

**MINUTES
BOARD OF BUILDING AND ZONING APPEALS**

May 1, 2014

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

MEMBERS ABSENT: Gregg McIlVaine, Patricia Zoller, and Tate Emerson

STAFF PRESENT: Andrew Dutton

I. MINUTES

Doug MacMillan moved, Adrian Eriksen seconded, to approve the Minutes of April 3, 2014 as received. Motion carried by a 4-0 vote.

II. PUBLIC HEARINGS

TABLED. Appeal #2014-05. **Jim Briola of North Coast Sign and Lighting Services Inc., representing SCP 2003D 51 (CVS Caremark)**, is requesting an area variance from Planning and Zoning Code Section 1171.04(a) to allow building signs larger than permitted in an C-5 (General Commercial) District at 2284 Back Orrville Road.

Mr. Gaffey indicated that Jim Briola of North Coast Sign and Lighting asked that the Board table the request to its June meeting.

Doug MacMillan moved, Ken Suchan seconded, to table the request to the Board's June meeting. Motion carried by a 4-0 vote.

Appeal #2014-12. Patrick Teague of The Hartley Company is requesting an area variance from Planning and Zoning Code Section 1171.04 to allow building signage larger than permitted and freestanding signage larger and taller than permitted at 310 South Market Street in a C-4 (Central Business) District.

Patrick Teague, The Hartley Company, stated he was before the Board in April with a sign variance request which was not approved. Mr. Teague stated since the Board's April meeting, the canopy signage (decals) was removed from the proposal in addition to the building mounted sign. Mr. Teague noted that the existing freestanding sign was taller and larger than what the Sign Code required. Mr. Teague stated the gas station had been unoccupied for the past 4 years.

Mr. MacMillan stated the Board had also previously discussed putting a time limit on their approval as all signs in 2022 had to be in compliance with the Code.

Doug MacMillan moved, Ken Suchan seconded, to grant the request of The Hartley Company as proposed, contingent upon signage being brought into compliance by June 21, 2022.

Ken Suchan voted yes.

Doug MacMillan voted yes.

Adrian Eriksen voted yes.

Lukas Gaffey voted yes.

Motion carried by a 4-0 vote.

Appeal #2014-13. Matt Polcyn representing Ray Sprosty Bag Co. is requesting a substitution of a nonconforming use from a manufacturing facility to a contractor facility at 323 East Liberty Street in a C-4 (Central Business) District.

Sandra Hull, Main Street Wooster, stated it was difficult to have a manufacturing facility in the middle of a downtown and was glad that a lesser use (plumbing contracting business) was now being proposed. Ms. Hull stated AODK had prepared a rendering of the façade, and the Polcyn's had accepted the changes proposed for the building. Ms. Hull stated she felt the changes for the building were "the best that we could do" with what existed.

Mr. MacMillan asked Ms. Hull to speak to the proposed business and its intensity. Ms. Hull stated the business trucks would go in/out of the site and noted the Polcyn's were thinking about adding a small retail space in the front windows of the building to create a retail space along the street; the offices would be located there as well.

Justin Starlin, Wooster Area Chamber of Commerce, stated Mr. Polcyn's did plan to keep "the shop" in Millersburg, so if they did have loud work, that would be done at the Millersburg location.

Mr. Suchan questioned if vehicles would be serviced on-site. Mr. Starlin stated maintenance to their vehicles would not be done at this location.

Mr. Dutton noted that if the Polcyn's did take any part of their Millersburg operation and move it to this location, it would be outside the parameters of the Board's approval since the intensity would increase.

Adrian Eriksen moved, Doug MacMillan seconded, to grant the request of Matt Polcyn for a contractor facility at 323 East Liberty Street.

Adrian Eriksen voted yes.

Doug MacMillan voted yes.

Ken Suchan voted yes.

Lukas Gaffey voted yes.

Motion carried by a 4-0 vote.

Appeal #2014-14. John Keating representing Community Action Wayne/Medina requesting a use variance from Section 1133.02 to allow an office use and Section 1133.02/1103.02(b)(190) to allow a full year pre-school use and area variances from Section 1147.09(k)(5) to allow a play area closer than 40 ft. from a residential property, Section 1147.09(cc)(2)(B) to allow parking in front of the principle building, Section 1165.06(a)(2) to allow parking rows greater than 100 ft. without an island, Section 1165.07(d) to allow parking within the required buffer yard and

Section 1169.12 to allow parking spaces less than 10 ft. in width at 905 Pittsburgh Avenue in an R-T (Traditional Residential) District.

