

## MINUTES

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

January 4, 2024

#### 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, Jeff Battig, Martha Bollinger, Stewart Fitz Gibbon, Ben Gunn, Mark Reynolds, and Jennifer Shatzer were present at the meeting. Vincent Marion, Planning and Zoning Manager, represented the City of Wooster.

#### II. CHAIR/VICE CHAIR SELECTION FOR 2024

Martha Bollinger motioned to elect Stewart Fitz Gibbon as Chairman of the Board of Building and Zoning Appeals. Jason Anderson seconded the motion. The motion carried unanimously 7-0.

Ben Gunn motioned to elect Mark Reynolds as Vice Chairman of the Board of Building and Zoning Appeals. Martha Bollinger seconded the motion. The motion carried unanimously 7-0.

#### III. APPROVAL OF MINUTES

Martha Bollinger made a motion to approve the minutes of the December 7, 2023, meeting of the Board of Building and Zoning Appeals. Jeff Battig seconded the motion. The motion carried unanimously 7-0.

#### IV. APPLICATIONS

##### ***BZA-23-25.***

Gary Rouse with GBC Design requested an Area Variance from Planning and Zoning Code Sections 1123.05(b)(4)(C) to allow a reduction of a landscape strip and 1125.03(b)(5), Table 1125-1 to allow a parking area within the required setback at 4012 Burbank Road in a C-3 (General Commercial) zoning district.

Gary Rouse, GBC Design, 565 White Pond Drive, Akron, stated that Burger King wanted to add a second drive-thru and mobile order pick-up lanes. Mr. Rouse explained that to add the second drive-thru lane, they would need to add a nine-foot green strip for the menu board to the north of the property. Mr. Rouse continued that the lanes merge into one lane at the bend. Mr. Rouse stated they wanted to add the mobile order app pick-up lane immediately to the west side of the building, which is relatively new. Mr. Rouse explained the 10-foot drive with a three-foot clearance, then a 12-foot mobile order pick-up lane for about three or four cars, and another three-foot strip with a 10-foot bypass lane. Mr. Rouse continued that with the addition, they are three feet short and would like to use the landscape setback. Mr. Rouse noted that the landscape setback is eight feet, so it is eight feet from the property line to the existing curb line. Mr. Rouse said they want to encroach into that green strip three feet to make everything fit and require the two variances. Mr. Rouse explained that the variance

would reduce the landscape green space set back from eight feet to five feet, and the second variance is that we are paving the three feet that we are encroaching into. Mr. Rouse continued that granting the variances would allow more drive-thru business mobile orders and help serve the customers. Mr. Rouse noted that about 75 percent of the business was drive-thru. Mr. Rouse stated that the variance was not substantial but a minimal request.

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 the application BZA-23-25 as presented. Martha Bollinger seconded the motion.

Mark Reynolds voted yes and stated that he understood this was the minimum necessary variance and that the applicant was not taking out any landscaping.

Martha Bollinger voted yes and stated that the request was the minimum necessary to use the land reasonably.

Jennifer Shatzer voted yes for the reasons cited by the Board.

Ben Gunn voted no and stated that they could use parking spaces for the mobile orders to fit within the City's code.

Jeff Battig voted yes for reasons cited by the Board.

Jason Anderson voted yes for reasons cited by the Board.

Stewart Fitz Gibbon voted for reasons cited by the Board.

The motion passed 6-1.

**V. ADJOURNMENT**

Ben Gunn made a motion to adjourn. Martha Bollinger seconded the motion. The motion passed unanimously, 7-0.

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

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**Carla Jessie, Administrative Assistant**