

MINUTES

CITY OF WOOSTER BOARD OF BUILDING & ZONING APPEALS

October 6, 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, Lukas Gaffey, Stewart Fitz Gibbon, and Doug MacMillan were present at the meeting. Board members Tate Emerson and Gregg McIlvaine were absent. Tim Monea, Building Standards Manager, was present representing the City of Wooster.

II. APPROVAL OF MINUTES

Stewart Fitz Gibbon moved to approve the September 1, 2016, regular meeting minutes. Ken Suchan seconded the motion. The motion passed unanimously, 4-0.

III. PUBLIC HEARINGS

Appeal #2016-35.

Jerry Hershberger of Lieben Wooster, LP requested an area variance from Planning and Zoning Code Section 1141.05(a) to allow a building taller than permitted at 965 Dover Road in a C-5 (General Commercial) District.

Mike McCaffery, 251 Daniel Burnham Square 303, Columbus, stated that he represented Lieben Wooster LP and indicated that Jerry Hershberger was his business partner. Mr. McCaffery stated an 82 room, four story Comfort Suites at 965 Dover Road was proposed. He continued that the lot was irregular in size and shape and was approximately two acres. Mr. McCaffery explained that roof of the hotel would be 43 ft. in height and parapet walls would extend to 59 ft. in total height. Mr. Caffery stated the parapet wall was proposed for stylistic reasons and to display signage, which he noted was important for visibility from Dover Road.

Mr. McCaffery stated the property was not adjacent to Dover Road, so it was important to him to have signage that was visible to the public. Mr. McCaffery also indicated the elevation at Dover Road was ten feet higher than the hotel's finished floor level.

Stewart Fitz Gibbon asked why the lot was selected and noted the project appeared to be shoehorned into a small lot. Mr. McCaffery responded that the lot was available. Mr. McCaffery stated the adjacent lot was mostly for a retention pond and additional parking.

Mr. McCaffery stated that if the lot was bigger, the hotel could be spread out.

Mr. Fitz Gibbon asked if there were concerns regarding fire access to the proposed four stories. Barry Saley, City of Wooster Fire Chief, answered that a fire truck could access about six or seven stories, depending on setbacks.

Doug MacMillian stated that most of the signage in the north end was higher due to the setback off the road. Mr. McCaffery added that the tallest floor was the first floor of the lobby.

Mr. Suchan asked if Comfort Suites built other hotels without the parapet. Mr. McCaffery answered that the proposed hotel was a prototype and he would have to go back to the drawing board with that if not approved. Mr. Suchan mentioned an upscale hotel was proposed with a different look.

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

Mike Noble, 2300 Stahr Lane, stated he was representing the residents of The Stahr Lane Allotment. Mr. Noble indicated that he had concerns with the proximity to the Wooster Township Elementary School and the residential area of their allotment. Mr. Noble said his concerns didn't have anything to do with the height of the building and were more related to security concerns for children at the school.

Stewart Fitz Gibbon moved to adjourn to Executive Session. Doug MacMillian seconded the motion. The motion passed unanimously, 4-0, at 5:47 pm.

Ken Suchan moved to come out of Executive Session. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously, 4-0, at 5:52 pm.

Stewart Fitz Gibbon moved to approve the area variance as requested. Doug MacMillian seconded the motion.

Ken Suchan voted yes. He noted that the code allowed for a height of 45 feet, which was typical for the type of building. He also noted that the parapet was a decorative part of the building.

Doug MacMillian voted yes. He added that the Board appreciated concerns, but they were only considering the height of the building. Mr. MacMillian stated that he agreed that the building was a standard height and the signage and parapet were not a concern.

Stewart Fitz Gibbon voted yes.

Lukas Gaffey voted yes.

The motion passed unanimously, 4-0.

Appeal #2016-36.

Barry Saley of the City of Wooster requested an area variance from Planning and Zoning Code Section 1141.09(a) to allow an accessory building in the front yard at 500 North Market Street in a C-1 (Office and Institutional) District.

Barry Saley, 510 North Market Street, stated the Fire Department wanted to construct a 16 ft. by 20 ft. storage shed on the lot. Mr. Saley continued that the shed would be south of the of the new cell tower. He continued the Fire Department used both lots as one continuous property and noted that there was previously a storage shed near the proposed location that was demolished. He continued that the Fire Department needed the additional storage space for maintenance equipment, outdoor power equipment, and items not stored in the building for safety concerns. Mr. Saley stated the shed would be located in the defined front yard of the lot, even though the proposed location of the shed would be 125 ft. from the

right of way. Mr. Saley continued that the shed was significantly behind what was considered the front yard of the adjacent Fire Station and insurance company.

Mr. Saley said the shed would help hide the communication tower.

