

## MINUTES

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

July 11, 2019

**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 Lukas Gaffey, Brad Gowins, Doug MacMillan, and Gregg McIlvaine were present at the meeting. Board members Stewart Fitz Gibbon and Ken Suchan were 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 the June 6, 2019, regular meeting minutes. Doug MacMillan seconded the motion. The motion passed unanimously 4-0.

**III. PUBLIC HEARINGS**

***Application #BZA-19-16.***

Matt Long requested an area variance from Planning and Zoning Code Table 1115-4 to allow a lot with a size less than permitted and two lots with lot widths at the building line less than permitted on the west side of Venture Blvd. with Parcel Number 68-01409.004 in a General Industrial (I-2) District.

Matt Long, 225 North Market Street, indicated that he represented Wolf Creek Land and Cattle Company. Mr. Long explained that the proposal was to subdivide the lot into two separate lots. He continued that the existing property lines encountered difficulties due to the curvature of Venture Blvd., which created a narrow lot along the right of way.

Gregg McIlvaine asked if the existing lot was viable and if the application was proposed for economic reasons. Mr. Long stated that the lot had practical difficulties and the type of application was accommodated that on a regular basis.

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-19-16 as presented. Brad Gowins seconded the motion.

Brad Gowins voted yes and stated that the lot was less than a half an acre, within 20 or 30 feet of the width requirement and the application was the minimum necessary to make the lots viable.

Gregg McIlvaine voted yes.

Doug MacMillan voted yes and stated that the difficulties with the utility easement and the curvature of the road made the application a reasonable request.

Lukas Gaffey voted yes.

The motion passed unanimously, 4-0.

***Application #BZA-19-17.***

John Long requested an area variance from Planning and Zoning Code Table 1115-1 to allow lots with less frontage than required and Section 1125.03(b)(4)(A.)(i.) to allow a driveway within the minimum setback from a side property line at 2306 Star Drive in a Single-Family Residential (R-2) District.

Robert Miller, 2306 Star Drive, stated that he was the owner of the property. Mr. Miller explained that two years ago, he received variance approval for a similar application, but it had expired. Mr. Miller continued that there was a minor lot line difference from the previous application and the “air strip” portion was included with the northern proposed property.

Andrew Dutton stated that in 2017, the Board of Building and Zoning Appeals approved variances to lot width, driveway setbacks and for a flag lot. Mr. Dutton explained that the current Planning and Zoning Code switched the review of the flag lot to the Planning Commission.

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

Chuck Hall, 1478 Crosswind Court, stated that two years ago, Mr. Miller asked for a flag lot designation and is currently asking for a variance. Mr. Hall asked about the easement and the retention area on the property. Mr. Dutton stated that if a home was built on the site, it could not be built on the easement or retention area.

Teresa Rouhier, 1440 West Highland Avenue, stated that she had a concern that if a house was built on the lot, it would drain back on their property. Mr. Dutton stated that one single-family home would be permitted on the lot.

Brad Gowins made a motion to approve application BZA-19-17 as presented. Gregg McIlvaine seconded the motion.

Brad Gowins voted yes and stated that compared to the last application, it was the minimum necessary.

Gregg McIlvaine voted yes and stated that this was the best use for the lot.

Doug MacMillan voted yes.

Lukas Gaffey voted yes and stated that there was not much change to what was originally approved 2017, however, the project would have to go before the Planning Commission in order to be approved as a flag lot.

The motion passed unanimously, 4-0.

***Application #BZA-19-18.***

David Ratliff requested an area variance from Planning and Zoning Code Section 1113.01(e)(7)(A.) and Section 1127.10(f)(3) to allow a drive-through sign in the front yard and Section 1127.06(n)(4)(B.) to allow an electronic message center sign within 100 ft. of a residence at 540 Beall Avenue in a Community Commercial (C-2) District.

Charlie Shalleo, 6001 Nimtz Parkway, South Bend, Indiana, stated that McDonald's had two menu boards on each lane of the existing double drive-through. Mr. Shalleo explained that the property was unique because it was at an intersection and the property was narrow. Mr. Shalleo continued that the drive-through window areas were at the rear of the property, forcing the menu boards and the drive-through lanes to be in the side yard.

Mr. Shalleo stated that the proposed sign area was less than the current drive-through signs. Mr. Shalleo continued that the Planning and Zoning Code classified the signs as electronic message centers. He stated that the boards were more of a visual screen than a classic electronic message center and allowed for a display which would be easier to read. Mr. Shalleo explained that the boards had an auto-dimming technology and if no one was utilizing the boards, they would be dim dramatically.

Brad Gowins asked how tall the signs would be. Mr. Shalleo stated that the boards were 5 feet 11 inches tall.

Lukas Gaffey clarified that the signs were digital version of the boards currently used and that the applicant noted that the signs would automatically decrease in brightness.

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-19-18 as presented. Doug MacMillan seconded the motion.

Gregg McIlvaine voted yes and stated that the application was less signage and light than current signs.

Doug MacMillan voted yes.

Brad Gowins voted yes and stated that the residential area near the property had a fence that was taller than the signs, which would provide additional screening.

Lukas Gaffey voted yes and stated that he appreciated the effort of the business adopting a new technology and being mindful of the light.

The motion passed unanimously, 4-0.

#### **IV. ADJOURNMENT**

Gregg McIlvaine made a motion to adjourn. Brad Gowins seconded the motion. The motion passed unanimously, 4-0.

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**Lukas Gaffey, Chairman**

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**Carla Jessie, Administrative Assistant**