

## MINUTES

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

October 6, 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

Mark Reynolds made a motion to approve the minutes of the September 1, 2022, meeting of the Board of Building and Zoning Appeals. Martha Bollinger seconded the motion. The motion carried unanimously 6-0.

#### III. APPLICATIONS

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

Jeff Gower requested an area variance from Planning and Zoning Code Section 1127.10(c)(6) to allow a building/wall sign that exceeds the permitted area of 312 East Liberty in a C-4 (Central Business) zoning district.

Jeff Gower, 312 East Liberty Street, stated that he wanted to replace the existing wall sign. Mr. Gower explained that the sign was 136 square feet, 8.5 feet by 14 feet. Mr. Gower continued that the green on the side of the sign was painted and not part of the sign. Mr. Gower stated that the sign goes nicely with the stairs located on the side of the building. Mr. Gower explained that he was working on improvements for the building to fit in with the downtown. Mr. Gower continued that the trees in the front of the building block the view of the sign on the business's facade. Mr. Gower stated that the side of the building sign was more visible than the front. Mr. Gower explained that he felt the sign size flowed nicely with the rest of the building and pulled it together.

Mr. Marion stated that the sign ordinance states that any secondary façade size is based upon 50 percent of the permitted front façade size. Mr. Marion explained that the Design and Review Board met today and approved the design.

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-22-21 as presented. Ken Suchan seconded the motion. The motion was denied, 3-3.

Mark Reynolds voted no, stating that it was a nice-looking sign, understood a vital distinction, and noted that there was no hardship to grant the variance.

Ken Suchan voted yes and stated that since the application went in front of the Design and Review Board and there was discussion about how to reduce the size and artistically, the sign needed to be one piece.

Ben Gunn voted yes and stated that the discussion comes into effect of the neighborhood's essential character. The updated signage was much nicer than the old sign, and the primary point in the structure involved was different from most buildings in the same zoning area, with the side exposed and dominating much of the landscaping. He stated that the sign fits the neighborhood and fits the structure.

Jason Anderson voted yes and stated that knowing the Design and Review Board, who have looked at the design, approved the sign with a recommendation and beautified that downtown area.

Martha Bollinger voted no and stated that the sign was attractive but not in compliance and to not set a precedence that we are trying to hold with the sign standards.

Stewart Fitz Gibbon voted no and stated that some unique circumstances but risks set a precedent that became very hard to justify and try for a compliant design.

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

Chad Tennent requested a use variance from Planning and Zoning Code Section 1109.02(d) to allow a retail commercial use at 630 Palmer Street, parcel number 65-01106.000, in an R-2 (Single-Family Residential) zoning district.

Chad Tennent, 629 Kieffer Street, stated that the property was zoned residential and had been a business for many years. Mr. Tennent explained that the retail location would be selling mattresses by appointment. Mr. Tennent continued that this would be a part-time business based on availability. Mr. Tennent stated that there was plenty of parking for the business. Mr. Tennent explained that the building consisted of a tiny front office with a big open room, a garage, and a storage room. Mr. Tennent continued that he would have a three-year lease for the building. Mr. Tennent stated that, eventually, he might have a box truck on the property for deliveries.

Mr. Fitz Gibbon stated that the building was in a transitional area between a residential and commercial space, and the code swept that building up in the residential area. However, the Board was to make sure that because it was a transition how does it affect the neighborhood.

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-22-22 as presented. Ben Gunn seconded the motion.

Mark Reynolds voted yes and stated that this was the second application in two years for the property and felt that the property had no other economically viable use under the zoning district. The application was similar to the last application brought before the Board. He stated concerns about the amount of traffic that impacted the neighborhood the most.

Ben Gunn voted yes and stated that the condition was unique to the property and a commercial building in a residential neighborhood. The transition from retail to a residential area was an excellent transition business.

Ken Suchan voted yes and stated that an existing building on a lot, due to its design, cannot be reasonably reused for permitted use in the district, and the building would make an odd apartment.

Jason Aderson voted yes for reasons cited by the Board.

Martha Bollinger voted yes and stated the use of the property was well kept and viable and occupied with a good purpose for that.

Stewart Fitz Gibbon voted yes for reasons cited by the Board and stated that there were unique circumstances and that this use would be a low-impact use making it a good transition for the neighborhood.

