variance on the basis that it was a reasonable use to continuing the non-conforming building line of the garage. Mr. Suchan stated in the neighborhood, it provided a public service to have a garage.

Stewart Fitz Gibbon seconded the motion.

Ken Suchan voted yes.

Gregg McIlvaine voted yes. Mr. McIlvaine stated he felt there was already a fair amount of precedent set within the neighborhood.

Doug MacMillan voted yes, and noted that, especially in this climate, garages were needed.

Stewart Fitz Gibbon voted yes, citing the other comments by Board members. Mr. Fitz Gibbon stated he felt it was consistent with how the neighborhood was developing and the neighborhood gave its support to the request, noting there were no objections voiced.

Lukas Gaffey agreed and indicated he would second everything which had been said. Mr. Gaffey stated having the neighbor's support was definitely "a big thing" and in the older neighborhoods, it was definitely a challenge.

Motion carried by a 5-0 vote.

Appeal #2015-17. Matt Long of Critchfield, Critchfield and Johnston, Ltd. representing The College of Wooster requesting an area variance from Planning and Zoning Code Section 1131.04(a) to allow a building within the required setback from the right of way and Section 1131.08(b)(4) to allow a facade facing a public street without an entrance at 931 College Avenue in a CF (Community Facilities) District.

Matthew Long, Critchfield Law Firm, stated he was representing the College of Wooster, and stated a new integrated life science building was proposed. Also present were Doug Drushal, Critchfield Law Firm; Jackie Middleton, College of Wooster; Kip Ellis, EYP Architecture; and John Long, Civil Engineer.

Mr. Ellis, EYP Architecture, stated the purpose of the project was to provide the College with a state of the art facility to educate its students and provide faculty and students with a contemporary approach to teaching, research and learning spaces. Mr. Ellis stated the intended structure would replace a vintage 1960's building which had been left untouched since its construction. Mr. Ellis stated the proposed facility would be appealing and more in keeping with the character of the College. Mr. Ellis stated the proposed building would provide a better sense of connection with adjacent buildings in addition to a direct physical link to the Severance Chemistry building. Mr. Ellis stated the new construction would be completely integrated and connected to Severance so that faculty and students could go from one building to the other. Mr. Ellis stated the project attempted to maximize the use of the site, to keep the occupied structure at 3-stories so that it would not go higher than Severance, and would match with the other three comparable buildings in the immediate vicinity—Scovel Hall and Morgan Hall. The building would house the programs of traditional disciplines of biology as well as environmental science and euro-science. Mr. Ellis stated there were programming and concept design studies which were used and were based on the needs of the College to help determine a preliminary space area requirement to fit those needs into a building footprint with the available land and height limitations. Mr. Ellis stated the building would have a common front door which would face the Mall of the greenspace of the campus; there would be an egress door on the street side, but it would not be a public entrance.

Mr. Long stated with respect to the setback variance to the right-of-way (Pine Street), much of the hope with the new building was to replace Mateer and, as part of that process, to maximize the space available while fitting in this building with adjacent structures. In the process of planning that, there were circumstances which existed at this site which were relevant to the application—to fit the building into the building envelope which worked within the College Mall. Mr. Long stated to the north of the proposed location was Severance Hall—one of the historic structures on campus which could not be altered or

moved; to the east was an existing utility tunnel that was part of the College's infrastructure that could not be built over; to the west was the College Mall lawn area moving towards Kauke Hall. Mr. Long stated this was the ideal site for the building because it would allow for the connection with Severance Hall and the integration of the sciences at the College. Mr. Long stated the setback partially related to building height—the building would be at the maximum building height permissible in the CF District (60'). Mr. Long stated there was a pretty dramatic slope difference from Kauke to Pine Street of about 20-25' and, even in the area of the site in question, about 10'.

Mr. Long stated on item #3, he incorrectly stated that the portion of the south phase was 8.3' away from the public right-of-way; plans which were included actually showed that as 7.2' from the right-of-way.

Mr. Long stated with respect to the entrance along the public right-of-way, the main entrance for the College building going up and down the Mall all relate to the Mall. College buildings were not something generally used by the public—they were used by students who lived on campus. For those students, the pedestrian methods of ingress/egress were their primary methods, and this was compatible with the other buildings on campus. Mr. Long stated Morgan Hall, which was one of the more recently constructed academic buildings on campus, had no entrances on that side of the building and was built virtually to the public right-of-way.

