

**MINUTES  
BOARD OF BUILDING AND ZONING APPEALS**

**July 10, 2014**

**MEMBERS PRESENT:** Ken Suchan, Tate Emerson, Gregg McIlvaine and Lukas Gaffey

**MEMBERS ABSENT:** Pat Zoller, Adrian Eriksen and Doug MacMillan

**STAFF PRESENT:** Andrew Dutton

**I. MINUTES**

Ken Suchan moved, Lukas Gaffey seconded, to approve the Minutes of June 5, 2014 as received. Motion carried by a 4-0 vote.

**II. PUBLIC HEARINGS**

**Appeal #2014-05. Jim Briola of North Coast Sign and Lighting Services Inc.**, representing SCP 2003D 51 (CVS Caremark), is requesting an area variance from Planning and Zoning Code Section 1171.04(a) to allow building signs larger than permitted in an C-5 (General Commercial) District at 2284 Back Orrville Road.

(This item was previously tabled by the Board on May 1, 2014 and on June 5, 2014.)

Jim Briola, North Coast Sign and Lighting, stated the Board previously heard the request for changes to signage for the CVS. Mr. Briola stated LED was proposed, but it was his understanding that the Board looked at that as “maintenance” to existing signage.

Mr. Emerson questioned if new sign faces were proposed. Mr. Briola stated yes. Mr. Briola stated a change was proposed to the existing freestanding sign with the addition of a sign noting “Minute Clinic”. Mr. Briola indicated he was not certain if the window signs would be permitted. Mr. Dutton noted that the “Minute Clinic” signs which were proposed for the windows were included as part of the wall sign calculation and added to the overall square footage of signage. Mr. Briola noted that as discussed previously, the additional signage proposed would be allowed if reduced in size in order to conform to the Sign Code. Mr. Briola stated CVS had agreed to comply with what was recommended. Mr. Briola noted that some of the signs proposed would merely replace existing signs and some were new.

Mr. Emerson stated the square footage of the signs as proposed was “quite a bit over” what was allowed. Mr. Emerson stated 330-sq. ft. of signage was proposed; 225-sq. ft. was permitted. Mr. Briola stated he could redo the art work and show signage at 225-sq. ft. and then resubmit. Mr. Emerson stated if signage was reduced to 225-sq. ft., Board approval would not be necessary. Mr. Dutton noted that, currently, signage was 206-sq. ft. just with the main CVS signs.

Mr. Emerson noted that the Sign Code, as it was currently, required that all signs for all properties would need to be brought into compliance in 2022.

Mr. McIlvaine noted that the Board needed to see a specific request for signage. Mr. Suchan stated signage closer to the 225-sq. ft. which was permitted should be considered. Mr. Briola stated he would check with CVS to see if they were willing to adjust the art work.

Mr. Briola requested the Board table the matter. Mr. Briola stated he would contact the Planning Department if they decided to withdraw the request.

Lukas Gaffey moved, Ken Suchan seconded, to table the request of CVS for signage at 2284 Back Orrville Road for one month.

Ken Suchan voted yes.

Greg McIlvaine voted yes.

Lukas Gaffey voted yes.

Tate Emerson voted yes.

Motion carried by a 4-0 vote.

**Appeal #2014-16. Robert Reynolds, representing Wooster City School District, is requesting an area variance from Planning and Zoning Code Section 1169.15(b) to construct a gravel drive surface at 515 Oldman Road in a CF (Community Facilities) District.**

Bob Reynolds, representing the Wooster City School District, stated the project was at the high school at the stadium on the east side (visitors' side). Mr. Reynolds stated the field was being compressed; the bleachers would be brought closer to the field. As a matter of maintenance, new turf would be added as well. Mr. Reynolds stated a variance was being requested for an access drive to be located behind the visitors' bleachers. Mr. Reynolds stated there was no true access but rather an asphalt apron all the way around the track. Mr. Reynolds stated the maintenance shed housed mowing equipment and would not be relocated. Because the bleachers would be moved forward, Mr. Reynolds indicated it would now block the area which had been used to access the maintenance shed. Mr. Reynolds stated the gravel would allow the maintenance crew to drive behind the bleachers and access the shed. Mr. Reynolds stated the proposed gravel area would have very light usage. If need be, Mr. Reynolds indicated the workers could park back into the asphalt area. Mr. Reynolds stated that a field house and locker room projects were being discussed which could create other changes, so the gravel would make it as temporary and inexpensive as possible. Mr. Reynolds stated the graveled area would only be used to access the shed and would only be used by the workers. Mr. Reynolds noted that the equipment which was stored in the shed was mowing equipment; snow removal equipment was kept elsewhere.

