

## MINUTES

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

April 7, 2016

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

Tate Emerson, Chairman of the Board of Building and Zoning Appeals, called the meeting to order. Board members Lukas Gaffey, Stewart Fitz Gibbon, Doug MacMillan, Gregg McIlvaine, and Ken Suchan were present at the meeting. Board member Stewart Fitz Gibbon arrived at 5:35 pm. Andrew Dutton, Planning and Zoning Manager, was present representing the City of Wooster.

#### II. APPROVAL OF MINUTES

Lukas Gaffey moved to accept the minutes of March 16, 2016 Special Meeting Board of Building and Zoning Appeals. Ken Suchan seconded the motion. The motion carried by a 4-0-1 vote with Tate Emerson abstaining.

#### III. PUBLIC HEARINGS

##### *Appeal #2016-06.*

Matthew Long of Liberty Street Partners Ltd. requested an area variance from Planning and Zoning Code Section 1169.04 to allow fewer off-street parking spaces than required at 335 East Liberty Street and surrounding lots in a C-4 (Central Business) District.

Matthew Long gave a brief overview of the variance to allow fewer off-street parking spaces. Mr. Long stated the variance related to the combined parking requirements for the shared use of the lots. Mr. Long noted the requirements for the property would be the same as in the north end, which was nearly impossible in the downtown area. Mr. Long stated that they wanted to reduce the number of parking spaces by 18 spaces. Mr. Long continued that the lot in question was the lot in the southwest corner and he noted that the lot was rarely used, even at peak times.

Mr. McIlvaine asked if the parking lot plan would be applied to multiple parcels. Matthew Long replied that it would. Mr. Long also stated that the application would include the combined spaces from Muddy's to the old white gas station building and not including CSB spaces. Mr. McIlvaine asked Mr. Long that if he sold the parcels with the parking, would the other developments be very short of parking. Mr. Long stated that those parcels would not comply with current code requirements. Mr. Long replied that this was a short-term problem and there were plans in the works for the area.

Mr. Long stated that lowering the required parking would provide the correct number of parking spaces for the tenants. Mr. Long also said that the proposal would allow the development of the property and substantial compliance with the code.

Mr. Emerson and Mr. Long discussed the current parking approval for the area. Andrew Dutton indicated that a permitted 20% reduction for shared parking had been applied to the area.

Mr. McIlvaine inquired about the availability of parking off of South Street in the future. Mr. Long replied that he and the city were looking at parking options in the area. Mr. Dutton stated the city was working with property owners to create a public lot in the area.

Mr. Long stated that he felt that 100 parking spaces were adequate for all uses of the properties and he felt all the proposed parking would not be needed.

Ed Miller, Commercial and Savings Bank Millersburg, stated that the bank required seven spaces and they would have about six cars in the lot. Mr. Miller stated that there were two departments within the building and there would be less staff at this location.

Greg McIlvaine moved to approve the appeal. Doug MacMiullan seconded the motion. The motion passed unanimously with a 6-0 vote.

***Appeal #2016-13.***

Matthew Long of Liberty Street Partners Ltd. requested an area variance from Planning and Zoning Code Section 1147.07 to lot size and width requirements for a drive-thru facility at 405 East Liberty Street a C-4 (Central Business) District.

Matthew Long of Liberty Street Partners Ltd stated the request was the second part of what was necessary to utilize the property at 405 East Liberty Street. Mr. Long stated the application received conditional use approval from the Planning Commission with the condition that a variance would be granted regarding minimum lot size and width requirements.

Mr. Long stated that no other drive-thrus in the downtown area met the subject code requirements and noted that complying with the current code in the downtown area was impractical.

Mr. Long stated the code did not take into account building coverage, so a one-acre lot could have a building coverage of 90% and it would be in compliance.

Mr. McIlvaine asked if the drive thru was only an ATM drive-thru or a full-service drive-thru. Matthew Long stated the drive thru was only for an ATM service. Mr. McIlvaine also asked if people pulling into the bank's property would conflict with the adjacent alleys. Mr. Long stated the Planning Commission required striping that would separate drive thru traffic from the alley traffic. Mr. Long stated that traffic would enter from Liberty Street and exit onto adjacent alleys.

