

## MINUTES

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

September 2, 2021

#### 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, Ben Gunn, Doug MacMillan, Mark Reynolds, and Ken Suchan were present. Gregg McIlvaine was absent. Andrew Dutton, Planning and Zoning Manager, was present representing the City of Wooster.

#### II. APPROVAL OF MINUTES

Ben Gunn made a motion to approve the August 5, 2021, regular meeting minutes. Ken Suchan seconded the motion. The motion passed 4-0-1. Stewart Fitz Gibbon abstained.

#### III. PUBLIC HEARINGS

##### ***Application #BZA-21-22.***

Brent Eichar requested an Area Variance from Planning and Zoning Code Section 1123.06(e) to allow a buffer yard without the required screening at 147 Riffel Road in a C-2 (Community Commercial) zoning district.

The applicant has requested that the application remain tabled until the November BZA Meeting.

##### ***Application #BZA-21-24.***

Christian Butdorf requested an Area Variance from Planning and Zoning Code Section 1127.10(c)(8)(C)(vi. and viii.) to allow a hanging sign larger than permitted and internally illuminated at 230 South Market Street in a C-4 (Central Business) zoning district.

Chris Butdorf, 400 W. Market Street, Orrville, stated that the tenant was seeking a building front sign, but there was a bump-out built that eliminated the sign area on the front of the façade of the building. Mr. Butdorf explained that the applicant wanted to hang the sign underneath the overhang. Mr. Butdorf continued to hang the sign from the canopy, and the sign code reduced the sign to 10 square feet with no internal illumination. Mr. Butdorf stated that the applicant sought a modest increase to 13 square feet and an internally illuminated sign. He noted that the sign would not stick out any further than the overhang.

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.

Mr. Dutton noted that the sign was heard in front of the Design and Review Board in August, looking at the sign's aesthetics and approving the application.

Ben Gunn made a motion to approve application BZA-21-24, as presented. Doug MacMillan seconded the motion.

Ben Gunn voted yes and stated that the request was very minimal, as noted in the application, and the sign was similar to the sign at The St. Paul Hotel, which matches the neighborhood aesthetics.

Doug MacMillan voted yes and stated that the sign was flush with the above bump out and appropriate.

Ken Suchan voted yes for reasons cited by the Board.

Mark Reynolds voted yes and stated that the building was unique with the second-floor bump-out, and the sign was no farther out from the wall than the second floor.

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

The motion passed unanimously, 5-0.

***Application #BZA-21-25.***

Bea Nadelin requested an Area Variance from Planning and Zoning Code Section 1115.03(a) to exceed the maximum lot coverage at 212 Spink Street in an R-T (Traditional Residential) zoning district.

Bea Nadelin, 3587 Crader Road, stated that the request was for adding a driveway to the residence. Ms. Nadelin explained that the drive would only be going to the back of the house to a side entrance.

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-21-25, as presented. Ken Suchan seconded the motion.

Mark Reynolds voted yes and stated that the application was the minimum necessary to make the driveway, and there was no parking on Spink Street, which was reasonably busy.

Ken Suchan voted yes and stated that the driveway was a basic necessity in a residential area, and this was a reasonable request for the property.

Doug MacMillan voted yes and stated that the request was a minimum amount required for a driveway and that the drive was a necessity, and the owner could safely park off the street.

Ben Gunn voted yes and stated that there were special conditions and circumstances, the house did not have a drive, and most homes had a driveway when they are built.

Stewart Fitz Gibbon voted yes for reasons cited by the Board. The application was the minimum necessary to make the house worthwhile in this zoning district. There has been no opposition from the neighbors.

The motion passed unanimously, 5-0.

***Application #BZA-21-27.***

Jason Wolfe requested an Area Variance from Planning and Zoning Code Section 1125.03(b)(4)(A.)(i. and iii.) to allow a driveway within the required setback and exceeding the maximum width at 715 Northwestern Avenue in an R-1 (Suburban Single-Family Residential) zoning district.

Jason Wolfe, 715 Northwestern Avenue, stated that the request was to replace all concrete in the front, including the porch, sidewalk, and driveway. Mr. Wolfe explained that they would like to widen the driveway to line up with the installed vinyl fence and gate. Mr. Wolfe continued that the widening of the driveway encroaches on the 3 feet minimum from the property line.

