

MINUTES

CITY OF WOOSTER BOARD OF BUILDING & ZONING APPEALS

October 5, 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 Stewart Fitz Gibbon, Brad Gowins, Gregg McIlvaine, Ken Suchan, Lukas Gaffey, 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 moved to approve the September 7, 2017, regular meeting minutes. Stewart Fitz Gibbon seconded the motion. The motion passed, 6-0.

III. PUBLIC HEARINGS

Application #BZA-17-41.

Randal Blashak representing Walmart requested an area variance from Planning and Zoning Code section 1141.08(b) to allow outdoor storage without screening at 3883 Burbank Road in a C-5 (General Commercial) District.

Pete Olinski, 597 Cleveland Avenue, Akron, stated that the request was to place temporary storage containers to the rear of the building to store holiday layaway goods. Mr. Olinski explained that the containers would be in place from October until December 15, 2017, for the holiday season.

Mr. Gaffey asked if the containers were semi-trailers. Mr. Olinski answered that the containers were shipping containers. Mr. Olinski continued that the placement would be in the back of the lot by the existing row of pine trees.

Mr. McIlvaine asked if the storage containers would be a yearly event. Mr. Olinski answered that the storage would be for 60 to 90 days to get the company through the holiday layaway period. Mr. Gaffey asked when was the anticipated delivery date of the containers on site. Mr. Olinski replied that the containers would be delivered right away.

Stewart Fitz Gibbon asked if there were any alternative storage spaces. Mr. Olinski stated there were not any alternatives. Brad Gowins asked about the time frame for the temporary storage containers. Mr. Olinski noted the time frame would be from October 1st through December 15th, which was the cutoff date for layaway for Christmas.

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

Craig Sherman, 1325 Logan Lane, stated that he was representing the Wooster Hospital, which owned land adjacent to the property. Mr. Sherman explained that the back of the plaza was not attractive and the temporary storage would make the area look worse. Mr. Sherman continued that the hospital had to pick up the trash from the property at the HealthPoint Campus. Mr. Sherman stated the property needed more screening.

Stewart Fitz Gibbon moved to adjourn to Executive Session. Brad Gowins seconded the motion. The motion passed unanimously, 6-0, at 5:40 pm.

Stewart Fitz Gibbon moved to come out of Executive Session. Brad Gowins seconded the motion. The motion passed unanimously, 6-0, at 5:49 pm.

Gregg McIlvaine made a motion to approve the variance as presented with the condition that the temporary storage would be permitted from October 1 to December 15 in 2017. Stewart Fitz Gibbon seconded the motion.

Stewart Fitz Gibbon voted yes and stated that the storage was temporary and the code contemplated screening that had more insulation. He noted that the storage would be reevaluated next season.

Brad Gowins voted yes, he indicated his vote was for the same reasons cited and encouraged Walmart to look into a more long-term storage solution.

Gregg McIlvaine voted yes, he indicated his vote was the same reasons cited.

Greg Taylor voted no.

Ken Suchan voted yes, he noted that, in addition to the previous points cited, there was a topographical difference and there was screening already present that allowed the area to be less visible.

Lukas Gaffey voted yes, he noted his vote was based primarily on the fact that it was a temporary request and if it was a continual need, Walmart would look into screening in the future.

The motion passed, 5-1.

Application #BZA-17-42.

Cindy Tschantz of Adams Signs requested an area variance from Planning and Zoning Code Section 1171.04(a), Note C, to allow a sign to be placed on a wall which is not a building frontage at 3853 Burbank Road in a C-5 (General Commercial) District.

Mike McCune, 1100 Industrial Avenue, Massillon, Ohio stated that Pearl Vision would like to install a sign on the back of the building to replace the existing sign. Mr. Gaffey noted that the letters on the sign were a little taller than the previous Sears Optical sign.

Mr. Suchan asked if the other businesses along the building had signs on the rear wall of the building and if those had been grandfathered in. Mr. Gaffey answered that the code had changed and the updated sign was required to comply with current zoning requirements. Mr. Suchan noted that the old code allowed signs along the back side of the building on an interior roadway, as well as on the front of 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.

Brad Gowins made a motion to approve the variance as presented. Ken Suchan seconded the motion.

Stewart Fitz Gibbon voted no and stated that there was not a unique circumstance.

Brad Gowins voted no and stated that the circumstances did not warrant a variance for this.

Gregg McIlvaine voted yes and stated that the signage was reasonable.

Greg Taylor voted yes.

Ken Suchan voted no and stated that a similar application for extra signage was not approved as it was only for the convenience of the business.

Lukas Gaffey voted no and stated that the current sign code needed to be followed.

The motion denied, 2-4.

Application #BZA-17-43.

Merle Stutzman of Weaver Custom Homes requested an area variance from Planning and Zoning Code Section 1133.03(c) to exceed the maximum lot coverage permitted at 2456 Michael Way in an R-1 (Suburban Single Family Residential) District.