Tate Emerson asked if curbs would separate the line of cars from the alley. Matthew Long stated there were no curbs there and a stripe would separate the drive-thru lane from the alley. Mr. Long said a line was chosen instead of curbing as it was believed that a curb would pose problems for the other parking spots.

Ed Miller, Commercial and Savings Bank Millersburg, stated the drive thru included an ATM kiosk and night drop box.

Greg McIlvaine moved to approve the appeal. Lukas Gaffey seconded the motion. The motion passed unanimously with a 6-0 vote.

***Appeal #2016-09.***

Craig Sanders of Freeman Building Systems representing Daniel Freeman requested an area variance from Planning and Zoning Code Section 1133/04(g)(3) to allow a principal structure in the rear setback and to Sections 1125.07(a)(1) and 1133.07(b)(6) to allow a pool, trellis and stone fireplace within the required minimum setback from the side property line and to locate a pool within front and side yards at 1449 Arthur Drive in an R-1 (Suburban Single Family Residential) District.

Dan Freeman, 1449 Arthur Drive, stated he purchased the two properties in 2006 and built the home on the back property. Mr. Freeman stated he wanted to put in a pool and combine the properties. Mr. Freeman further stated that he has spoken to his neighbors and let them know what he planned to do. Mr. Freeman indicated that he acquired the land from his neighbor to the east of his property. Mr. Freeman stated he planned to build a poured concrete wall that was about 2 feet from his neighbor's property.

Tate Emerson asked if the wall was a retaining wall. Dan Freeman replied that the stone wall was a retaining wall and it was falling. Mr. Freeman continued that the stone wall was supporting his neighbor's driveway, so he planned to replace it with the concrete wall due to a grade difference between the two properties.

Dan Freeman stated the pool was required to be 10 feet from the property line and it was proposed at 8.4 feet from the property line. He continued that the fireplace and trellis were required to be 5 feet from the property line and they were proposed at 4 feet from the property line. Mr. Freeman stated he talked to the three property owners affected and they were okay with the plan. Greg McIlvaine asked if the communication between the property owners was in writing. Mr. Freeman stated that it was communicated verbally. Andrew Dutton stated that he spoke to the homeowners and, though they could not make the meeting, they were in support of the application.

Lukas Gaffey moved to approve the appeal. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously with a 6-0 vote.

***Appeal #2016-10.***

Craig Sherman of Wooster Community Hospital requested an area variance from Planning and Zoning Code Section 1131.04(a) to allow reduced parking setbacks and Section 1165.07(d) to allow a reduced buffer yard width at 624 Winter Street in a CF (Community Facilities) District.

Craig Sherman of Wooster Community Hospital, 1761 Beall Avenue, stated the hospital wanted to expand parking lot B. Mr. Sherman stated the hospital wanted to get about 54 additional parking spaces in the lot. Mr. Sherman stated the location was where the water tower was and the lot needed to go toward Winter Street.

Tate Emerson asked which street required a variance for the reduced parking setback. Andrew Dutton stated it would be from both streets as well as interior lot lines. Mr. Dutton stated the setback would be 15 feet from Winter Street.

Mr. MacMillan asked if there was currently a line of shrubs along Winter Street. He also asked if there was a line of shrubs adjacent to the new parking spaces so headlights would

not be shining towards the houses. Craig Sherman stated that the new parking setback would line up with the current parking lot setback. Mr. Sherman also stated that 5 trees, plus another 14 trees with 63 shrubs were include with the proposed parkin lot. Mr.McIlvaine asked how many parking spaces would be lost if they complied with the 35 feet setback from Winter Street. Mr. Sherman stated the whole front row of parking spaces would be lost.

Greg McIlvaine asked what the parking requirements were for the hospital. Mr. Sherman stated that the hospital needed the spaces for Ambulatory Care and the Oncology Department. Mr. Sherman stated the front parking was going to be for the patients and family; therefore, the employees would have to go to the outer spaces. Mr. Suchan stated one advantage to the setback was that both lots would match up and would make traveling through the lot easier. Tate Emerson asked about the buffer yard setback of 35 feet. Mr. Sherman answered that the buffer yard was made up of landscaping.

Andrew Dutton explained that the Planning Commission approved a reduction in parking with the condition that future parking areas were indicated on plans. He continued that the subject application was one of the areas shown for future parking.

Lukas Gaffey moved to approve the appeal. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously with a 6-0 vote.

