

MINUTES

CITY OF WOOSTER BOARD OF BUILDING & ZONING APPEALS

March 16, 2016

I. MEETING CALLED TO ORDER AND ROLL CALL

Lukas Gaffey, Vice Chair 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 Tate Emerson was not in attendance. Andrew Dutton, Planning and Zoning Manager, was present representing the City of Wooster. Stewart Fitz Gibbon moved to accept the minutes of January 7, 2016 Board of Building and Zoning Appeals. Doug MacMillan seconded the motion. The motion carried by a 5-0 vote.

II. APPROVAL OF MINUTES

Stewart Fitz Gibbon moved to accept the minutes of January 7, 2016 Board of Building and Zoning Appeals. Doug MacMillan seconded the motion. The motion passed unanimously, 5-0.

III. PUBLIC HEARINGS

Appeal #2016-03.

Chris Butdorf of Lettergraphics, Inc. representing Wooster Community Hospital requested an area variance from Planning and Zoning Code Section 1171.04(c) (1) to allow a freestanding sign taller than permitted at 1761 Beall Avenue in a CF (Community Facilities) District.

Chris Butdorf, Lettergraphics, Inc. stated the sign needed changed and updated and the hospital needed a better directional sign because of a new logo and changes to the campus. Mr. Butdorf stated the hospital needed a message center to better communicate with the public. Mr. Butdorf stated the sign needed to be taller to add the message center.

Stewart Fitz Gibbon asked why the hospital needed a taller sign and if there was a logo on the sign, or only directions. Mr. Butdorf answered that, with the addition of the message center, there was a need for additional height. Mr. Butdorf continued that the picture was a stock photo to show what an image might look like on the sign. Mr. Butdorf stated the hospital felt strongly that the sign was a good place for them to announce screenings, additions and other messages.

Stewart Fitz Gibbon asked about safety issues with the sign. Mr. Butdorf answered that the sign would not pose a safety issue and, to his knowledge, there hadn't been any traffic accidents due to the reading of signs. Mr. Fitz Gibbon questioned if there were any changes to sign the regulations. Andrew Dutton stated he could not project any changes by 2022 and any signs that didn't meet the conformance by 2022 would have to meet the code at that time. Grant Mason stated that the current sign measured 48 square feet in area and the new sign appeared smaller. Mr. Butdorf stated that the sign measured 32 square feet. Mr. Dutton stated that the sign size met the current regulations.

Gregg McIlvaine asked about the special conditions of the variance. Mr. Butdorf answered that the marketing department at the hospital could address these questions more directly. Mr. Butdorf stated the hospital was a unique entity and had a need to communicate with the public. Mr. Butdorf continued that the sign gave them an option to get messages out to the public in a more dynamic way.

Ken Suchan asked about the possibility of making the sign 5 feet wide instead of 4 feet wide and what effect the change would have on the reader board. Mr. Butdorf stated the hospital wanted to keep the width the same, instead of the sign being bigger and taller. Mr. Butdorf stated the hospital did not want their name to be cycled in a message on the board and the hospital wanted their name front and center on the sign.

Shirley Sparr, 613 Winter Street, stated that her property was within 200 feet of the sign and she was concerned that a flashing sign in front of her home would affect her home's resale value. Lukas Gaffey stated the sign was in the same location at the corner of Beall Avenue and Winter Street, just taller.

Stewart Fitz Gibbon moved to adjourn to Executive Session. Greg McIlvaine seconded the motion. The motion passed unanimously, 5-0, at 5:51 pm.

Ken Suchan moved to come out of Executive Session. Greg McIlvaine seconded the motion. The motion passed unanimously, 5-0, at 6:05 pm.

Doug MacMillan moved to approve the appeal. Ken Suchan seconded the motion.

Ken Suchan voted no on the appeal. Mr. Suchan stated the primary reason for his vote was that the 8 foot sign height was the same as in the surrounding C-2 district. Mr. Suchan stated that the Board had to maintain sign heights for the future of the sign code, which would require all signs to come into compliance by 2022. Mr. Suchan stated there were other solutions to get a reader board sign within the required height.

Gregg McIlvaine voted no on the appeal. He stated that his vote was for the same reason cited as Mr. Suchan. Mr. McIlvaine stated that the Board wanted to be consistent in their decision making. Mr. McIlvaine stated that, perhaps, the hospital needed to look at a full scale marketing signage program when the hospital addition was completed on the north end of the site.

