

MINUTES

CITY OF WOOSTER BOARD OF BUILDING & ZONING APPEALS

August 4, 2016

I. MEETING CALLED TO ORDER AND ROLL CALL

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

II. APPROVAL OF MINUTES

Ken Suchan moved to approve the May 5, 2016, and July 7, 2016, regular meeting minutes. Gregg McIlvaine seconded the motion. The motion passed unanimously, 5-0.

III. PUBLIC HEARINGS

Appeal #2016-24.

Thomas and Karen Markling requested a use variance from Planning and Zoning Code Section 1149.03(c)(2) to allow the expansion of a building with a nonconforming use and an area variance from Planning and Zoning Code Section 1169.04 to allow fewer parking spaces than required at 1225 West Old Lincoln Way in an M-2 (General Manufacturing) District.

Thomas Markling, 1225 West Old Lincoln Way, stated that his wife Karen had operated the House of Iron for the past 34 years teaching personal training and nutrition counseling. Mr. Markling continued that they wanted to expand the gym by 1,600 square feet on the north side of the existing building. Mr. Markling said the property was 2.5 acres, zoned M-2 General Manufacturing and was never used for manufacturing. Mr. Markling indicated that many of the businesses in that area were not manufacturing. Mr. Markling stated that the city required 35 parking spaces and 30 were proposed, which would be more than sufficient.

Lukas Gaffey asked, at the busiest time, what was the average amount of parking spaces used. Mr. Markling emphasized they were busiest on Monday's, at which time the parking lot was never full. Mr. Markling stated the total size of the gym would be 5,800 square feet. Lukas Gaffey discussed aspects of the use variance criteria worksheet with the applicant.

Mr. Gaffey asked if anyone from the public would like to address the Board regarding the application. No one was present to address the Board.

Stewart Fitz Gibbon moved to adjourn to Executive Session. Lukas Gaffey seconded the motion. The motion passed unanimously, 5-0, at 5:49 pm.

Stewart Fitz Gibbon moved to come out of Executive Session. Doug MacMillan seconded the motion. The motion passed unanimously, 5-0, at 5:56 pm.

Stewart Fitz Gibbon moved to approve both the use and the area variances as requested. Doug MacMillan seconded the motion. The motion passed unanimously, 5-0.

Appeal #2016-25.

Merle Stutzman of Weaver Custom Homes requested an area variance from Planning and Zoning Code Section 1133.03(c)(4) to allow the building coverage to exceed the maximum permitted at 2456 Michael Way in an R-1 (Suburban Single Family Residential) District.

Merle Stutzman, 500 Spring Run, stated the plan was to build the proposed house on the lot. He continued that the home exceeded the maximum building coverage permitted by 2.3%. Mr. Stutzman stated the area in question was the cover porch in the rear and the small addition to the garage space. Mr. Stutzman noted that there were three lots left in the development and none of the lots left were big enough for the home. Mr. Stutzman stated the lot was narrow in the front and wider in the back.

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

Joe Durbin, 2451 Michael Way, stated that the lot was across the street from his property. Mr. Durbin asked if any other variances were approved in the area. Mr. MacMillan responded that other similar variances were approved on lots with unique circumstances. Mr. Durbin asked the Board to consider whether a house larger than permitted would affect the other property values.

Doug MacMillan made a motion to approve the variance as presented. Ken Suchan seconded the motion. The motion passed unanimously, 5-0.

Appeal #2016-26.

Ed Butdorf of Gochdorf LLC requested a use variance to Section 1133.02 to allow a restaurant use at 602 East Bowman Street in an R-2 (Single Family Residential) District.

Ed Butdorf, 1701 Saunders Drive, stated the building was originally built as a carry out business. Mr. Butdorf stated the application was to make it a carryout business called Fair Daze which would serve fair style food options including gyros, sausage sandwiches, walking tacos, and fries. Gregg McIlvaine asked if there was sit down dining. Mr. Butdorf responded that he did not know if there would be sit down dining. Mr. Butdorf continued that there would be picnic tables in the area to the west of the building for outdoor dining.

Mr. Gaffey stated that the applicant had indicated that hours of operation were 10 am to 3 am Monday through Saturday and 10 am to 11 pm on Sunday. Mr. Gaffey asked if there was any flexibility in the hours as the property was located in a residential neighborhood. Mr. Butdorf stated they wanted to serve the second shift factory workers who would get out of work at midnight.

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

Larry Troyer, 862 Ridgecrest Drive, stated he opposed the hours of business in the single family neighborhood which included young families and college students. Mr. Troyer stated the hours were just not suitable in the area.

Michael Whitman, 570 E. Bowman, stated he was a direct neighbor and the hours of operation were completely unacceptable. Mr. Whitman stated that K-D Pizza closed around

11 pm, which he found acceptable. Mr. Whitman stated that any hours of operation after 11 pm would be unacceptable in the neighborhood.

Mr. Butdorf asked if the application could be tabled so he could discuss the hours of operation with the business owner. Mr. Gaffey stated Mr. Butdorf could table the application until the next meeting.

Doug MacMillian made a motion to table the application. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously, 5-0.

Appeal #2016-27.

Craig Sanders of Freeman Building Systems representing Summit Motor Cars requested an area variance from Planning and Zoning Code Section 1141.06(a)(1) to allow parking spaces within the required setback from the right of way and Section 1147.07(13) to allow a motor vehicle sales use on a property less than 2 acres in area at 4821 Cleveland Road in a C-5 (General Commercial) District.