Ken Suchan moved, Lukas Gaffey seconded, to approve the request of the Wooster City School District at 515 Oldman Road.

Ken Suchan voted yes.

Gregg McIlvaine voted yes.

Lukas Gaffey voted yes.

Tate Emerson voted yes.

Motion carried by a 4-0 vote.

**Appeal #2014-17. Leland Fleck is requesting a use variance from Planning and Zoning Code Section 1141.02 to locate a vehicle repair garage at 127 East Henry Street in a C-4 (Central Business) District.**

Leland Fleck, 127 East Henry Street, stated he wished to get a use variance in order to do engine building from the property in question. Mr. Fleck stated his business was not a typical automotive shop—he worked on engines that were out of vehicles. Mr. Fleck stated his business would not have much in the way of noise or fumes. Mr. Emerson questioned who he supplied the engines to. Mr. Fleck stated SCCA (Sports Car Club of America) and individuals.

Mr. McIlvaine questioned if there would be vehicles in the parking lot waiting to get into the shop. Mr. Fleck stated there may be one or two vehicles at the site, and one of those would be his personal vehicle. Mr. McIlvaine asked if his business was more of an engine shop as opposed to a repair shop. Mr. Fleck stated he defined his business as an “engine shop”.

Mr. Suchan stated the adjacent property was zoned M-3 which did allow for auto repair shops as a permitted use. Mr. Dutton stated the proposed use would be permitted in the M-3 District.

Mr. Emerson questioned the previous use of the property. Mr. Fleck stated it was a Greyhound bus garage/stop.

Mr. Emerson questioned if there was adequate parking on site. Mr. Suchan stated he believed there were six spaces available.

Mr. McIlvaine questioned the use of the property to the south. Mr. Fleck stated the building was owned by the Gulf station and had a garage on it. Mr. Fleck stated it was old and abandoned.

Mr. Emerson stated that on the worksheet he provided to the Board, it indicated that, “the property was designed as a garage...” and asked for clarification. Mr. Fleck stated the building had two bays and overhead doors.

Mr. Suchan stated the building was owned by Frontz Drilling and wondered if it was tied into their business. Mr. Fleck stated the Frontz’s just purchased the building (in April), and he would be leasing the building from them.

Mr. Emerson questioned if he planned to update the building. Mr. Fleck stated a new roof and siding was planned; interior walls would be added. Mr. Fleck stated the Design & Review Board would be reviewing the exterior changes proposed to the building.

Mr. Emerson questioned if he was currently doing this work somewhere else. Mr. Fleck stated yes.

Mr. Emerson questioned drain pits. Mr. Fleck stated there were no drain pits there currently and was not sure if they were required given the type of work he would be doing. Mr. Dutton stated the City Building Official would be able to address that requirement. Mr. Fleck stated if it was required, he would have no problem putting drain pits in.

Mr. Suchan noted it was his understanding all of the work would be done inside and people would not be bringing items to him unless it was scheduled. Mr. Fleck stated it “would not look like a car lot”.

Ken Suchan moved to accept the variance of Leland Fleck for 127 East Henry Street subject to the specific use being that of an engine shop per the statement submitted by the applicant. Lukas Gaffey seconded the motion.

Ken Suchan voted yes.

Greg McIlvaine voted yes.

Lukas Gaffey voted yes. Mr. Gaffey stated the applicant did a good job outlining the parameters of the shop and that it would primarily consist of precision work with limited noise and not the typical mess and noise that was associated with an automotive repair shop.

Tate Emerson voted yes. Mr. Emerson reaffirmed the comments of Mr. Gaffey and also noted that the M-3 District, in which the business would be permitted, was adjacent to the property.

Motion carried by a 4-0 vote.

**Appeal #2014-18. Curtis Ingram, representing Brookdale Senior Living,** is requesting an area variance from Planning and Zoning Code Section 1147.06(3) to locate a nursing home (memory care facility) on a property not meeting the minimum lot area and lot width at 1560 Beall Avenue in an R-4 (Multi-Family Residential) District.

