

## MINUTES

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

May 4, 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 Ken Suchan, Lukas Gaffey, Stewart Fitz Gibbon, Brad Gowins, Gregg McIlvaine, and Greg Taylor, were present at the meeting. Board member Doug MacMillian was absent. Andrew Dutton, Planning and Zoning Manager, was present representing the City of Wooster.

**II. APPROVAL OF MINUTES**

Stewart Fitz Gibbon moved to approve the April 6, 2017, regular meeting minutes. Brad Gowins seconded the motion. The motion passed unanimously, 6-0.

**III. PUBLIC HEARINGS**

***Application #BZA-17-16.***

Chris Butdorf of Lettergraphics representing Wooster Community Hospital requested an area variance from Planning and Zoning Code Section 1171.03(a)(4)(B) to allow a freestanding sign with more than two display faces and Section 1171.04 (c)(1) to allow freestanding signs exceeding the maximum number per lot, area and height at 1761 Beall Avenue in a CF (Community Facilities) District.

Chris Butdorf, 400 W. Market Street, Orrville, OH stated that adjustments were made to signs and materials were submitted supporting the application. Mr. Butdorf explained that the CF zoning designation was a problem for a facility the size of the hospital. Mr. Butdorf continued that the hospital had multiple entrances which needed to be communicated on signage. Mr. Butdorf continued that national viewing distance guidelines stated that copy needed to be easily read from 100 feet for an automobile. Mr. Butdorf explained that the standards indicated a minimum 4 inch capital letter copy size at the site. Mr. Butdorf gave a brief overview of other hospitals in the area and their related sign and copy size. Mr. Butdorf stated that the proposed signage was the minimum possible.

Greg McIlvaine asked if all of the signs were necessary and if signage could be relocated onto the building. Mr. Butdorf answered that the logo was only prominent on the north drive, south drive, and Beall Avenue signs. Mr. Butdorf stated building signage would not be effective, as the hospital building did not have good visibility.

Stewart Fitz Gibbon stated that the current red emergency sign faded into the brick background and was hard to see. Mr. Fitz Gibbon asked how the signage compared with neighboring commercially zoned properties. Mr. Butdorf answered that the commercial code would allow for a sign plan for the entire campus of the hospital. Mr. Butdorf stated that the hospital was not asking for excessive signage, rather appropriate signage for the facility.

Brad Gowins asked how the copy height was selected and if the speed limit had a role in the calculation. Mr. Butdorf answered that, if the facility was on a highway and the speed limit

was 55, then the copy height would be a lot larger. Mr. Butdorf stated that the calculations were based on city traffic and nationally recognized guidelines.

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

Bill Sheron, 2060 Canterbury Lane, stated that he was the CEO of the Wooster Hospital. Mr. Sheron explained that the hospital had changed a lot over the past ten years and served the community and surrounding townships. Mr. Sheron continued that the hospital had taken on a more regional presence with 35 to 40 percent of patients living outside the area. Mr. Sheron explained that the hospital had many entrances and was confusing to navigate. Mr. Sheron stated that the hospital treated many different illnesses and specialties and people with a medical emergency needed to find the appropriate entrance.

Gregg McIlvaine asked if the messaging board sign was for directions or promotional advertising. Mr. Sheron stated that the sign was for promotional advertising.

Marlon Taylor, 725 Sunrise View Drive, stated that he was a neighbor to the hospital and it was tough to see where the hospital ends and where the other business begins. Mr. Taylor explained that there were many entrances and it was difficult to know where the hospital was in relationship to other business.

Craig Sherman, 1325 Logan Lane, stated that the current hospital signs were hard to see at 6 feet in height and 3½ inch copy. Mr. Sherman explained that the signs were necessary due to the number of entrances at the hospital and the need to get patients to different areas. Mr. Sherman continued that the City identified the area specifically as the hospital district.

Lukas Gaffey stated that he realized that the hospital had complex needs and many services to offer.

Stewart Fitz Gibbon moved to adjourn to Executive Session. Brad Gowins seconded the motion. The motion passed unanimously, 6-0, at 6:05 pm.

