

MINUTES

CITY OF WOOSTER BOARD OF BUILDING & ZONING APPEALS

December 6, 2018

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 Brad Gowins, Lukas Gaffey, Doug MacMillan, Gregg McIlvaine, and Greg Taylor 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 September 6, 2018, and the October 4, 2018, regular meeting minutes. Doug MacMillan seconded the motion. The motion passed, 5-0.

III. PUBLIC HEARINGS

Application #BZA-18-40.

Christian Barbera requested a use variance from Planning and Zoning Code Table 1109-1 to allow a warehouse use and an area variance from Planning and Zoning Code Table 1115-1 to allow a building within the minimum front yard setback, Section 1123.04(b) to allow fewer street trees than required, Table 1123-2 to allow fewer frontage trees and shrubs than required, Section 1123.06 to allow a nonresidential use without buffering or screening, Section 1123.07 to allow a loading zone without screening, Table 1125-1 to allow parking within the minimum front and side yard setbacks and Section 1125.06 to allow a loading zone smaller than required and without drive access on Lucca Street with Parcel Number 65-00321.000 in an R-T (Traditional Residential) District.

Christian Barbera, 221 1/2 North Bever Street, stated that the proposal was for a personal storage building. Mr. Barbera explained that he started construction prematurely, but believed the building's placement was best for the site due to the property's terrain and the natural areas. Mr. Barbera continued that the use was for personal storage and storage for inventory for an online sales hobby. Mr. Barbera stated that there was no residential structure on the property.

Mr. Gaffey stated that the property was zoned R-T and approval of a storage use was difficult. Mr. Gaffey continued that the lot was intended for a single family residential use. He stated that it was difficult to allow a storage building in R-T, particularly as the proposal was new construction. Mr. Gaffey explained that there were hardships that had to be met in order for the variance to be approved.

Gregg McIlvaine asked what the reasons were for not building a residence on the property. Mr. Barbera stated there were financial issues and difficulties obtaining construction drawings.

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

Mindy Cavin, 324 Palmer Street, stated that she was present to ask the Board to deny the application. Mrs. Cavin explained that she could see the lot from her home and did not want to see a shipping container on the lot. She continued that the application did not meet the criteria

for the use variance according to Chapter 1105 of the Zoning Code. Mrs. Cavin continued that Mr. Barbera was told that he could not build a storage building, but he started construction anyway.

Sherry Crider, 135 Billiar Alley, stated that she lived in her home for 40 years. Mrs. Crider explained that everyone had worked very hard to improve the R-T and it was important that the Board uphold city regulations.

Christian Barbera stated that there would be no commercial trucks coming in and out of the property.

Brad Gowins made a motion to approve application BZA-18-40, as presented. Gregg McIlvaine seconded the motion.

Brad Gowins voted no and stated that the Board had to look at the use variance request with more detail and concern because the request was to change the use of the land, as opposed to an area variance.

Doug MacMillan voted no and stated that the application did not meet the criteria and the Board needed more information.

Greg Taylor voted no and stated that there were noncompliance issues.

Gregg McIlvaine voted no and stated that there were issues with existing commercial buildings and what to do with them.

Lukas Gaffey voted no and stated that the R-T District was restricted to traditional residential uses and the businesses that were in the R-T District had typically been grandfathered.

The motion was denied unanimously, 5-0.

Application #BZA-18-41.

Paul Magee requested an area variance from the Planning and Zoning Code Table 1127-2 to allow a freestanding sign within the minimum side lot line setback at 850 Venture Boulevard in an I-2 (General Industrial) District.

Chris Butdorf, 400 West Market Street, Orrville, stated that the existing lot lines hemmed in the possible sign placement area and the choices were minimal for the location of the sign.

Gregg McIlvaine asked why the sign wasn't placed on the south side of the drive. Mr. Butdorf stated that the owner wanted to stay away from the slope of the property and the future park.

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.

Gregg McIlvaine made a motion to approve application BZA-18-41, as presented. Brad Gowins seconded the motion.

Brad Gowins voted yes and stated that the application was simple and minimal necessary to serve the purpose.

Doug MacMillan voted yes for reasons cited by the Board.

Greg Taylor voted yes.

Gregg McIlvaine voted yes.

Lukas Gaffey voted yes for reasons cited by the Board.

The motion passed unanimously, 5-0.

Application #BZA-18-42.

Titus Yoder requested a use variance from Planning and Zoning Code Table 1109-1 to allow a retail use at 720 Winkler Drive in a C-1 (Office/Institutional) District.

Titus Yoder, 2456 Michael Way, stated that he sold Wayne Health several years ago and they decided to close. Mr. Yoder explained that he was reopening the business at 720 Winkler Drive. Mr. Yoder continued that he used the building before to show used equipment and for office space. He noted that the building would be a showroom to view equipment.

Gregg McIlvaine asked if there was adequate parking at the location. Mr. Yoder stated that the goal was to make a circular drive and there would be about 14 parking spaces.

Doug MacMillan asked how many spaces were available at the Cleveland Road business. Mr. Yoder stated that the one building had roughly 14 parking spaces and the other building had about 14 spaces. Mr. Yoder continued that he was selling the buildings on Cleveland Road and reopening on Winkler Drive. Andrew Dutton stated that parking at the location met code requirements, so no variance for parking was needed.

Doug MacMillan made a motion to approve application BZA-18-42, as presented. Greg Taylor seconded the motion.

Brad Gowins voted yes and stated that the request was reasonable and would not change the overall use of the building.

Doug MacMillan voted yes for reasons cited by the Board.

Greg Taylor voted yes.

Gregg McIlvaine voted yes and stated that the proposal was an appropriate use of the property.

Lukas Gaffey voted yes and stated that the proposed type of retail use, which was not similar to a drug store, made sense and would have minimal effects at the location.

The motion passed unanimously, 5-0.

IV. MEETING DATES AND CHAIR/VICE CHAIR SECTION FOR 2019

Brad Gowins made a motion to accept the provided 2019 meeting schedule calendar. Gregg McIlvaine seconded the motion. The motion passed unanimously, 5-0.

Greg Taylor made a motion nominating Lukas Gaffey as Chair and Brad Gowins and Vice Chair of the Board of Building and Zoning Appeals for 2019. Doug MacMillan seconded the motion. The motion passed unanimously, 5-0.

V. **ADJOURNMENT**

Gregg McIlvaine made a motion to adjourn. Greg Taylor seconded the motion. The motion passed unanimously, 5-0.

Lukas Gaffey, Chairman

Carla Jessie, Administrative Assistant