

MINUTES

CITY OF WOOSTER BOARD OF BUILDING & ZONING APPEALS

October 1, 2020

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 Stewart Fitz Gibbon, Brad Gowins, Ben Gunn, Doug MacMillan, Gregg McIlvaine, Mark Reynolds, and Ken Suchan were present. Andrew Dutton, Planning and Zoning Manager, was present representing the City of Wooster.

II. APPROVAL OF MINUTES

Brad Gowins made a motion to approve the September 3, 2020, regular meeting minutes. Doug MacMillan seconded the motion. The motion passed unanimously 7-0.

III. PUBLIC HEARINGS

Application #BZA-20-24.

John Barrington requested a Use Variance from Planning and Zoning Code Section 1109.02 to allow a transitional housing use and an Area Variance from Planning and Zoning Code Section 1115.04(a) to allow buildings within the side yard setback at 950 and 1000 West Liberty Street in an I-2 (General Industrial) zoning district.

John Barrington, 3431 Commerce Parkway, stated that the Wayne County Commissioners owned the property at 950 West Liberty Street and they desired to transfer it to the Wayne Metropolitan Housing Authority (WMHA). Mr. Barrington stated that the house was adequate for transitional housing. He indicated that the house next door, to the east, would be demolished. Mr. Barrington explained that the home would be well kept by WMHA and would have reasonable tenants. Mr. Barrington continued that the home could not have an industrial use and could only be used for housing.

Gregg McIlvaine asked how many occupants would occupy the home. Mr. Barrington stated that the home was a single-family home. Mr. Barrington explained that the house would improve the neighborhood and family housing.

Stan Popp, Director of WMHA, 345 North Market Street, stated that the house was a joint project with Family Children First Council, Wayne County Children's Services Board and the Wayne County Department of Developmental Disabilities. Mr. Popp explained that the house would be used for youth coming out of structured assistance in preparation for foster placement or adoption. Mr. Popp continued that there would be 24/7 staffing at the house and the home would house a maximum of five children.

Mr. Popp continued that the property would be used as a transitional step down-home for youth coming from a treatment facility or an interim foster placement. Mr. Popp stated that the home would not be a licensed group home, so it could not exceed five children.

Mr. Fitz Gibbon asked if anyone from the public would like to address the Board regarding the application. No one from the public was present to comment on the application and Mr. Fitz Gibbon closed the public hearing.

Gregg McIlvaine made a motion to approve application BZA-20-24, as presented with the condition that the property have a maximum occupancy of five transitional residents. Doug MacMillan seconded the motion.

Gregg McIlvaine voted yes and stated that the site was a good transitional location and would be well maintained.

Doug MacMillan voted yes and stated that the property would be a good transitional home with the buffer lot to the east.

Ken Suchan voted yes for reasons cited by the Board and stated that past programs had worked well.

Ben Gunn voted yes and stated that the proposal would be a good use, an improvement to the property, benefit to the neighborhood, and would help area youths.

Brad Gowins voted yes and stated that this was a need in the community, which outweighed the letter received from the area resident.

Mark Reynolds voted yes for reasons cited by the Board and noted the proposal would be an improvement to the area and a run-down house would be removed.

Stewart Fitz Gibbon voted yes for reasons cited by the Board and stated that the involvement of WMHA, the Probate Court and the County Commissioners would be good for the neighborhood.

The motion passed unanimously, 7-0.

Application #BZA-20-25.

Weaver Custom Homes requested an Area Variance from Planning and Zoning Code Section 1113.01(e)(13)(C.) to allow an outdoor storage area within parking setbacks, Section 1113.01(e)(13)(D.) to allow more of the lot utilized for outdoor storage than permitted and Section 1113.01(e)(13)(F.) to allow the use of gravel for an outdoor storage area at 1801 Eagle Pass in an I-1 (Office/Limited Industrial) zoning district.

Merle Stutzman, 124 East Liberty Street, stated that Weaver Custom Homes had been in the area on multiple properties since the late 80's or early 90's. He noted that the lot at 1801 Eagle Pass had been used for various uses, including a lumber yard. Mr. Stutzman continued that gravel was all around the existing buildings and was used for storage and equipment parking. Mr. Stutzman explained that all items were being consolidated on one lot and the other properties were being sold.

