

## MINUTES

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

April 7, 2022

#### 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, Ben Gunn, Doug MacMillan, Mark Reynolds, and Ken Suchan. Board member Joel Gray was absent. Vincent Marion, Planning and Zoning Manager, represented the City of Wooster.

#### II. APPROVAL OF MINUTES

Ken Suchan made a motion to approve the minutes of the December 2, 2021, meeting of the Board of Building and Zoning Appeals. Doug MacMillan seconded the motion. The motion carried unanimously 5-0.

#### III. PUBLIC HEARINGS

##### *Application #BZA-22-2.*

Daniel Baker requested a Use Variance from Planning and Zoning Code Section 1109.02(d) to allow for the construction of storage and office space for a contractor office at 5011 Cleveland Road in a C-3 (General Commercial) Zoning District.

Dan Baker, 5011 Cleveland Road, stated that he owns the property and the lot currently has a house, garage, and a 20 X 30 pole building on it for storage. Mr. Baker explained that he wanted to build a 32 by 48 building for storage and construct an office for a contracting area. Mr. Baker continued that he wanted to clean up the property and tear down the old house. Mr. Baker stated that he owns Dan's Home Maintenance and Electrical Contractors and employs two other guys. Mr. Baker explained that he used two vans, a dump truck with a trailer, and a backhoe for the business. Mr. Baker continued that the house was vacant for over four years with roof leaks, no electrical service in the basement, the ceilings were coming down, and the floors and walls were destroyed by water. Mr. Baker stated that the new building would connect to the smaller building.

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.

Doug MacMillan made a motion to approve application BZA-22-2 as presented. Mark Reynolds seconded the motion.

Doug MacMillan voted yes and stated that the lot was narrow and not used for much else, and the neighborhood had similar businesses.

Mark Reynolds voted yes and stated that he agreed that the house was not economically viable and the neighborhood was a mixed-use area for businesses.

Ken Suchan voted yes for reasons cited by the board and concluded that the contractors' office and business were small, not detrimental to the neighborhood, and compatible.

Ben Gunn voted yes for reasons cited by the board and the fact that the property has deteriorated and it doesn't make sense to restore it to its current use.

Stewart Fitz Gibbon voted yes for the reasons cited by the board and stated that this was a unique set of circumstances where a zoning district had been applied over a mix of different uses.

The motion passed unanimously, 5-0.

***Application #BZA-22-3.***

Rebecca Hemming requested an Area Variance from Planning and Zoning Code Section 1115.03(a) to allow a building within the required setback at 711 North Bever Street in an R-2 (Single Family Residential) Zoning District.

Rebecca Hemming, 711 North Bever Street, stated that the patio was located in the back of the house and looking to add a roof and screened-in porch over the patio to enjoy the space outdoors. Ms. Hemming explained that the roof lengthwise was the same size as the patio; it would extend three feet from the neighbor's driveway. Ms. Hemming continued that extending the patio three feet would provide proper drainage.

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.

Ben Gunn made a motion to approve application BZA-22-3 as presented. Ken Suchan seconded the motion.

Ben Gunn voted yes and stated that the house was located directly on the property line and in the back yard the proposal would not change the neighborhood's character with the natural springs on the property.

Ken Suchan voted yes and stated that a screened porch that meets the 9-foot area below standard for any new development convinced me that this request was minimal.

Mark Reynolds voted yes and stated that there were special conditions unique to older homes in the area and nothing doable without a variance due to the lots being small. Mr. Reynolds noted that the request was minimal, and there were not many design options.

Doug MacMillan voted yes and stated that the proposal covered the patio and the limited size built seems to work.

Stewart Fitz Gibbon voted yes and stated that there were a number of these cases in the older part of town where there are narrow lots where we have essentially applied a modern zoning code on a much older area. The application created a unique set of circumstances. This was reasonable accommodation and a reasonable improvement to the neighborhood.

The motion passed unanimously, 5-0.

***Application #BZA-22-4.***

James Carey requested a Use Variance from Planning and Zoning Code Section 1109.02(d) to allow a restaurant at 806 East Bowman Street in an R-2 (Single-Family Residential) Zoning District.

James Carey, 1690 Saunders Drive, stated that he started WooTown Bagels in 2015 and has been operating out of Local Roots commercial kitchen and have outgrown that kitchen. Mr. Carey explained that the property fits what the business was looking for with a drive-thru opportunity for commercial uses. Mr. Carey continued that the property has parking that would benefit the store. Mr. Carey stated that the business would be retail and carry out, and there would be no sit-down seating operating between 7 am to 3 pm. Mr. Carey noted that they would start working around 5 am or earlier. Mr. Carey stated that the building was approximately 1200 square feet. Mr. Carey explained that there were 18 parking spaces and typically a grab-and-go type of business. Mr. Carey noted he employs around 2 to 4 employees, depending on the hours. Mr. Carey stated that the only noise would come from the hood exhaust from the kitchen.

Mr. Marion read a letter supporting the use variance for WooTown Bagels from neighbors James C. and James W. Taggart adjacent to the property.

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.

Doug MacMillan made a motion to approve application BZA-22-4 as presented. Mark Reynolds seconded the motion.

Doug MacMillan voted yes and stated that this was a limited use and perfect for the building.

Mark Reynolds voted yes and stated that the property that could not be used as a residential building and that the user will primarily be a carry-out business and not have dine-in seating or open late with limited hours was an acceptable use.

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

Ben Gunn voted yes for the reasons cited by the board and stated that the commercial building could not be used for residential use.

Stewart Fitz Gibbon voted yes and stated that with the modern zoning overlay placed on an area with different types of businesses and clear that the residential use was not possible, this was a good fit for the neighborhood.

The motion passed unanimously, 5-0.

***Application #BZA-22-5.***

Josh Funderburk requested an Area Variance from Planning and Zoning Code Section 1115.04(a) regarding the maximum front yard setback, Section 1125.03(b)(5) regarding parking located behind the front building line, and Section 1125.03(b)(5) regarding parking setback from abutting lot lines at 310 South Market Street (Parcel numbers 64-01740.000 64-01226.000, 64-01739.000, 64-01741.000 and 64-00149.000.

The applicant tabled the application.

Ben Gunn made a motion to table application BZA-22-5. Doug MacMillan seconded the motion.

The motion passed unanimously, 5-0.

**IV. ADJOURNMENT**

Ben Gunn made a motion to adjourn. Doug MacMillan seconded the motion. The motion passed unanimously, 5-0.

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

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**Carla Jessie, Administrative Assistant**