

MINUTES

CITY OF WOOSTER BOARD OF BUILDING & ZONING APPEALS

April 6, 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, Martha Bollinger, Stewart Fitz Gibbon, Ben Gunn, and Mark Reynolds were present at the meeting. Board members Jason Anderson and Jeff Battig were absent. Vincent Marion, Planning and Zoning Manager, represented the City of Wooster.

II. APPROVAL OF MINUTES

Martha Bollinger made a motion to approve the minutes of the March 2, 2023, meeting of the Board of Building and Zoning Appeals. Mark Reynolds seconded the motion. The motion carried unanimously 4-0.

III. APPLICATIONS

BZA-23-2.

Patrick Lankey, on behalf of Wayne County, requested a Use Variance from Planning and Zoning Code Section 1109.02(d) prohibiting parking lots as a principal use on the north side of W. Larwill Street between N. Grant Street and N. Walnut Street (Parcel numbers 64-01454.000 and 64-01454.001) in an R-T (Traditional Residential) zoning district.

Patrick Lankey, Strollo Architects, 201 West Federal Street, Youngstown, stated that the request for the parking study from the courts, jail, and jail expansion was completed and shows the visits during regular business and at peak volume. Mr. Lankey explained that with the building expansion, there was a loss of approximately 14 parking spaces, and those spaces lost were absorbed into other county parking lots. Mr. Lankey continued that this loss of parking would impact no street parking. Mr. Lankey said they added fencing along the north adjacent to the property owner's south property line. Mr. Lankey explained that all water runoff would flow within site with underground water retention. Mr. Lankey continued that the peak hours of operation for the parking lot were 9 am to 5 pm, and few vehicles after hours kept the headlights to a minimum. Mr. Lankey stated that in the lighting study for the parking area were 1 to 4-foot candles for the parking lot with light shields with a soft light.

Mr. Marion stated that the Planning Commission conditionally approved the proposed site plan upon receiving the two variances and meeting all engineering comments. Mr. Marion explained that with the analysis provided, I don't believe there is enough parking to accommodate the loss of parking in other lots from the expansion. Mr. Marion continued that this use is less obtrusive than amending the map because only parking will be permitted. Mr. Marion stated that the property remains zoned R-T if the variance is granted.

Mr. Lankey stated that 90 percent of the traffic volume would enter and exit off Larwill Street and Walnut Street, the secondary. Mr. Lankey explained that most people using the lot would work at The Justice Center. Mr. Lankey continued that the three entrances allowed users to enter and exit the parking lot and minimize traffic volume.

Patrick Herron, Wayne County Administrator, 428 West Liberty Street, stated that there was no Plan B if the parking lot was not approved and there were not many empty parking lots

downtown. Mr. Herron explained that the Job and Family Services lot would absorb the 14 parking spaces lost for the expansion. Mr. Herron continued that the empty lot was less obtrusive than buying houses and tearing them down for more parking.

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

Joel Troyer, 314 North Walnut Street, stated that his property is adjacent to the proposed parking lot and most affected by the parking lot. Mr. Troyer explained that the county had addressed the fence issue on the south side of his property. Mr. Troyer continued that some of the other problems come from the fact that we feel, along with the other property owners, was affected by this parking lot. Mr. Troyer said they bought this house and moved into the community, thinking it was a residential area, a reasonable expectation. They said they have no other options for parking, but they could build a parking deck on their property. Mr. Troyer stated that he realized that would be expensive, but there were other options. Mr. Troyer explained that they did not know what the parking lot would do to the property values, and the facts were that the parking lot would lower the value of the homes in the area. Mr. Troyer continued that they are reducing the property values, making it harder to sell our houses, taking a residential place, and making it a parking lot. Mr. Troyer stated that the alley was a one-way alley; it is a 12-foot alley, and traffic going in and out of there will be tight. Mr. Troyer explained that the Walnut Street entrance would be dangerous and confusing with the intersection. Mr. Troyer continued that some houses in the area have trouble with basements flooding.

Mr. Lankey stated that one of the contractor's requirements is to control dust in the area and any dirt not going out onto the street when construction begins.