Curtis Ingram, Ingram Civil Engineering, stated he was representing Brookdale Senior Living. Mr. Ingram stated Brookdale was proposing a 38-bed, 27,000-sq. ft. memory care building adjacent to their current assisted living facility on Cleveland Road. Mr. Ingram stated currently on the lot were apartments which would be removed. Mr. Ingram stated the access to the memory care facility would be through the assisted living drive; there would not be a connection to Beall Avenue nor to Overlook. Mr. Ingram stated traffic and stormwater from the site would be reduced beyond what the City of Wooster's regulations would require.

Mr. Ingram stated the Planning Commission granted site plan approval to the proposed development with the condition that the lot area and lot width variances be obtained. Mr. Ingram stated the facility would be very residential in nature and would be single story construction; screening would also be added.

Mr. Emerson questioned stormwater from the site. Mr. Ingram stated the development would meet the City's stormwater requirements for both quality and quantity; there would be a pond on the south side of the site. Mr. Ingram noted that behind the existing gas station on Beall Avenue was a large, open channel ditch, and that was the ditch where the current stormwater from the site emptied into. Mr. Ingram stated a lot of detention, which had not previously been provided, would help to reduce the runoff significantly. Mr. Ingram stated there would be less impervious area than what existed currently.

Mr. Ingram stated there was a driveway onto Beall which had 8 parking spaces which were existing, and they would be leaving that "as is" for overflow staff parking and also to provide for an extra entrance for emergency services.

Mr. McIlvaine questioned the number of apartments which existed. Brian Applebee, Executive Director of Brookdale, stated there were 47-apartment units at Holmes Manor (4 buildings).

Mr. Suchan questioned, for clarification, the number of beds proposed for the memory care facility. Mr. Ingram stated there would be 38.

Mr. McIlvaine questioned if the two buildings would be connected. Mr. Ingram stated no, they would be separate buildings. Mr. Applebee stated some of the staff would be shared between the two building. Mr. Applebee further clarified that the memory care facility would be used by people with Alzheimer's and dementia.

Mr. McIlvaine questioned if Brookdale was assisting the residents of the apartments in relocating. Mr. Applebee stated the residents were given a 60 day notice and had until July 31 to relocate. Mr. Applebee stated local agencies were working with the tenants to find housing noting that there were only about 20 tenants remaining. Mr. Applebee noted that Holmes Manor was not solely for seniors and that they had college students there as well.

Mr. Suchan stated Staff noted that the current Brookdale building (on Cleveland Road) and site did not meet the standard of 5 acres and 400' of frontage. Mr. Dutton stated that was correct. Mr. Emerson noted the site in question would be 3.7 acres and 347' of frontage. Mr. Applebee noted that the current Brookdale facility consisted of 3 acres and was "close" (approximately 397') to providing the required frontage. Mr. Ingram noted that three parcels would be combined into one parcel with the primary tract. Mr. Suchan stated there was a frontage requirement but that the memory care facility would be getting its access from Cleveland Road and no access would exist onto Beall Avenue.

Mr. Emerson questioned if a lot of the existing vegetation would be removed. Mr. Ingram stated tree preservation was a priority and stated parking was broken up a bit more than was typical in order to retain the existing trees. Large trees on the west side of the property would be maintained; on the east side, towards Beall Avenue, large trees would remain as well. Mr. Ingram stated there would be large trees which would come down but were not the very large ones visible from Beall Avenue or the ones from the current facility looking down towards Overlook. Mr. Applebee noted that additional landscaping would be added to the site as well.

Mr. Ingram stated there was a lot of grade change on the existing site. Mr. Emerson questioned if that was staying or if it would be flattened out. Mr. Ingram stated the finished floor would be lifted upwards. Mr. Ingram stated the low area towards Beall would remain. Mr. Suchan stated the retention pond would fit into the natural landscaping.

Bea Smith, 1634 Cleveland Road, stated it was her understanding that under the City's zoning regulations, a nursing home/memory care facility required 5 acres and 400' lot width at minimum. The property was purchased by Brookdale on January 17, 2014. Ms. Smith stated the property owner indicated that the lots in question were 3.7 acres in size and a lot width of 347'; the Wayne County Auditor's Office information differed from what was indicated by Brookdale, and indicated the 5 parcels totaled 3.234 acres. Ms. Smith stated Brookdale met with the City Building Department in February, after acquiring the property, to inquire what would be needed for the project. Ms. Smith stated Brookdale had plenty of time to let the residents of Holmes Manor know of their plans and should have given them more warning instead of notifying them on June 1 that they would be evicted on July 31. Ms. Smith stated there were about 55 people living at Holmes Manor who had to find a place to live, noting some were in wheelchairs, some were blind, and others were in their 90's. Ms. Smith stated Brookdale was given information on July 1 from the Wayne County Housing Coalition to distribute to the tenants at Holmes Manor, and Brookdale never passed that information onto the residents. Brookdale saw fit to "hang onto the information" until July 8 when they received them via the mail instead of delivering the information directly to the residents or even calling them. Ms. Smith stated that only gave the residents 23 days to act. Ms. Smith stated she was sad that Brookdale treated people this way, especially from a company who was supposed to be dealing with health care/memory issues.

