

## MINUTES

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

July 8, 2021

#### I. MEETING CALLED TO ORDER AND ROLL CALL

Mark Reynolds, Vice Chairman of the Board of Building and Zoning Appeals, called the meeting to order. Board members Doug MacMillan, Gregg McIlvaine, Mark Reynolds, and Ken Suchan were present. Board members Stewart Fitz Gibbon and Ben Gunn were absent. Andrew Dutton, Planning and Zoning Manager, was present representing the City of Wooster.

#### II. APPROVAL OF MINUTES

Gregg McIlvaine made a motion to approve the June 3, 2021, regular meeting minutes. Doug MacMillan seconded the motion. The motion passed unanimously 4-0.

#### III. PUBLIC HEARINGS

##### *Application #BZA-21-18.*

Joel Troyer requested an Area Variance from Planning and Zoning Code Section 1125.03(b)(4)(A.) (i.) to allow a driveway with inside and rear setbacks at 207 West Larwill Street with parcel number 64-01454.001 in an R-T (Traditional Residential) zoning district.

Joel Troyer, 314 North Walnut Street, stated that Wayne County granted a permanent 15 foot easement to construct a driveway adjacent to his property. Mr. Troyer explained that a home was previously on the site with a driveway in the proposed location. Mr. Troyer continued that he was not aware of the setback requirement for driveways.

Mr. Suchan stated that Wayne County had acquired the property and the other properties in the area. Mr. McIlvaine asked if the existing driveway was useable. Mr. Troyer stated that the existing driveway was very narrow and was across from Buehler's rear drive, which made access difficult. Mr. Troyer explained that the proposed driveway allowed for better access and would create a turnaround.

Mr. MacMillan asked if Wayne County had intentions of developing the property. Mr. Troyer stated that Wayne County intended to eventually construct a parking lot on the property.

Mr. Reynolds asked if anyone from the public would like to address the Board regarding the application. Hearing no comments, Mr. Reynolds closed the public hearing.

Gregg McIlvaine made a motion to approve application BZA-21-18, as presented. Ken Suchan seconded the motion.

Gregg McIlvaine voted yes and stated that it was a reasonable request that was a cooperative effort between neighbors. He also noted that safety issues played a factor in his decision.

Doug MacMillan voted yes and stated that the easement would allow the applicant to use the driveway, which could continue even if a parking lot is constructed.

Ken Suchan voted yes for reasons cited by the Board.

Mark Reynolds voted yes and stated that the neighbor sent a letter approving the request. He noted that there was a unique circumstance with the location of Buehler's across the street.

The motion passed unanimously, 4-0.

***Application #BZA-21-19.***

Matthew Aberegg requested an Area Variance from Planning and Zoning Code Section 1125.03(h)(3) to allow a driveway without a hard surface at 618 Callowhill Street in an R-T (Traditional Residential) zoning district.

Matthew Aberegg, 132 East Liberty Street, stated that when the owner, Rod Aukerman, purchased the property, there had been a car parked in the rear for several years. Mr. Aberegg explained that the area was used for a driveway, though the gravel eventually disappeared. He continued that the purpose of the Zoning Code is to prevent gravel and dust from entering the air in residential areas. Mr. Aberegg stated that Orrville Trucking and Grading was about 200 yards from this property, which had large mounds of both gravel and dirt.

Mr. Aberegg explained that the gravel driveways in the area were grandfathered. Mr. Aberegg continued that the gravel driveway improved the house's aesthetics and did not create any issues. He stated that the applicant had replenished a formal gravel surface, which should have been grandfathered.

Mark Reynolds asked if the driveways in the area extended to the homes, or if they were only adjacent to the alley. Rod Aukerman, 423 Maiden Lane, stated that most of the drives were parking spaces off the alley, however, one extended a long distance.

Mr. McIlvaine stated that the allies in the area were chip seal.

Mr. Reynolds asked if anyone from the public would like to address the Board regarding the application. Hearing no comments, Mr. Reynolds closed the public hearing.