Stewart Fitz Gibbon voted no on the appeal. He indicated his vote was for the same reasons as cited by Mr. Suchan and Mr. McIlvaine. Mr. Fitz Gibbon stated that, as the hospital expands north into the C-3 district, the hospital would get the opportunity to construct a 12 ft. sign.

Doug MacMillan voted no on the appeal. He stated his vote was for the same reason as cited by Mr. Fitz Gibbon. He continued that he struggled with his decision because the hospital was so close to the C-3 district. Mr. MacMillan stated that he felt the hospital would get the opportunity to construct a larger sign shortly after they develop the property to the north.

Lukas Gaffey voted no on the appeal. He indicated his vote was for the same reasons cited by the other Board members.

The motion failed unanimously, 0-5.

Appeal #2016-05.

Heike Mann representing Quinby Ltd. requested a use variance from Planning and Zoning Code Section 1133.02(d) to allow an office use at 2330 Cleveland Road in an R-1 (Single Family Residential) District.

Heike Mann, 1046 Dale Drive, outlined the application. Mrs. Mann stated that the studio offered photo sessions and would be used as a home office. Mrs. Mann stated that they would live on the property. Mrs. Mann stated that there would be 2 office sessions a day and they also had a lot of photo sessions off the property.

Board members discussed the compatibility of the use with adjacent residential uses.

Lukas Gaffey asked if anyone was present to speak for or against the appeal. Hearing no comment, Mr. Gaffey asked for a motion.

Doug MacMillan moved to accept the use variance. Gregg MacIlvaine seconded the motion.

Ken Suchan voted yes on the appeal. He stated the application was the best opportunity to keep a low key use on the site.

Gregg McIlvaine voted yes on the appeal. Mr. McIlvaine stated he voted yes for reasons previously stated.

Stewart Fitz Gibbon voted yes on the appeal. Mr. Fitz Gibbon stated he voted yes for reasons previously stated.

Doug MacMillan voted yes on the appeal. Mr. MacMillan stated his vote was due to the usage of the property and he felt the building was unique for the area.

Lukas Gaffey voted yes on the appeal. Mr. Gaffey stated he voted yes for the same reasons as Mr. Suchan and Mr. MacMillan.

The motion passed unanimously, 5-0.

Appeal #2016-07

Joel Montgomery of the City of Wooster requested an area variance from Planning and Zoning Code Section 1131.04(a) to allow building and parking setbacks less than required, Section 1131.06(b) to deviate from fence location and screening requirements, Section 1165.06(a) to allow an increased parking aisle width without an island, Section 1165.07(d) to allow a buffer yard with a width less than required, and Section 1169.04 to allow fewer off-street parking spaces than required at 3319 Burbank Road in a CF (Community Facilities) District.

Joel Montgomery provided a background and history of the project. He noted the project recently had numerous public meetings. Mr. Montgomery continued to outline the need for the proposed fire and police operations facility and provided the methods and justification for the selection of the subject site. Mr. Montgomery stated the site had received approval from the Planning Commission and City Council to rezone the property to CF (Community Facilities) and had also received Preliminary and Final Development Plan approval from the Planning Commission.

Joel Montgomery then stated the unique shape of the site and constriction of the site by road rights of way were the predominant reasons for the variances. He then noted that the site met the variance criteria section regarding "Special conditions and circumstances that are exceptional...irregularity, narrowness ...". Mr. Montgomery also referenced the variance criteria concerning the "Property in question would get a reasonable return...whether there is any beneficial use to the property" and stated the proposed use would be a beneficial use for the community.

Mr. Montgomery then indicated that the proposed parking would be sufficient for the proposed use based on the number of employees, shifts and visitors. He continued that the minimum amount of parking required by the code was not needed for the proposed use.

Joel Montgomery then addressed the criteria related to "...adversely affect the delivery of government services." He stated that water, sewer and trash would not be affected and the use would support the delivery of essential services, such as police and fire. Mr. Montgomery also noted that such police and fire services could only be provided by the city.

Doug MacMillan asked if the project would increase or decrease insurance values for area homeowners. Joel Montgomery replied that he believed it would have a positive effect on insurance rates in the area. Mr. MacMillan clarified that discussion was referring to insurance rating.

Stewart Fitz Gibbon asked if there were residential uses to the northeast of the site. Joel Montgomery replied that the property was an MRDD group home. He continued that the city had an agreement at the request of the adjacent property owner to provide a connecting access drive to facilitate traffic on the adjacent site. Ken Suchan asked if there was a mound to the north of the site where the setback was not met. Mr. Montgomery replied that there was a mound and landscaping.