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

Nicholas Fry, 727 Northwestern Road, stated that he and the applicant installed the vinyl fence last year, and the applicant wanted to make the property look nice with the concrete drive. He was not opposed to the application.

Mr. Fitz Gibbon closed the public hearing.

Ben Gunn made a motion to approve application BZA-21-27, as presented. Doug MacMillan seconded the motion.

Ben Gunn voted yes and stated that the request was minimal, and the affected neighbor said he did not object and the use request was reasonable.

Doug MacMillan voted yes and stated that the request was minimal. He liked that the adjacent neighbor came out and spoke positively about the application. It enhances the front of the house.

Mark Reynolds voted yes and stated that since the extra driveway width would be behind the sidewalk, it would not affect too many people, and the distance between the property lines isn't that uncommon in the neighborhood

Ken Suchan voted yes for reasons cited by the Board.

Stewart Fitz Gibbon voted yes for reasons cited by the Board and for minimal encroachment on the neighbors.

The motion passed unanimously, 5-0.

***Application #BZA-21-28.***

J. Douglas Drushal requested a Use Variance from Planning and Zoning Code Section 1109.02(d) to allow a prohibited Personal Service Establishment use, a fitness center, on the northeast corner of Akron Road and Long Road with parcel number 67-00283.006 in an I-1 (Office/Limited Industrial) zoning district.

Doug Drushal, 225 North Market Street, stated that this was a use variance for a fitness center. The site plan was approved by the Planning Commission earlier tonight with the condition that the external use is limited to the walking path. Mr. Drushal explained that with the lot being a corner lot, there was no access to Long or Akron Roads and not permitted to have access. Mr.

Drushal continued that the access would come in from the driveway around the Caliber Collision building next to the property. Mr. Drushal stated that the lot was a limited access lot with less than three useable acres because of the detention pond. Mr. Drushal explained that the building would not be appropriate for Industrial use. Mr. Drushal continued that the walking track outside would go around the detention basin and be unique to the property.

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.

Ken Suchan made a motion to approve application BZA-21-28, as presented. Ben Gunn seconded the motion.

Ken Suchan voted yes and stated that the applicant met the use criteria. The use was appropriate in an industrial area, and the building looks like an industrial building and not out of character with the site.

Ben Gunn voted yes and stated that there was no access to either road and would need to use a special driveway for the entrance, and the lot was smaller due to the detention basin.

Doug MacMillan voted yes and stated that this was a good area for this type of business and worked well for the application.

Mark Reynolds voted yes and stated that the unique property circumstance with no road access on either road limits the viability of the property for many uses.

Stewart Fitz Gibbon voted yes and stated that the situation was unique. Much of the lot was not usable, with limited access, and the baseball field across the street made this a transitional type area.

The motion passed unanimously, 5-0.

***Application #BZA-21-26.***

Sharla Menotti requested an Appeal of an administrative decision classifying pigs as livestock at 904 Kieffer Street in an R-1(Suburban Single-Family Residential) zoning district.

Gloria Cantleberry, 908 Kieffer Street, stated that she lived next door to the applicant and did not have a problem with the pigs. She does not like the smell in the backyard that she does not clean up.

Mr. Dutton stated that the communication with the applicant was through the ViewPoint Software, which was through email. Mr. Dutton explained that all of the information about the meeting was sent through email.

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

Jane Croskey, 590 Danberry Drive, stated that if you want farm animals to move to the country, I am against the application.

Mr. Fitz Gibbon stated that the code indicated that livestock was not permitted in the City and the pigs needed to be removed, and the applicant was appealing the decision.

Mr. Fitz Gibbon closed the public hearing.

Ben Gunn made a motion to table application BZA-21-26. Doug MacMillan seconded the motion.

The motion passed unanimously, 5-0.

**IV. ADJOURNMENT**

Doug MacMillan made a motion to adjourn. Ben Gunn seconded the motion. The motion passed unanimously, 5-0.

---

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

---

**Carla Jessie, Administrative Assistant**