

## MINUTES

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

August 4, 2022

#### 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 Jason Anderson, Martha Bollinger, Stewart Fitz Gibbon, Ben Gunn, Mark Reynolds, and Ken Suchan were present at the meeting. Board Member Jeff Battig was absent. Vincent Marion, Planning and Zoning Manager, represented the City of Wooster.

#### II. APPROVAL OF MINUTES

Ben Gunn made a motion to approve the minutes of the July 7, 2022, meeting of the Board of Building and Zoning Appeals. Mark Reynolds seconded the motion. The motion carried unanimously 6-0.

#### III. APPLICATIONS

##### ***BZA-22-5.***

Josh Funderburk requested an Area Variance from Planning and Zoning Code Section 1115.04(a) regarding the maximum front yard setback, Section 1125.03(b)(5) regarding parking located behind the front building line, and Section 1125.03(b)(5) regarding parking setback from abutting lot lines at 310 South Market Street (Parcel numbers 64-01740.000, 64-01226.000, 64-01739.000, 64-01741.000 and 64-00149.000).

The applicant tabled the application.

##### ***BZA-22-9.***

Matthew Knight requested an Area Variance from Planning and Zoning Code Section 1113.01(e)(8)(D) to allow a fence using rolled wire/chicken wire at 4029 Cleveland Road in a C-3 (General Commercial) zoning district.

Matthew and Christina Knight, 4029 Cleveland Road, stated that the front yard was large and flat where the children and dog could play. Mr. Knight noted that the fence was a sizeable four-inch panel wire fencing. Mr. Knight explained that the backyard was a steep hill. Mr. Knight continued that there was a fence in the front yard when they moved into the home. Mr. Knight stated that he updated that wooden rotted fence that fell. Mr. Knight explained that the fence was helpful to keep in the front yard. Mr. Knight continued that the fence runs along the property line of the neighbors. Mr. Knight stated that the type of fence fits the transition into the downtown with the metal fence. Mr. Knight explained that he could add the treated lumber across the top of the fence to make it look like a picket-style fence. Mr. Knight stated that wire and treated lumber fence was cost-effective and transparent.

Mr. Fitz Gibbon stated that several split rail fences with rolled wire backing enhance the neighborhood because you can see through them.

Mr. Marion stated that the fence was in the right of way and needed removing regardless of the Board's decision. Mr. Fitz Gibbon noted that since you will have to move the fence, it wouldn't be that hard to drill holes and add rails to conformance with the zoning code. Mrs. Bollinger stated that the fence with the wood on top that runs along the driveway was more attractive

than the fence in the front yard. Mr. Fitz Gibbon explained that adding a top and middle rail could look like a split rail fence.

Mr. Marion noted that he received an email in favor of the application and a couple of complaint calls that didn't like how the fence looked.

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

Mark Reynolds moved to adjourn to Executive Session. Ben Gunn seconded the motion. The motion passes unanimously, 6-0.

Mark Reynolds moved to come out of Executive Session. Ben Gunn seconded the motion. The motion passed unanimously, 6-0.

Martha Bollinger made a motion to approve application BZA-22-9 as presented with the following conditions:

1. That all fencing must be removed from the right of way.
2. A consistent fence on all three sides with a timber and wire fence. Martha Bollinger clarified that the style fence matches the northside along the driveway and should be consistent on all three sides the front, the side of the ravine, and along the drive.

Mark Reynolds seconded the motion.

Martha Bollinger voted yes.

Jason Anderson voted yes.

Ben Gunn voted yes and stated that the house was in a C-3 neighborhood, and not a lot of residential homes in the area with a large right of way that cuts through the property and a unique enough situation that approving will not set precedence.

Mark Reynolds voted yes and in which a split rail fence was allowed.

Ken Suchan voted yes.

Stewart Fitz Gibbon voted yes and stated that this was a unique situation and that the code wanted a sense of consistency and not impose a whole other style. The Board recommended the one applying consistently.

The motion passed unanimously, 6-0.

#### ***BZA-22-14***

Eric Long requested an Area Variance from Planning and Zoning Code Section 1113.01(e)(8)(D)(ii.) to allow a fence with multi-colors at 2330 East Smithville Western Road, parcel 71-00481.000 in an R-1 (Suburban Single-Family) zoning district.

