

## MINUTES

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

May 7, 2020

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

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

#### II. APPROVAL OF MINUTES

Brad Gowins made a motion to approve March 5, 2020, regular meeting minutes. Ken Suchan seconded the motion. The motion passed unanimously 5-0.

#### III. PUBLIC HEARINGS

##### Application #BZA-20-06.

Douglas Drushal requested an area variance from Planning and Zoning Code Section 1109.03(d)(5)(C) to allow the storage of non-operational vehicles in the side yard for a property on the east side of Akron Road, north of Long Road, with Parcel ID # 67-00283.001 in an I-1 (Office/Limited Industrial) zoning district.

Douglas Drushal, 225 North Market Street, stated that the larger parcel would be divided into 2 smaller parcels and the building would be located on the northernmost property. Mr. Drushal continued that the reason for the variance application was due to the City Engineer's request for a driveway to access the southern property. He explained that the request for the outdoor storage area of non-operational vehicles would be in the rear yard because the building would be facing north.

John Long, 3477 Commerce Parkway, stated that the access point of the parcel aligned with Peach Lane across Akron Road. Mr. Long continued that there was no possibility of accessing a drive on Long Road. He explained that another access point to the property was not possible due to the pie shape of the property. Mr. Long continued that it would be more intrusive to locate the drive along the east property line.

Ron Nagy, 18488 Grill Road, stated that a larger building was needed for the business. Mr. Nagy explained that the towing area was located in a secured area and he wanted to avoid vehicles sitting around unsecured. Mr. Nagy stated that the fenced-in storage location was for security, aesthetics, and operational purposes.

Don Nagy, 4262 Eastern Road, Doylestown, stated that, on average, vehicles were at the body shop for 15 days. He continued that vehicles would typically be located on the site for about 6 days of temporary storage.

Mr. Fitz Gibbon 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-20-06 as presented. Doug MacMillan seconded the motion.

Ken Suchan voted yes and stated that the proposed storage area was the least intrusive location on the site to park non-operational vehicles.

Brad Gowins voted yes and stated that the special conditions and circumstances existed due to the shape of the parcel and location of roadways.

Doug MacMillan voted yes and stated that the need to provide access from the driveway to the second property was a factor in his decision.

Mark Reynolds voted yes for reasons cited by the Board and noted that the layout of the parcel and the access road resulted in the best use of the land.

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

The motion passed unanimously, 5-0.

***Application #BZA-20-07.***

Alex McLain requested a use variance from Planning and Zoning Code Section 1109.02(d) to allow warehouse and printing and publishing uses and an area variance from Planning and Zoning Code Section 1115.04(a) to allow a building outside the maximum building setback and Section 1119.05(e)(2) to allow less transparency on the primary façade for a property on the north side of Riffel Road with parcel number 73-00011.001 in a C-2 (Community Commercial) zoning district.

Andrew Dutton stated that there were 2 types of variances in the application. He indicated the first was a use variance for printing and publishing and warehousing uses. Mr. Dutton stated that a printing and publishing use was an establishment engaged in the printing and publishing of newspapers, books, periodicals, and magazines. Mr. Dutton noted that warehousing was defined as a business establishment primarily engaged in the storage of merchandise, goods, and materials.

Mr. Dutton continued that the second area variances were to exceed a maximum front yard setback of 40 feet and to allow transparency of windows and doors on the front facade of the building less than 25 percent. He continued that the proposed building setback was 205 feet from the right of way and 6.5 percent of the front facade was transparent with doors or windows.

Brant Eichar, 206 Riffel Road, stated that the project was unique because there would be different functions occurring in the building. Mr. Eichar explained that the print shop and warehouse would incorporate printed material and consumer goods storage and digital copiers, not a printing press. Mr. Eichar explained that a small area of the building would be for a workshop with 2 full-time employees constructing items.

Mr. Eichar stated that the existing campus/headquarters was along Riffel and the new facility was unique with a barn theme. Mr. Eichar stated that the building may also serve as a small museum, meeting space, or entryway. He indicated the building would have a loading dock with very little truck traffic. Mr. Eichar explained that there would be one shift from on the site from 8 am to 5 pm. Mr. Eichar continued that the parking would support the main office building across the street. He continued that landscaping would be installed to provide a buffer from Hunters Chase.

Mr. Eichar stated that Certified Angus Beef employed about 110 employees. Mr. Eichar explained that a crosswalk would be put in across from the corporate headquarters to the new property for parking purposes.

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

Lisa Seward Perry, 4393 Chase Lane, asked what type of business was proposed and what would be printed and stored at the property. She also asked how much traffic would be going in and out of the property.

