

**MINUTES
BOARD OF BUILDING AND ZONING APPEALS**

January 3, 2013

MEMBERS PRESENT: Pat Zoller, Clinton Sanders, Gregg McIlvaine and Tate Emerson

MEMBERS ABSENT: Adrian Eriksen and Doug MacMillan

STAFF PRESENT: Val Jesionek

I. MINUTES

Pat Zoller moved, Clinton Sanders seconded, to approve the Minutes of November 1, 2012 as received. Motion carried by a 4-0 vote.

II. PUBLIC HEARINGS

Appeal #2013-1. Wooster Appliance Center requesting Board approval of variances from Zoning Code Table 1171.04 (c)1a, Freestanding Sign Regulations, and Section 1171.06 (e), Prohibited Signs, in order to install a freestanding sign in a C-4 (Central Business) District at 231 South Market Street.

Major Harrison, Brilliant Electric Sign Co., Bill DeRodes, CEO of Wooster Appliance Center, and Lee Spencer were present.

Major Harrison stated Wooster Appliance Center had been in existence for 60 years and was formerly located on Walnut Street. When Wooster Appliance Center operated out of the Walnut Street location, it had an old, landmark sign which had been in place for over 50 years and was a “retro fit”, illuminated sign. Mr. Harrison stated it was the wishes of the owner to install the historic sign at its new location at 231 South Market Street.

Mr. Harrison stated it was his understanding that a freestanding sign at the location on Market Street could be no larger than 30-sq. ft. and 10’ in height. Due to the orientation of the parking lot and the building location, there was no other alternative but to place the sign at the location proposed. Mr. Harrison stated due to the location of the adjacent building being close to the road, visibility was limited on the parcel in question and indicated the Wooster Appliance building was set back approximately 50’ from the road. Mr. Harrison noted that Wooster Appliance currently had a building mounted sign. Mr. Harrison also noted that the lot in question was somewhat a corner lot in that it had points of ingress/egress not only along Market Street but also along Henry Street.

Mr. Harrison indicated signage was important for businesses but especially those that had relocated and indicated the sign in question would allow the business to be visible to north/south traffic on Market Street. Mr. Harrison noted that added identification was necessary and would be a benefit to the business especially during economic times. Mr. Harrison stated the variance was the minimum necessary to make reasonable use of the land and structure. Mr. Harrison stated Wooster Appliance had been in business a long time in Wooster and their trademark "brand" was incorporated with the sign in question. Mr. Harrison noted that neighboring properties were not opposed to the sign and indicated the sign fit appropriately within the historical, downtown neighborhood.

Mr. Emerson questioned if Staff had received any comments from surrounding neighbors. Mrs. Jesionek noted that property owners within 200' of the property in question were notified of the request, and she indicated that she had not received any calls, letters or inquiries with regard to the request.

Mr. Emerson questioned if Dillon Motors was aware of the request. Mr. DeRodes stated he did speak with the owner, and he was in support of the request.

Bill Erdos stated he had been involved with a number of renovations in the historic district and had interest in buildings north of Wooster Appliance Center. Mr. Erdos indicated he felt the sign proposed would be well placed and felt it would be a shame if the sign would not continue to be a part of the historic nature of Wooster. Mr. Erdos indicated he was in support of the variance request.

Mr. DeRodes stated at the time he purchased the property, he was not aware of the sign regulations. Mr. Harrison indicated the sign would be refurbished and was an existing sign, so the size would remain unchanged. Mr. Harrison noted the sign was originally erected in the 1960's.

Mr. Harrison stated the sign would help provide better visibility to its customers in order to navigate to the business. Mr. Harrison stated he did not feel that by granting the variance the Board would be granting a privilege but rather would be keeping an existing trademark/historical feature at the new location.

Mr. McIlvaine stated he thought the sign would look nice on the building in question but had hesitation as to whether the request met the criteria of the law. Mr. McIlvaine stated he felt the sign would help the business but that the business could still be utilized and would not generate an economic loss to the business if it were not approved. Mr. McIlvaine indicated the sign would also give an economic advantage over other retailers that would not have increased signage and was concerned with a precedent being set. Mr. McIlvaine questioned if the sign could be flush mounted on the building. Mrs. Jesionek stated she was not certain how much signage there was on the building currently, but felt that if the sign were flush mounted to the building, they likely would not exceed the Code requirement. Mrs. Jesionek stated because a freestanding sign was proposed, a variance was needed as it would exceed the limitation. Mr. Harrison stated the sign could not be flush mounted to the building; if it were projecting, a variance would still be required. Mrs. Jesionek noted that projecting signs could not project

higher than the roofline of the building. Mrs. Jesionek indicated that the variance would be greater for a projecting sign than it would be for a freestanding sign. Mr. Harrison stated the sign proposed was the best alternative in reducing the amount of variance which was needed.

Mr. Emerson questioned if the sign would be flashing or intermittent. Mr. Harrison stated no—it would be stagnant illumination.

Mr. DeRodes indicated that the sign originally had an arrow on it, and the arrows could not be repaired. The original intent when modifications were being made to the sign would be to have the yellow band flash like the arrows once had, but after speaking with Mrs. Jesionek, she informed him that flashing lights were not permitted and a variance would need to be obtained for that as well. Mr. DeRodes stated the yellow band was a symbolism to the arrows that had once existed. Mr. DeRodes also noted that prior to removing the arrows, the sign was 16' in height.