Craig Sanders, 201 E. Liberty Street, stated the property had been an automobile dealership for a long time. Mr. Sanders indicated the current building was built in 2006 and, at that time, the parking was a setback 15 feet from the right of way. Mr. Sanders stated that the Zoning Code did not allow for an automotive dealership or vehicle sales on a property less than 2 acres. Mr. Sanders noted that the dealership property would be 1.4 acres with the purchase of the two additional lots.

Gregg McIlvaine asked Mr. Sanders to elaborate on the proposed parking setback. Mr. Sanders stated that a parking setback meeting the current requirements would limit the amount of vehicle parking and approximately 10 parking spaces would be lost. Ken Suchan asked if additional landscaping would be added. Mr. Sanders responded that additional landscaping would be added. Mr. Sanders stated the general exterior of the addition would mimic the look of the building that was already there.

Andrew Dutton clarified that the plans indicate that the proposed parking setback was 10 feet, however, the correct proposed parking setback was 15 feet.

Stewart Fitz Gibbon made a motion to approve the application. Ken Suchan seconded the motion. The motion passed unanimously, 5-0.

Appeal #2016-28.

Doug Drushal of Critchfield, Critchfield, and Johnston, Ltd. representing DLR Associates, LLC requested an area variance from Planning and Zoning Code Section 1141.04(b)(4) to allow a building within the required setback from a residential zoning district, Section 1141.06(a)(1) to allow parking spaces within the required setback from the right of way, Section 1141.12(a) to allow a trash receptacle in the front yard of the lot, and Section 1169.12 to allow parking spaces with less depth than required at 2800 Cleveland Road in a C-5 (General Commercial) District.

Doug Drushal, 225 North Market Street, stated that the last two items on the agenda were left on the table while they were working on some items. Mr. Drushal confirmed that Goo Goo Car Wash, an applicant at previous location, was the applicant at the proposed location. Mr. Drushal stated the layout of the property was somewhat different, but the concept was

still the same. Mr. Drushal continued that the proposed use was a gated automatic car wash with attendants. Mr. Drushal stated the hours of operation would be from 8 am to 8 pm and shorter than that on Sundays.

Mr. Drushal explained that a customer would go through the gate to enter the car wash and pay through an ATM device. Mr. Drushal stated the only cars allowed in the vacuum area would be the cars that had paid to get their cars washed. Mr. Drushal indicated that the vacuums would be where the existing self serve car bays were located and the existing two lots would be combined into one lot.

Mr. Drushal stated the proposed canopy was over a vacuum area. Mr. Drushal indicated that at 43 feet, the canopy was located slightly closer than the required 50 foot setback from a residential property. Mr. Drushal stated the current building was 47 feet from the residential area and the canopy would be a less substantial structure. Mr. Drushal explained the impact on the adjacent residence would be less than the existing site due to the fact that the hours of operation were only from 8 am to 8 pm.

Mr. Drushal stated the second variance request was for off street parking. Mr. Drushal indicated that the existing parking was only 4 feet away from the right of way, which did not meet the required 20 foot setback. Mr. Drushal stressed that by moving the parking back, it would be farther away that it was right now. Mr. Drushal emphasized that the right of way was unusually wide in the area.

Mr. Drushal continued that the third variance was related to the location of the trash receptacle. Mr. Drushal stated that a trash receptacle must be located in either the side or rear yard. Mr. Drushal continued that the lot was a corner lot and he could argue the north side could be considered the side or back of the property. Mr. Drushal stated the dumpster was located near where the most trash would be generated, near the vacuums. Mr. Drushal stated the dumpster would be screened.

Mr. Drushal stated the fourth variance was regarding parking depth which required a minimum depth of 19 feet. Mr. Drushal stated the angled parking spaces were only 15 feet depth and would have a 25 foot drive aisle. Mr. Drushal stated these spaces were not normal parking spaces as they were used to vacuum a vehicle, then drive away.

Lukas Gaffey asked if the vacuums were the only items located under the canopy and if the canopy was the only area that would have vacuums. Mr. Drushal responded he was unsure if vacuums would be located at the uncover parking spaces. Mr. Gaffey asked if the lighting would be full cut off and if it was timed with a shut off all the time. Mr. Drushal responded lighting was not included in the variance and would have to comply with the code.

Mr. Gaffey asked if anyone from the public would like to address the Board regarding the application. No one was present to address the Board.

Gregg McIlvaine made a motion to approve the application. Doug MacMillan seconded the motion. The motion passed unanimously, 5-0.

Appeal #2016-19. (Application Continued to be Tabled by the Applicant)

Doug Drushal of Critchfield, Critchfield and Johnson, Ltd. represented 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.

Appeal #2016-20. (Application Continued to be Tabled by the Applicant)

Doug Drushal of Critchfield, Critchfield and Johnston, Ltd. representing Renner Development Company Ltd. requesting an area variance from Planning and Zoning Code Section 1143.07(a)(2) to allow the bulk outdoor storage of materials without an 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.

IV. ADJOURNMENT

Gregg McIlvaine made a motion to adjourn. Doug MacMillan seconded the motion. The motion passed unanimously, 5-0.

The meeting adjourned at 7:00 p.m.

Lukas Gaffey, Vice Chairman

Carla Jessie, Administrative Assistant