Mr. Eichar responded that 50 percent of the operations would be printed flyers, marketing brochures, case dividers, labels, signs, a consumer line of cutting boards, steak knives, and wine glasses. Mr. Eichar continued that truck traffic would consist of approximately 2 or 3 semi-trucks per week and a few box trucks. Mr. Eichar noted that the driveway would be off of Riffel Road and the entry for staff would be through the front entrance and or the silo entrance.

Ken Suchan made a motion to approve application BZA-20-07 as presented. Mark Reynolds seconded the motion.

Ken Suchan voted yes and stated that the use was not the typical warehouse or print shop. He noted that the project was simply a function which was already occurring across the street. He further noted that the variance regarding window area was a standard for office space.

Mark Reynolds voted yes and stated that the use and building location made sense given the topography and the shape of the property. He also indicated that the project may alleviate some of the traffic in the area.

Brad Gowins voted yes and stated that proposed project met the spirit of the code. He stated that the design would blend nicely with the area and could set the tone for future development in the area.

Doug MacMillan voted yes for reasons cited by the Board.

Stewart Fitz Gibbon voted yes and stated that the area was unusual with the Hunters Chase development located between commercial development on both sides of the road. He continued that the project would be a good way of buffering Hunters Chase from future development.

The motion passed unanimously, 5-0.

***Application #BZA-20-08.***

Eric Michener requested an area variance from Planning and Zoning Code Sections 1117.03(d)(1)(A) and 1117.03(d)(2) to allow lighting which were not full cut off and to shine on an adjacent residential property at 4141 Cleveland Road in a C-3 (General Commercial) zoning district.

Eric Michener, 225 N. Market Street, stated that the variance was to requirements for lighting not to be oriented at a 90 degree angle and to shine on adjacent residential property at Pallotta Ford. Mr. Michener continued that the the lighting was necessary to protect the vehicles stored

on the property. Mr. Michener stated that the type of lighting was very bright and helped to deter criminal behavior.

Mr. Michener continued that the angle of the lighting was between 107 and 110 degrees. Mr. Michener stated that special conditions existed because of the value of the inventory of vehicles, which was different than a typical commercial business. Mr. Michener explained the site was in a commercially zoned along Cleveland Road and other dealerships did not have lighting at a 90 degree angle.

Mr. Michener stated that the staff pictures were taken from the sidewalk from Stratford Way, lighting was not shining on the houses and lighting was not that bright. Mr. Michener continued that angle lighting was there before the light fixture replacement and the difference was that the lights installed were LED.

Mr. Fitz Gibbon asked if the dealership changed the light fixtures or only the light bulbs.

Mike Pallotta, 4141 Cleveland Road, stated that the fixtures were replaced and included LED bulbs. Mr. Pallotta continued that there were 4 lights in the back of the property and 8 to 10 lights along Cleveland Road. Mr. Pallotta explained that the LED lights had less wattage and brighter with more clarity. Mr. Pallotta stated that the light shined in all 4 directions to cover the parking area of 200 cars.

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

Carol Lantz asked if there was less damage or theft since installing the new lights. She continued that the intensity and angle of the lights interfered with the back of her house and yard from dusk until dawn. Mrs. Lantz stated that trees couldn't be planted under the electric powerlines. Mrs. Lantz also stated that light was above the ravine and did shine into her window.

Dave Stenglein, 1414 Springwood Drive, stated that he noticed a significant change in the intensity of the lighting. Mr. Stenglein questioned why the brightness, position or angle could not be better adjusted to limit their illumination to the surrounding area. He also asked why the wattage of the LED's couldn't be reduced.

Doug MacMillan made a motion to approve application BZA-20-08 as presented. Brad Gowins seconded the motion.

Doug MacMillan voted yes and stated that lighting was an important deterrent to vandalism and crime. He continued that the distance was great from residential neighbors.

Brad Gowins voted yes and stated that he understood the need for security, the distance between the properties and felt that the application met the variance criteria.

Ken Suchan voted no and stated that the applicant changed the lighting and, regardless of how bright the lights were, they would not have met the code.

Mark Reynolds voted no and stated that he understood the need for security, but the lights could have been placed at the 90 degree angle to meet the zoning requirements.

Stewart Fitz Gibbon voted no and stated that the change to LED lighting took away the grandfather status. He continued that angled fixtures were no longer permitted for a reason, which was to avoid this kind of controversy at locations borderline of commercial and residential areas.

The motion was denied 2-3 with Doug MacMillan and Brad Gowins voted yes and Ken Suchan, Mark Reynolds and Stewart Fitz Gibbon voted no.

**IV. ADJOURNMENT**

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

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**Stewart Fitz Gibbon, Board of Building and Zoning Appeals Chairman**

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**Carla Jessie, Administrative Assistant**