

## MINUTES

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

October 4, 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 Brad Gowins, Lukas Gaffey, Doug MacMillan, and Ken Suchan were present at the meeting. Board members Gregg McIlvaine and Greg Taylor were absent. Stewart Fitz Gibbon joined the Board at 5:40 pm. Jonathan Millea, Development Coordinator, was present representing the City of Wooster.

#### II. APPROVAL OF MINUTES

A motion was made to approve the September 6, 2018, regular meeting minutes. Brad Gowins and Ken Suchan voted for approval of the minutes and Lukas Gaffey and Doug MacMillan abstained from voting. The minutes were not approved due to a lack of votes in favor of approval.

#### III. PUBLIC HEARINGS

##### *Application #BZA-18-34.*

William Anfang requested a use variance from Planning and Zoning Code Table 1109-1 to allow a conference center use and an area variance from Table 115-4 to allow buildings with a reduced side yard setback and Table 1125-2 to allow reduced off-street parking at 199 Vanover Street in a CF (Community Facilities) District.

William Anfang, 434 North Market Street, stated that the proposal was for a multi-use structure which would be primarily used for the animal shows at the fair. Mr. Anfang explained that there was potential use by the public for private events and conferences. Mr. Anfang continued that the proposed use was consistent with the current use. Mr. Anfang stated that with the 42 acres of the property there were about 200 to 250 parking spaces available that were either gravel or asphalt. Mr. Anfang explained that the Wayne County Commissioners' indicated that they would allow the utilization of 230 additional parking spaces across the street in the south parking lot of the Administration Building. Mr. Anfang continued that the lot was accessible to the fairgrounds and was included in the development plan.

Stewart Fitz Gibbon joined the Board.

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-18-34, as presented. Doug MacMillan seconded the motion.

Ken Suchan voted yes and stated that the requested variances were next to the railroad track and would not be detrimental. He noted that most of the parking would be through existing fair parking and there was a provision for overflow parking.

Doug MacMillan voted yes for reasons cited by the Board.

Brad Gowins voted yes and stated that the request was minimal and would not be a change in the use.

Stewart Fitz Gibbon abstained from the vote having missed the public hearing.

Lukas Gaffey voted yes and stated that the building location was a special situation for consideration. He stated that the variance was not changing the use or footprint and there were parking accommodations in the area.

The motion passed unanimously, 4-0-1, with Stewart Fitz Gibbon abstaining.

***Application #BZA-18-35.***

Randall Blahak requested an area variance from Planning and Zoning Code Table 113-2 to allow portable storage containers for longer than permitted, Section 1113.02(d)(7) to allow more than one portable storage container and Section 1113.01(e)(8)(H) to allow a fence taller than permitted at 3883 Burbank Road in a C-3 (General Commercial) District.

Laura Gordon, 811 Shelby Ontario Road, Mansfield, stated that at the September meeting of the Board of Building and Zoning Appeals, the application for 21 portable storage containers was denied. Mrs. Gordon explained that she was presenting additional information and requested 7 portable containers for 90 days. Mrs. Gordon continued that additional space was needed to store customer layaway during the holiday season. She noted that a 35 percent increase in layaway sales was generated by additional business and the K-Mart store closing. Mrs. Gordon stated that Walmart did not have the physical space needed to support the merchandise during the holiday season. Mrs. Gordon explained that layaway needed to stay on the property for customer pick up. Mrs. Gordon continued that the storage containers would be at the back of the building and would not impede onto adjoining properties.

Lukas Gaffey stated that 21 storage containers were originally presented and the proposed 7 containers would be consistent with what was approved for last year.

Ken Suchan noted that the containers would be screened with an 8 foot chain link fence.

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 moved to adjourn to Executive Session. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously 5-0 at 6:00 pm.

Ken Suchan moved to come out of Executive Session. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously 5-0 at 6:10 pm.

Ken Suchan made a motion to approve application BZA-18-35, as presented. Doug MacMillan seconded the motion.

Ken Suchan voted yes and stated that the request was similar to the 7 containers approved last year and there was evidence that activity was greater than last year. He stated that the screening was a good addition to the keep the containers out of sight and he felt the length of time was relatively short.