Mr. Emerson stated the Board's consideration dealt specifically with the lot area and frontage issues.

Mr. Ingram stated the parcels had been surveyed and sometime surveys did differ from county calculations as their information came from deeds which were filed a long time ago and sometimes, it was based on field information. Mr. Dutton noted that the parcels in question,

according to the Auditor's information, would total 3.75 acres. Mr. Dutton stated the acreage calculations did not include the lot on Overlook or the existing Brookdale facility.

Mr. McIlvaine questioned the July 31 deadline. Mr. Applebee stated Brookdale had, over the past year, told Holmes Manor residents that there was a chance they would be developing the property. Mr. Applebee stated some of Brookdale's employees lived at Holmes Manor. Mr. McIlvaine questioned if there was any flexibility to the July 31<sup>st</sup> deadline. Mr. Applebee stated he was told construction was going to begin August 1. Mr. Ingram stated the construction schedule was built around trying to get under roof before winter.

Jim Griffith, 1598 Beall Avenue, stated Brookdale was proposing to demolish four buildings and two garages and construct a single building and would be a good project. Mr. Griffith stated it would also cut off the access to Overlook which would reduce traffic. Mr. Griffith stated his only concern was with the removal of one of the buildings which would expose the lights from the gas station and the impact onto the residences in the area. Mr. Griffith stated he realized that the 6' fence that existed on the gas station property met the Code, but the facility generated a lot of light and felt that a fence at an increased height might help with the light spillage from the property. Mr. Griffith stated most of the directional light coming down was not fused. Mr. Gaffey noted that Brookdale had provided for trees/screening elements in that area of their property.

Michael Buytendyk, 342 Bloomington Avenue, stated there was a concern for drainage from the site given the natural drainage. He was also concerned with the additional traffic coming off of Cleveland Road and how that may impact the residents in the area given that the area was residential in nature. Mr. Buytendyk also expressed concerns with regard to trash pick-up and the time of day that might occur. Mr. Buytendyk stated at the time the original Brookdale facility was constructed, assisted living was a conditional use and a nursing home was not a conditional use. Mr. Buytendyk stated since that time, the Zoning Code had changed to include a nursing home facility. Mr. Buytendyk stated Brookdale was a good neighbor, that the facility was lovely, and that it was well maintained.

Mr. Applebee stated the memory care facility was being classified as a nursing home but was actually assisted living with dementia care. Mr. Applebee stated that was being done at the existing facility, but the 11 residents that currently were being cared for at Brookdale would be moved to the new building.

Gregg McIlvaine moved to grant the request of Brookdale Senior Living at 1560 Beall Avenue, as requested.

Mr. McIlvaine stated Brookdale's had a good track record with their existing facility and would be an improvement to the community and neighborhood. Mr. McIlvaine stated he wished the residents at Holmes Manor had more time to find other housing but that they were given 60 days and may have had more warning prior to that as well.

Ken Suchan seconded the motion.

Mr. Suchan stated he felt there was enough pluses in the site plan which enhanced the site and how it would be seen as an open space facility and would cut off the traffic to Beall Avenue through that residential neighborhood. Mr. Suchan stated he felt that was enough in terms of the actual size of the parcel, especially since the existing facility was larger and was located on a smaller parcel. Mr. Suchan stated he wished something could be done about easing transitions for the residents, but that was not within the Board's power.

Lukas Gaffey echoed the comments made by Mr. Suchan, and based on what the Board was allowed to consider, he felt there were enough pluses to vote yes.

Gregg McIlvaine voted yes.

Ken Suchan voted yes.

Tate Emerson voted yes. Mr. Emerson stated the use would be less intense and felt that consideration was given to maintaining the intent of the Code.

Motion carried by a 4-0 vote.

Meeting adjourned at 6:32 p.m.

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**Tate Emerson, Chairman**

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**Laurie Hart, Administrative Assistant**