**MINUTES**

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

**November 4, 2021**

1. **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, Joel Gray, Ben Gunn, Doug MacMillan, Mark Reynolds, and Ken Suchan were present. Board member Gregg McIlvaine was absent. Tim Monea, Chief Building Official, was present representing the City of Wooster.

1. **APPROVAL OF MINUTES**

Mark Reynolds made a motion to approve the minutes of September 2, 2021, and October 7, 2021, meeting of the Board of Building and Zoning Appeals. Doug MacMillan seconded the motion. The motion carried unanimously 6-0.

1. **PUBLIC HEARINGS**

***Application #BZA-21-31.***

Sheila Wilson requested an Area Variance from Planning and Zoning Code Section 1113.02(d)(5)(B.)(x.)(g) to allow iterant vendors in locations longer than permitted at 1012 Beall Avenue in a CF (Community Facilities) zoning district.

Sheila Wilson, 9134 McQuaid Road, Orrville, stated that the dining area at the College of Wooster has a critical labor shortage, and the college was under a construction project at the student center. Ms. Wilson explained that the college had lost some retail locations providing food to our students with the construction project. Ms. Wilson continued that food trucks were supplementing food services. Ms. Wilson stated that the coffee truck was there Monday thru Friday and implemented another truck that provides food. Ms. Wilson explained that the proposal wanted to consider allowing the College of Wooster to have a particular food truck longer than the 30 days of the calendar year. Ms. Wilson stated that the coffee food truck was on campus Monday thru Friday, and the vendor removed the truck at the end of each day. Ms. Wilson explained that only two food trucks would be there at one time because there was not enough space in the parking lot to accommodate more than two trucks. Ms. Wilson continued that the college was trying to accommodate students using their College of Wooster student IDs to use the meal plan or flex dollar, which has cash loaded on their card. The food trucks do not accept credit cards, and some staff use the food trucks. Ms. Wilson stated that the food trucks operate Monday thru Friday from 10:00 am until 2:00 pm, and the coffee truck opens at 8:00 am.

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 comment on the application, and Mr. Fitz Gibbon closed the public hearing.

Mark Reynolds made a motion to approve application BZA-21-31, as presented with the condition that there are only two food trucks at this one location. Ben Gunn seconded the motion.

Mark Reynolds voted yes and stated that he understood the difficulties that the college was going through. The food trucks were a creative alternative to solve the problem for the students and provide them with dining options.

Ben Gunn voted yes and stated that with the condition that the food trucks remain in the designated spot and with the renovation plan, continuous upgrades to the campus, which also limits the dining options along with the staffing shortages.

Ken Suchan voted yes for the reasons cited by the Board and stated this was a unique situation.

Doug MacMillan voted yes for the reasons cited by the Board.

Joel Gray voted yes and stated that the location of the food trucks was remote behind the Scot Center.

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

The motion passed unanimously, 6-0.

***Application #BZA-21-32.***

John Fiala requested an Area Variance from Planning and Zoning Code Section1113.01(e)(8)(H.)(iii) to allow a fence taller than permitted for a site on the north side of Back Orrville Road with parcel number 67-02983.000 in a CF (Community Facilities) zoning district.

John Fiala, 2148 Eagle Pass, stated that the proposal was for a psychiatric residential treatment facility. Mr. Fiala explained that there are fenced areas on both sides of the building, one side for an outside activity area and the other on the west side. Mr. Fiala continued that at no time will there be anybody on the west side. Mr. Fiala continued that the fence would be 10 feet high with a tapered area at the top tapered inside so that the children could not climb up over the fence. Mr. Fiala stated that the fence would not have spikes on the top. Mr. Fiala noted that the west side fenced area was just basically for fire code. Mr. Fiala explained that the landscaping plan would hide most of the fence from Back Orrville Road. Mr. Fiala continued that the building would be fully locked and staffed.

Chad Malcomb, 2000 Oak Drive, stated that the facility would be a psychiatric residential treatment facility, and the children would be there for 30 days up to one year, depending on the length of treatment.

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

Henry Braun, 2497 North Geyers Chapel Road, stated that he lived on Geyers Chapel and Back Orrville Roads and opposed the application. Mr. Braun explained that the building on Back Orrville Road with the chain link fence with the barbed wire on top looked like a prison. Mr. Braun continued that the proposed fence looked more appealing.

Carlye Cebul, 2629 North Geyers Chapel Road, stated that a young man scaled the existing fence at the treatment center on two different occasions and stole property. Ms. Cebul explained that she had concerns with security and the neighbors' safety in the area of The Village Network.

Mr. Fitz Gibbon closed the public hearing.

Ken Suchan made a motion to approve application BZA-21-32, as presented. Mark Reynolds seconded the motion.

Ken Suchan voted yes and stated that the taller fence was needed for people’s security and ability to get over the fence.

Mark Reynolds voted yes and stated that the applicant tried to do their best for the facility's community and neighborhood. Mr. Reynolds explained that the 10-foot fence that would keep people inside was more capable than the 8-foot fence.

Joel Gray voted yes.

Ben Gunn voted yes and stated he thanked the neighbors for expressing their concerns and believed the fence was more aesthetically pleasing than the chain-link fence. Mr. Gunn explained that The Village Network was going above and beyond to keep the community's needs and children safe.

Doug MacMillan voted yes and stated that the fence was aesthetically nice.

Stewart Fitz Gibbon voted yes for reasons cited by the Board, and he thanked the neighbors for coming out for the meeting and voicing their concerns. The application was the minimum needed to accomplish safety and security for the facility.

The motion passed unanimously, 6-0.

1. **ADJOURNMENT**

Ben Gunn made a motion to adjourn. Joel Gray seconded the motion. The motion passed unanimously, 6-0.

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

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**Carla Jessie, Administrative Assistant**