Stewart Fitz Gibbon voted yes for reasons cited by the Board and stated there needed to be a permanent solution.

Brad Gowins voted yes and stated that he appreciated that concerns were addressed from the last meeting.

Doug MacMillan voted yes and stated that layaway was important to the community for those that need it.

Lukas Gaffey voted yes for reasons cited by the Board.

The motion passed unanimously, 5-0.

***Application #BZA-18-36.***

Charles Lyons requested an area variance from Planning and Zoning Code Section 1113.01(b)(9)(A) to allow three accessory buildings on a property at 1371 Nupp Drive in an R-1 (Suburban Single-Family Residential) District.

Charles Lyons, 1371 Nupp Drive, stated that the proposed 10 foot by 16 foot third accessory building were needed for lawn tools and other equipment. Mr. Lyons explained that he had a considerable amount of yard equipment that sat outside. He noted that last winter he covered the lawn equipment with tarps, which were temporary. Mr. Lyons continued that he wanted to put the equipment inside with the exception of a trailer. Mr. Lyons stated that the neighbors had no objections to the storage building.

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 application BZA-18-36, as presented. Brad Gowins seconded the motion.

Ken Suchan voted yes and stated that a third building similar to the other two presented no detriment to a large half acre lot.

Stewart Fitz Gibbon voted yes for reasons cited by the Board.

Brad Gowins voted yes and stated that the request was in line with the spirit and intent of the Zoning Code.

Doug MacMillan voted yes and stated that the building did not seem to interfere with anyone's view in the back of the lot.

Lukas Gaffey voted yes for reasons cited by the Board.

The motion passed unanimously, 5-0.

***Application #BZA-18-37.***

Jerry Baker requested an area variance from Planning and Zoning Code Section 1123.04(b) to allow a reduced number of street trees and Table 1123-2 to allow a reduced number of frontage shrubs at 1909 Old Mansfield Road in an I-2 (General Industrial) District.

Jerry Baker, 1220 Riffel Road, stated that the renovation of the former Bell and Howell facility began in the 2017 and he had modernized the building. Mr. Baker explained that RBB relocated there and employed 61 people. Mr. Baker continued that the building needed a lot of work due to lack of maintenance for many years and he noted that the lot was overgrown. Mr. Baker stated that he cleaned up the lot and built a new 120,000 square foot warehouse behind the existing building. Mr. Baker explained that the property had a number of mature trees in the front lawn that buffered the building from the street. Mr. Baker stated that he would be adding a number of trees and hydrangeas in the front yard.

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 application BZA-18-37, as presented. Brad Gowins seconded the motion.

Stewart Fitz Gibbon voted yes and stated that given the factors of the situation, the spirit and intent of the code was maintained and the request was reasonable.

Brad Gowins voted yes and stated that the character of the neighborhood was not changed and the spirit of the code, was maintained.

Doug MacMillan voted yes for reasons cited by the Board.

Ken Suchan voted yes for reasons cited by the Board.

Lukas Gaffey voted yes and stated that this would not set a precedent and the property had unique factors.

The motion passed unanimously, 5-0.

***Application #BZA-18-38.***

Tony Newport requested an area variance from Planning and Zoning code Section 1113.01(e)(8)(D)(ii) to allow fencing on the same property without a unified color at 3574 Melrose Drive in an R-4 (Multi-Family Residential) District.

Tina Staggs, 5551 Cleveland Road, stated that the property currently had a solid white vinyl fence and the proposed fencing, where the dog park was located, would be made of black chain link. Mrs. Staggs explained that the dog park would provide a place to take dogs to let them run and relax while the owners watch them. She noted that the fenced dog park would only be used for pets living in the apartments.

Tony Newport, 11686 US Highway 68, Lancaster, stated that the property had a white privacy fence around the patios. Mr. Newport explained that the black coated steel fence would be used for the dog park.

Ken Suchan stated that residents wanted to be separated by a solid vinyl fence for privacy. He noted that the dog park fence had a different purpose than the residents' backyards. Mrs. Staggs stated that residents wanted to walk their dogs, but had to have them on a leash. Mrs. Staggs explained that the owners would be there monitoring their pets.

