

MINUTES

CITY OF WOOSTER BOARD OF BUILDING & ZONING APPEALS

January 5, 2023

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 Jason Anderson, Jeff Battig, Stewart Fitz Gibbon, Ben Gunn, and Mark Reynolds were present at the meeting. Board members Martha Bollinger was absent. Vincent Marion, Planning and Zoning Manager, represented the City of Wooster.

II. ChairVice Chair Selection for 2023

Ben Gunn motioned to elect Stewart Fitz Gibbon as Chairman of the and Mark Reynolds as Vice Chairman of the Board of Building and Zoning Appeals. Jason Anderson seconded the motion. The motion carried unanimously, 5-0.

III. APPROVAL OF MINUTES

Jason Anderson made a motion to approve the minutes of the December 1, 2022, meeting of the Board of Building and Zoning Appeals. Jeff Battig seconded the motion. The motion carried unanimously 5-0.

IV. APPLICATIONS

BZA-22-30.

Richard Spade requested an Area Variance from Planning and Zoning Code Section 1113.01(e)(6) to allow a detached garage in the rear yard without a paved driveway at 4494 Mel Lane (Parcel number 71.00210.000) in a R-1 (Suburban Single-Family) zoning district.

Richard Spade, 4494 Mel Lane, stated that the project needed a variance for the detached garage in the backyard without a paved driveway. Mr. Spade explained that there was no room on either side of the house to put a driveway back to the garage. Mr. Spade continued that the garage would store an old truck driven a few times per year. Mr. Spade stated he would keep his mowers, storage, and hobby shop in the garage. Mr. Spade explained that his attached garage was not oversized enough for two vehicles. Mr. Spade continued that lot was not wide enough for a driveway back to the garage.

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

Joy Callender, 4468 Mel Lane, stated that she was against a driveway because the lots were narrow. Ms. Callender explained that she and Mr. Spade worked things out, and she wanted the variance approved.

Mr. Fitz Gibbon closed the public hearing.

Ben Gunn made a motion to approve application BZA-22-30 as presented. Jeff Battig seconded the motion. The motion carried unanimously 5-0.

Ben Gunn voted yes and stated that the lot was narrow and did not have substantial space on either side of the house, which was reasonable to fit a driveway. Mr. Gunn noted that the lot

shape was narrow and long; you don't usually see this in an R-1. Also, removing the two other accessory buildings to make space for the garage was a minimal variance to make better use of the backyard.

Jeff Battig voted yes and stated that the shape of the property was unique.

Jason Anderson voted yes and stated the special conditions of the shape of the lot and being unable to put an additional driveway to the garage on either side of the house.

Mark Reynolds voted yes and stated that this was the minimum variance required because of the narrow lot.

Stewart Fitz Gibbon voted yes for the reasons cited by the Board. He stated that this was a unique situation and that they have had similar problems in the City that was hard to modernize when you have narrow access.

BZA-22-33.

Dennis Miller requested a Use Variance from Planning and Zoning Code Sections 1109.02(d) to allow outdoor storage at 4770 Cleveland Road (Parcel numbers 71-00506, 71-00324, 71-00325, and 71-00326 in a C-3 (General Commercial) zoning district.

Dennis Miller, 3279 Fox Lake Road, stated that he owned a Wooster Dumpster business with roll-off dumpsters and started renting the property to store dumpsters in October. Mr. Miller explained that currently, there were no plans for the property, and this was a good time to rent it for storage on a short-term monthly basis. Mr. Miller continued that the dumpsters were rented and rotated on the premises for long periods. Mr. Miller explained that he owned 15 dumpsters. Mr. Miller continued that Bear Trucking had moved off the property, and the property was growing up. Mr. Miller said he stored one dumpster by the road for advertising and one inside the chain link fence.

Mr. Fitz Gibbon stated that in commercial zoning for a business along Cleveland Road, to the extent that it has storage, it is behind the buildings or screened. Mr. Fitz Gibbon explained that different zoning classifications have additional requirements.

Mr. Reynolds stated that if the property had I-2 industrial zoning, you would not need a variance for outdoor storage. Mr. Fitz Gibbon said the property was zoned commercial.

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.

Mark Reynolds made a motion to approve application BZA-22-33 as presented. Jason Anderson seconded the motion. The motion was denied, 1-4.

Mark Reynolds voted yes and stated that under the condition that the screen criteria laid out 1109.03(e)(2) were met and said that if he stored the dumpsters behind the fence with some screening materials put up was a good use of the property and won't be visible from the road.

Jason Anderson voted no and stated that there were more requirements with the property to bring it up to use of this nature.

Ben Gunn voted no and stated that the use doesn't fit the neighborhood or meet the classification.

Jeff Battig voted no and stated that primarily because of the hardship to the applicant.