Mr. Fitz Gibbon stated the properties surrounding the building were all College related. Mr. Long stated the proposed site was built very intentionally to fit into the College plan and adjacent facilities. Mr. Long stated you would have to go several hundred feet to even find a property not owned by the College and, even then, they were scattered. Mr. Long stated the College was the contiguous landowner for virtually everything around the site.

Mr. Fitz Gibbon questioned if the façade facing Pine Street would be solid or if there would be glass. Mr. Long stated most of the renderings provided a conceptual plan of what the building would look like as the exterior layout was continually being "tweaked". Mr. Long stated the building would very much fit the gothic style of the other College properties and would compliment the adjacent structures. Mr. Fitz Gibbon noted that there would not be a "giant brick wall" abutting Pine Street. Mr. Long stated that was correct.

Mr. Suchan noted that Mateer was nearly 47,000-sq. ft. and the proposed building was actually smaller (41,000-sq. ft.). Mr. Ellis stated the 41,000-sq. ft. figure was the net usable area; the new building had an increase in net, but the overall gross was about 70,000-sq. ft. (included the walls, both interior/exterior), corridors, stairs, elevators, toilet rooms, and accessibility requirements.

Mr. Long stated the front part of the building was actually setback almost 35' and 22' on the southeast corner. Mr. Ellis stated the building was considerably longer in the east to west dimension than the prototypical gothic building. Mr. Ellis stated the articulation of those different planes was an attempt to articulate any sense that the mass was too big—that way, you would not see a broad face of any one of the materials which would appear overly long or longer than the typical width of a historic building.

Mr. Gaffey opened the hearing up for public comment.

Mr. Gaffey questioned whether Staff had received any communication regarding the appeal. Mr. Dutton stated no.

Mr. Fitz Gibbon stated he wanted to disclose to the Board that his spouse was an employee of the College. Mr. Fitz Gibbon stated he consulted with the City Law Director and found there to be no legal reason why he would have a conflict of interest in voting on the request.

Doug MacMillan moved to accept the appeal as stated.

Gregg McIlvaine seconded the motion.

Ken Suchan voted yes. Mr. Suchan stated due to the utilities and Mall on the property, it prohibited the placement of the building in any other location on the site.

Gregg McIlvaine vote yes, based on the College owning land surrounding the proposed building.

Doug MacMillan voted yes, based on comments cited by Mr. Suchan and Mr. McIlvaine.

Stewart Fitz Gibbon voted yes for reasons previously stated. Mr. Fitz Gibbon commended the College in making a very good case for replacing what had been a non-productive community asset to a much more productive one.

Lukas Gaffey voted yes, citing reasons noted by Mr. Fitz Gibbon. Mr. Gaffey stated he felt the application presented was very thorough and felt the building would be an overall benefit to not only the College, but to the community as a whole.

Motion carried by a 5-0 vote.

Appeal #2015-18. Richard Sohl requesting a use variance from Planning and Zoning Code Section 1133.02(d) to allow a prohibited construction trade/contractor facility (commercial paving contractor) use and an area variance to Planning and Zoning Code Section 1169.15(b) to allow a parking lot and access drives without a bituminous, concrete or similar surface at 1699 Nupp Drive in an R-1 (Single Family Residential) District.

Dave Sohl, 1699 Nupp Drive, stated he was not setting up any construction facility but rather needed a place to park dump trucks. Mr. Sohl stated he wanted a stone lot as opposed to providing a hard surface. Mr. Sohl stated there was already a drainage problem in the area. Mr. Sohl stated the stone would match the front drive. Mr. Sohl stated there would not be any real changes from the present use, but stated he wanted to get the large trucks/pick-up trucks out of the front driveway. Mr. Sohl stated he also wished to erect a fence along the western side of the property which would not go clear to the street and would not exist over the sanitary sewer right-of-way or obstruct the view coming up the hill. Mr. Sohl stated there was a mild desire expressed by the two commercial properties adjacent to his to purchase the property and subdivide it for use as a shipping block and for use by the car dealership.

