

**MINUTES  
BOARD OF BUILDING AND ZONING APPEALS**

**March 6, 2014**

**MEMBERS PRESENT:** Ken Suchan, Doug MacMillan, Lukas Gaffey, Adrian Eriksen and Tate Emerson

**MEMBERS ABSENT:** Gregg McIlvaine and Pat Zoller

**STAFF PRESENT:** Andrew Dutton

**I. MINUTES**

Adrian Eriksen moved, Ken Suchan seconded, to approve the Minutes of February 6, 2014 as received. Motion carried by a 5-0 vote.

**II. PUBLIC HEARINGS**

**Appeal #2014-03.** Diane DeRue representing The Counseling Center of Wayne and Holmes Counties is requesting area variances from Planning and Zoning Code Section 1135.04(e) regarding building and parking setbacks, Section 1135.08(h) regarding the minimum amount of required open space, Section 1147.07 regarding minimum lot area and width, and Section 1169.04 regarding minimum parking requirements in a C-5 (General Commercial) District at 2335 Benden Drive.

Diane DeRue, Counseling Center of Wayne and Holmes Counties, stated the Counseling Center had been working on the project since 2001. Ms. DeRue stated young adults were coming out of residential treatment facilities, state hospitals and foster care, and had no place to go and would not be able to live successfully on their own within the community in regular apartments. Ms. DeRue stated they found that oftentimes, they ended up in the criminal justice system or back in state hospitals. In 2001, the Counseling Center recognized the need for the facility, and it became and remained a top priority of the Wayne County Housing Coalition.

Ms. DeRue stated the Counseling Center purchased the property in 2001. The Counseling Center owned three properties on Benden Drive, adjacent to one another, and the plan all along was to construct the housing facility on the land. In 2008/2009, the Counseling Center was ready to start working on the project and began interviewing developers. Ms. DeRue stated the Counseling Center had funding/grants for the project from three different sources, and it would be self-sustained through rental properties. Ms. DeRue stated in 2010, they began meeting with and explaining the operation to architects, and over the course of a year, a plan was developed for durable, supportive housing for young adults. Ms. DeRue stated the apartments would be 650-sq. ft. in size.

In July, 2013 Ms. DeRue stated the Counseling Center met with Andrew Dutton, Planning and Zoning Manager, and the design met the zoning requirements but in January, 2014 new Zoning Code regulations came into effect which affected the plan proposed and necessitated the variances in question. Ms. DeRue stated under the current Code, 30 parking spaces were required. Ms. DeRue stated the Counseling Center had approximately 59 group home beds, and in the past 3-4 years, only 3-5 people had vehicles at any given time. Staff/case managers who would provide

supportive services would have vehicles; the only other individuals who would have a vehicle would be visitors.

Ms. DeRue stated with regard to open space area, walking paths were proposed throughout the property in addition to areas around every apartment/porch area for gardening. Gazebos were also planned on the property as well as a community garden.

Mr. Emerson questioned if the Counseling Center would continue to operate the facilities it currently had. Ms. DeRue stated the new facility would be in addition to the existing facilities which they would continue to operate.

Mr. MacMillan questioned the length of stay for the individuals who would use the facility. Ms. DeRue stated the apartments would be their home; there was no length of stay criteria. Ms. DeRue stated they found that people transitioned out of the housing naturally into less supportive housing—they learned the skills that they needed to live in the community successfully and to obtain employment.

Mr. MacMillan questioned the age of the residents. Ms. DeRue stated they were typically 18-26 year olds, but that there was no actual limitation on age.

Mr. MacMillan questioned if the residents would only be from Wayne and Holmes Counties. Ms. DeRue stated the individual would have to be a resident of either Wayne or Holmes County, a client of the Counseling Center, and belong to its case management program.

Mr. Suchan questioned if parking at their facility, during the day, was mostly occupied. Ms. DeRue stated typically on Thursday's, most of the parking spaces were filled because there were four doctors who came to the facility throughout the day. Ms. DeRue noted that parking had "never been a problem" at their facility. Ms. Suchan questioned if people would go from the present Counseling Center facility to the new facility. Ms. DeRue stated no.

Mr. Emerson noted that the existing facility was two buildings, connected by a walkway. Ms. DeRue stated that was correct. Ms. DeRue stated the building closest to Akron Road had the Counseling Center's administrative offices, outpatient department, medical records and its employment program, and the building was one story to the front/two story to the rear. The second story was the children's specialized services for children in crisis. Ms. DeRue stated in the basement of the other building was the adult case management program; upstairs was her office and other services offered by the Counseling Center.

Ms. Emerson questioned if for some reason parking was full on the proposed site if parking spaces at the existing facilities could be utilized. Ms. DeRue stated Staff could possibly park in the Counseling Center's parking lot and then walk to the new facility. Mr. Eriksen questioned if the two parking lots could be joined. Ms. DeRue stated the Counseling Center wanted to keep the new facility more residential in nature so that it would not stand out that it was a group home for the Counseling Center.

Mr. Emerson questioned the open space. Mr. Dutton stated the site was comprised of 11±% open space.

Mr. MacMillan questioned if Planning Commission approved the site plan before the Board. Ms. DeRue stated yes (at its February 26, 2014 meeting).

Ms. DeRue noted this would be the second facility of this type in Ohio.

Mr. Eriksen questioned if fire safety forces would have any issues with getting a fire truck into the site. Ms. DeRue stated a fire truck could easily maneuver within the 15-space parking lot proposed and noted that the Fire Department had reviewed the site plan as well.

Mr. Emerson questioned the plans for the community garden. Ms. DeRue stated a Girl Scout group would help plant it—flowers around the apartments and vegetables in the other areas. Mr. Emerson questioned if the residents would maintain it. Ms. DeRue stated yes.

