

MINUTES

CITY OF WOOSTER BOARD OF BUILDING & ZONING APPEALS

March 7, 2019

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 Stewart Fitz Gibbon, Brad Gowins, Lukas Gaffey, Doug MacMillan, and Ken Suchan were present at the meeting. Board member Gregg McIlvaine was absent. Andrew Dutton, Planning and Zoning Manager, was present representing the City of Wooster.

II. APPROVAL OF MINUTES

Stewart Fitz Gibbon made a motion to approve February 7, 2019, regular meeting minutes. Doug MacMillan seconded the motion. The motion passed, 5-0.

III. PUBLIC HEARINGS

Application #BZA-19-01.

Christian Barbera requested an area variance from Planning and Zoning Code Table 1115-1 to allow a building within the minimum front yard setback, Section 1113.01(e)(15) to allow a patio within the minimum front yard setback, Section 1119.03 to allow a structure without the required architectural features, Section 1123.04(b) to allow fewer street trees than required, and Table 1123-2 to allow fewer frontage trees than required on Lucca Street with Parcel Number 65-00321.000 in an R-T (Traditional Residential) District.

Mr. Gaffey asked Mr. Barbera, who was present, if he would like to speak regarding the application. Mr. Barbera declined and chose not to speak.

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 had concerns about the shipping container's use for the residence. Mrs. Cavin explained that Mr. Barbera was told that he couldn't put the container on the property. Mrs. Cavin stated concerns about the minimum front setback and noted the building was very near the street. She stated that the lot was deep enough and the building could be set back to allow a structure. Mrs. Cavin stated that more windows should be incorporated on the front building facade in order to meet architectural requirements.

Mrs. Cavin asked if the applicant had to meet Building Code requirements for the foundation, structure, electrical, materials, and plumbing. Mr. Dutton stated that the Residential Building Code would need to be met.

Lukas Gaffey explained that the code stated that at least 15% of the area facing the street must be windows. Mr. Gaffey continued that the code also stated that in the R-T District if 75% of the dwellings along the same block contain two stories, a new dwelling must also include two stories. Mr. Gaffey noted that 100% of the houses on that block were two stories dwellings. Mr. Gaffey stated that if the majority of the buildings along the same block had front porches, then the new dwelling must also include a front porch.

Stewart Fitz Gibbon moved to adjourn to Executive Session. Doug MacMillan seconded the motion. The motion passed unanimously 5-0 at 5:40 pm.

Stewart Fitz Gibbon moved to come out of Executive Session. Doug MacMillan seconded the motion. The motion passed unanimously 5-0 at 5:55 pm.

Brad Gowins made a motion to approve application BZA-19-01, as presented. Doug MacMillan seconded the motion.

Stewart Fitz Gibbon voted no and stated that there were not enough reasons for the Board to approve the variance, which would set an unfortunate precedent in the neighborhood.

Brad Gowins voted no and stated that no significant reasons had been presented for why there was a hardship justifying the granting of the variance.

Ken Suchan voted no and stated there was a lack of argument for the setback variance and he indicated there was room on the lot for this home to be built, so no hardship existed.

Doug MacMillan voted no and stated that the shipping containers could be built as a family home, though the setbacks did not meet the necessity to grant the variance.

Lukas Gaffey voted no and stated that the applicant's intent to building a single family home was great. He stated there were a combination of circumstances which were not a hardship. He also stated that the application did not meet the spirit and intent of the code.

The motion was denied, unanimously, 5-0.

Application #BZA-19-06.

Roger Kobilarcsik represented the City of Wooster requested an area variance to Planning and Zoning Code Section 1123.05(b)(6) to allow a parking lot island with a reduced size and width in the North Buckeye Street parking lot (Parcel Number 64-01659.699) in the C-4 (Central Business) District.

Roger Kobilarcsik, 538 North Market Street, stated that the City of Wooster was presented with a program from AEP to provide electric car charging stations. Mr. Kobilarcsik explained that the City wanted to put one in Merchant's Block Parking Lot and one into the North Buckeye Parking Lot. He continued that the best available location in the North Buckeye Lot was in the northwest corner. Mr. Kobilarcsik stated that in order to save a parking space, the proposal requested a narrowing of the parking lot island. Mr. Kobilarcsik stated that the City would replacethe tree and mulch.

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.

Stewart Fitz Gibbon made a motion to approve application BZA-19-06, as presented. Brad Gowins seconded the motion.

Ken Suchan voted yes and stated that the application incorporated a minimal amount of change to accommodate a public purpose.

Doug MacMillan voted yes and stated that the existing planting island was small.

Stewart Fitz Gibbon voted yes and stated that the island and tree would still be there and the proposal was a good balance.

Brad Gowins voted yes citing reasons stated by the Board.

Lukas Gaffey voted yes and stated that the application was a good compromise based on where the parking island was located and the minimal impact.

The motion passed unanimously, 5-0.

IV. BOARD OF BUILDING AND ZONING APPEALS DRAFT BYLAWS

Andrew Dutton stated that the proposed bylaws were similar to a draft version discussed at a previous Board meeting. He indicated that Section 6E was revised to identify specific findings contributing to decisions by the Board which referenced the application's review criteria. Mr. Dutton explained that the Board of Building and Zoning Appeals was the appeals board to the other boards.

Stewart Fitz Gibbon made a motion to approve the Board of Building and Zoning Appeals Bylaws, as presented. Brad Gowins seconded the motion. The motion passed unanimously, 5-0.

V. ADJOURNMENT

Stewart Fitz Gibbon made a motion to adjourn. Brad Gowins seconded the motion. The motion passed unanimously, 5-0.

Lukas Gaffey, Chairman

Carla Jessie, Administrative Assistant