Mr. Gaffey questioned how many dump trucks were being parked on the property. Mr. Sohl stated he was thinking about getting another dump truck and, if the business made a go of

it, he would probably be moving on in a couple of years. Mr. Gaffey questioned if there would be a total of two dump trucks on the property. Mr. Sohl stated yes.

Mr. Suchan questioned if he lived at the property. Mr. Sohl stated yes.

Mr. Suchan questioned if the use was considered to be a home business. Mr. Dutton stated a home business could not operate outside of the home. Mr. Suchan questioned when the business began operating from the property. Mr. Sohl stated his business had sort of blended into the tail end of his father's business which was there before. Mr. Sohl stated his father had an office there and ran an oil/gas business out of the back end of the house for some years. Mr. Sohl stated he was a "delivery boy" and was not getting into construction machinery.

Mr. McIlvaine questioned if the dump truck hauled asphalt. Mr. Sohl stated he hauled both asphalt and stone. Mr. McIlvaine questioned whether oil was mixed with the stone prior to going out on the road. Mr. Sohl stated yes. Mr. McIlvaine questioned if there was a strong odor to it. Mr. Sohl stated "not really".

Mr. McIlvaine questioned if the straight trucks had trailers. Mr. Sohl stated no.

Mr. Suchan questioned the type of fence proposed. Mr. Sohl stated a wood, privacy fence. Mr. Sohl stated he had removed dangerous trees on both sides of the property. Mr. Suchan questioned where the fence would end in the front yard. Mr. Sohl stated the fence would only go just past the front of both houses because of the location of the sanitary sewer and right-of-way.

Mr. McIlvaine questioned the history of the property. Mr. Sohl indicated his father owned an oil and gas distribution service out of the property. The way he structured the business, every vehicle on that lot was always commercial and included cars and pick-up trucks. Mr. McIlvaine questioned when he began parking asphalt trucks on the property. Mr. Sohl stated 5-6 years ago. Mr. McIlvaine questioned if they were asphalt trucks/stone trucks at that time. Mr. Sohl stated yes.

Mr. Gaffey stated on the use variance worksheet submitted with the application, only two areas were addressed. Mr. Sohl stated he did not care to add any additional details. Mr. Sohl stated he had not gotten along with the adjacent neighbors on the western side of the property for many years. Mr. Gaffey stated the information on the worksheet was helpful to the Board in making their decision, especially in the case of a use variance.

Mr. MacMillan questioned whether he personally lived at the property at the present time. Mr. Sohl stated yes.

Mr. Gaffey questioned whether Staff had received any inquiries relating to the appeal. Mr. Dutton stated the adjacent neighbor to the west had stopped by the office.

Mr. Gaffey opened the public hearing up for comment.

Scott Myers, 538 North Market Street, stated he had been to Mr. Sohl's residence many, many times and was not a place of business but where he lived. Mr. Myers stated Mr. Sohl parked his vehicles at the property which he used for his business which included one

dump truck and several pick-up trucks. Mr. Myers stated it was his understanding that Mr. Sohl wanted to move the vehicles from the front of the house and put them behind the house and erect a privacy fence which would help clean up the situation. Mr. Myers stated Mr. Sohl's father had commercial vehicles, so nothing had really changed and was merely attempting to make the situation better by putting in a gravel drive and area behind the home. Mr. Myers stated adding concrete would be a costly solution, and the gravel would be more in keeping with the existing gravel that had been there for many years and would better take care of water runoff. Mr. Myers stated he supported the variance application.

Keith Westover, 5108 Emalene Drive, POA for his mother, Juanita Westover who lived at 1677 Nupp Drive, stated with regard to the site and what it had been used for, Mr. Sohl, who was deceased, operated an oil/gas company which, according to the State of Ohio, closed in April, 2011. Mr. Westover indicated he believed Mr. Sohl's trucking business operated on Mechanicsburg Road (Pike Dump Trucking). Mr. Westover stated he personally constructed the addition onto the back of the Sohl residence for offices, a bedroom and a bathroom. Mr. Westover stated the building addition was never completed. Mr. Westover noted that during the time when the oil/gas business operated from the property, the only vehicles which were parked there were cars. An occasional pick-up truck would come in for the business, but there was no business run out of the facility. Mr. Westover stated the year Mr. Sohl's father died, David Sohl began bringing the dump trucks around. Mr. Westover submitted pictures to the Board of what the property looked like in 2000, 2004 and 2013 (see file). Mr. Westover stated he did not understand why the City had allowed this to go on as long as it had. Mr. Westover stated he felt the property value of his mother's home was deteriorating because of the condition of Mr. Sohl's property.