Gregg McIlvaine moved to come out of Executive Session. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously, 6-0, at 6:22 pm.

Stewart Fitz Gibbon made a motion to approve the variance as presented with the new revisions. Ken Suchan seconded the motion.

Greg Taylor voted yes.

Ken Suchan voted yes and stated that the revised sign square footage was within three percent of meeting the code and the height of the signs had all been reduced. Mr. Suchan continued that the hospital was unique and the most extensive use in the CF District.

Greg McIlvaine voted yes and stated that the revisions were very close to compliance with the code. He continued that the hospital campus was unique and there was a need for more signage than a typical operation.

Stewart Fitz Gibbon voted yes and referenced reasons cited by the Board.

Brad Gowins voted yes and noted that the hospital had compromised with the Board and made revisions.

Lukas Gaffey voted yes and stated that the complexity of the hospital and the uniqueness of the use, which was not similar to anything else in the area, contributed to his decision.

The motion passed unanimously, 6-0.

***Application #BZA-17-19.***

Kelly Spaulding of Party City requested an area variance from Planning and Zoning Code Section 1171.04(a) to allow building signage larger than permitted and Section 1171.04(B)(1)(A) to allow window signage exceeding 30% of the total window area at 3793 Burbank Road in a C-5 (General Commercial) District.

Wendy Walksly, 1158 Woodington Avenue, stated that the window signs were the same size as when the store opened and were part of the store branding. Mrs. Walksly continued that all of the stores across the United States had similar branding and coverage. Mrs. Walksly explained that if the graphics were taken down, the wall would be a plain pegboard. Mrs. Walksly stated that the proposal was to maintain the existing 146 square foot wall sign and the 587 square foot of window signs, for a total of 733 square feet of building signage. Mrs. Walksly continued that the signage exceeded the maximum permitted building signage by 341 square feet, or 87 percent. She noted that the building was far from the road, which made it difficult to see the branding of the store.

Ken Suchan stated that he assumed window signs were attached to the window. Lukas Gaffey stated that the code considered signs near a window, which were intended to be read from outside of the building, window signs.

Brad Gowins asked if there were seasonal graphics. Mrs. Walksly answered that the wall was part of the building layout.

Stewart Fitz Gibbon stated that graphics on the wall never change, though products changed seasonally. Gregg McIlvaine stated that most stores put their products in the window. Mr. Suchan stated that the signs show no attempt to show the store's products. Mr. Suchan stated that the distance of 29 inches seemed to be an inside display which happened to be visible through the glass.

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

Andrew Dutton stated that the City had recently intensified enforcement of the Sign Regulations and noted that numerous other businesses received similar notices regarding signage. Mr. Dutton stated that the graphics were considered signs according to the Sign Regulations.

Ken Stiffler, 1040 West Highland Avenue, stated that he operates Sign Design on West Old Lincoln Way. Mr. Stiffler asked what the difference was between a sign and a display located 29 inches away from the window. Mr. Gaffey indicated that anything applied to the

interior or exterior of a window or located near a window or door within a building for the purpose of being visible and read from the outside was considered a window sign.

Stewart Fitz Gibbon moved to adjourn to Executive Session. Gregg McIlvaine seconded the motion. The motion passed unanimously, 6-0, at 6:51 pm.

Stewart Fitz Gibbon moved to come out of Executive Session. Brad Gowins seconded the motion. The motion passed unanimously, 6-0, at 7:06 pm.

Lukas Gaffey asked the applicant whether they would like to table the vote until the next meeting in order to discuss possible modifications to the proposal with Party City. Mrs. Walksly responded that she would like the Board to table the application.

Stewart Fitz Gibbon made a motion to table the variance as presented. Greg Taylor seconded the motion.

The motion passed, 5-1 with Brad Gowins voting no.