Lukas Gaffey stated that one of the things that the Board looked for was spirit and intent of the code. Mr. Gaffey noted that the factor that made the application unique was that the area for pet recreation was located and contained within the property. Mr. Gaffey stated that the use of the particular fence made sense for safety purposes.

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-18-38, as presented. Ken Suchan seconded the motion.

Ken Suchan voted yes for reasons cited by the Board.

Stewart Fitz Gibbon voted yes and stated that there was a unique circumstance.

Brad Gowins voted yes and stated that there was a unique circumstance and the application was in character of the code.

Doug MacMillan voted yes for reasons cited by the Board.

Lukas Gaffey voted yes and stated he felt the spirit and intent was maintained and it was a unique situation.

The motion passed unanimously, 5-0.

***Application #BZA-18-39.***

Michael Pallotta requested an area variance from Planning and Zoning Code Section 1127.05(g) to allow prohibited streamers, Table 1127-2 to allow relocated freestanding signs larger and taller than permitted and Section 1127.11 to allow temporary signs larger, taller and remaining displayed longer than permitted at 4199 Cleveland Road in a C-3 (General Commercial) District.

Nick Cristino, 197 Ry Road, Wadsworth, stated that the used car sign was located where Lincolns were parked and the request was to move the sign to where the dealership parked used cars. Mr. Cristino explained that he wanted to move the Lincoln sign down to where the used car sign was currently located. Mr. Cristino continued that the temporary streamer signs would be removed once the two sign where relocated. Mr. Cristino stated that he would like 30 days after the signs were relocated to take down the temporary streamer signs. Mr. Cristino stated that the streamers and the temporary signs had been up for about 6 months.

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-18-39, as presented. Doug MacMillan seconded the motion.

Stewart Fitz Gibbon voted yes and stated that it made sense to move the signs from a business perspective with the condition that the temporary signs were only temporary.

Brad Gowins voted yes and stated that the 3 freestanding signs would be relocated without changing the content and he trusted that the streamer signs would come down in due time.

Doug MacMillan voted yes and stated that he struggled with the streamer signs, but they were temporary.

Ken Suchan voted yes and stated that the expectation was that the temporary signs would come down within a reasonable time after the signs were relocated.

Lukas Gaffey voted yes and stated that the sign proposed for relocation had already been approved and he did not feel a need to change that. He noted that the temporary signs should have a timeframe, but were temporary.

The motion passed unanimously, 5-0.

***Application #BZA-18-33.***

The City of Wooster requested an area variance from Planning and Zoning Code Section 1117.01(k)(2) to allow a trash enclosure with a reduced side setback at 130 South Walnut Street in a C-4 (Central Business) District.

Jonathan Millea, 538 North Market Street, stated that the proposal was needed for minimum setbacks for a trash enclosure on the lot. Mr. Millea explained that the purpose of the enclosure was to remedy a long-term high trash problem in the downtown area. Mr. Millea stated that waste enclosure would be used to cut back on individual trash receptacles. Mr. Millea explained that business owners ordering trash containers did not have space for receptacles and the alley had 5 existing trash dumpsters. Mr. Millea stated that the City of Wooster would provide a public site for restaurants and other businesses to use the waste containers. Mr. Millea continued that there were three existing enclosures, one each in the North Buckeye lot, South Buckeye lot and Merchants Block parking lot. Mr. Millea explained that the City of Wooster would be constructing the enclosure. Mr. Millea continued that the enclosure was within the five foot setbacks and needed a variance.

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 application BZA-18-33, as presented. Brad Gowins seconded the motion.

Stewart Fitz Gibbon voted yes and stated that the proposal reflected unique circumstances and good public-private collaboration to solve a problem.

Brad Gowins voted yes and stated that the proposal was in the character of the downtown neighborhood.

Ken Suchan voted yes and stated that there were several factors to consider and the public would benefit from the containers.

Doug MacMillan voted yes and stated that it was a good public project.

Lukas Gaffey voted yes and stated that it was nice to see an initiative that helped to screen dumpsters and maintain and enhance the look of the downtown area.

The motion passed unanimously, 5-0.

**IV. ADJOURNMENT**

Doug MacMillan made a motion to adjourn. Brad Gowins seconded the motion. The motion passed unanimously, 5-0.

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**Lukas Gaffey, Chairman**

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**Carla Jessie, Administrative Assistant**