

## MINUTES

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

August 5, 2021

#### I. MEETING CALLED TO ORDER AND ROLL CALL

Mark Reynolds, Vice Chairman of the Board of Building and Zoning Appeals, called the meeting to order. Board members Ben Gunn, Gregg McIlvaine, Mark Reynolds, and Ken Suchan were present. Stewart Fitz Gibbon and Doug MacMillan were absent. Andrew Dutton, Planning and Zoning Manager, was present representing the City of Wooster.

#### II. APPROVAL OF MINUTES

Ken Suchan made a motion to approve the July 8, 2021, regular meeting minutes. Gregg McIlvaine seconded the motion. The motion passed unanimously 4-0.

#### III. PUBLIC HEARINGS

##### *Application #BZA-21-21.*

Daniel Karam requested an Area Variance from Planning and Zoning Code Section 1109.03(c)(7)(A.) to allow an assisted living facility within required building setbacks at 789 East Milltown Road in a C-3 (General Commercial) zoning district.

Daniel Karam, 265 West Portage Trail, Cuyahoga Falls, stated that the proposal was to convert the current hotel to an assisted living facility. Mr. Karam continued that the application included a 3 foot setback on the west side of the site and a 21 foot setback on the north side of the site. He stated that there would be less traffic with the assisted living than that of the hotel. Mr. Karam explained that renovations would take place and the footprint of the building would not be expanded.

Mr. Suchan asked if the building would be converted into a rehab facility or a permanent assisted living facility. Mr. Karam stated that the facility would include both.

Mr. Karam stated that they would be finalizing the plans over the next 60 days and the conversion would take place sometime late fall or early winter. Mr. Karam explained that the hotel would remain until December.

Mr. Reynolds asked if anyone from the public would like to address the Board regarding the application. No one from the public was present to comment on the application and Mr. Reynolds closed the public hearing.

Gregg McIlvaine made a motion to approve application BZA-21-21, as presented. Ken Suchan seconded the motion.

Gregg McIlvaine voted yes and stated that it was a reasonable request, there would be less traffic, and there was plenty of green space.

Ken Suchan voted yes and stated that when the building was built, it met the code. He noted that the proposal was a reasonable reuse of the property.

Ben Gunn voted yes and stated that the project would not change the neighborhood, was a very minimal request, and would not change the property's exterior.

Mark Reynolds voted yes for reasons cited by the Board. He also noted the presence of green space and the lack of negative impacts on neighboring properties.

The motion passed unanimously, 4-0.

***Application #BZA-21-22.***

Brent Eichar requested an Area Variance from Planning and Zoning Code Section 1123.05(b)(5 and 6) to allow a parking lot without buffering from the right-of-way and trees in every interior island, Section 1123.06(e) to allow a buffer yard without the required screening and Section 1127.10(c)(6)(B.) (ii) to allow a building sign larger than permitted at 147 Riffel Road in a C-2 (Community Commercial) zoning district.

Brent Eichar, 206 Riffel Road, stated that he talked with a neighbor, John Keating, regarding buffering issues with the adjacent condominiums. Mr. Eichar explained that he contacted all 12 of the residents along the property line.

Mr. Eichar continued that he intended to withdraw the variance to Section 1123.06(e) until he came up with a plan. Mr. Eichar stated that a row of pine trees would fit in along the property line to give the residents privacy.

Mr. Eichar explained that the building sign was on the side of the barn because there was no room on the front of the building for a large sign. Mr. Eichar stated that the look fit their brand. Mr. Eichar stated that the sign was approximately 20 feet by 20 feet, or 400 square feet.

Mr. Eichar explained that the parking lot for the new facility was pushed back from the road and there was a green space and a pond between the road and the parking lot. Mr. Eichar explained that the trees would be added along the front of the property. Mr. Eichar continued that there were also the trees required in the parking islands. He noted that each of the islands had a light pole and was not conducive to tree placement.

Mr. Reynolds asked if anyone from the public would like to address the Board regarding the application. No one from the public was present to comment on the application and Mr. Reynolds closed the public hearing.

Mr. Dutton suggested to the Board that the variance to Section 1123.06(e) regarding buffering could be tabled instead of withdrawn.

Ben Gunn made a motion to approve application BZA-21-22, with Section 1123.06(e) tabled. Gregg McIlvaine seconded the motion.

Ben Gunn voted yes and stated that the application was reasonable. He noted there were trees in parking lot islands and the lot had a large setback from the road. Mr. Gunn explained that the sign also had a large setback from the road and was proportional to the side of the building.

Gregg McIlvaine voted yes and stated that the sign was far enough away from anything else and was a reasonable exception.

Ken Suchan voted yes for the reasons cited by the Board. He noted that the signage would be permitted on the front of the building, though the proposed location made more sense.

Mark Reynolds voted yes and stated the sign fit the characteristics of the site and was not illuminated. He also noted that the landscaping requests were acceptable.

The motion passed unanimously, 4-0.

***Application #BZA-21-23.***

Andrew Lallathin requested an Area Variance from Planning and Zoning Code Section 1123.05(b)(5)(A.) regarding the width of a landscape buffer and Section 1125.03(b)(5) regarding parking setbacks at 2958 Cleveland Road in a C-3 (General Commercial) zoning district.

Andrew Lallathin, 6677 Frank Avenue, North Canton, stated that the proposal was for a freestanding Subway. Mr. Lallathin explained that parking would encroach into the required 20 foot setback due to the drive through lane and traffic circulation. Mr. Lallathin continued that there will be a green space buffer between the parking lot and the sidewalk.

Mr. Reynolds asked if anyone from the public would like to address the Board regarding the application. No one from the public was present to comment on the application and Mr. Reynolds closed the public hearing.

Ken Suchan made a motion to approve application BZA-21-23, as presented. Ben Gunn seconded the motion.

Ken Suchan voted yes and stated that the small site was difficult to redevelop, particularly with a drive through. He noted that the site plan met all other applicable requirements.

Ben Gunn voted yes and stated that other businesses in the area had similar setbacks from the right-of-way. He noted the proposal matched the neighborhood and did not stand out.

Gregg McIlvaine voted yes and stated that the proposal was an improvement over the previous tenant and the site plan conformed with the neighborhood.

Mark Reynolds voted yes and stated that due to the small nature of the lot, there were not many commercial uses for the property that would meet all the requirements. He also stated the site plan did a good job incorporating a landscaping buffer.

The motion passed unanimously, 4-0.

**IV. ADJOURNMENT**

Gregg McIlvaine made a motion to adjourn. Ben Gunn seconded the motion. The motion passed unanimously, 4-0.

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**Stewart Fitz Gibbon, Board of Building and Zoning Appeals Chairman**

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**Carla Jessie, Administrative Assistant**