Eric Long and Erin Nussbaum Long, 2330 East Smithville Western Road, stated the proposal for installing two different styles and colors of the fence in the backyard. Mr. Long explained that the yard was immediately behind the house with a lot to the right of the property, which goes behind the neighbor's homes. Mr. Long continued that the neighbors have a complete view of my backyard, so for the first 57 feet of the fence, I would like to install a tan privacy fence.

Mr. Long stated that the remainder of the fence would be a 4-foot chain link black vinyl-coated fence. Mr. Long explained that Lowe's does not manufacture black vinyl privacy fences or the tan chain link vinyl coated fencing.

Mrs. Nussbaum Long stated that they contacted a couple of other companies and could not find a company that carried the privacy fence and the vinyl-coated chain link fence in the same colors. Mrs. Nussbaum Long explained that the fence was paid for while waiting for installation. Mr. Long stated that the tan privacy fence was more attractive than the slatted chain link fencing. Mrs. Nussbaum Long noted that they would instead paint the vinyl fence black.

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

Mark Reynolds made a motion to approve application BZA-22-14 as presented with the condition that the vinyl fence is painted black on both sides. Jason Anderson seconded the motion.

Mark Reynolds voted yes and stated that all sides of the fencing were the same color and understood that the property was a partly wooded area and did not want to be boxed in with a 6-foot vinyl fence around the whole property. He said the solution that they came up with was a reasonable one.

Jason Anderson voted yes for reasons cited by the Board and stated that if the fence was painted black on both sides and kept up well, this was fine.

Martha Bollinger voted yes and stated that this was a reasonable concession to allow the variance of making the fence one consistent color of black on all sides.

Ben Gunn voted yes for reasons cited by the Board and stated that he understands wanting privacy.

Ken Suchan voted yes for reasons cited by the Board and stated that the applicant made concessions to the willingness to paint the fence to bring it into compliance.

Stewart Fitz Gibbon voted yes and said he applauded the applicants for keeping the pleasant nature around them. He thought the chain-link fence visibility was beautiful and that painting the vinyl black would bring the fence into compliance.

The motion passed unanimously, 6-0.

***BZA-22-16.***

Eric Long requested an Area Variance from Planning and Zoning Code Section 1125.03(B)(4)(A)(iv.) to allow parking between the living space of a residence and the right-of-way at 2330 East Smithville Western Road, parcel 71-00481.000 in an R-1 (Suburban Single-Family) zoning district.

Eric Long and Erin Nussbaum Long, 2330 East Smithville Western Road, stated that they installed a bump in the driveway to allow them to back out of the garage. Mr. Long explained that they installed the bump without knowing they needed a permit. Mr. Long continued that a contractor didn't realize the permit was an issue. Mr. Long stated that they installed the bump

out because Smithville Western Road was a very busy street with poor visibility from the hill leading from Cleveland Road because of a dip in the road. Mr. Long explained that the poor visibility makes it very hard to back out on Smithville Western Road. Mr. Long continued that the cars were always parked in the garage or driveway. The turnaround would allow when pulling out of the driveway.

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

Ken Suchan made a motion to approve application BZA-22-16 as presented. Mark Reynolds seconded the motion.

Ken Suchan voted yes and stated that the typical place for the turnaround would be on the other side of the property. The unique situation with this property and the safety issue is because Smithville Western Road is very busy and cannot back out of the driveway, and the hill creates a sight problem.

Mark Reynolds voted yes for reasons cited by the Board. He stated that the application meets many of the criteria for approval, the uniqueness of the property, and the driveway being up against the property line.

Ben Gunn voted yes for reasons cited by the Board and stated that the safety issues were a good reason for the hill and the heavy traffic.

Martha Bollinger voted yes for reasons cited by the Board and the hardship of the safety issues. The neighbor next door was almost identical, so we are not setting precedence, and several driveways have turnarounds in the neighborhood.

Jason Anderson voted yes and stated that the applicant was not using it for a parking space as in the code.

Stewart Fitz Gibbon voted yes for reasons cited by the Board and stated that the only reason for the turnaround was the only alternative.

The motion passed unanimously, 6-0.

#### **IV. ADJOURNMENT**

Ben Gunn made a motion to adjourn. Jason Anderson 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**