

## MINUTES

### CITY OF WOOSTER BOARD OF BUILDING & ZONING APPEALS

July 5, 2018

#### I. MEETING CALLED TO ORDER AND ROLL CALL

Lukas Gaffey, Chairman of the Board of Building and Zoning Appeals, called the meeting to order. Board members Stewart Fitz Gibbon, Brad Gowins, Doug MacMillan, Lukas Gaffey, Gregg McIlvaine, Ken Suchan and Greg Taylor were present at the meeting. Andrew Dutton, Planning and Zoning Manager was present representing the City of Wooster.

#### II. APPROVAL OF MINUTES

Ken Suchan made a motion to approve the June 7, 2018, regular meeting minutes. Greg Taylor seconded the motion. The motion passed, 6-0-1. Stewart Fitz Gibbon abstained from the vote.

#### III. PUBLIC HEARINGS

##### *Application #BZA-18-22.*

William Anfang requested an area variance from Planning and Zoning Code Section 1115.04(c) to allow a building within the required side yard setback at 877 West Old Lincoln Way in an I-2 (General Industrial) District.

William Anfang, 434 North Market Street, stated that the proposal was to relocate a building that was located at the fairgrounds. Mr. Anfang explained that the building was to be dismantled and moved to the Agricultural Museum property. Mr. Anfang continued that the building had significant historical value and would be used for storage and exhibits for the fair. Mr. Anfang stated that the building would be located at the back of the property, behind the museum. Mr. Anfang indicated that the proposed building would be less than 75 feet from the residential district and would be about 10 feet from the fence located in the rear of the property.

Mr. Gaffey asked what the applicant intended to use the building for. Mr. Anfang stated that the building would be used for fairground related storage. Mr. Fitz Gibbon asked how far from the residential district the building would sit. Mr. Anfang stated the building would be located about 10 feet from the fence and approximately a 30 feet from the residential district.

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

Ron Grosjean, Chairman of the Friends of the Fair, stated that the building was built in the 1950's. Mr. Grosjean explained that the fair was expanding and the building was worth keeping for storage.

Stewart Fitz Gibbon made a motion to approve application BZA-18-22, as presented. Brad Gowins seconded the motion.

Stewart Fitz Gibbon voted yes and stated that the situation was unique as the lot had an odd shape and the application met the museum's needs.

Brad Gowins voted yes and stated that the building provided a buffer and was consistent with the neighborhood.

Doug MacMillan voted yes for reasons cited by the Board and noted that the building wasn't much taller than the fence.

Greg Taylor voted yes.

Ken Suchan voted yes and stated that the museum building was closer than 75 feet from the residential area.

Gregg McIlvaine voted yes.

Lukas Gaffey voted yes for reasons cited by the Board.

The motion carried unanimously, 7-0.

***Application #BZA-18-23.***

Douglas Drushal of Critchfield, Critchfield & Johnston, Ltd. requested a modification to a previous variance to allow a freestanding sign at 4389 Burbank Road in a C-2 (Community Commercial) District.

Douglas Drushal, 225 North Market Street stated that he represented Chase Properties, the owner of the plaza. Mr. Drushal explained that the proposal was for a modification to a previous variance to add a second freestanding sign. Mr. Drushal continued that the proposed sign would be in compliance with the code if proposed individually. Mr. Drushal stated that a vehicle heading northbound could not see the building when driving on Burbank Road. Mr. Drushal explained that AT and T would be a tenant in the building, which needed identification due to high traffic volume. Mr. Drushal continued that the lack of signage would cause a safety issue.

Mr. McIlvaine asked if the parcel was originally approved for one sign. Mr. Drushal stated that the lot was previously a vacant undeveloped lot with an unknown use. Mr. Drushal explained that the building was set back to comply with code requirements.

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

Barb Freehoff, 3540 Burbank Road, stated that she was a Deer Creek board member and represented 140 properties directly across the street. Mrs. Freehoff read a position statement from the Deer Creek Board. Mrs. Freehoff explained that the current sign and the storefront signs were lit all night. Mrs. Freehoff continued that the all night lighting was unnecessary, wasteful and brash. Mrs. Freehoff stated that some neighbors purchased blackout curtains to help with the unwanted nightly glow. Mrs. Freehoff stated that the residents recommended that the proposed frontage sign, the current frontage sign, and all storefront signs should be turned off during nonbusiness hours.