The motion passed unanimously, 6-0.

***BZA-22-23.***

Andrea Uhler requested a use variance from Planning and Zoning Code Section 1109.02(d) to allow two single-family detached uses on Madison Avenue with parcel numbers 65-02445.000 and 65-02442.000, in an R-4 (Multi-Family Residential) zoning district.

Andrea Uhler, 225 Market Street, stated that each parcel was 58 feet wide by 200 feet, located in an R-4 Multi-Family Residential zoning district. Ms. Uhler explained that Habitat for Humanity was a non-profit corporation dedicated to providing single-family homes for those in need of homes in the community. Ms. Uhler continued that they desired to build one single-family home on each parcel. Ms. Uhler stated that single-family residents were not permitted to use the R-4 zoning district. Ms. Uhler explained that was no economically viable use under any of the services permitted in an R-4 zoning district because the Habitat Lots are not large enough for more than one unit. Ms. Uhler continued that each home comprises approximately 1155 square feet of living space with a two-story single-family home. Ms. Uhler stated that the properties on both sides were single-family in the R-2 zoning district and compatible with the R-4 in that neighborhood. Ms. Uhler explained that the granting of the variance would not adversely affect the rights of adjacent property owners. Ms. Uhler stated that the properties immediately adjacent to each of the respective Habitat lots and most of the properties in the surrounding area are currently single-family detached dwellings in the R-4 or R-2 district. Ms. Uhler stated that the single-family homes would make the neighborhood more uniform and cohesive zoned area.

Mr. Marion stated that whoever makes the motion includes that the construction conforms to the R-2 zoning, which is single-family detached. The only difference between R-1 and an R-2 zoning district was the size of the lot.

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

Doug Drushal, 225 North Market Street, stated that he was on the Habitat Board. Mr. Drushal explained that the area was residential before the annexation into the City of Wooster. Mr. Drushal continued that about 20 years ago, the city added sewer and water to the site.

Bob White, 5863 Clear Creek Valley Road, stated that the two lots were donated to Habitat, and as a part of the process, our partnered families are allowed to choose from the available lots. Mr. White explained that the partnered families choose these lots to fit their personal needs.

Mr. White continued that the homes built on the lots blend in with the neighborhoods and improve the communities by building Habitat homes. Mr. White stated that when Habitat accepted the lots, they had no idea it was zoned multi-family.

Lorrie Tignor, 2618 Weatherington Lane, Unit 209, stated that the partnered families want to connect a property to their children's life. Ms. Tignor explained that Habitat was a fantastic project and that we needed more places to build. Ms. Tignor continued that they have engineers ready to dig and houses ready to make.

Tony Thompson, 8534 Krabill Road, Sterling, stated that the family was looking forward to moving there. Mr. Thompson explained that the lot was wooded. Mr. Thompson continued that the lots on both sides were single-family homes that the families had lived there for years and were happy that Habitat obtained those lots and looking forward to having a Habitat Home for neighbors. Mr. Thompson stated that Habitat wanted to build on both lots with two-story homes ready to go with plans to fit within the neighborhood.

Mr. Fitz Gibbon closed the public hearing.

Ben Gunn made a motion to approve application BZA-22-23 as presented with the condition that the building conforms to all R-2 zoning district development requirements. Jason Anderson seconded the motion.

Ben Gunn voted yes and stated that the property couldn't be put to any possible use under the permitted use because the lots were small and already single-family homes that meet the new requirement.

Jason Anderson voted yes and stated that looking through the zoning board handbook and the definitions of single-family attached and detached, all properties surrounding the lots fit the exact requirements. He also appreciated that they took the time to visit the neighbors that already live in the neighborhood and build a relationship with them to improve the community.

Martha Bollinger voted yes and stated that the lots could be used as single-family homes, and the Board knows there is an affordable housing shortage at the price point you are building. Also, there is a pride in home ownership that will help in the neighborhood.

Mark Reynolds voted yes and stated that the application checks most of the criteria and fits in line with everyone's needs.

Ken Suchan voted yes.

Stewart Fitz Gibbon voted yes for reasons cited by the Board, and the Board was very pleased to be able to support Habitat and your mission.

The motion was denied unanimously, 6-0.

#### **IV. ADJOURNMENT**

Ben Gunn made a motion to adjourn. Martha Bollinger 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**