

## MINUTES

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

November 7, 2019

#### 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, Doug MacMillan, and Ken Suchan were present at the meeting. Board member Gregg McIlvaine 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 October 3, 2019, regular meeting minutes. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously 5-0.

#### III. PUBLIC HEARINGS

##### Application #BZA-19-22.

Jerry Baker requested a use variance from Planning and Zoning Code Section 1109.02(d) to allow a personal service establishment (Crossfit) use at 1909 Old Mansfield Road in an I-2 (General Industrial) District.

Jerry Baker, 1130 Riffel Road, stated that the variance was for a fitness center to go into an I-1 building. He continued that the fitness center had been located in the old IGA building on Cleveland Road for the past 6 years and the building was becoming a Dollar General. Mr. Baker stated that the proposed space was 7,200 sq. ft. with a parking lot that had about 200 spaces.

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 application BZA-19-22 as presented. Doug MacMillan seconded the motion.

Stewart Fitz Gibbon voted yes and stated that there was a unique situation and no one was objected to the use in the building, including other tenants.

Brad Gowins voted yes and stated that it was a unique situation which seemed to be a good fit.

Ken Suchan voted yes and stated that the location was cut off from the rest of the building and was virtually soundproof.

Doug MacMillan voted yes for reason cited by the Board.

Lukas Gaffey voted yes for reasons cited by the Board.

The motion passed unanimously, 5-0.

***Application #BZA-19-23.***

Timothy Moore requested an area variance from Planning and Zoning Code Section 1115.03(a) to allow a covered porch within the front building setback at 965 McKinley Street in an R-2 (Single Family Residential) District.

Timothy Moore, 965 McKinley Street, stated that he had an opportunity to improve the home by covering the porch. He explained that a porch, railing and a roof would be constructed. Mr. Moore continued that he was combining the lots because the home was built on two lots.

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.

Mr. Dutton noted that he received a call from Carl Massaro at 1029 East University Street. Mr. Dutton continued that Mr. Massaro stated he was unable to make the meeting, but was in favor of approval of the application.

Doug MacMillan made a motion to approve application BZA-19-23 as presented. Brad Gowins seconded the motion.

Stewart Fitz Gibbon voted yes and stated that there were a unique set of circumstances given where the house was placed. He noted support from the neighbor and the lack of objection from others.

Brad Gowins voted yes and stated that the neighborhood had smaller lots and smaller homes and the proposal was not unreasonable for the neighborhood.

Ken Suchan voted yes and stated that the porch had a roof but was not totally enclosed. He noted that the openness was still maintained.

Doug MacMillan voted yes for reasons cited by the Board and stated that the new porch would enhance the house and the neighborhood.

Lukas Gaffey voted yes for reasons cited by the Board and noted that the neighborhood had unique lot and house sizes.

The motion passed unanimously, 5-0.

***Application #BZA-19-24.***

Chad Emmons of Simonson Construction requested an area variance from Planning and Zoning Code Sections 1113.01(b)(2) and 1113.01(b)(10)(A) to allow accessory mechanical units to be located on a separate property and within required setbacks at 1068 and 1080 Country Club Drive in a CF (Community Facilities) District.

Chad Emmons, 418 Leawood Court, Ashland, indicated that he represented West View Healthy Living. He stated that he was requesting an area variance for the location of two generators, a primary electrical switch, and a transformer. Mr. Emmons explained that the generators would be serving the new skilled nursing facility and wellness center, which were under construction. Mr. Emmons continued that there was limited space on campus and that West View Health Living owned both of the properties. Mr. Emmons explained that both generators would have foundations and have a fenced enclosure.

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.

Margo Broehl, 558 North Market Street, stated that the firm was general counsel for West View Manor Healthy Living. Mrs. Broehl explained that the nursing home was exempt from real estate taxes. She continued that the independent living units were on a separate parcel and were not tax-exempt. Mrs. Broehl stated that all of the parcels were owned by West View Manor Healthy Living.

Stewart Fitz Gibbon made a motion to approve application BZA-19-24 as presented. Doug MacMillan seconded the motion.

Stewart Fitz Gibbon voted yes and stated that there were a unique set of circumstances as the lot lines were drawn for the legal and tax reasons and the generators were located within the campus, which would not affect other properties.

Brad Gowins voted yes and stated that all of the parcels were owned by the same company and the proposal was in the best interest of the community.

Ken Suchan voted yes for reasons cited by the Board.

Doug MacMillan voted yes and stated that the generators were buffered from the neighborhood by the proposed building.

Lukas Gaffey voted yes and stated the application made sense based on the Board's comments.

The motion passed unanimously, 5-0.

**IV. DISCUSSION ITEM**

Andrew Dutton stated that the Board typically voted on the schedule for next year in December. Mr. Dutton explained that the three Planning Boards and Commission meet on different dates of the month. Mr. Dutton explained that the proposal would be to have all three Planning Boards and Commission meet on the same night, which would be easier to administer, benefit applicants, and be more cost effective. Mr. Dutton stated that the format would be Design and Review Board, Planning Commission and then the Board of Building Appeals.

The Board discussed the merits of the proposal and possible time conflicts due to long meetings. The Board agreed to try the format for the 2020 calendar year.

**V. ADJOURNMENT**

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

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**Board of Building and Zoning Appeals Chairman**

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**Carla Jessie, Administrative Assistant**