

## MINUTES

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

April 6, 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, Doug MacMillan and Greg Taylor, were present at the meeting. Andrew Dutton, Planning and Zoning Manager, was present representing the City of Wooster.

#### II. APPROVAL OF MINUTES

Ken Suchan moved to approve the March 2, 2017, regular meeting minutes. Greg Taylor seconded the motion. The motion passed 5-0-2 with Doug MacMillan and Lukas Gaffey abstaining.

#### III. PUBLIC HEARINGS

##### ***Application #BZA-17-04.***

Gary Stoller of Shaffer, Johnston Lichtenwalter & Assoc. representing The College of Wooster requested an area variance from Planning and Zoning Code Section 1131.06(b)(3) to allow a fence taller than permitted in front of a building at 415 Wayne Avenue in a CF (Community Facilities) District.

John Long, 3477 Commerce Parkway, stated that the area variance was to allow a fence taller than permitted in the area of Andrews, Armington and Stevenson's Hall. Mr. Long gave a brief outline of the project and indicated it would include renovations to existing residence halls. Mr. Long explained that the proposed fence would sit in front of the building setback of Armington Hall. He continued that the fence was needed to screen a necessary chiller plant and an electrical transformer. Mr. Long explained that alternative locations were considered for the placement of the chiller and transformer, though none were feasible. Mr. Long stated the proposed fence was seven feet in height.

Mr. Gaffey asked how tall the transformer and the chillers would be. Mr. Long answered that the chillers were about nine feet tall and the fence was seven feet tall.

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. Doug MacMillan seconded the motion.

Stewart Fitz Gibbon voted yes and stated that the application was reasonable and the view from across the street would not infringe on the neighborhood.

Brad Gowins voted yes. He indicated that his vote was for the same reasons stated. He also indicated that there was a slope on Wayne Avenue, the fence would only project slightly further than the buildings and the chillers were necessary to service buildings.

Doug MacMillan voted yes for a reason cited. He also noted that the view across the street would not infringe on the rest of the neighborhood.

Gregg McIlvaine voted yes.

Ken Suchan voted yes and stated that it was a necessary height to accommodate the chillers.

Lukas Gaffey voted yes and stated that the fence would only stick out a small distance from the front of the building.

The motion passed unanimously, 7-0.

***Application #BZA-17-12.***

Darren Spensiero of BSHM Architects representing Wooster City Schools Board of Education requested an area variance from Planning and Zoning Code Section 1169.04(b)(6) to allow fewer off-street parking spaces that required at 101 West Bowman Street in a CF (Community Facilities) District.

Byron Manchester, 1020 Goodale Blvd, stated that the school was renovating the area for a preschool loading zone. Mr. Manchester explained that there were 16 parking spaces on the west side of the gymnasium. He continued that, by removing those spaces, the school could install a 16 foot wide raised sidewalk for picking up and drop off of students. Mr. Manchester explained that two windows would also be installed below to eliminate dangerous situations.

Brad Gowins asked if the project would make the flow of traffic smoother for parents coming in and exiting. Mr. Manchester answered that he believed it would. Gregg McIlvaine asked if there was adequate parking available. Mr. Manchester replied that bus and parent pickup were currently done on the street. He continued that the renovations would improve the situation by allowing parent pickup in the interior of the site and not in the street. Mr. Manchester explained the raised concrete sidewalk was 16 feet wide and the drive was 26 feet 10 inches wide.

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

Bill McMillian, 632 N. Grant Street, stated that he resided directly across from the west entrance of the school. Mr. McMillian continued that parents park on his side of the street and the buses were stopped on the other side. Mr. McMillian communicated his concerns were with the parents dropping off students on the road and enough parking for the teachers. Mr. McMillian stated that the new configuration would solve some of these traffic problems.

Pete Wallin, 664 N. Grant Street, reported concerns about the traffic, children darting across the street, and parking. Mr. Wallin asked whether the existing drive was wide enough for two buses to go to each other as they come to go to the drop off for students. Mr. Manchester answered the buses would remain on the street and the parents would use the drive for drop off and pick up. Mr. Manchester stated that, in the future when the building adjacent to North Grant Street may come down, a bus loop would be provide onsite.

Michael Tefts, 144 N. Market Street, stated that the long term solution was to get all of the school traffic off the street. Mr. Tefts continued that the traffic and the congestion were bad on Grant and Quinby Streets and the school was looking for a solution. Mr. Tefts explained that this was a step in the right direction for the long-term master plan.

Brenda Maynard, 441 Gasche Street, stated that a possible solution would be to make a right hand turn only lane at the drop off point so that the traffic could continuously flow. Mrs. Maynard continued that the traffic may not be as congested and cars could go down Park Street and turn right.

