

## MINUTES

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

July 6, 2017

#### 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, Doug MacMillan, Ken Suchan, Lukas Gaffey, Brad Gowins, Gregg McIlvaine 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

Brad Gowins moved to approve the revisions to the April 4, 2017, regular meeting minutes. Gregg McIlvaine seconded the motion. The motion passed unanimously, 7-0.

Brad Gowins moved to approve the June 1, 2017, regular meeting minutes. Greg Taylor seconded the motion. The motion passed, 6-0-1 with Stewart Fitz Gibbon abstaining.

#### III. PUBLIC HEARINGS

##### Application #BZA-17-25.

Robin Gigax requested an area variance from Planning and Zoning Code Section 1133.07(h)(4) to allow fencing with different styles and colors at 536 East Highland Avenue in an R-1 (Suburban Single Family Residential) District.

Robin Gigax, 536 E. Highland Avenue, stated that her property was over an acre and bordered on two sides by condominiums, which were screened by pine trees. Mrs. Gigax explained that the two other adjacent properties contained single family dwellings. She continued that she wanted to install a brown chain link fence within the pine trees. Mrs. Gigax stated the chain link fence would not be visible within the pine trees. She continued that she would like to put up a 6 foot white privacy fence along the east property line. Mrs. Gigax stated that she wanted to screen her view and filter the noise from Cleveland Road.

Mr. Gaffey asked if either of the two single family dwellings had existing fencing. Mrs. Gigax answered that both had existing fencing, which had been taken down.

Mrs. Gigax stated that the requirement for fencing to be one style and color was not initially relayed to her by the City. She indicated that she spoke to the neighbors and explained to them that she was going to install a privacy fence on the fence line. Mrs. Gigax continued that based on her intent to install the fencing, the neighbors began clearing the area near their property lines.

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 the variance as presented. Gregg McIlvaine seconded the motion.

Stewart Fitz Gibbon voted yes.

Brad Gowins voted yes and stated that he drove by the property and the chain link fence would be not be visible from the road.

Doug MacMillan voted yes and stated that the application seemed to have good reasons to have two different types of fencing.

Greg Taylor voted yes.

Ken Suchan voted yes.

Gregg McIlvaine voted yes.

Lukas Gaffey voted yes and stated that there was a fair amount of approval from people in the surrounding neighborhood and the request was a relatively good compromise for the situation.

The motion passed unanimously, 7-0.

***Application #BZA-17-26.***

Chris Butdorf of Lettergraphics Sign Company representing the Wooster Area of Chamber of Commerce requested an area variance from Planning and Zoning Code Section 1171.04(c)(1) to allow a freestanding sign closer to the right of way than permitted at 377 West Liberty Street in a C-4 (Central Business) District.

Chris Butdorf, 400 W. Market Street, stated that the Chamber of Commerce site had undergone a significant upgrade. He noted that old sign was still in place near the right of way. Mr. Butdorf explained that the request was to remove the old sign and install a smaller sign. He stated that it was not possible to meet the required 3 foot setback from the right of way at the subject location.

Mr. Gaffey asked how big the existing sign was. Mr. Butdorf answered that the existing sign was 7 feet wide and the proposed sign was 5 feet wide by 6 feet in high.

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.

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

Stewart Fitz Gibbon voted yes and stated that the sign was an improvement.

Brad Gowins voted yes.

Doug MacMillan voted yes.

Greg Taylor voted yes.

Ken Suchan voted yes.

Greg McIlvaine voted yes.

Lukas Gaffey voted yes and stated he did not see many options.

The motion passed unanimously, 7-0.

***Application #BZA-17-27.***

Chris Butdorf of Lettergraphics Sign Company representing Wooster Community Hospital requested an area variance from Planning and Zoning Code Section 1171.04(c)(1) to allow a freestanding sign to exceed the maximum height at 1761 Beall Avenue in a CF (Community Facilities) District.

Chris Butdorf, 400 W. Market Street, stated that sign number 6 was located at the corner of Barbara Drive and Winter Street, which was a separate parcel from the hospital building. Mr. Butdorf explained that the sign was not included in the previous sign calculations for the main hospital property. Mr. Dutton stated that the sign was required to meet the same height requirements as the signs discussed in previous meetings.

