

MINUTES

CITY OF WOOSTER BOARD OF BUILDING & ZONING APPEALS

March 7, 2024

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, Martha Bollinger, Stewart Fitz Gibbon, Ben Gunn, Mark Reynolds, and Jennifer Shatzer were present at the meeting. Vincent Marion, Planning and Zoning Manager, represented the City of Wooster.

II. APPROVAL OF MINUTES

Jennifer Shatzer made a motion to approve the minutes of the January 4, 2024, meeting of the Board of Building and Zoning Appeals. Jeff Battig seconded the motion. The motion carried unanimously 7-0.

III. APPLICATIONS

BZA-24-2.

Erin Stiffler of Sign Design requested an Area Variance from Planning and Zoning Code Section 1727.10(d)(3) to allow an 18-square-foot electronic message center sign at 243 North Market Street in a C-4 (Central Business) zoning district.

Erin Stiffler, Sign Design, 1537 West Old Lincoln Way, stated that the church wanted to install an electronic message center on a brick monument sign within the C-4 historic zoning district. Ms. Stiffler explained that the sign modernizes communication methods to better engage with the community and the congregation. Ms. Stiffler continued that the electronic message center is vital for enhancing the visibility of church events, service times, and community outreach initiatives. Ms. Stiffler stated that the monument's dimensions, six foot by nine foot and three foot by six-foot display, tastefully integrated into the monument's design. Ms. Stiffler noted that they believe modern progression and integration are essential for the C-4 Central Business District as a community hub. The church plays a vital role in the area and requires effective communication tools to fulfill its mission effectively. Ms. Stiffler explained that the electronic message center would ensure that it will be tastefully integrated into the monument design to preserve the area's aesthetic appeal and that they are committed to complying with any additional requirements or restrictions imposed by the variance approval process. Ms. Stiffler continued that by allowing the installation of the electronic message center, the church hopes to serve the community better and fulfill its mission in a rapidly evolving digital age. Ms. Stiffler stated that the sign has specific settings and could have determined shutoffs.

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

Connie Mann, 1826 Burbank Road, stated that she was ahead of the trustees of the Wooster United Methodist Church, and we have been debating the signage for many years. Ms. Mann explained that they don't want churches to die and have empty buildings. Ms. Mann continued that when people engage in church activities, they seek a group moving forward. Ms. Mann stated that the church is trying to keep current so that people recognize that we are there.

Mr. Fitz Gibbon closed the public hearing.

Jason Anderson made a motion to approve the application BZA-24-2 as presented. Jeff Battig seconded the motion.

Jason Anderson voted yes and stated that the church is across the street from modern and brand-new buildings. He said that the monument sign matches perfectly with the church and keeps the church up-to-date with the downtown area.

Jeff Battig voted yes and stated that the variance is not substantial and is the minimum necessary to use the structure reasonably.

Martha Bollinger voted yes and stated that the variance is not substantial and is the minimum necessary, and a literal interpretation of the code's provisions would deprive the applicant of the commonly enjoyed by other properties in the same district with two different electronic message boards.

Ben Gunn voted yes and stated that the applicant had a nice presentation and made some compelling points. He said that having two other signs in the district going out of the way to make concessions needed and the building not having a visible display outside makes this request a little different.

Mark Reynolds voted yes and stated that he understood this was the minimum necessary and that there was a need for the electronic message center. It matches the building and is aesthetically pleasing.

Jennifer Shatzer recused herself from the application.

Stewart Fitz Gibbon voted yes and stated concerns that, essentially, the argument made could be made by everyone else in the Central Business zoning district.

The motion passed 6-0.

BZA-24-3.

Luke Hill requested a Use Variance from Planning and Zoning Code Section 1109.02(d) to allow a two-family dwelling in an R-T (Traditional Residential) zoning district at 638 High Street with parcel number 65-01752.000.

James “Luke” Hill, 13436 Township Road 1034, Big Prairie, stated that he was a contractor, and they flip homes and retain some rentals. When they purchased the property, Mr. Hill explained that the auditor still had the house listed as a multi-family dwelling. Mr. Hill continued that the City has a shortage of homes and rentals. Mr. Hill stated they wanted to make a higher-end duplex and preserve the house and the old heritage. Mr. Hill explained that he felt this would add to the property value in the neighborhood. Mr. Hill continued that they installed new windows in the home, and the electrical service was updated before we purchased it. Mr. Hill stated that the home would be better as a duplex in the neighborhood, which would add value to the area. He said the rental would be a minimum of 1500 dollars per month and possibly a little higher.