Ken Suchan stated that the issue before the Board was removing 16 parking spaces, which may or may not be needed. He considered if removing the parking spaces affect the rest of the parking at the school. Mr. Suchan asked if there was ever a time when all the parking spaces on the lot were filled. Mr. Manchester stated that when school was in session the parking lot was mostly full.

Gregg McIlvaine moved to adjourn to Executive Session. Doug MacMillan seconded the motion. The motion passed unanimously, 7-0, at 5:56 pm.

Stewart Fitz Gibbon moved to come out of Executive Session. Ken Suchan seconded the motion. The motion passed unanimously, 7-0, at 6:05 pm.

Brad Gowins made a motion to approve the variance as presented. Greg Taylor seconded the motion.

Gregg McIlvaine voted yes.

Ken Suchan voted yes and stated that the elimination of the 16 parking spaces presented a better safety situation for the students.

Gregg McIlvaine voted yes and stated that the safety of the students was a priority.

Stewart Fitz Gibbon voted yes and stated his vote was for reasons cited by the Board, particularly the safety issue.

Brad Gowins voted yes and stated that the master plan for the school was to improve traffic flow and the safety of the students.

Doug MacMillian voted yes.

Lukas Gaffey voted yes and stated his vote was based specifically on the particular circumstances and that advantage of improving parental pick up traffic.

The motion passed unanimously, 7-0.

***Application #BZA-17-13.***

Paul Magee of Lettergraphics representing GKI LLC requested an area variance from Planning and Zoning Code Section 1171.04(c)(1) to allow a freestanding sign within the minimum setback from a side lot line at 5246 Cleveland Road in an M-2 (General Manufacturing) District.

Chris Butdorf, 400 W. Market Street, stated that the lot was oddly shaped and the sign location was between a fire hydrant and a property line. Mr. Butdorf continued that the Fire Department requested 4 feet of clear space around the fire hydrant. Mr. Butdorf stated that the location of the fire hydrant did not allow the required ten foot side setback for a freestanding sign.

Ken Suchan asked if the amount of signage was at issue or only the sign's setback from the side property line. Mr. Butdorf stated only the signs setback from the side property line was at issue.

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.

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

Stewart Fitz Gibbon voted yes and stated that it was apparent that this was a particular circumstance.

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

Doug MacMillan voted yes and stated that the lot was a flag lot and had a shared driveway, which complicated the location of the sign.

Gregg McIlvaine voted yes.

Ken Suchan voted yes and cited the reasons by other Board members.

Greg Taylor voted yes.

Lukas Gaffey voted yes and stated that there were obvious special conditions for the appeal.

The motion passed unanimously, 7-0.

***Application #BZA-17-14.***

Johannah Harper requested a use variance from Planning and Zoning Code Section 1133.02(d) to allow a second single family detached dwelling on an existing lot at 506 Gasche Street in an R-T (Traditional Residential) District.

Johannah Harper, 506 Gasche Street, stated that she owned a double lot with our home and would like to build a little house for her mother to reside. Mrs. Harper explained the house would be about 400 square feet and would be in an American Four Square style. Mrs. Harper explained that when she applied in September for this appeal at that time, she felt that the proposal did not answer the questions regarding rental status and all of the variance criteria were not answered. Mrs. Harper continued that she asked a lawyer to draft a deed restriction regarding the use of the property.

Lukas Gaffey asked Mrs. Harper if a restriction could be placed requiring the use of the accessory dwelling to be reviewed by the Board when the property is sold. Mrs. Harper responded that she would be open to such a restriction.

Mr. McIlvaine asked if the new unit could be used as a rental. Mr. Gaffey responded that the proposed deed restriction would prevent the use as a rental.

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

Curtis Meade, 457 Troyer Court, stated that he was there to support the decision for the Harper's to build on their property. Mr. Meade continued that they were good neighbors.

Brenda Maynard, 441 Gasche Street, stated that she supported their decision to build on the property. Mrs. Maynard continued that the in-law cottage would make the property more valuable.

Gary Maynard, 441 Gasche Street, stated that he had no problems with the Harper's building a cottage. Mr. Maynard continued the community works together and there were several rentals in the neighborhood. Mr. Maynard asked why someone could not rent the cottage as an offsetting income and why the restrictions were proposed for the property.

Mindy Cavin, 324 Palmer Street, stated her concerns with what happens with the unit in the future. Mrs. Cavin continued that rentals cannot be restricted anywhere within the City of Wooster. Mrs. Cavin stated that this was more about having more than one family on one property and R-T limited multi-family. Mrs. Cavin continued that the deed restriction was a good idea, but preferred the structure would go to a utility structure in the future. She indicated approval would set a bad precedent.