Mr. Butdorf noted that sign number 5 on Winter Street and sign number 2 on Beall Avenue were the same style and size as the proposed sign. Mr. Butdorf explained that the sign was consistent with the rest of the sign plan for the hospital. Mr. Butdorf stated that the sign would replace a sign of approximately the same size.

Gregg McIlvaine asked if the sign could be reduced to 6 feet in height instead of the proposed 8 feet. Mr. Butdorf answered that the size depended on the scale of the panels, which was a minimum of 3 inches. He continued that the hospital felt it was important to include their name on all of the directional signs. Mr. McIlvaine stated that the location of the sign was in a more residential area and a 6 foot sign would blend in better with the area.

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 the variance as presented. Stewart Fitz Gibbon seconded the motion.

Stewart Fitz Gibbon voted yes and stated that the sign was consistent with the sign plan.

Brad Gowins voted yes.

Doug MacMillan voted yes and stated that it was consistent to the existing sign.

Greg Taylor voted yes.

Ken Suchan voted yes.

Gregg McIlvaine voted no and stated that he felt that the sign could fit within the code.

Lukas Gaffey voted yes. He indicated that his vote was based on all the work the Board has done and that he felt the sign was consistent with the revisions that were made.

The motion passed, 6-1.

***Application #BZA-17-28.***

Rodger Kessler of Kessler Sign Company representing Marathon requested an area variance from Planning and Zoning code Section 1171.04(a), Note (c), to allow a sign to be placed on a wall which is not a building frontage at 1058 West Old Lincoln Way in an M-2 (General Manufacturing) District.

Rodger Kessler, 70 Pinehurst Drive, Granville, Ohio stated that the proposal was to convert the Marathon signs to Mobile signs. Mr. Kessler explained that there were currently three Marathon signs on the canopy, two of which were 20 sq. ft. and one of which was 12 sq. ft. He continued that one proposed sign was on the front of the canopy and one was on the west side of the canopy. Mr. Kessler stated that the sign would be visible from about 1,000 feet.

Lukas Gaffey clarified that the design and layout were what Mobile's corporate office wanted the gas station to look like.

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.

Doug MacMillan made a motion to approve the variance as presented. Gregg McIlvaine seconded the motion.

Stewart Fitz Gibbon voted no and stated that the applicant had not given a reason why the code could not be met.

Brad Gowins voted yes. He stated that he did not feel a convincing argument was made but, his decision was based on the fact that a previous similar exemption was granted.

Doug MacMillan voted yes and stated that the area and number of signs was reduced and there were only business surrounding the location.

Greg Taylor voted yes.

Ken Suchan voted yes.

Gregg McIlvaine voted yes.

Lukas Gaffey voted yes and stated that Mobile was making an effort to maintain their brand and reduce the amount of nonconforming signage.

The motion passed, 6-1.

***Application #BZA-17-29.***

Rodger Kessler of Kessler Sign Company representing Red Rover requested an area variance from Planning and Zoning Code Section 1171.04(a), Note (c), to allow a sign to be placed on a wall which is not a building frontage at 1055 West Old Lincoln Way in an M-2 (General Manufacturing) District.

Rodger Kessler, 70 Pinehurst Drive, Granville, Ohio stated that he was requesting a sign on the end of the canopy. He noted that the sign would be visible traveling west bound. Mr. Kessler stated that there was currently a sign on the other side of the canopy, which would

be removed. Mr. Kessler explained that signs would be replaced and relocated to improve visibility.

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 the variance as presented. Doug MacMillan seconded the motion.

Greg Taylor voted yes.

Ken Suchan voted yes.

Gregg McIlvaine voted yes.

Stewart Fitz Gibbon voted no.

Brad Gowins voted yes and stated that the proposal provided more open space and visibility.

Doug MacMillan voted yes.

Lukas Gaffey voted yes.

The motion passed, 6-1.

***Application #BZA-17-30.***

Lu Ann Topovski representing Jeff Smith requested an area variance from Planning and Zoning Code Section 1135.04(e) to allow a principal building within the required setback from the right of way at 2024 Akron Road in a C-5 (General Commercial) District.

Lu Ann Topovski, 9187 Walker Park Drive, Columbus, Ohio stated that apartments were proposed, each with a deck or a patio. Mrs. Topovski explained the proposed decks put the buildings into the required setback by 12 feet.