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.

Ben Gunn made a motion to approve the application BZA-24-3 as presented. Mark Reynolds seconded the motion.

Ben Gunn voted yes and stated that since the building was already split into two different living quarters, it was a unique factor. Because this is an R-T zoning district, many people are fighting to keep this district and maintain the single-family homes.

Mark Reynolds voted yes and stated that criteria A was whether the property could not be put to any economically viable use under any permitted uses in the zoning district. He said that with the configuration of the house and the money needed to put into it, neighboring properties would do best with a well-kept home in the neighborhood.

Martha Bollinger voted no and stated that there is much passion for keeping the Residential Traditional zoning district and thinks that it is good that the house next door to this house has been fixed up and is more high-end.

Jennifer Shatzer voted yes for the reasons cited by the Board and stated that the house has sat vacant for ten years, and this is the first attempt to repair and better served as a duplex than a vacant home.

Jason Anderson voted yes and said he lives in the R-T zoning district and would love to see the applicant keep the home. He also encouraged the owner to keep up the work on the house, making the neighborhood a better place to live.

Jeff Battig voted yes for reasons cited by the Board.

Stewart Fitz Gibbon voted yes and said he supports the Residential Traditional zoning district's spirit and tries to return the neighborhoods to single-family neighborhoods. He said that where we are, the City has a housing shortage, so to have a vacant property sitting there when one or two families could be helped is an example of where we have to weigh the ideal against the practical realities.

The motion passed 6-1.

BZA-24-4.

Andrea Uhler, representing the property owner, requested Area Variances from 1115.03(a) to allow a single-family detached dwelling within the required side and rear setbacks on Gasche Street with permanent parcel number 65-01441.000 in an R-2 (Single-Family Residential) zoning district.

Andrea Uhler, 225 North Market Street, stated that there are three area setback variance requests. Ms. Uhler explained that many properties in this area are very close to one another and predate the zoning code. Ms. Uhler continued that the property sits on the corner of Bowman and Gasche Streets with an irregular flag-shaped lot. Ms. Uhler stated that in the neighborhood, the lot has been a nonconforming lot for many years, and there is a block structure that is approximately 31 feet by 21.5 feet or 667 square feet and used as a stand-alone accessory structure on a nonconforming lot. Ms. Uhler explained that under the code, a nonconforming use could be changed to a new use without going through a use variance request, and we are only requesting setback variances because the use variance is that we can take it from this accessory structure to a single-family residential structure. After all, that is an approved use within an R-2 zoning district. Ms. Uhler continued that the owners wanted to renovate the existing structure and make a single-family residence, and the building sits at the rear of the lot. Ms. Uhler stated that we requested a variance for the north side yard setback because the building sits about .03 to .01 feet from the property line. Ms. Uhler explained that the combined side yard setback ranges from 10.3 to 10.8 feet, depending on the structure located on the lot. Ms. Uhler continued that the Taggarts own the property to the south and the large parcel to the east. Ms. Uhler stated that the structure cannot be moved, and the lot's unique shape, dimensions, and design make it difficult to meet the setbacks requirements in the zoning code. Ms. Uhler explained that the structure has an established driveway off Gasche Street.

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

James Taggart, 846 East Bowman Street, stated that he was the son of the owner of the property and moving the project along. Mr. Taggart explained that his parents would continue living in the house, and he would live in the building and be the caretaker if the application was approved. Mr. Taggart continued that the house would be used as a bed and breakfast.

Abby Fischer, 633 Gasche Street, stated that she lived next to the property and was concerned about the privacy and the existing structure being raised. Ms. Fischer noted that her concerns were addressed and supported the project. Ms. Fischer explained that Mr. Taggart assured her that he would be making some alterations to the property to limit trespassers between the properties, which has been an issue, and that he would update the security and safety.

Mr. Fitz Gibbon closed the public hearing.

Martha Bollinger made a motion to approve the application BZA-24-4 as presented. Jason Anderson seconded the motion.

Martha Bollinger voted yes and stated that the unusual lot size and now conforming, she feels this was the minimum necessary and within the spirit and intent of the zoning code.

Jason Anderson voted yes and stated that the variance is the minimum necessary to make possible the reasonable use of the property and the spirit and intent behind the zoning requirements.