Merle Stutzman, 124 East Liberty Street, stated that the lot was unique due to its cul-de-sac location and small size in relation to neighboring lots. Mr. Stutzman explained that an area variance was granted to allow for the house about a year ago. He continued that the request was for a circular driveway in the front of the house, which would include landscaping. Mr. Stutzman stated that the City of Wooster reduced the percentage of lot coverage during a previous code update. Mr. Stutzman explained that the concern was primarily related to water runoff. He continued that the back of the lot had a 35 feet utility easement for drainage. Mr. Stutzman stated that the circular driveway was for safety, so the resident would not have to back out into the cul-de-sac.

Mr. Stutzman stated that the driveway would have a concrete base with an inch or two of sand for drainage.

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

Dave Golnik, 2447 Wetherington Lane, asked why the variance was needed. Mr. Gaffey answered that the addition of the circular driveway exceeded the lot coverage permitted by the code.

Ruth Brown, 2451 Michael Way, stated that she lived next door and was in favor of approval of the variance. Mrs. Brown noted that the house and the lot were very nice.

Wilson Miller, 2447 Wetherington Lane, stated that a lot of water laid in the backyard in spring due to heavy rains. Mr. Miller explained that from Oak Hill, the property gradually went downhill, and there was no place for the water to go. Mr. Miller continued that the water laid near where the pine trees were located.

Mr. Suchan asked if there was a storm sewer where the utility easement was located. Mr. Stutzman stated that a storm sewer ran from the corner of Oak Hill through the allotment.

Ron Mills, 2464 Michael Way, stated that he lived next door and had concerns about the proximity of the drive to his property line. Mr. Mills explained that he felt the drive would look like a parking lot with many cars in the driveway.

Stewart Fitz Gibbon moved to adjourn to Executive Session. Ken Suchan seconded the motion. The motion passed unanimously, 6-0, at 6:22 pm.

Stewart Fitz Gibbon moved to come out of Executive Session. Brad Gowins seconded the motion. The motion passed unanimously, 6-0, at 6:41 pm.

Ken Suchan made a motion to approve the variance as presented. Greg Taylor seconded the motion.

Greg Taylor voted yes.

Ken Suchan voted yes and stated that the shape of the lot and the cul-de-sac location reduced the area by a significant amount from other lots on the street.

Stewart Fitz Gibbon voted yes for the same reason cited.

Brad Gowins voted yes and stated that the coverage was marginal and the request was in the spirit of the code.

Gregg McIlvaine voted no and stated that the drive impacted the neighbor's property and he was concerned with the oversized driveway.

Lukas Gaffey voted yes and noted that he agreed with the reasons cited by the Board. He continued that he felt that the application was consistent with other lot coverage issues that the Board had reviewed.

The motion passed, 5-1.

Application #BZA-17-44.

Matt Long of Critchfield, Critchfield, and Johnston, Ltd. requested an area variance from Planning and Zoning Code Sections 1165.07(g) and 1165.08(c) to allow a loading area without the required screening at 1109 Pittsburg Avenue an M-1 (Limited Manufacturing) District.

Daniel Calvin, 255 N. Market Street, stated the request was for minor changes to the property including the installation of a garage door with a small strip of asphalt. Mr. Calvin continued that the spirit of the code was to provide appropriate buffering and the property had a line of trees that provided substantial buffering. Mr. Calvin stated that the application was not changing the use and no substantial redevelopment of the property was proposed. Mr. Calvin noted that the garage doors were added for work load purposes and feeding the assembly line.

Mr. Gaffey asked if the doors were shipping doors. Mr. Calvin answered no, they were not. Mr. Calvin discussed with the Board the placement of the garage doors and the placement of the asphalt.

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

Marjorie Robinson, 1120 Pittsburg Avenue, asked the Board why the application pertained to her. Mr. Gaffey explained that any time an appeal came before the Board, anyone who lived within 200 feet of the address was sent a notification. Mr. Dutton stated that the applicant did not receive a permit for the overhead door and the application was retroactive.

Mr. Gaffey noted that the Zoning Code stated that if there was a loading area, there had to be 6-foot high screening via a fence, hedge, or trees.

Kendell Alexander, 1212 East Wayne Avenue, stated that the existing trees did not provide enough screening. Mr. Gaffey noted that the current trees did not meet the screening requirement as defined in the zoning code.

Cheryl Hackworth, 1056 East Henry Street, stated that the applicant needed the screening because of the industrial use.

Brad Gowins moved to adjourn to Executive Session. Ken Suchan seconded the motion. The motion passed unanimously, 6-0, at 6:55 pm.

Stewart Fitz Gibbon moved to come out of Executive Session. Brad Gowins seconded the motion. The motion passed unanimously, 6-0, at 7:01 pm.

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

Stewart Fitz Gibbon voted no and stated that the request needed to comply with the screening requirement.

Brad Gowins voted no for the same reasons cited.

Gregg McIlvaine voted no and stated that the building was facing a residential area and needed more screening.

Greg Taylor voted no.

Ken Suchan voted no and stated that there was adequate space to put up screening and there was no hardship on the part of the applicant.

Lukas Gaffey voted no for the same reasons cited and stated that the situation was a permanent change to the front of the building and the required screening was appropriate.

The motion was denied 0-6.

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

Gregg McIlvaine made a motion to adjourn. Brad Gowins seconded the motion. The motion passed unanimously, 6-0.

Lukas Gaffey, Chairman

Carla Jessie, Administrative Assistant