John Keating, attorney representing Community Action Wayne/Medina, stated he wrote the narrative attached to the application and asked that what was written be incorporated and made part of his testimony. Mr. Keating stated in April, Community Action did obtain approval from the Planning Commission for the conditional use and development plan, subject to variances being granted from the Board. Mr. Keating stated the conditional use which was granted was for a preschool and daycare. Community Action also had a general office/administration use which was considered a social service program which was why a use variance was being requested. Mr. Keating stated the administration of Head Start was one of the primary purposes of Community Action, but because social services such as HEAP would operate from the building as well, the use variance was needed. Mr. Keating stated it was important and also more economically feasible for Community Action to consolidate their operations rather than having a “piece meal operation” at different facilities.

Mr. Keating stated the site was the former location of Lincoln Way Elementary, and it was Community Action’s hope to repurpose the building. Mr. Keating stated Community Action’s use would be less intensive than the previous elementary school as there would be far fewer children on the site at any one time, and the children would also be younger than elementary school age.

Mr. Keating noted that Community Action was the only bidder last summer at the public auction of the property. Mr. Keating stated Community Action did not have a chance to get the zoning change before they purchased the property because it was a public auction.

Mr. Keating stated the building would not be feasible to Community Action if it were unable to put its administrative offices and other social services under the same roof as Head Start. Mr. Keating stated there would be more adults in the building in the way of administrative than there were under the elementary school use, but they would be coming to work in the morning and leaving in the evening and would not be a high traffic situation in terms of staff coming and going. Mr. Keating stated as the Planning Staff indicated, there were similar use variances granted in the past couple of years (see Staff report). Mr. Keating stated the Head Start use would be on the eastern part of the building; the office/administrative use would be on the western part of the building.

Mr. Keating stated there was a core key definition in the Zoning Code of preschool and nursery school use, and it referred to “annual sessions” which was not defined in the Code. Mr. Keating stated even though Community Action received conditional use approval, they received it for a preschool or a daycare as defined in the Zoning Code, and because it was a somewhat “murky” definition of preschool, a variance was being requested so that Community Action could maintain those classes that were full year/full day, which was not its entire operation (about 35 students total). Mr. Keating stated the use variance was really a variation on the definition of preschool and nursery school use.

Mr. Keating stated that, with regard to the front parking lot, Community Action was trying to keep that lot similar to what it was historically. Mr. Keating stated there was a soft surface play area on the eastern part of the lot which would be uncovered and turned back into parking. Mr. Keating stated that originally, it was all part of the front parking lot used in connection with the school. Mr. Keating stated there would also be an apron for a turn-around area which would encroach into the 10’ buffer yard between the school property and the adjoining residential property; the actual parking spaces would be more than 10’ off of the property line. Mr. Keating stated the front

lawn would be used by some of the parents who would be transporting their own kids; some of the kids would be bused. Mr. Keating stated Community Action estimated there would be as many as 21 social service clients on the property at a given time, so they wanted to have the front parking spaces (22 spaces) in order to access the front door of the building. Mr. Keating stated there was not a back entrance to the building which was feasible for the general public.

Mr. Keating stated there was an exception in the Code for front yard parking. Mr. Keating stated Section 1147.09 (part of the conditional use chapter of the Code) was vague and did not say whether the Planning Commission or the Board of Zoning Appeals was the proper body to grant the exception. Mr. Keating noted that the Planning Commission granted it to Community Action, but they were also asking for the Board of Zoning Appeals to grant the exception since the Code did not specify which body should. Mr. Keating stated the Code did allow front yard parking when there was a shallow depth of parcel, location of existing mature trees or other similar circumstance. Mr. Keating stated the “other circumstance” in this case was that the front lawn had been there for many decades - as far back as the 1960’s; the school use had existed for almost 100 years.

Mr. Keating stated a variance was being requested to be relieved from having to put a parking island in the lot. The minimum was 100’ without a parking landscaped island; Community Action would be at 112’. Mr. Keating stated the purpose of the ordinance was to prevent having a broad expanse of pavement, but because the lot was being returned to what it was, it would be screened from the right-of-way and from the adjoining property owner.

Mr. Keating stated with regard to the width of parking spaces to the rear of the property, the new lot would be for employees only, and 9’ wide parking spaces were being requested so that additional spaces could be provided. Mr. Keating stated Community Action would have about 68 employees and parking, and even though it exceeded the Code regulations for total parking on-site, parking would be at a premium, and Community Action did not want to sacrifice the playground area in the back. Mr. Keating indicated that the Planning Staff, in its Staff report, noted that the Board of Appeals granted a similar variance to the Cleveland Road Animal Hospital for 9’ wide spaces.

Mr. Keating stated with regard to the basketball court, it was existing and Community Action was asking to keep that there—it had been there for many years and was used by the Elementary School. Mr. Keating stated the basketball court was about 23’ from the rear property line of the residential property rather than 40’ as required by the Code. Mr. Keating stated it would not be feasible to “chop off” 17’ of the basketball court, but because of the terrain dropping off to the south, it would all but eliminate that part of the playground.