Jeff Battig voted yes and stated that the variances meet the criteria of the zoning code and turn a building into a house.

Ben Gunn voted yes and stated that the application meets the criteria for the variances.

Mark Reynolds voted yes and stated that the design configuration of the lot, anything other than the current use, which is a nonconforming use, would probably make its way to the Board. He understood this was the minimum necessary variance for the property.

Jennifer Shatzer voted yes for the reasons cited by the Board.

Stewart Fitz Gibbon voted yes for the reasons cited by the Board, which was an excellent improvement to the neighborhood and having the neighbor come and attest to the application.

The motion passed unanimously, 7-0.

BZA-24-5.

Scott Gray requested an Area Variance from Planning and Zoning Code Section 1125.03(I)(1) to allow parking of a recreational vehicle/trailer in the front yard at 510 Winkler Drive (parcel number 67-01673.000) in an R-1 (Suburban Single-Family) zoning district.

Scott Gray, 510 Winkler Drive, stated that he didn't know you could not park a boat in your driveway in your side yard. Mr. Gray explained that he has an irregular corner-shaped lot with two entrances; one comes from the side of the house, and the other comes from the front. Mr. Gray continued that the boat was not parked in the front yard. It is parked on the asphalt at the side of the house, backed up in the driveway. Mr. Gray stated that he wanted to appeal the zoning violation because I didn't know I would have to file a variance. Mr. Gray explained that the parallel line of the shortest frontage line, which is on Shelly 51.9 feet, makes a lot line in the back yard my back and, per the definition, makes every other lot line a sideline, which makes the front corner of my house to the rear the side yard.

Mr. Marion stated that the front yard is defined as an open space extending the entire width of the lot, the depth of which is the minimum horizontal distance between the front lot line and the nearest point of the main building. Mr. Marion explained that lots with street frontage on two intersecting streets shall be considered corner lots.

Mr. Gray stated that a retaining wall is approximately 10 feet high with bushes and landscaping, which keeps it somewhat concealed. Mr. Gray explained that the boat and trailer only sit there in the winter months.

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

Kevin Schwarzkopf, 2921 Graustark, stated that he lived within 200 feet of the property, and a boat of this size with a triple axle six-wheel trailer is a large boat. Mr. Schwarzkopf explained that to try to preserve the neighborhood's integrity, I have to speak against the application. Mr. Schwarzkopf kept the neighborhood as a neighborhood, not as a boat storage yard. Mr. Schwarzkopf stated that they have had issues with tractor-trailers in the neighborhood. Mr. Schwarzkopf explained that they had problems with a milk truck in the neighborhood warming up for hours in the winter, and it took a long time to get that straightened out.

Stacy Gray, 510 Winkler Drive, stated that the hardship they face is that they have limited space in the backyard, and to do the construction to comply with the code, they would have to cut down a large tree. Ms. Gray explained that from a visual perspective and an aesthetic value for the community, they consider that a worse option and more of an eyesore. Ms. Gray continued that the other drive on Shelly is another option: a wooded tree area. They could build a building for the boat, which would also obstruct the view.

Mr. Fitz Gibbon closed the public hearing.

Jennifer Shatzer made a motion to approve the application BZA-24-5 as presented. Jeff Battig seconded the motion.

Jennifer Shatzer voted no and stated that there are some hardships, but other options, including other storage options, even locally, wouldn't have to depend on different boats to be moved.

Jeff Battig voted no and stated that the neighborhood's essential character would be substantially altered or that adjoining properties would suffer substantial detriment due to the variance.

Mark Reynolds voted no and stated that the corner lots become tricky, but the code is pretty straightforward about what is considered a front yard and what is not.

Ben Gunn voted no and stated that the property owner creates the action, which can affect the rights of the adjacent property owners from a visual standpoint and a possible property value.

Jason Anderson voted no and stated that the lot was odd; however, there are many places locally for boat storage.

Martha Bollinger voted no for reasons cited by the Board.

Stewart Fitz Gibbon voted no and stated that he agreed that the owner had a very odd situation, but when he drove by, the boat was right there, and that is the reason for boat storage places in non-single-family neighborhoods.

The motion was denied 7-0.

IV. **ADJOURNMENT**

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

Stewart Fitz Gibbon, Board of Building and Zoning Appeals Chairman

Carla Jessie, Administrative Assistant