Mr. Emerson questioned how the overall height of the sign was determined. Mr. DeRodes stated the sign height was the recommendation made by the sign company. Mr. DeRodes stated the height would provide the best visibility for the business. Mr. Harrison noted that the height clearance was only 9' 3" and noted that the sign itself was 10' 9".

Mr. Emerson questioned the thought of freestanding signs in the downtown district being limited to 6' in height. Mrs. Jesionek stated in the downtown district, it was to be more pedestrian friendly and to encourage walking and signage was meant to be at eye level.

Mr. McIlvaine noted the Sign Code likely never spoke to signage like the type proposed. Mrs. Jesionek stated the Sign Code did not provide exemptions for historical signs.

Mr. Emerson questioned whether there was any documentation which could be provided to mark the sign as being historical or landmark in nature. Mr. Harrison stated the Sign was made in the 1960's, and he was certain the Sign Code had changed multiple times throughout the years. Mr. Harrison noted that Sandra Hull, Main Street Wooster, had assisted Mr. DeRodes with respect to refurbishing the sign; GE was also involved and recognized the sign as being historical. Mr. DeRodes stated the historic sign was given by GE to all dealers who had met a certain sales level, and it was his understanding that the existing sign was one of the last ones known to exist. Mr. DeRodes stated the nostalgia was one of the reasons effort was put into restoring the sign as well.

Mrs. Zoller questioned if thought had been given to placing the sign inside the building. Mr. DeRodes stated yes, but given the size, it would be too large and that possibly only the "GE" logo could be used.

Mr. McIlvaine asked that if Wooster Appliance closed, if the sign would be removed. Mr. DeRodes stated if the business closed entirely (as opposed to being sold to another party), the sign would be removed.

Gregg McIlvaine moved, Clinton Sanders seconded, to approve the request of Wooster Appliance at 231 South Market Street based on the historic nature of the sign and the characteristics and history of it being in downtown Wooster, with the agreement that there be no flashing lights and that the sign be removed if the business closed.

Mr. Emerson noted that the motion was to approve the height and square footage of the sign only; the flashing lights were not part of the motion.

Pat Zoller voted yes and indicated her vote in the affirmative was based on the historic nature of the sign; Clinton Sanders voted yes also based on the sign being historic in nature; Gregg McIlvaine voted yes; and Tate Emerson voted yes given the uniqueness of the sign/appeal.

Motion carried unanimously.

III. MISCELLANEOUS

■ SETTING OF 2013 MEETING DATES AND TIMES

The Board elected to set the meeting dates/times for 2013 for 5:15 p.m. for the worksession and 5:30 p.m. for the regular meeting and that the meeting dates be as shown on the schedule provided (see attached).

Board approved the dates/times unanimously.

■ ELECTION OF 2013 CHAIRMAN AND VICE CHAIRMAN

Tate Emerson was elected by unanimous vote as Chairman of the Board of Zoning Appeals for 2013.

Doug MacMillan was elected by unanimous vote as Vice Chairman of the Board of Zoning Appeals for 2013.

Meeting adjourned at 6:05 p.m.

Tate Emerson, Chairman

Laurie Hart, Administrative Assistant

CITY OF WOOSTER PLANNING DEPARTMENT

Meeting Dates – 2013

Board of Zoning Appeals		Design & Review Board		Planning Commission	
Deadline	Meeting Date/Time	Deadline	Meeting Date/Time	Deadline	Meeting Date/Time
December 19, 2012	January 3, 2013 5:15 p.m.	January 2, 2013	January 8, 2013 5:30 p.m.	January 2, 2013	January 23, 2013 5:30 p.m.
January 23, 2013	February 7, 2013 5:15 p.m.	February 5, 2013	February 12, 2013 5:30 p.m.	February 6, 2013	February 27, 2013 5:30 p.m.
February 20, 2013	March 7, 2013 5:15 p.m.	March 5, 2013	March 12, 2013 5:30 p.m.	March 6, 2013	March 27, 2013 5:30 p.m.
March 20, 2013	April 4, 2013 5:15 p.m.	April 2, 2013	April 9, 2013 5:30 p.m.	April 3, 2013	April 24, 2013 5:30 p.m.
April 17, 2013	May 2, 2013 5:15 p.m.	May 7, 2013	May 14, 2013 5:30 p.m.	May 1, 2013	May 22, 2013 5:30 p.m.
May 22, 2013	June 6, 2013 5:15 p.m.	June 4, 2013	June 11, 2013 5:30 p.m.	June 5, 2013	June 26, 2013 5:30 p.m.
June 26, 2013	July 11, 2013 5:15 p.m.	July 2, 2013	July 9, 2013 5:30 p.m.	July 3, 2013	July 24, 2013 5:30 p.m.
July 17, 2013	August 1, 2013 5:15 p.m.	August 6, 2013	August 13, 2013 5:30 p.m.	August 7, 2013	August 28, 2013 5:30 p.m.
August 21, 2013	September 5, 2013 5:15 p.m.	September 3, 2013	September 10, 2013 5:30 p.m.	September 4, 2013	September 25, 2013 5:30 p.m.
September 18, 2013	October 3, 2013 5:15 p.m.	October 1, 2013	October 8, 2013 5:30 p.m.	October 2, 2013	October 23, 2013 5:30 p.m.
October 23, 2013	November 7, 2013 5:15 p.m.	November 5, 2013	November 12, 2013 5:30 p.m.	October 30, 2013	November 20, 2013 5:30 p.m.
November 20, 2013	December 5, 2013 5:15 p.m.	December 3, 2013	December 10, 2013 5:30 p.m.	November 27, 2013	December 18, 2013 5:30 p.m.

REV. 10/12/12