Mr. Keating stated Community Action reached out to the neighborhood and met with the neighbors as a group and also went door-to-door, and it received nothing but positive support. Mr. Keating stated there were no objections voiced at Planning Commission.

Don Ackerman, CFO and Senior Vice President of Community Action, stated he wrote Exhibit C of the application and wished to have that included as part of his testimony. Mr. Ackerman stated Community Action Wayne/Medina was a non-profit corporation working for and providing services to the low income population of both Wayne and Medina Counties. Mr. Ackerman stated all total, there were about 170 employees at its 13 locations and around 68 of them would be coming to the Lincoln Way location. Mr. Ackerman stated Community Action purchased the building in August, 2013; renovations to the building were estimated to be \$1.5 million. Mr.

Ackerman stated four of the current locations in Wooster would be relocated to Lincoln Way (central office, two Head Start Centers in the basement of churches, and warehouse operation). Mr. Ackerman stated by combining the four locations, Community Action would save about \$54,000 a year in space related costs. At the Lincoln Way building, Community Action would have five Head Start classrooms on the east side of the building. Three of the classrooms would be full year/full day and would be from 6:30 a.m. until 6:00 p.m. One of the classrooms would be for 8 infants (0-18 months), one would be toddlers (18 months to 3 years old), and another would be for 16, preschool age (3-5 year olds). Mr. Ackerman stated there would be no bussing provided for the full year/full day children. Mr. Ackerman stated the other two classrooms would be part year/part day and would be for preschool age kids (3-5 year olds). There would be morning sessions in each of the two classrooms (17 kids each); the kids would arrive by bus. The busses would then pick up the children, deliver them back home, and then drop off another 34 children for the afternoon. Mr. Ackerman stated that would end around 3:30 – 4:00 p.m. Mr. Ackerman stated in addition to the classrooms, clients would also be coming into the building to meet with their intake workers/social service specialists to get utility assistance, scheduling winterization for their home, budget counseling, and resumes. In the winter months, the HEAP program would operate walk-in days, two days a week, in addition to appointments, from November through March. Mr. Ackerman stated Community Action could serve up to 21 people in the morning session and another 21 in the afternoon. Mr. Ackerman stated those services were available from 8:00 a.m. until 4:30 p.m. Mr. Ackerman stated that approximately $\frac{1}{4}$ to $\frac{1}{3}$ of the gymnasium, along with the storage room, would be converted into a commercial kitchen which would serve the five classrooms; cooks would also prepare meals there and transfer them to their West Salem, Rittman and Orrville Head Start centers. Mr. Ackerman stated the remainder of the gymnasium would be a multi-purpose room which could be used by the neighborhood for community events. Mr. Ackerman stated the basketball court and playground were used by the neighborhood, and Community Action wished to retain it. Mr. Ackerman stated the playground would not be used as part of their services because it was not age appropriate, but they wanted to keep it to be a good neighbor; behind the school, Community Action would add two playgrounds, fenced, for infants and toddlers.

Mr. Gaffey questioned Staff if it had received any feedback, e-mail or otherwise, regarding the appeal. Mr. Dutton stated he had received general questions.

Adrian Eriksen moved, Doug MacMillan seconded, to enter into Executive Session.

Ken Suchan voted yes.

Doug MacMillan voted yes.

Adrian Eriksen voted yes.

Lukas Gaffey voted yes.

Motion carried by a 4-0 vote.

Ken Suchan moved, Doug MacMillan seconded, to come back into session.

Adrian Eriksen voted yes.

Doug MacMillan voted yes.

Ken Suchan voted yes.

Lukas Gaffey voted yes.

Motion carried by a 4-0 vote.

Mr. Gaffey questioned if on the new section of parking to the front whether additional lighting would be added. Brent Hendricks, BSHM Architects, stated there was exterior sight lighting on the building currently, and an assessment would be done to see whether additional lighting was necessary. Mr. Hendricks stated because the school was in a residential neighborhood, they wanted to be cognizant of their neighbors and did not want to be a glowing beacon. Mr. Hendricks stated if additional lighting were found to be needed for safety reasons, LED lights would be used to better control the cutoff so that it did not spill out onto adjacent properties. Mr. Hendricks further noted that existing building mounted lighting projected outwards and, ideally, pole lights out by the street could be added to project the light inward towards the property. Mr. Hendricks stated whenever the final sight lighting was determined, the engineers would do a photometric layout of the site to determine the foot candle level to be used throughout the site.

Doug MacMillan moved, Ken Suchan seconded, to grant the request of Community Action Wayne/Medina.

Ken Suchan voted yes.

Doug MacMillan voted yes.

Adrian Eriksen voted yes.

Lukas Gaffey voted yes.

Motion carried by a 4-0 vote.

Meeting adjourned at 6:38 p.m.

Lukas Gaffey, Vice Chairman

Laurie Hart, Administrative Assistant