***Appeal #2016-11.***

Elizabeth Eaken of DS Architects representing Dunkin Donuts requested an area variance from Planning and Zoning Code Section 1171.04(a) to allow building signage larger than permitted at 1812 Cleveland Road in a C-2 (Neighborhood Business) District.

Elizabeth Eaken of DS Architects stated that building signage would be 17.54 square feet over the requirement to the east of the building, which would face Cleveland Road. Mrs. Eaken stated the site was unique as the building contained two different businesses. Mrs. Eaken stated the cross design was meant to represent a waffle cone, which was the corporate identity of Baskin Robbins. Mrs. Eaken said the coffee cup signage was the most important signage of Dunkin Donuts.

Elizabeth Eaken stated that presence of two businesses in the building put the signage over the requirements. Mrs. Eaken stated that all the other signs met the requirements and she added that the cup sign was only an outline of a cup. Tate Emerson asked if there was a cup on the north side of the building. Mrs. Eaken replied that there was not a cup on the north side of the bulding, rather a smaller cup sign on the south side. Mrs. Eaken stated all of the other signage was approved and illuminated, except the cup and the spoon

Kelly Gorby stated the building was designed for the Wooster location with consideration for the nearby medical facilities. Mr. Emerson stated that people would know where the business was whether the sign was there or not. Mr. Emerson stated he would be open to switching out the signs and not putting the south side cup sign.

Kelly Gorby stated they tried to balance the signage because the building was not a typical Dunkin Donut/Baskin Robbins building. Mrs. Gorby stated they needed signage where the signage would be visible to customers.

Stewart Fitz Gibbon moved to adjourn to Executive Session. Lukas Gaffey seconded the motion. The motion passed unanimously with a 6-0 vote at 7:08 pm.

Tate Emerson moved to come out of Executive Session. Greg McIlvaine seconded the motion. The motion passed unanimously with a 6-0 vote at 7:24 pm.

Lukas Gaffey moved to approve the appeal. Stewart Fitz Gibbon seconded the motion. The motion carried with a 5-1 vote with Doug MacMillian, Lukas Gaffey, Stewart Fitz Gibbon, Tate Emerson and Ken Suchan voting yes and Greg McIlvaine voting no.

***Appeal #2016-12.***

Byron Manchester of BSHM Architects representing Wooster City Schools requested an area variance from Planning and Zoning Code Section 1131.06 (b)(2) to allow a chain link fence within required setbacks and Section 1171.04(c)(1) regarding the height of a freestanding sign at 101 West Bowman Street in a CF (Community Facilities) District.

Byron Manchester stated the signage proposed was higher than allowed as the sign was incorporated into archway entrances. Mr. Manchester stated the sign area was within the requirements of the code. Mr. Manchester stated each entrance features had two poles that supported the arch with a sign at the top.

Byron Manchester stated that a chain link fence was requested to replace the current fence along Park Avenue. Mr. Manchester stated the fence would be a 5 foot fence, which was lower than the existing 5 to 8 foot fencing. Tate Emerson asked what the reason was for enclosing the inner area with chain link fence. Mr. Manchester stated that the split rail fence caused a safety concern and an inner fence was needed in order for teachers to see children on recess. Mr. Emerson asked what the setback was for the fence on the Grant Street side. Mr. Manchester stated the setback was 20 feet and the requirement was 35 feet.

Tate Emerson discussed the fence setback on Park Street with Mr. Manchester. Mr. Manchester indicated the fence would be setback 0 feet for a portion of Park Street, which was a replacement of an existing fence. Mr. Manchester also stated the fence would be moved in about 10 feet to the east near Grant Street. Tate Emerson asked why one area of the fence was lowered. Mr. Manchester stated the fence would be used by the lower grades and did not need to be taller.

Greg McIlvaine asked Mr. Manchester about the sign locations on the submitted plans. Mr. Manchester stated the height of the freestanding signs was 9 foot 5 inch .

Doug Mac Millan moved to approve the appeal. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously with a 6-0 vote.

**IV. ADJOURNMENT**

Greg McIlvaine made a motion to adjourn. Ken Suchan seconded the motion. The motion passed unanimously with a 6-0 vote.

The meeting adjourned at 7:50 p.m.

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**Tate Emerson, Chairman**

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**Carla Jessie, Administrative Assistant**