Ken Suchan asked Mrs. Topovski to elaborate on the property's easements. Mrs. Topovski pointed out the easements on the site plan and stated that the easements were diagonal to the setback requirements. She explained that there were two easements which could not be built on. Mrs. Topovski stated that she thought the apartments would be appropriate as they were next to Winchester Woods.

Ken Suchan asked about the number of units planned and the maximum permitted density for the site. Mrs. Topovski answered that she was proposing 48 units and up to 60 units were permitted on the site. Mrs. Topovski continued that she could build a parking lot and a basketball court in the easement areas, but not a building or carports. Mrs. Topovski stated that the easements would be mostly green space.

Lukas Gaffey clarified that the required setback from the road was 50 feet and Mrs. Topovski was proposing 38 feet at the narrowest portion of the property. Mrs. Topovski stated that the setback would only affect one part of the planned buildings.

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

Steve Eby, 175 Cannon Drive, stated that he was representing Winchester Woods Partners. He indicated that Winchester Woods Partners was against the variance and felt that the property could be developed within the guidelines. Mr. Eby continued that the buildings were proposed very close to existing Winchester Woods Apartments buildings. Mr. Eby explained that an adequate landscaping buffer was required between the two properties. Mr. Gaffey stated the only thing the Board was to consider was the right of way setback issue. Mr. Eby noted that the property could be developed without the variance.

Gregg McIlvaine asked why the applicant could not develop within the requirements. Mrs. Topovski answered that the building could be constructed without the variance, however, the inclusion of decks in patios required a variance for the buildings to be 12 feet closer to Akron Road. She also noted that the inclusion of carports and the presence of easements limited the site. Mrs. Topovski explained that she wanted every unit to have a patio and a carport.

Gregg McIlvaine asked about the landscaping between the building and the street. Mrs. Topovski answered that guidelines for landscaping would be followed and noted that a lot of trees and landscaping were planned for the property. Andrew Dutton stated that the applicant had received General Development Plan and Conditional Use approval, which did not require a landscaping plan.

Doug MacMillan asked if the Planning Commission was aware of the 12 foot setback. Mr. Dutton stated that the Commission's approval was contingent on the subject variance and the project would need to go back to the Planning Commission for a more detailed Final Development Plan review. Ken Suchan asked how many units were in the adjacent Winchester Woods development. Doug MacMillan answered 98 units.

Lukas Gaffey asked the applicant the dimensions of the decks. Mrs. Topovski replied the decks would project 6 feet 6 inches and included a storage area. Mr. Gaffey stated that the building would encroach into the 12 feet setback by about 5 feet 4 inches.

Brad Gowins made a motion to approve the variance as presented. Ken Suchan seconded the motion.

Greg Taylor voted no and stated that the applicant indicated that she could comply with the guidelines.

Ken Suchan voted yes and stated that the property did not create the situation, which was caused by the road widening. He also stated that the proposed density on the property was only 48 units, which was less than the permitted 60 units. He noted that both of which were less dense than the 98 units at Winchester Woods, which was a smaller property. He also stated that the project was an improvement to the neighborhood.

Gregg McIlvaine voted yes for reasons cited by the Board and the safety aspects of the property.

Stewart Fitz Gibbon voted yes for reasons previously cited. He also stated that the use was consistent with the area and that the quality of the amenities would be beneficial to the neighborhood.

Brad Gowins voted yes and stated that the applicant was doing their best with the given property.

Doug MacMillan voted yes and indicated that he agreed with the reasons cited. He further noted that the Planning Commission had approved the application with knowledge of the deck and found the project was consistent with the neighborhood.

Lukas Gaffey voted yes and stated that Board members had made very good points. He stated that the project was fairly consistent with the properties in the neighborhood, was further away from property line than other buildings in the area and was appropriately dense.

The motion passed, 6-1.

**IV. APPLICATIONS CONTINUED TO BE TABLED**

***Application #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.

***Application #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 outdoor bulk 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.

**V. ADJOURNMENT**

Stewart Fitz Gibbon made a motion to adjourn. Gregg McIlvaine seconded the motion. The motion passed unanimously, 7-0.

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**Lukas Gaffey, Chairman**

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**Carla Jessie, Administrative Assistant**