Patricia Coleman, 588 Dogwood Circle, Mansfield, stated that she represented AT and T Wireless and noted that the store's number one priority was safety. Mrs. Coleman explained that a sign was present so there would not be traffic accidents. Mrs. Coleman continued that the store would make sure that lighting would not be on after a certain time at night. Mrs. Coleman stated that the store could set a timer for the sign.

Stewart Fitz Gibbon moved to adjourn to Executive Session. Brad Gowins seconded the motion. The motion passed unanimously 7-0 at 5:55 pm.

Stewart Fitz Gibbon moved to come out of Executive Session. Brad Gowins seconded the motion. The motion passed unanimously 7-0 at 6:13 pm.

Stewart Fitz Gibbon made a motion to approve application BZA-18-23, with the condition that the sign's lights shall be turned off by 9 pm and that it was a one time variance to allow two signs in the development. Gregg McIlvaine seconded the motion.

Stewart Fitz Gibbon voted yes and stated that the circumstances of the lot were particular and the sign met requirements for the lot. He commended everyone on the agreed management of the lighting of the sign.

Brad Gowins voted yes for reasons cited by the Board.

Doug MacMillan voted yes and stated that he appreciated the compromise with the local residents.

Greg Taylor voted no and stated that he felt that it wasn't the Boards job to tell people when they could turn their lights on and off.

Ken Suchan voted yes and stated that the position of the building, which was different from the original conceptual plan, resulted in a safety hazard for drivers turning into the plaza.

Gregg McIlvaine voted yes and stated that in normal circumstances the plaza wouldn't need variance approval for an extra sign and the lighting time restriction condition was needed and addressed the neighbors' concerns.

Lukas Gaffey voted yes and stated that he appreciated the applicants working together.

The motion carried, 6-1.

***Application #BZA-18-24.***

Matthew Long of Critchfield, Critchfield & Johnston, Ltd. requested an area variance from Planning and Zoning Code Section 1113.01(e)(8)(G) to allow the reconstruction of a fence taller and less transparent than permitted in the front setback at 2336 Wellesley in an R-1 (Suburban Single-Family Residential) District.

Matt Long, 225 North Market Street, stated that the application involved the replacement of an existing 6 foot wood privacy fence that was in the front yard. Mr. Long explained that the house actually fronted on Wellesley Street, so the fence was along the side yard. Mr. Long continued that the replacement was identical to what currently existed. Mr. Long stated that the existing fence was in the process of falling down. He stated that the new fence would ensure the pool was enclosed. Mr. Long explained that the fence would follow the same footprint as the existing fence.

Mr. MacMillan asked how long the fence has been in existence. Mr. Long answered that he believed the fence was constructed in the 1950's. Mr. Suchan stated the fence had been there prior to the zoning code in 1969. Mr. MacMillan stated that the fence would not obstruct the view of a car pulling out of the alley.

Mr. Gaffey asked if anyone from the public would like to address the Board regarding the application. No one from the public was present to address the application.

Brad Gowins made a motion to approve application BZA-18-24, as presented. Doug MacMillan seconded the motion.

Greg Taylor voted yes.

Ken Suchan voted yes.

Gregg McIlvaine voted yes.

Stewart Fitz Gibbon voted yes.

Brad Gowins voted yes.

Doug MacMillan voted yes and stated that the fence was well thought out and would not block views from the alley. He also noted that the fence was on a busy street and was needed for privacy.

Lukas Gaffey voted yes. He stated that the request was replacing what was already there, which had been there for quite a while.

The motion carried unanimously, 7-0.

**IV. APPLICATIONS CONTINUED TO BE TABLED**  
***Applications #2016-19 and #2016-20.***

**V. ADJOURNMENT**

Doug MacMillan made a motion to adjourn. Greg Taylor seconded the motion. The motion passed unanimously, 7-0.

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**Lukas Gaffey, Chairman**

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**Carla Jessie, Administrative Assistant**