***Application #BZA-17-20.***

Shayne Glass of Curry Lumber representing Sign Design requested an area variance from Planning and Zoning Code Section 1143.04(a)(1)(B) to allow a building addition within the required rear setback and Section 1169.04 to allow fewer off-street parking spaces than required at 1537 West Old Lincoln Way in an M-2 (General Manufacturing) District.

John Lively, 331 West Henry Street, stated that the variance was to allow a 40 foot by 40 foot building addition to 1537 West Old Lincoln Way. Mr. Lively continued that the required rear setback was 30 feet, however, due to the narrow lot and the space available, an additional 9 feet of clearance was requested. Mr. Lively stated the proposed setback was 21 feet, which would allow ample room for emergency services behind the building. Mr. Lively explained that there was an empty lot behind the building and other area properties contained commercial businesses.

Gregg McIlvaine asked if the field was empty behind this property. Mr. Stiffler stated that Autoworks owned the property directly behind the business. He noted that Autoworks used a portion of the property, thought the area in question was vacant.

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. Brad Gowins seconded the motion.

Stewart Fitz Gibbon voted yes and stated that the situation of the lot justified the variance.

Brad Gowins voted yes and stated that the vacant lot to the rear was not hindering anything and represented growth in the future.

Greg Taylor voted yes.

Ken Suchan voted yes.

Greg McIlvaine voted yes.

Lukas Gaffey voted yes and stated that, based on the surrounding businesses, the Board was allowing something that was afforded to other area M-2 properties.

The motion passed unanimously, 6-0.

***Application #BZA-17-21.***

John Zoss requested a use variance from Planning and Zoning Code Section 1133.02 to allow a personal service establishment (computer repair) and an area variance from Section 1169.04 to allow fewer off-street parking than required at 817 East Bowman Street in an R-T (Traditional Residential) District.

John Zoss, 1030 East Wayne Avenue, stated that he owned the building and was requesting a computer repair business use. Mr. Zoss indicated that the building was vacant for two years.

Mr. Gaffey stated that the property was still zoned R-T, but the request of the Board was to give an exception to allow a business at the location. Mr. Zoss stated that parking was limited. He continued that the tenant space would be used for storage and computer repair.

Mr. Gaffey verified that the building had rentals upstairs. Mr. Zoss stated that there was parking for 4 cars in the rear and 6 or 7 cars on an adjacent property to the side, though he did not own the parking to the side. Mr. Zoss explained that he had talked to the neighbor about buying the side property, but the property needed work. Mr. Gaffey reiterated that the property was zoned Residential Traditional and the applicant wanted permission to run a computer repair business and allow a variance to off street parking requirements.

Brad Gowins asked if Mr. Zoss talked to the tenants upstairs about the business. Mr. Zoss stated that there was no noise issue and business would have the hours of 10 am to 6 pm.

Mr. Zoss stated that the use would not be a retail business, only computer service. Mr. Gaffey clarified that the number of customers coming in and out of the business would be approximately three people per day.

Mr. Suchan asked why the use needed an 1,800 square foot space. Mr. Zoss stated that the space was bigger than the tenant needed and included plenty of room for storage. Mr. Suchan asked if anyone would be living in the space. Mr. Zoss stated that the tenant would not be living there.

Mr. Fitz Gibbon stated that the parking should be ample for the business's limited traffic. Mr. Zoss added that there was on street parking available.

Mr. Fitz Gibbon asked how the tenants or the neighbors felt about a business going in the building. Mr. Zoss answered that the neighbor next door was fine with the proposal and only one resident lived upstairs in the building because the other apartment was being remodeled. Mr. Dutton stated that the R-T District allowed single family residential uses. He continued that the property historically had two units and another residential could not be added.

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

Trey Santangelo, 1114 Stibbs Street, stated that he owned the computer business and a fire had destroyed the original location. Mr. Santangelo explained that the business conducted computer repair and there was no retail component. Mr. Santangelo stated that there was limited traffic and only 3 to 5 people per day would access the business. Mr. Santangelo explained that much of his business was service calls.

Brad Gowins asked if the business had any employees. Mr. Santangelo stated he was the only employee.