Stewart Fitz Gibbon voted no and stated that this was a unique situation and fundamentally in the wrong zoning classification for outdoor storage.

BZA-22-34.

Connie Weyer requested a Use Variance from Planning and Zoning Code Sections 109.02(d) to allow a two-family dwelling at 416 East Larwill (Parcel number 64-00423) in the R-T (Traditional Residential) zoning district.

Connie Weyer, 1040 East Wayne Avenue, stated that the property consists of two buildings: a triplex facing Larwill Street and a duplex behind the triplex facing an alley. Ms. Weyer explained that the building behind was 416 East Larwill Street Rear. Ms. Weyer continued that on May 27, 2022, the rear duplex suffered damage by fire due to arson. I am working with a Design Restoration to remove the asbestos siding and rehabilitate the building to its original floorplan. Ms. Weyer stated that the duplex was one entire apartment on the 1st floor and a second apartment on the 2nd floor. Ms. Weyer explained that the City approved the permit to begin rehabilitation and reconstruction for a single-family home as opposed to a duplex do the structure being more than 50 percent damaged per the Planning and Zoning Code. Ms. Weyer continued that the request for the use variance to allow a permit for a two-family dwelling as initially intended rather than a single family for the following reasons: the structure was built in 1954, and in discussion with Design Restoration, it was built as a duplex, no record of a remodel, no conversion had taken place, the floors were exact replicas of each other, no trace of an interior staircase. Ms. Weyer stated that the duplex presented a need for affordable housing. Ms. Weyer explained that a single unit would outprice all of the housing in the neighborhood. Ms. Weyer continued that location was not ideal for families because of the small yard and shared with the triplex in the front.

Mr. Marion stated that in the R-T district (Traditional Residential), multi-family or dual two-family dwellings are not permitted. Mr. Marion explained that any that existed prior to the zoning amendment is considered legally non-conforming. Mr. Marion continued that when a legal non-conforming use becomes damaged to where more than 50 percent of the value of the structure is destroyed, it cannot be rebuilt except as a conforming structure to the current zoning code, single-family residential.

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.

Jeff Battig made a motion to approve application BZA-22-34 as presented. Jason Anderson seconded the motion. The motion carried unanimously 5-0.

Jeff Battig voted yes and stated that primarily because the building was initially built as a duplex, and agreed that there would not be much value for a single-family home in the neighborhood.

Jason Anderson voted yes and stated that the building meets most zoning criteria.

Mark Reynolds voted yes and stated that the property could be put to an economically viable use under the permitted uses in the zoning district. The permitted use would be a single-family

home. It doesn't seem economical to convert this dwelling into a single-family home because of the narrow lot and the fact that the property has two houses.

Ben Gunn voted yes and stated that with two buildings on one lot, the hardship was not created by the applicant and did not affect the adjacent property owners as they are used to the dwelling being a dual residence.

Stewart Fitz Gibbon voted yes for a reason cited by the Board and stated that and thought this was a unique situation and the zoning code operates against the interest of the people we are trying to serve in that area.

BZA-22-35.

Josh Funderburk requested an Area Variance from Planning and Zoning Code Sections 1127.10(d)(2) to allow a freestanding sign that exceeds the permitted area and height at 220 South Columbus Avenue (Parcel numbers 64-01609.003) in a I-2 (General Industrial) zoning district.

Andrew Lallathin, Sol Harris Day Architects, 6677 Frank Avenue, North Canton, stated that the sign variance for a one freestanding monument sign on the site. Mr. Lallathin explained that the proposal was for a 15-foot freestanding sign. Mr. Lallathin continued that all Bell Stores in Wooster have the same 15-foot monument sign. Mr. Lallathin stated that standard canopy signage and wall signs all that the Marathon and Bell Store logos.

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.

Mark Reynolds made a motion to approve application BZA-22-35 as presented. Ben Gunn seconded the motion. The motion carried unanimously 5-0.

Mark Reynolds voted yes and stated that the minimum necessary for the project and in an industrial zone and the sign meets the criteria and is shorter than the one it was replacing.

Ben Gunn voted yes and stated that in the past, we had granted variances for taller signs, and the neighborhood would not be changed and was minimal.

Jason Anderson voted yes for reasons cited by the Board and stated that the station would add a lot to the community and special conditions of the area.

Jeff Battig voted yes for reasons cited by the Board, and this is a C-3 facility in an industrial area.

Stewart Fitz Gibbon voted yes and stated that he agreed that putting a C-3 establishment in an industrial area and not approving the sign would be foolish. Having visibility from Route 30 and getting the big sign out of the neighborhood were all a plus.

V. ADJOURNMENT

Jason Anderson made a motion to adjourn. Mark Reynolds seconded the motion. The motion passed unanimously, 5-0.

Stewart Fitz Gibbon, Board of Building and Zoning Appeals Chairman

Carla Jessie, Administrative Assistant