Tina Porter, 1690 Nupp Drive, supported the facts outlined by Mr. Westover about the property. Ms. Porter stated that any commercial use that he was alleging appeared about five years ago after his father died, and that was with the addition of one dump truck. Before that, she said there were old cars on the property. Ms. Porter stated she had lived at her property for 21 years, and she would not have known there was a business operating from the property when Mr. Sohl's father lived at the property—he did it privately and quietly.

David Gilbert, 1678 Nupp Drive, stated he witnessed maintenance being done on trucks and if additional trucks were planned, additional maintenance would also occur which was of concern to him. Mr. Gilbert stated he had concerns about what might get into the groundwater and indicated he still had a well on his property (not City water).

Mr. Westover stated Mr. Sohl oftentimes did welding from the property. Mr. Westover further stated that when the trucks returned to the property at the end of the day, they were sprayed with kerosene so that the asphalt "slipped out of the truck".

Mr. MacMillan questioned if there were other businesses in the area. Mr. Westover stated there were businesses along Cleveland Road (Server Nation, Four Star Auto and Honda). Mr. MacMillan questioned if there were any in-house businesses in the area. Mr. Westover stated Frank Taylor had a mechanics shop on Nupp Drive. Mr. Fitz Gibbon questioned if any of the businesses pre-dated annexation into the City. Mr. Westover stated yes—the Honda dealership.

Mr. Myers stated Mr. Sohl was attempting to get the dump truck out of the front driveway and move it behind the house and erect a privacy fence to help the neighborhood. Mr. Myers stated it was not a place of business but rather Mr. Sohl's residence. Mr. Myers stated an EPA violation was a separate issue. Mr. Myers noted there was an "awful lot of commercial" in the area.

Mr. McIlvaine questioned whether he had looked into parking one or two trucks in an area zoned for that. Mr. Sohl stated he had, but the problem then became vandalism and theft to the vehicles.

Stewart Fitz Gibbon moved to adjourn to Executive Session. Doug MacMillan seconded the motion.

Ken Suchan voted yes.

Gregg McIlvaine voted yes.

Doug MacMillan voted yes.

Stewart Fitz Gibbon voted yes.

Lukas Gaffey voted yes.

Motion carried by a 5-0 vote.

Stewart Fitz Gibbon moved to come back into session. Doug MacMillan seconded the motion.

Ken Suchan voted yes.

Gregg McIlvaine voted yes.

Doug MacMillan voted yes.

Stewart Fitz Gibbon voted yes.

Lukas Gaffey voted yes.

Motion carried by a 5-0 vote.

Stewart Fitz Gibbon moved that the use and area variances as presented be approved.

Doug MacMillan seconded the motion.

Ken Suchan voted no. Mr. Suchan stated he did not believe enough of the rationale for granting an area variance had been addressed and it appeared that there would be an impact on the neighbors which was also not addressed on the variance worksheet.

Gregg McIlvaine voted no. Mr. McIlvaine stated he was voting no based on the neighbor's complaints, and he did not feel it was an appropriate use in a residential area. Mr. McIlvaine stated there were other options available.

Doug MacMillan voted no. Mr. MacMillan stated the area variance bothered him as not one of the criteria was addressed, and he had nothing to base it on. Mr. MacMillan stated he felt the use was of much greater intensity than the oil/gas use which had once existed.

Stewart Fitz Gibbon voted no for all of the reasons previously cited.

Lukas Gaffey voted no based on the comments by the other Board members and also on some of the things presented and the impact it would have on the residential neighborhood.

Motion failed by a 0-5 vote.

Meeting adjourned at 7:05 p.m.

Lukas Gaffey, Vice Chairman

Laurie Hart, Administrative Assistant