Mr. Stutzman stated that another building would be built in the back corner of the subject lot in the future. He explained that the lot was fenced in with a slatted chain link fence for privacy. Mr. Stutzman continued that the area would be cleaned up and the site was enclosed for security reasons. He stated that the proposed gravel lot would be used for the storage of trailers and equipment. Mr. Stutzman stated that if dust became a problem, it would be discussed with Western Reserve and taken care of it.

Mr. Fitz Gibbon asked if anyone from the public would like to address the Board regarding the application. No one from the public was present to comment on the application and Mr. Fitz Gibbon closed the public hearing.

Brad Gowins made a motion to approve application BZA-20-25, as presented. Doug MacMillan seconded the motion.

Brad Gowins voted yes and stated that the request was reasonable, given the property owner's willingness to combat any issues with dust.

Doug MacMillan voted yes and noted reasons by the Board.

Greg McIlvaine voted no and stated that the applicant would not be in the location forever and he did not want to set a precedent allowing gravel.

Ken Suchan voted yes for reasons cited by the Board and also noted that it was a reasonable request. He continued that a building and more hard surfaces could be added in a two or three year period.

Mark Reynolds voted yes and stated that the applicant had taken steps to mitigate the dust and the slats in the fence would help keep the dust down.

Ben Gunn voted yes and stated that steps were taken to provide privacy and the owner was willing to monitor the dust situation and work with neighboring properties.

Stewart Fitz Gibbon voted yes and stated that there was a unique situation that had evolved.

The motion passed, 6-1 with Gregg McIlvaine voting no.

Application #BZA-20-26.

Brigid O'Connor requested an Area Variance from Planning and Zoning Code Section 1113.01(d)(3) to allow detached storage shed in the front yard at 907 North Grant Street in an R-2 (Single Family Residential) zoning district.

Bridget O'Connor-Astrachan and Eric Astrachan, 907 North Grant Street, stated that the request was for an arts and craft style shed in the front yard. Mrs. O'Connor-Astrachan explained that the shed would be used to hide the Kimble trash containers and store a snow blower. She continued that the setback was back further than the other homes in the area and the location of the shed provided easier access to trash bins. Mrs. O'Connor-Astrachan stated that they were considering allowing the neighbors to utilize the shed and the snow blower.

Mr. Astrachan stated that the shed would match the character of the house and the neighborhood. Mr. Astrachan explained that the side yard was significantly sloped, often wet and setback 60 feet from the road. He continued that there were mature trees and a rise in the yard that obscured the shed from the road. Mr. Astrachan stated that the shed would not set a problematic precedent because the other homes were not setback the same distance. He noted that there were special conditions related to the yard and the location of the shed.

Mr. Fitz Gibbon asked if anyone from the public would like to address the Board regarding the application. No one from the public was present to comment on the application and Mr. Fitz Gibbon closed the public hearing.

Brad Gowins made a motion to approve application BZA-20-26, as presented. Mark Reynolds seconded the motion.

Brad Gowins voted yes and stated that there were special circumstances that existed including the slope and drainage of the property. He also noted that the character of the neighbor would not change. Mr. Gowins continued that the tree screening and the design of the building fit with the neighborhood.

Mark Reynolds voted yes and stated that there were unique characteristics of the property including drainage issues and a curved driveway. He continued that the property owner chose the best location to place the shed based on the site.

Gregg McIlvaine voted yes for reasons cited by the Board.

Ken Suchan voted yes for reasons cited by the Board.

Doug MacMillan voted yes and stated that problems with slope and the drainage and the presence of the trees for screening factored into his decision.

Ben Gunn voted yes and stated that the property was unique with the home set back farther than the other homes in the area. He noted that the shed was effectively in the neighbors' side yards.

Stewart Fitz Gibbon voted yes and stated concerns about potential precedent that the Board may be set. He noted that there may be a lot of residents who deal with the inconvenience of trash bins.

The motion passed unanimously, 7-0.

IV. ADJOURNMENT

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

Stewart Fitz Gibbon, Board of Building and Zoning Appeals Chairman

Carla Jessie, Administrative Assistant