Brenda Maynard, 441 Gasche Street, stated that the deed restriction was a very good idea and it let the buyer know that the cottage cannot be used as a rental property. Mrs. Maynard explained that she disagreed with the requirement to turn the building into a utility structure.

Andrew Dutton noted that if the Board chose to approve the variance, he recommended including restrictions in the motion would that would allow conditions enforceable by the City. He noted that suggested language was included in the staff report.

Carson Christian, 506 Gasche Street, stated that the reason the lots were combined was so that that the previous owner could build a two car garage.

Erica Bevington, 1274 Center Drive, stated that cottage would improve the property value of the home.

Stewart Fitz Gibbon moved to adjourn to Executive Session. Brad Gowins seconded the motion. The motion passed unanimously, 7-0, at 6:42 pm.

Stewart Fitz Gibbon moved to come out of Executive Session. Brad Gowins seconded the motion. The motion passed unanimously, 7-0, at 7:05 pm.

Ken Suchan made a motion to approve the request and the plan that was presented with the condition that the principal dwelling on the property shall be occupied by one family as defined in the Planning and Zoning Code and the accessory dwelling shall only be occupied

by either an occupant of the principal dwelling unit on the property or persons related to the occupant of the principal dwelling unit on the property by blood, marriage, adoption or foster care. Stewart Fitz Gibbon seconded the motion.

Greg Taylor voted no.

Ken Suchan voted yes and stated his decision was based on the condition that was included and the deed restriction. He continued that he felt the language was enough to allow enforcement by the City should the deed restriction not be enforced.

Gregg McIlvaine voted yes and indicated that the deed restriction, the size of the dwelling and the lack of opposition in the adjacent area weighed in his decision.

Stewart Fitz Gibbon voted yes and stated his vote was for reasons previously cited and noted that the deed restriction was consistent with the R-T District. Mr. Fitz Gibbon also noted the uniqueness of the lot.

Brad Gowins voted no and stated that he was concerned with the precedent that would be set in the R-T District.

Doug MacMillan voted yes and stated the condition of approval factored into his vote.

Lukas Gaffey voted no and stated that he was also concerned with a precedent that would be set.

The motion passed, 4-3.

***Application #BZA-17-15.***

Charles Steinman of Illusions Screen Printing requested a use variance from Planning and Zoning Code Section 1141.02(d) to allow a screen printing use at 214 North Bever Street in a C-4 (Central Business) District.

Charles Steinman, Illusions Screen Printing stated that he and his wife have owned the business for 26 years and were looking at the property to expand the business. Mr. Steinman explained that the building was over 11,000 square feet, which would allow the business to grow. Mr. Steinman stated that the building housed a book club and storage. Mr. Steinman continued that the parking was limited and that he had two employees. Mr. Steinman indicated that he had arrangements with the Advanced Auto Parts to use parking spaces.

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

Katheryn Stone, Co-Chair AAW Book Sale, stated that they were currently in the building four hours per week. Mrs. Stone continued that they use the parking beside the building and it would be a benefit to see Mr. Steinman move into space. Mrs. Stone explained that Mr. Steinman would let them continue to use the space for the book club.

Brad Gowins made a motion to approve the variance as presented. Doug MacMillan seconded the motion.

Greg Taylor voted yes.

Ken Suchan voted yes.

Gregg McIlvaine voted yes.

Stewart Fitz Gibbon voted yes.

Brad Gowins voted yes.

Doug MacMillan voted yes and stated that he did not like seeing buildings sit empty and the print shop was a small profile business that would not interrupt anything in the neighborhood.

Lukas Gaffey voted yes and stated that the business was not high impact and was a good option for the space.

The motion passed unanimously, 7-0.

***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 sign 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, stated that the recent addition necessitated an update of hospital signage. Mr. Butdorf continued that Community Facilities (CF) zoning district was inadequate for the needs of the hospital. Mr. Butdorf explained that CF mostly included parks and schools, which did not require much signage. Mr. Butdorf stated that it was difficult to communicate all of the services within CF standards. Mr. Butdorf stated that the new sign was a replacement to the current sign and, overall, the signs were larger. Mr. Butdorf explained that the number of signs would not be increased. Mr. Butdorf continued that C-2 and C-3 zoning districts were adjacent to the hospital. Mr. Butdorf stated that the traffic flow in the area was accustomed to seeing large prominent signs. Mr. Butdorf explained that he worked with the hospital to develop appropriately sized signs to identify the departments and to best serve the public.