Mindy Cavin, 324 Palmer Street, indicated that two years ago, a variance application for a business in the tenant space with a similar parking issue was denied. Mrs. Cavin asked for denial of the variance because the building was in the R-T and has been vacant for ten years. Mrs. Cavin continued that the two apartments were historically grandfathered as a duplex and a business could not park on the street in a residential neighborhood. Mrs. Cavin discussed Chapter 1149 of the Zoning Code. She noted that intent of the code was to get rid of nonconforming conditions.

Sherry Crider, 135 Bowman Street, asked if business moved out, would another business be permitted to move in. Mr. Gaffey stated that the business would have to be the same use. Mr. Dutton confirmed that the Board was considering the particular use. He noted that if the tenant moved out, only the same or very similar use could have to go into space.

John Zoss asked if he bought the building next door, would there be any problem with parking. Mr. Gaffey explained that the issue was more the aspect of putting a business back in the building, not the parking element. Mr. Gaffey stated that the business would need to be in compliance with the parking requirements for a business of that size.

Brad Gowins moved to adjourn to Executive Session. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously, 6-0, at 7:41 pm.

Stewart Fitz Gibbon moved to come out of Executive Session. Brad Gowins seconded the motion. The motion passed unanimously, 6-0, at 7:55 pm.

Brad Gowins made a motion to approve the variance as presented. Stewart Fitz Gibbon seconded the motion.

Stewart Fitz Gibbon voted no and stated that a compelling case was not made for the whole worksheet for approval.

Brad Gowins voted no and stated that the application did not present a clear and convincing argument to why it was necessary to grant the variance.

Greg Taylor voted yes and stated that he liked to see building occupied.

Ken Suchan voted no and stated that, due to the extensive period that the building had not been conforming, he did not see a compelling reason to restore any commercial use in the building.

Greg McIlvaine voted yes and stated that the application was a proper use of the property and there were no real alternatives.

Lukas Gaffey voted no and stated that some older buildings in the R-T fell into an odd space. Mr. Gaffey explained the reason behind R-T was to protect the residential neighborhoods and help to improve their traditional residential nature.

The motion was denied 2-4.

***Application #BZA-17-22***

Devin Fort representing Brookdale Place requested an area variance from Section 1135.05(c)(1) to allow a fence taller than permitted at 1615 Cleveland Road in an R-4 (Multi-Family Residential) District.

Devin Fort, 3996 Jackpot Road, stated that the property included a senior living community and there was an existing section of fence on the property that was 8 foot high. Mr. Fort continued that they wanted to construct additional fencing to screen the neighbors from the parking lot.

Lukas Gaffey asked if they were extending the existing 8 foot fence. Mr. Fort answered that additional 8 foot fencing was proposed down the property line. Mr. Gaffey asked if the reason for the 8 foot was to provide additional privacy. Mr. Fort stated that the fence was for extra privacy and to maintain the same look as the rest of the property.

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

James Griffith, 1598 Beall Avenue, stated that his property was behind Brookdale Place and he was working with Brookdale on the fence to provide him with privacy. Mr. Griffith explained that the parking lot had delivery trucks coming in night and day and he had no privacy in his backyard. Mr. Griffith continued that there was a grade change between Brookdale and his property. Mr. Griffith stated that a 6 foot fence would only effectively provide a couple of feet of screening from the parking lot.

Stewart Fitz Gibbon made a motion to approve the variance as presented. Ken Suchan seconded the motion.

Stewart Fitz Gibbon voted yes and stated his vote was for obvious reasons.

Brad Gowins voted yes and stated his vote was for the same reasons cited.

Greg Taylor voted yes.

Ken Suchan voted yes and stated his vote was primarily because of the grade differential.

Greg McIlvaine voted yes.

Lukas Gaffey voted yes and stated his vote was based on the reasons cited.

The motion passed unanimously, 6-0.

***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**

Brad Gowins made a motion to adjourn. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously, 6-0.

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**Lukas Gaffey, Chairman**

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**Carla Jessie, Administrative Assistant**