

## MINUTES

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

September 1, 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, Jeff Battig, Stewart Fitz Gibbon, Mark Reynolds, and Ken Suchan were present at the meeting. Board Member Ben Gunn was absent. Vincent Marion, Planning and Zoning Manager, represented the City of Wooster.

#### II. APPROVAL OF MINUTES

Ken Suchan made a motion to approve the minutes of the August 4, 2022, meeting of the Board of Building and Zoning Appeals. Jeff Battig 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The applicant has withdrawn the application.

Martha Bollinger made a motion to approve the withdrawal of application BZA-22-5. Mark Reynolds seconded the motion. The motion passed unanimously, 6-0.

##### ***BZA-22-18.***

Juneo Benjamin requested an Area Variance from Planning and Zoning Code Section 1113.01(d)(3) to allow an accessory building in the front yard at 2796 Cleveland Road in a C-3 (General Commercial) zoning district.

Juneo and Tameka Benjamin, 2796 Cleveland Road, stated that the property's location is behind Bosco's Pizza, which was commercial. Mr. Benjamin explained that there was only one house, and the barn was on the right side of the drive, behind trees and not visible from Cleveland Road. Mr. Benjamin continued that they only had one place to put the barn in the front yard behind the commercial buildings. Mr. Benjamin stated that Edgewood Middle School was directly behind the property, but you could not see the school because of the trees. Mrs. Benjamin noted that trees and bushes surrounded the property. Mr. Benjamin explained that there was no frontage on Cleveland Road, and the driveway was an easement to access the property. Mr. Benjamin said he might add a deck to the structure in the future.

Mr. Marion stated that the zoning certificate would make the structure legal once the variance was granted.

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.

Jason Anderson made a motion to approve application BZA-22-18 as presented. Mark Reynolds seconded the motion.

Jason Anderson voted yes and stated that this was an odd situation with the property, and the building added to the property value.

Mark Reynolds voted yes and stated that there were several special conditions with not a lot of flat area for placement of buildings, and the property was unique in that there was no road frontage.

Ken Suchan voted yes and stated that you could enforce something in the front yard with city lots, but this was not the case with this building being behind commercial uses and not in a residential neighborhood.

Jeff Battig voted yes and stated that you could not see the house or building from Cleveland Road.

Martha Bollinger voted yes and stated that the way the land was situated, with no road frontage and not in a residential neighborhood, would not adversely affect neighbors close to the property.

Stewart Fitz Gibbon voted yes for reasons cited by the Board and stated that there were unique circumstances, and the building was out of sight, which was the zoning code's spirit and intent.

The motion passed unanimously, 6-0.

***BZA-22-19.***

Karen Dodge requested an area variance from Planning and Zoning Code Section 1127.10(d)(2) to allow a freestanding sign that exceeds the permitted size and height at 4536 Cleveland Road in a C-3 (General Commercial) zoning district.

William Styles, 2722 Mahoning Avenue, Youngstown, stated that the sign proposed was a freestyle, more modern storefront. Mr. Styles explained that the new sign was smaller than the existing signage and more significant than the current code. Mr. Styles continued that the sign needed a specific size and height to be visible and acknowledged. Mr. Styles stated that the trees block some of the views of the sign. Mr. Styles noted that the existing pole would be used for the sign and lowered for compliance. Mr. Styles explained that the sign was internally illuminated.

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-22-19 as presented. Ken Suchan seconded the motion.

Mark Reynolds voted no and stated that the board reviewed several options that fit the criteria and several ways to trim the sign down to code, and then there would be no need for a variance. He said that the Board was trying to get non-conforming signs to code when updated and saw no hardship present.

Ken Suchan voted no and stated that the new construction around the area had observed the code; the 15-foot high sign is inconsistent and would set a precedent.

Jason Anderson voted no for reasons cited by the Board.

Jeff Battig voted no and stated he did not see the hardship in granting a variance to change the signage rules.

Martha Bollinger voted no for reasons cited by the Board and stated that this was not a hardship and was unknown if the new sign was complete. There was a period of adjustment that they could accommodate the sign to meet the code.

Stewart Fitz Gibbon voted no for reasons cited by the Board. He stated that it was important as a Board that we not get trapped into setting a precedent when we grant variances to code. The board looks at unique sets of circumstances, so we can say this was situational because of the particulars of that situation. You can do other things with the property to fit in with the rest of the neighborhood.

The motion was denied unanimously, 6-0.

**IV. ADJOURNMENT**

Mark Reynolds made a motion to adjourn. Jeff Battig 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**