

MINUTES

CITY OF WOOSTER BOARD OF BUILDING & ZONING APPEALS

June 2, 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 Stewart Fitz Gibbon, Gregg McIlvaine, Doug MacMillan and Ken Suchan, were present at the meeting. Board member Lukas Gaffey was absent. Andrew Dutton, Planning and Zoning Manager, was present representing the City of Wooster.

II. APPROVAL OF MINUTES

Approval of the minutes of May 5, 2016, meeting of the Board of Building and Zoning Appeals was tabled until the July 7, 2016, regular scheduled meeting.

III. PUBLIC HEARINGS

Appeal #2016-16.

Madelaine Dwier of the Salvation Army requested an area variance from Planning and Zoning Code Section 1169.04 to allow fewer off-street parking spaces than required at 437 South Market Street in a C-4 (Central Business) District.

Madelaine Dwier gave a brief overview of the application. Mrs. Dwier stated the Salvation Army was in the planning phase of building a playground in the back of the building. She continued that the family shelter was for families, which typically had children. Mrs. Dwier stated the Salvation Army had after-school and a summer programs. Mrs. Dwier indicated that 35 to 40 children attended the summer program Monday thru Friday. Mrs. Dwier noted that the children currently play in the parking lot, which was a great liability.

Gregg McIlvaine asked if the parking spaces were filled during the day. Mrs. Dwier responded that parking was never filled during the day. Mrs. Dwier indicated that parking was necessary for the evening programs, which were open to the community. She stated that agreements had been made with Wooster Glass and the Bob Summeral Tire for after hour parking lot use. Mrs. Dwier stated that when more parking spaces were needed, there was on-street parking that could be utilized on very rare occasions.

Tate Emerson asked if children for the summertime program were just dropped off and picked up. Mrs. Dwier responded in the affirmative. Mr. Emerson asked Mrs. Dwier to elaborate on parking needs for the family units. Mrs. Dwier stated that not all of the families had vehicles and usually there were only two or three cars parked in the lot. Mr. McIlvaine asked about staff parking. Mrs. Dwier stated the staff had parking spaces in the lot. Mr. McIlvaine asked, with the addition of the playground, would there be enough parking for staff. Mrs. Dwier stated that there would be enough parking for staff. Mr. Emerson asked about written documentation from Wooster Glass or Bob Summeral Tire. Mrs. Dwier answered that the Salvation Army was working on obtaining written documentation. Mr. Emerson asked if the on-street parking was along the property line on Ohio Street, or in the residential area. Mrs. Dwier stated the on-street parking was back towards the residential area.

Gregg McIlvaine asked how many children played on the playground. Mrs. Dwier stated that, at any given time, they had up to 18 children using the playground. Mrs. Dwier stated the after school program had a maximum of 40 children. Mrs. Dwier stated that last fall, the Salvation Army placed tables in the play area and did not stripe the area so cars would not park there.

Andrew Dutton stated a parking variance was granted in 2000 for the Salvation Army for 41 spaces. Mr. Dutton stated there were different parking calculations at that time and the uses may have changed.

Sandy Bower stated she was opposed to the request for the variance to allow fewer off-street parking spaces and to use the area as playground. Mrs. Bower stated in 2000 they had 80 spaces and reduced it to 41 for the Life Center. She continued that the parking has been limited there for a long time and parking on Ohio Street consisted mostly of clients. Mrs. Bower stated the Salvation Army had a small playground there, but they turned it into a garden. Mrs. Bower stated the residents in the area did not want a playground adjacent to a residential area. Mr. Emerson asked Mrs. Bower if the Salvation Army fully utilize the parking lot. Mrs. Bower responded that the street was always full. Mrs. Bower stated the clients parked on the street because they didn't have proper insurance on their vehicle.

Madelaine Dwier stated the Salvation Army required clients to provide proof of ownership and proof of insurance. Mrs. Dwier stated if they didn't provide these, they would have to park on the street. Mrs. Dwier stated she only recalled three cases where clients were not allowed to park in the parking lot.

Tate Emerson stated for the variance to pass, the Salvation Army would need to have written documentation from Wooster Glass and Bob Sumeral Tire with permission to park in their parking lots after hours. Mrs. Dwier stated the playground that they currently had didn't work out because it was across the street. She further indicated that the residents adjacent to the playground did not like it there.

Ashley Farrell, 437 S. Market Street, stated the residence adjacent to the property had children involved with their program. Mrs. Farrell stated the Salvation Army planted large evergreen trees along the property line. She indicated the trees prohibited children from throw things across the yard and helped with noise.

Vernon Virgili, 414 S. Walnut Street, stated he opposed the application. Mr. Virgili indicated that the parking on the street was always full. Mr. Virgili reiterated that residents in the area have limited off-street parking and if they have company, they have to park on the street.