Ms. DeRue stated there would be a Tenant Committee who would meet monthly with the Residential Director, and issues of noise, not getting along with people, maintenance issues, etc. would be addressed. Ms. DeRue stated the Chief Operating Officer would be in charge of the facility maintenance, landscaping, mowing and sidewalk snow removal.

Mr. Suchan noted that the site had topographical challenges.

Steve Jennings, LDA Architects, stated the front doors were designed to offer privacy to each apartment and also provided character from unit to unit. He indicated sidewalks/walking paths would be provided throughout the entire site and would be accessible without having to go up steps. (*The early part of his testimony was inaudible.*) Mr. Jennings indicated that the parking setback from the right-of-way was 50'; the 30' setback now proposed would have complied with the previous Code requirement. Between each building, the required setback was 5'. The minimum setback from the side property line was 20'; previously, the requirement was 10'. The proposed plan provided at 15' setback to the porch. The parking setback from the right-of-way was 50'; previously, the requirement was 20'. Mr. Jennings indicated that other properties on the same street were currently closer than 20'. He indicated that 20% open space was currently required; previously, there was no requirement for open space. An open space area, in the middle of the site, was provided and also offered a connection with the existing facility to the one proposed. Mr. Jennings indicated a community room was provided, which also housed a laundry facility. The minimum lot area was two acres and lot width was 200', but noted there previously was no minimum requirement. He indicated that when you factored in all three parcels owned by the Counseling Center, they comprised more than two acres and more than 200' of frontage.

Mr. Suchan questioned if there was a possibility the parcel would be sold off from the Counseling Center and reused in some way as a private development. Ms. DeRue stated it was a possibility, but it was not the mission of the Counseling Center. Ms. DeRue stated the funding that the Counseling Center received guaranteed the property being used in the capacity proposed. Ms. DeRue stated the Counseling Center received a 15 year grant from the Federal Homeloan Bank, and a 30 year grant from the Ohio Housing Finance Agency, and they were required to use the property for the intended use. Ms. DeRue stated another entity could take over the facility, but it would have to be used for the same purpose (housing people with severe mental illnesses). Mr. Suchan stated the reduction in parking was based on the idea that most people would not have vehicles. Ms. DeRue stated the residents had no income or they received Social Security, and the physicians were often reluctant to approve the need for a driver's license until they were "well down the road for obtaining employment".

Mr. Emerson questioned how long the Counseling Center had owned the property. Ms. DeRue stated the first building was constructed in 1986; in 2002, the second building was constructed which had a walkway through to the original building.

Adrian Eriksen moved, Doug MacMillan seconded, to grant the request of The Counseling Center of Wayne and Holmes Counties is requesting area variances from Planning and Zoning Code Section 1135.04(e) regarding building and parking setbacks, Section 1135.08(h) regarding the minimum amount of required open space, Section 1147.07 regarding minimum lot area and width, and Section 1169.04 regarding minimum parking requirements in a C-5 (General Commercial) District at 2335 Benden Drive.

Mr. Eriksen voted yes. Mr. Eriksen stated he felt it would be an injustice to the Counseling Center to vote otherwise because of the timing of the newly updated Code provisions in relation to their proposed project. Mr. Eriksen stated he felt the building would look great and would serve a good purpose. Mr. Eriksen stated his only concern was with a potential new/future owner.

Mr. Gaffey voted yes. Mr. Gaffey stated his concern, too, was with future owners, but that it would be "locked in place" for a number of years which helped to alleviate his concern.

Mr. Suchan voted yes. Mr. Suchan stated he particularly liked the fact of providing more open space to make the property more attractive than the other apartment developments in the area.

Mr. MacMillan voted yes. He stated the request had been well covered.

Mr. Emerson voted yes. Mr. Emerson stated he felt there were some special circumstances that existed.

Motion carried by a 5-0 vote.

**Appeal #2014-04.** Steven Benesh representing Frito-Lay Inc. is requesting an area variance from Planning and Zoning Code Section 1143.05(b) to allow accessory structures taller than permitted in an M-2 (General Manufacturing) District at 1626 Old Mansfield Road.

Steve Benesh, Frito Lay, stated in September, 2013 Frito Lay received a variance for height on one of its corn silos. Mr. Benesh stated the silos in question were currently 60' in height; the silo height proposed would be 80 - 85'. Mr. Benesh noted that the diameter of the silos would be 14', which was less than the current silos. Mr. Benesh stated Frito Lay wished to replace both silos – a maximum height of 85' was proposed. Mr. Benesh noted that while a variance was granted to replace one of the silos in 2013, the silo was never actually replaced.

Mr. Emerson questioned why a welded silo was proposed. Mr. Benesh stated welded silos were chosen for durability. Mr. Benesh stated the seal on the existing silos had deteriorated and showed signs of rust. Mr. Benesh stated with a welded silo, there were no seams, and the life of the silo would be 70 years versus 35 years. Mr. Emerson questioned if the silos would show up in one piece. Mr. Benesh stated yes.

Mr. Emerson questioned the location of the silos. Mr. Benesh stated the location would not change from their current location.

Lukas Gaffey moved, Doug MacMillan seconded, to grant the request of Frito-Lay Inc. of an area variance from Planning and Zoning Code Section 1143.05(b) to allow accessory structures (two silos) taller than permitted in an M-2 (General Manufacturing) District at 1626 Old Mansfield Road at a maximum height of 85'.

Ken Suchan voted yes.

Doug MacMillan voted yes.

Adrian Eriksen voted yes.

Lukas Gaffey voted yes.

Tate Emerson voted yes.

Motion carried by a 5-0 vote.

Meeting adjourned at 6:17 p.m.

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**Tate Emerson, Chairman**

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**Laurie Hart, Administrative Assistant**