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

Brian White, 1761 Beall Avenue, stated that he was the Director of Facilities and Engineering for Wooster Community Hospital. Mr. White continued that tens of millions of dollars spent for improvements to the hospital. Mr. White stated that long-term care and rehabilitation services had been expanded. Mr. White continued that with the expansions, people did not know where to go. He continued that the proposed signage was vital to serving the community and was necessary to find various departments, especially in emergency situations.



Gregg McIlvaine asked about the need for the additional height of the signs. Mr. Butdorf answered that height of the signs was necessary, and he felt it was important to elevate the signs above ground level. Mr. Butdorf stated the height of the signs was needed to communicate the services of the hospital.

Gregg McIlvaine moved to adjourn to Executive Session. Brad Gowins seconded the motion. The motion passed unanimously, 7-0, at 7:36 pm.

Gregg McIlvaine moved to come out of Executive Session. Brad Gowins seconded the motion. The motion passed unanimously, 7-0, at 7:49 pm.

Lukas Gaffey stated that based on the Boards discussion, there were two primary issues, the size of the signs and height of the signs. Mr. Gaffey asked if the applicant wanted to move forward with the vote, or would prefer to table the application to revise and bring back to the Board next month.

Mr. Butdorf stated that the hospital had used significant resources developing the proposed plan. Mr. Butdorf stated that he did not see the competing designs, but he did not believe that any would conform to CF requirements. Mr. Butdorf stated that he would like the application to be tabled for further review.

Brad Gowins made a motion to table the variance. Stewart Fitz Gibbon seconded the motion.

The motion to table passed unanimously, 7-0.

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

Paul Magee of Lettergraphics representing GOJO requested an area variance from Planning and Zoning Code Section 1171.04(c)(1) to allow a freestanding sign taller than permitted at 1147 Akron Road in a C-5 (General Commercial) District.

Chris Butdorf, 400 W. Market Street, stated that GOJO was proposing a sign taller than permitted. Mr. Butdorf continued that the sign was located behind the bike path and would replace an existing smaller sign. Mr. Butdorf explained that the sign was for the trucks coming off the bypass to see the vehicle entrance. Mr. Butdorf continued that the sign was 9 foot tall.

Mr. Gaffey asked if the logo and the amount of white space surrounding the logo could be reduced. Mr. Butdorf answered that the logo and field around it came from corporate GOJO marketing.

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 the variance as presented. Doug MacMillan seconded the motion.

Stewart Fitz Gibbon voted no and stated that he did not want to set a precedent, the Board needed to be faithful to the code and a minor adjustment would allow the sign to be brought into compliance.



Brad Gowins voted no for reasons cited by the board.

Doug MacMillian voted no.

Greg Taylor voted yes.

Ken Suchan voted yes and stated his vote was based on the shape of the sign, which was unique.

Gregg McIlvaine voted no and stated that the sign could come into compliance.

Lukas Gaffey voted no and stated that it would be minimal to bring the sign into compliance and the sign would be just as visible.

The motion to approve the application failed with 2 members voting yes to and 5 members voting no.

***Application #BZA-17-18.***

Elam Yoder of Berlin Construction representing Leslie Sharp requested an area variance from Planning and Zoning Code Section 1133.03(c) to allow a building to exceed the maximum permitted coverage of a lot at 1630 Firethorn Lane in an R-2 (Single Family Residential) District.

Elam Yoder, Berlin Construction, stated that he was adding a screen in porch and a deck to the existing house. Mr. Yoder explained the screened in porch was about 1 percent over the required of the 25 percent building coverage. He continued that adding the deck on would result in a lot coverage of just under 30 percent. Mr. Yoder continued that there was an easement behind the house and no neighbors were behind the home. Mr. Yoder stated the deck was not enclosed.

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

Leslie Shelton, 1630 Firethorn Lane, stated that there was a patio where the deck was going. Mrs. Shelton explained that she had some health issues and needed the coverage to use the yard.

Lukas Gaffey clarified that the building coverage for the lot was 25 percent. Mr. Gaffey explained that, with the added screened in porch, the coverage was 25.78 percent and then the open deck resulted in a coverage of 29.5 percent. Mr. Gaffey continued that the deck was built over the existing patio.

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

Stewart Fitz Gibbon voted yes and stated that the easement and lack of neighborhood objection make this a unique situation.

Brad Gowins voted yes.

Doug MacMillian voted yes.

Greg Taylor voted yes.

Ken Suchan voted yes.

Gregg McIlvaine voted yes.

Lukas Gaffey voted yes and stated that the screened in porch was essentially just raising a platform over an existing patio.

**The motion passed unanimously, 7-0.**

***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**

Stewart Fitz Gibbon made a motion to adjourn. Brad Gowins seconded the motion. The motion passed unanimously, 7-0.

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**Lukas Gaffey, Chairman**

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**Carla Jessie, Administrative Assistant**