Ken Suchan moved to adjourn to Executive Session. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously, 5-0, at 6:33 pm. Stewart Fitz Gibbon moved to come out of Executive Session. Doug MacMillan seconded the motion. The motion passed unanimously, 5-0, at 6:48 pm.

Tate Emerson stated that the Board would like more information regarding how the off-street parking was utilized compared to on-street parking. Mr. Emerson stated the Board would like to table the application and review it in a month with further information. Mr.

Emerson stated more information was needed on what the playground was going to look like, the size of the playground, and buffering.

Madelaine Dwier stated she would like the application to be tabled for a month.

Doug MacMillan moved to table the application for one month. Ken Suchan seconded the motion. The motion passed unanimously, 5-0.

Appeal #2016-17.

Gerald Swartzentruber of the Sommer & Swartzentruber Contractors Inc. for Sharon Karhan Trustee requested an area variance from Planning and Zoning Code Section 1133.03(c) to allow building coverage and lot coverage exceeding the maximum permitted at 705 Whitetail Crossing in an R-2 (Single Family Residential) District.

Gerald Swartzentruber stated that he was aware of the 25% coverage rule, but to build this home on the lot, 30% coverage was necessary. Tate Emerson asked what changes would need to be made to meet the requirement. Mr. Swartzentruber stated they would have to reduce the size of the house. Mr. Swartzentruber stated that the lot would have more green space than some of the other lots in the area, which had a portion of their lots covered by a lake. Mr. Suchan stated that the other corner lot looked the same and were covered with a lot more than the subject property, because of the water. Mr. Swartzentruber stated the home would meet the setback requirements and would be approximately 2,358 square feet. Mr. Swartzentruber stated the home was a ranch home with a walkout lower level. Mr. Suchan commented that the home was an average size.

Mr. Emerson reviewed the total coverage was 4,038 square feet, which was 30% of the total building coverage. Mr. Emerson stated the lot was 13,278 square feet, so 5% of that would be 660 square feet over. Mr. Dutton noted that the home had a four car garage, which made it larger than homes with a similar livable square footage.

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

Appeal #2016-18.

Thad Rusmisl of the R.G. Smith Company represented LUK USA LLC requested an area variance from Planning and Zoning Code Section 1143.04(a)(1)B. to allow a building within the required side yard setback and Section 1167.04(a) to allow lighting fixtures which are not full cut-off at 3401 Old Airport Road and 2782-2786 Akron Road in M-2 (General Manufacturing) and M-4 (Open Space/Heavy Manufacturing) Districts.

Thad Rusmisl stated the expansion was on the east side of the building and was approximately 90,000 square feet. Mr. Rusmisl continued that the building was located 8.5 feet from the property line and he noted that the property line coincided with the school district boundary. Mr. Rusmisl stated the city was in the process of putting in a public road near the project. Doug MacMillan asked if the road was to give traffic relief off Old Airport Road. Mr. Rusmisl stated, yes, that was part of the reason.

Mr. Rusmisl stated LUK had reconfigured their shift changes to alleviate some of the traffic issues. Mr. Rusmisl also stated that the same lighting would be utilized as on the existing building, which is not full cut-off.

Stewart Fitz Gibbon moved to approve the area variance as presented to Section 1143.04(a)(1)B. Gregg McIlvaine seconded the motion. The motion passed unanimously, 5-0.

Ken Suchan moved to approve the area variance as presented to Section 1167.04(a). Stewart Fitz Gibbon seconded the motion. The motion passed 4-1. Tate Emerson voted no.

Appeal #2016-19.

Doug Drushal of Critchfield, Critchfield, and Johnston, 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.

Mr. Emerson noted the applicant had requested the application be tabled.

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

IV. MISCELLANEOUS

Tate Emerson initiated discussion regarding changeable copy and electronic message display signs. Mr. Emerson stated he was concerned about electronic message signs in the downtown area. Andrew Dutton briefly discussed possible changes to current Planning and Zoning Code regulations regarding changeable copy and electronic message display signs. Mr. Dutton stated the city planned on updating the Planning and Zoning Code by the end of 2017. Mr. Emerson asked Mr. Dutton for direction in order to start the process of changing the code for changeable copy and electronic signs. Mr. Suchan stated they needed to start to narrow the scope on what they wanted to see. Mr. Emerson stated that, with new technology, code sections needed to be changed. Mr. Dutton asked the Board to review the memorandum and discuss the topic at their next meeting.

V. ADJOURNMENT

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

The meeting adjourned at 7:30 p.m.

Tate Emerson, Chairman

Carla Jessie, Administrative Assistant