Mr. Suchan stated the front yard was large because the tower set so far back.

Mr. Saley indicated he had received approval from the Design and Review Board for the style of the shed. Mr. Saley also said the Fire Department had not vacated the alley.

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

Jim Nolletti, 4980 Shreve Road, stated he owned the insurance company property that was for sale. Mr. Nolletti continued that he had tried to sell the property to the City. Mr. Nolletti said he wasn't in attendance to dispute the variance, but to point out that he was told that the tower was to be behind the Fire Department. Mr. Nolletti continued that he believed that the cell tower came up to the property line and was possibly over the property line.

Mr. Gaffey stated that Mr. Nolletti needed to talk to the Engineering Department regarding the location of the cell tower.

Doug MacMillian made a motion to approve the variance as presented. Stewart Fitz Gibbon seconded the motion.

Stewart Fitz Gibbon voted yes. He encouraged the Chief not to build the storage shed over the property line.

Ken Suchan voted yes. He stated the distance of 125 ft. from Market Street was further back than anything else. Mr. Suchan stated the proposed shed would be unnoticeable.

Doug MacMillian voted yes. He noted the shed would screen cell tower equipment.

Lukas Gaffey voted yes.

The motion passed unanimously, 4-0.

Appeal #2016-37.

Owen Logee representing Mary Jo Logee requested an area variance from Planning and Zoning Code Section 1133.02(d)(1)J. to allow a flag lot, Section 1133.03(a) to allow a lot frontage less than permitted and Section 1133.07(b)(2) to allow a driveway less than three ft. from the right of way at 900 North Grant Street in an R-2 (Single Family Residential) District.

Ed Gasbarre, 401 South Market Street, stated he was representing the owners. Mr. Gasbarre said the Logee's had four sellable parcels that did not meet the current Zoning Code. Mr. Gasbarre continued the applicant proposed a reconfiguration of the lots. Mr. Gasbarre stated the owners had rented the single family residences out for a long time and the renters of 900 North Grant Street wanted to buy the home. Mr. Gasbarre stated a reconfiguration of the back lot would result in 28 ft. of frontage.

Mr. Suchan asked if lot one was 6 ft. wide and 165 ft. long. Mr. Gasbarre stated a car could get back to the lot on 6 ft. of property.

Mr. MacMillian asked if the intent was to open up the back lot for development. Mr. Gasbarre responded that that was correct and the owner wanted to add more frontage to provide better access. Mr. Gasbarre stated both homes had long term tenants.

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

Bill Pittenger, 327 Stevens Avenue, explained that initially, new lot C and lot B were one lot for ninety plus years along with lot A. Mr. Pittenger inquired why new lots should be created when there was green space which was a beautiful area in the City. Mr. Pittenger continued that lot C already had a little barn and an old farmstead house. Mr. Pittenger said the house on lot A was oversized for the area and was set back too far. Mr. Pittenger stated that he felt that putting another house on the other lot would obstruct the view.

David Moldstad, 974 N. Grant Street asked if there were plans for a permanent structure on the lot. Mr. Gaffey responded there could be a permanent structure. Mr. Gasbarre indicated that the lot would be buildable. Mr. Moldstad stated that he objected to the reconfiguration.

Tom Pittenger, 327 Stevens Avenue, asked when the property became a lot. Mr. Gaffey replied the lots had been in place since 1933. Mr. Gaffey explained the back lot needed access.

Mary Moldstad, 974 N. Grant Street, commented that the proposed application would push things further north.

Mary Logee, 7295 Jefferson Road, stated she wanted to make the lot more affordable and make the lot more accessible.

Ken Suchan moved to adjourn to Executive Session. Doug MacMillian seconded the motion. The motion passed unanimously, 4-0, at 6:15 pm.

Stewart Fitz Gibbon moved to come out of Executive Session. Ken Suchan seconded the motion. The motion passed unanimously, 4-0, at 6:20 pm.

Stewart Fitz Gibbon made a motion to approve the application. Doug MacMillian seconded the motion.

Stewart Fitz Gibbon voted yes. He noted the proposal would make the property more functional and improve the neighborhood with the renter becoming an owner occupant.

Ken Suchan voted yes. He indicated the location was appropriate for another building, but the existing 6 ft. access would create problems in the future.

Doug MacMillian voted yes.

Lukas Gaffey voted yes. He noted that the current configuration included a buildable lot, however, his vote was based on the existing situation and the desire and to make lot C a better opportunity for the renter to become an owner.

The motion passed unanimously, 4-0.

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

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

Doug MacMillian made a motion to adjourn. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously, 4-0.

Lukas Gaffey, Vice-Chairman

Carla Jessie, Administrative Assistant