Gregg McIlvaine asked Joel Montgomery to expand on the variance request related to parking. Mr. Montgomery responded that the number of officers and firemen was known per shift and took into account the projected amount of visitors. Mr. McIlvaine asked how many police and firemen would be on the site at one time. Barry Saley, City of Wooster Fire Chief, stated there would be three firemen on each shift with a maximum of six firemen at a shift change. He noted that fire and police shift changes would be at different times. Mr. Montgomery stated he believed there would be ten to twelve police officers at the site. Gregg McIlvaine asked if there would be any other personnel on the site. Mr. Montgomery replied there would not.

Barry Saley noted that original plans called for the site to be the fire station headquarters, which may have resulted in increased traffic. He continued that plans had changed and the fire station headquarters would remain at Fire Station #1 and the amount fire department visitor traffic to the subject site would be minimal.

Gregg McIlvaine asked about the variance to the required 50 foot setback from the north property line. Joel Montgomery indicated the location of the building in relation to the north property line on the site map. Mr. McIlvaine asked if there were any concerns from the neighbors to the north. Mr. Montgomery replied that the MRDD site requested the connecting access drive, which had been provided.

Stewart Fitz Gibbon asked if there would be any conflict between the connecting access drive and fire truck traffic. Joel Montgomery replied a gate would be installed at the access drive. Mr. Fitz Gibbon asked Mr. Montgomery to point out the location of the proposed variance sections on the presented site plan map. Mr. Montgomery went through the proposed variance sections on the site plan map.

Lucas Gaffey asked if anyone in the audience would like to speak for or against the subject appeal.

Anthony Bauer, 2083 Delaware Avenue, Akron, Ohio outlined the screening and buffering provided on the site and noted challenges related to stormwater detention basins.

Damon Frantz, 3317 Friendsville Road, Wooster, Ohio indicated the use of the property had previously been challenged in the 9th Circuit Court of Appeals. He stated that it was not proved that the use of the property was essential for services to the community. Mr. Frantz stated that over 20 parcels were considered for the facility on the north end of town. He indicated the past case was rescinded by the city and city ordinances were then rewritten to allow a community facility in a residential neighborhood. He stated that the site was overbuilt for the property and under parked. He continued that the site did not meet the requirements for the screening and location of fleet vehicles. Mr. Frantz indicated that if the city would grow and more parking was needed, on-street parking was not available in the area. Mr. Frantz also noted concerns about noise and lighting produced from the site and effects on neighboring property owners. Mr. Frantz stated that if the application was approved, he would appeal the decision.

Joel Montgomery indicated that in the previous application, the court found a procedural error and sent the application back to the Planning Commission. He continued that, due to the economy, the project did not move forward and was not brought back to the Planning Commission at that time. He stated that he did not believe that there was a court finding against the need of the use for the city.

Gregg McIlvaine asked what the difference was between the existing Highland Avenue fire station and the proposed site regarding fire service. Joel Montgomery replied the proposed station would allow quicker fire response times and would better serve growth to the north. Mr. McIlvaine asked Mr. Montgomery to address concerns regarding the location of the proposed site. Mr. Montgomery responded there was research done regarding the location of the facility and gave examples of two other considered sites, which were ultimately not possible for the proposed facility. He also noted that many concerns were previously addressed at the Planning Commission meeting.

Doug MacMillan inquired about site lighting. Ken Chow of Richard Bowen and Associates indicated on a photometric map the lack of light spillover on adjacent residential properties. Mr. MacMillan asked about screening of vehicular lights. Mr. Chow indicated landscaping adjacent to parking areas on the site plan.

Gregg McIlvaine asked about other considerations to locate police facilities. Joel Montgomery noted that other sites and the expansion of the current Justice Center were considered, but were not feasible.

Doug MacMillan asked if the proposed project would reduce area property values. Joel Montgomery replied that he did not believe the project would lower property values and would be a benefit.

Gregg McIlvaine asked if the property currently had a commercial use. Mr. Montgomery replied that up until about a month ago, the property had an insurance company in an existing building.

Lukas Gaffey asked if anyone else would like to speak for or against the appeal.

Barry Saley stated that the proposed fire facilities were significantly less intense than the previous application, as many activities would be relocated to other fire facilities. He also stated that the Fire Department already operated in residential areas and intended to be a good neighbor.

Lukas Gaffey asked if anyone else wished to speak. Hearing no further comments, Mr. Gaffey asked the Board if they wished adjourn into executive session.