Doug MacMillan made a motion to approve application BZA-21-19, as presented. Gregg McIlvaine seconded the motion.

Doug MacMillan voted yes and stated that many of the homes had gravel driveways in the area and he did not feel that the proposal would alter the character of the neighborhood.

Gregg McIlvaine voted yes due to the character of the neighborhood, which included many gravel driveways.

Ken Suchan voted yes for the reasons cited by the Board.

Mark Reynolds voted yes for reasons cited by the Board and agreed that the gravel driveway would not affect the character of the neighborhood and would be an improvement.

The motion passed unanimously, 4-0.

***Application #BZA-21-20.***

J. Douglas Drushal requested an Area Variance from Planning and Zoning Code Section 1115.03(a) to allow lots with reduced widths and Section 1129.06(a)(4) to allow lots with average depths more than two and one-half times their average widths at 3146 Oak Hill Road in an R-1 (Suburban Single-Family) zoning district.

Doug Drushal, 225 North Market Street, stated that there was a housing shortage in Wooster and the proposed development was a partial solution to the problem. Mr. Drushal explained that the Planning Commission had met earlier in the night and recommended approval to rezone the property from R-1 to R-2. Mr. Drushal continued that if that rezoning was approved by City Council, then the application would comply with lot width requirements.

Mr. Drushal stated that the reduced lot width resulted in the ratio issue. He explained that the portion of the property farthest away from Oak Hill Road could not be developed due to a ravine that ran through it. Mr. Drushal continued that the number of lots being proposed was less than half of the density permitted in the current R-1 district. Mr. Drushal stated that the layout was based upon the unique topography of the land.

Travis Crane, Davey Resource Group, 1310 Sharon Copley Road, Sharon Center, stated that many lots east of the intersection of Street A and Street B were less 70 feet wide. Mr. Crane explained that the majority of the lots to the west of the intersection Street A and B were 70 feet wide or wider.

Mr. Dutton stated that the lots met the minimum lot size for the R-1 district and only the lot width and the ratio did not meet the requirements.

Mr. Suchan asked what the approximate size of the homes in the development would be.

Justin Starlin, 4149 Congress Road, stated square footage would be approximately 1,500 to upper 2,000 square feet. Mr. Starlin explained that some of the lots on the east side would likely have smaller homes and lots on the east side would likely have larger homes.

Mr. Dutton stated that if the property was rezoned to R-2, the variance to lot width would not be needed, though the variance to width and depth would still be needed.

Mr. Reynolds asked if anyone from the public would like to address the Board regarding the application. Hearing no comments, Mr. Reynolds closed the public hearing.

Ken Suchan made a motion to approve application BZA-21-20, as presented. Doug MacMillan seconded the motion.

Ken Suchan voted yes and stated that the project was at a much lower density than permitted in the R-1 zoning district. He continued that the lot width and lot depth to width ratios were not a great deviation from the requirements.

Doug MacMillan voted yes for reasons cited by the Board and stated that he preferred the smaller lot size and liked the proposed open space.

Gregg McIlvaine voted yes for reasons cited by the Board.

Mark Reynolds voted yes for reasons cited by the Board and stated that the development would not change the characteristics of the neighborhood.

The motion passed unanimously, 4-0.

***Application #BZA-21-21.***

Daniel Karam requested an Area Variance from Planning and Zoning Code Section 1109.03(c)(7)(A.) to allow an assisted living facility within required building setbacks at 789 East Milltown Road in a C-3 (General Commercial) zoning district.

The applicant had requested that the application be tabled.

Doug MacMillan made a motion to table application BZA-21-21 as presented. Gregg McIlvaine seconded the motion.

The motion passed unanimously, 4-0.

**IV. ADJOURNMENT**

Gregg McIlvaine made a motion to adjourn. Doug MacMillan seconded the motion. The motion passed unanimously, 4-0.

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

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**Carla Jessie, Administrative Assistant**