

MINUTES

CITY OF WOOSTER BOARD OF BUILDING & ZONING APPEALS

September 5, 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, Stewart Fitz Gibbon, Ben Gunn, Mark Reynolds, and Jennifer Shatzer were present. Board members Jeff Battig and Martha Bollinger were absent. Vincent Marion, Planning and Zoning Manager represented the City of Wooster.

II. APPROVAL OF MINUTES

Ben Gunn made a motion to approve the minutes of the August 1, 2024, meeting of the Board of Building and Zoning Appeals. Jason Anderson seconded the motion. The motion carried unanimously 5-0.

III. APPLICATIONS

BZA-24-18.

George Wyatt requested an Area Variance from Planning and Zoning Code Section 1113.01(e)8G to allow a fence within the required front setback that exceeds the permitted height and is not fifty percent open at 1679 Summerlin Drive (parcel number 71-00121.002) in an R-2, (Single Family Residential) zoning district.

George Wyatt, 1679 Summerlin Drive, stated they wanted privacy in their backyard, with a nice patio and screened-in porch. Mr. Wyatt explained they cut out a row of trees bordering the property when the walking path was installed along Melrose Drive. Mr. Wyatt continued that they wanted to put in a hot tub on the back patio and needed privacy, and the fence will extend from the front of the garage back to the shed approximately 100 feet. Mr. Wyatt stated that the wall would be about 12 feet from the walking path between the trees and the path. Mr. Wyatt noted that there were other privacy fences along Melrose Drive.

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 applications BZ-24-18 as presented. Jason Anderson seconded the motion.

Mark Reynolds voted yes and stated that there were special conditions. This was about the third variance application the board has received over the last few years for homeowners' properties but against the walking paths being installed in Wooster. It makes sense to grant the variance for privacy while letting the walking path be used without bothering anyone. It is also off the road, which will not create any traffic or visibility issues.

Jason Anderson voted yes for reasons cited by the Board.

Ben Gunn voted yes and stated that the variance is the minimum needed or required to approve, and the homeowner did not create the issue, making it a unique situation.

Jennifer Shatzer voted yes for reasons cited by the Board.

Stewart Fitz Gibbon voted yes for reasons cited by the Board.

The motion passed unanimously, 5-0.

BZA-24-19.

Brandon Hershberger requested a Use Variance from Planning and Zoning Code Section 1109.02(d) to allow a single-family detached dwelling and an Area Variance from Planning and Zoning Code Section 1125.03(h)(3) to enable non-hard surface (gravel) parking and drive area on Cleveland Road (parcel number 71-00140.001) in a C-3, (General Commercial) zoning district.

Willis Miller, 9500 Pleasant Hill Road NW, Dundee, stated that this property makes more sense as a residential area and is a unique place to put in a new build. Mr. Miller explained they wanted to build something ECO-friendly and affordable for a young couple. Mr. Miller continued that the driveway would be concrete 30 feet from the road and wanted to do gravel the rest of the way to save on cost so we could have a cheaper property to resell. Mr. Miller noted that the cost would be lower for the homeowners. Mr. Miller stated that there are two residential properties on both sides of the property, and there is a row of trees on the right side and a couple of trees on the left side of the property that would keep the dust down. Mr. Miller explained that running the utilities was an extra cost; they also had to install a pump to tie into the sewer. Mr. Miller noted that a concrete driveway would cost roughly 25 to 30,000 dollars instead of a 7,000-dollar gravel driveway. Mr. Miller stated that both driveways on the right and left of the property were gravel.

Mr. Marion stated that the drive portion within the right-of-way is required to be concrete.

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

Matthew Knight, 4029 Cleveland Road, stated that he was beside the property and was not opposed to the gravel driveway, and the dust would not bother us.

Mr. Fitz Gibbon closed the public hearing.

Mark Reynolds moved to approve applications BZ-24-19 (A) for the use variance as presented and BZA-24-19 (B) for the non-hard surface application. Ben Gunn seconded the motion.

The motion passed unanimously, 5-0.

Mark Reynolds moved to approve application BZ-24-19 (A) for the use variance as presented. Ben Gunn seconded the motion.

Mark Reynolds voted yes and stated that because the location of this property is zoned commercial, the neighbors would have more traffic, odd hours, and a different use other than a residential home.

Ben Gunn voted yes and stated that a residential use with houses on either side of this property would remain the same as the neighborhood's essential character.

Jennifer Shatzer voted yes for reasons cited by the Board.

Jason Anderson voted yes and for reasons cited by the Board.

Stewart Fitz Gibbon voted yes for reasons cited by the Board and stated that this was a unique situation with the flag lot between two residential homes. Further back were more residential homes, and I felt this was a better fit for the developed rezoning neighborhood.

The motion passed unanimously, 5-0.

Ben Gunn moved to approve application BZ-24-19 (B) for the non-hard surface application. Jason Anderson seconded the motion.

Ben Gunn voted yes and stated that the property would make it difficult to yield a reasonable return without the gravel driveway. The other properties in the neighborhood also have gravel driveways, and the neighbor did not oppose the gravel driveway and passed the right of way.

Jason Anderson voted yes and stated that the neighbor had no issue with the gravel driveway.

Mark Reynolds voted yes and stated that the code exists to decrease the abundance of gravel driveways inside the city. I feel this was a unique circumstance, and there are enough factors here that make the property unique with the flag shape and behind properties with gravel driveways. Also, no neighborhoods will be affected by granting this variance.

Jennifer Shatzer voted yes and stated that with gravel drives on either side and no objection from the neighbor.

Stewart Fitz Gibbon voted yes and stated that the code generally tries to bring neighborhoods up to a standard that helps to improve the city over time. I have driven through the area twice now and observed what was there. It is a mix of both. This was a unique situation with the long flag lot and trying to make this a more affordable property.

The motion passed unanimously, 5-0.

IV. **ADJOURNMENT**

Ben Gunn moved to adjourn. Jennifer Shatzer seconded the motion. The motion passed unanimously, 5-0.

Stewart Fitz Gibbon, Board of Building and Zoning Appeals Chairman

Carla Jessie, Administrative Assistant