Stewart Fitz Gibbon made a motion to go into executive session. Ken Suchan seconded the motion. The motion passed unanimously, 5-0, at 7:02 pm.

Gregg McIlvaine made a motion to come out of executive session. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously, 5-0, at 7:20 pm.

Lukas Gaffey stated that he appreciated the presented viewpoints. He indicated that the Board's purview in this instance was to review the submitted appeal applications and not to review other site plan elements. Mr. Gaffey asked for a motion from the Board.

Stewart Fitz Gibbon made a motion to approve the proposed variances. Ken Suchan seconded the motion.

Ken Suchan voted yes. He stated he voted yes due to the reasons given regarding the irregular size and shape of the site and that he believed the parking requirements were not necessary due to the unusually circumstance. He added he felt the variance was justified.

Gregg McIlvaine voted yes. He indicated that it was not the Board's role to approve the proposed use, only consider the proposed variance. Mr. McIlvaine continued that he felt there was ample explanation from the city for why the variances were necessary and, given the nature of the use and property, the requests were reasonable.

Stewart Fitz Gibbon voted yes. He stated that he voted yes for the reasons previously cited, detailed analysis regarding parking, sizing of the building, and attempts to comply with the spirit of the code.

Doug MacMillan voted yes. He stated that he agreed with other Board members.

Lukas Gaffey voted yes. He stated that he voted yes based on the reasons other Board members had cited.

The motion passed unanimously, 5-0.

Appeal #2016-08.

Chris Galloway of Strategis, LLC representing the College of Wooster requested an area variance from Planning and Zoning Code Section 1173.06(g) to allow a wireless telecommunication facility without the required landscaped buffer at 1200 Gasche Street in a CF (Community Facilities) District.

Jesse Styles, representing the College of Wooster, stated that the Planning Commission previously approved their application for a flag pole style telecommunication facility on the College of Wooster campus. Mr. Styles stated that the application was to allow a wireless telecommunication facility without the required landscaped buffer as required by the ordinance. Mr. Styles stated the college wanted to fence the site and possibly place graphics the fence for the College of Wooster. Mr. Styles stated that the flag pole was 122 feet tall, to the top. Mr. Styles continued that the flag pole would be adjacent to the parking lot and the baseball field. Mr. Styles stated that the slope of the property did not allow for much greenery and landscaping. Mr. Styles

also stated that the College needed the space between the fence and the parking lot for piling of snow.

Mr. Styles stated that a fence surrounded the site and the removal of landscaping would not pose a safety issue. Mr. Styles also stated that the climbing pegs would be removed, except when maintenance was being performed, which would make it impossible to climb the pole.

Martha Bollinger, 812 East Wayne Avenue, stated that the tower was much higher than the lights at the stadium. She asked about safety lighting around the pole and what flag would be displayed. She stated she was not in favor of the variance application. Mrs. Bollinger indicated she was concerned that there may need to be future variances for towers. She also stated her cellular service was fine and inquired why the tower was necessary.

Mr. Styles stated the flag would be a College of Wooster flag. He then outlined the coverage and capacity needs in the area, which he indicated necessitated the proposed facility. Mr. Styles stated that the site was designed with aesthetics in mind.

Mrs. Bollinger asked why additional capacity was necessary and stated she felt the project should comply with all requirements. She also noted the project was for financial gain.

Andrew Dutton noted that the Board's prevue at the meeting was to consider the submitted variance application.

Lukas Gaffey asked if there would be a light on top of the flag pole. Mr. Galloway stated the site would not be lit.

Gregg MacIlvaine moved to approve the appeal, as presented. Ken Suchan seconded the motion.

Ken Suchan voted yes. He stated the site had a unique character and the applicant had made the case that the application met the spirit of the code.

Greg MacIlvaine voted yes. Mr. MacIlvaine stated the appeal was justified and the request was reasonable.

Stewart Fitz Gibbon voted yes. Mr. Fitz Gibbon stated that he voted yes for the reasons previously cited. Mr. Fitz Gibbon also stated that, looking at the pictures, the views that were most exposed were directly facing the college property. Mr. Fitz Gibbon stated there was no cause to disagree with the application.

Doug MacMillan voted yes. He stated he agreed with other Board member's comments.

Lukas Gaffey voted yes. He stated there was precedent to allow the applicant to make an exception.

The motion passed unanimously, 5-0.

IV. ADJOURNMENT

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

The meeting adjourned at 7:50 p.m.

Lukas Gaffey, Vice-Chairman

Carla Jessie, Administrative Assistant