Dave Griffith, 411 North Buckeye Street, stated that we want to defend the R-T zoning district rules as much as possible. Mr. Griffith explained that a 20-foot alley that goes east and west, also several blocks to the north, will get much traffic and exceed the 15-mile-an-hour speed limit. Mr. Griffith continued that there would be considerable traffic on those alleys, which are chip and seal, and they are not wide enough; the 20 feet was from right away to right away and not the actual width of the alley. Mr. Griffith stated they needed further study on the traffic flow and rebuilding of the alleys. Mr. Griffith explained that the north alley could be blocked off, and the traffic could only go right or left, not continue the alley as chip and seal, but rebuilt as an actual road. Mr. Griffith continued that the code does say that if anything was going to change, that makes a dramatic increase in the street needed rebuilding. Mr. Griffith stated that the alley would need to be one way and then decided if the alley would be an entrance or an exit and could not be both. Mr. Griffith explained that the alley could be widened and street capable, and then it could be two-way. Mr. Griffith continued that he walks the neighborhood, and generally, there are between 9 am and 10 am, and again at 2 pm and 3 pm, there are about 50 plus empty spaces. Mr. Griffith stated that the Municipal Court parking lot on Grant Street was often vacant and, on occasion, more usage on Tuesdays and Thursdays. Mr. Griffith explained that traffic flow could be managed at the Justice Center with the parking lot that was already there. Mr. Griffith continued that leasing options could also stop the need for this parking lot.

Will Parkinson, 2439 Jentes Road, stated that he appreciated the fence and how close the fence was to the house. Mr. Parkinson explained that they bought the house and are excited about renovating the home and expressed concerns about the hot black pavement beside the home.

Mr. Herron stated that the county approached Buehler's and the library to try to purchase the parking lots they own, and they expressed no interest in selling those lots and have looked into other available spaces for parking. Mr. Herron explained that the Municipal Lot Parking Study shows that the lot was empty often, but they do have court twice a day, and often the lot was full. Mr. Herron continued that they had to allocate parking and have it available when the lots were full and many people were coming to traffic court. Mr. Herron stated that employees did not use the parking lot because it was used during the week for court. Mr. Herron noted that there were never 50 empty spaces in the Municipal Court Lot. Mr. Herron explained that the parking deck would be four to five stories to accommodate many areas and would be very expensive.

Mr. Lankey stated that the impact on the alleyway wouldn't wear out. Mr. Lankey explained that the traffic volume coming in and out would be less than in a typical alley.

Dave Griffith, 411 North Buckeye Street, stated that the alley would be used more than 100 times daily and would be torn up because of excessive use. Mr. Griffith explained that chip and seal alley could not withstand that traffic volume 10 times the usage. Mr. Griffith continued that Larwill Street is a one-way road, and the traffic will go both ways on the alley. Mr. Griffith stated there would be congestion on that alley, and people would go right and left.

Mr. Fitz Gibbon closed the public hearing.

Mark Reynolds made a motion to approve applications BZA-23-2 as presented. Ben Gunn seconded the motion. The motion was denied 3-1.

Mark Reynolds voted no and stated that when adjacent property owners are in different zoning districts, we run into conflicting uses of those property zoning districts. He said the final conflict was that the applicant must demonstrate such hardship with clear and convincing evidence and that all criteria were satisfied. Mr. Reynolds explained that the parking lot doesn't fit the requirements; however, the plans were beautifully done, but at the end of the day, it is still a parking lot in a residential zoning district.

Ben Gunn voted no and stated that the Residential Traditional neighborhood with lots of codes and heard a lot of different cases, and this one has had the most pushback, and the residents have made a good point. He said that the parking lot would change the neighborhood and probably decrease the value of those homes.

Martha Bollinger voted no and stated that she felt strongly that the parking lot was directly beside the houses in an RT zoning district, adversely affecting the neighbors.

Stewart Fitz Gibbon voted yes and stated that this application is challenging in the R-T zoning district. We go through this every time an RT case comes up, and I appreciate the redevelopment of Buckeye Street and understand. He said the property has sat vacant for many years, which was a challenge in the RT zoning district. How do you economically rebuild something that does not exist? It is impossible. Mr. Fitz Gibbon explained that the Board has these borderline problems all around town when we have two different kinds of uses intersecting.

BZA-23-1.

Patrick Lankey, on behalf of Wayne County, requested an Area Variance from Planning and Zoning Code Section 1123.05(b)(6) regarding interior parking lot landscaping on the north side of W. Larwill Street between N. Grant Street and N. Walnut Street (Parcel numbers 64-01454.000 and 64-01454.001) in an R-T (Traditional Residential) zoning district.

Martha Bollinger made a motion to approve application BZA-23-1 as presented. Mark Reynolds seconded the motion. The motion was denied unanimously 4-0.

Martha Bollinger voted no and stated that the application was moot since the application for the parking lot was denied.

Mark Reynolds voted no.

Ben Gunn voted no.

Stewart Fitz Gibbon voted no.

IV. ADJOURNMENT

Mark Reynolds made a motion to adjourn. Ben Gunn seconded the motion. The motion passed unanimously, 4-0.

Stewart Fitz Gibbon, Board of Building and Zoning Appeals Chairman

Carla Jessie, Administrative Assistant