

MINUTES

CITY OF WOOSTER BOARD OF BUILDING & ZONING APPEALS

April 5, 2018

I. MEETING CALLED TO ORDER AND ROLL CALL

Lukas Gaffey, Chairman of the Board of Building and Zoning Appeals, called the meeting to order. Board members Brad Gowins, Lukas Gaffey, Stewart Fitz Gibbon, Ken Suchan and Greg Taylor, were present at the meeting. Board members Gregg McIlvaine and Doug MacMillan were absent. Andrew Dutton, Planning and Zoning Manager was present representing the City of Wooster.

II. APPROVAL OF MINUTES

Brad Gowins made a motion to approve March 1, 2018, regular meeting minutes. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously, 5-0.

Ken Suchan made a motion to approve March 15, 2018, special meeting minutes. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously, 5-0.

III. PUBLIC HEARINGS

Application #BZA-18-11.

Matt Long of Critchfield, Critchfield & Johnston requested an area variance from Planning and Zoning Code Section 1133.07(h)(4) to allow fencing with different styles and colors at 600 Oakley Road in an R-1 (Suburban Single Family Residential) District.

Mr. Gaffey indicated that the application was withdrawn by the applicant.

Application #BZA-18-12.

John Sargent requested a use variance from Planning and Zoning Code Section 1141.02 to allow the expansion of a prohibited car wash use at 347 Beall Avenue in a C-2 (Neighborhood Business) District.

John Sargent, 1403 Clover Street, stated that the variance was to enclose the back of the building for operational equipment. Mr. Sargent explained that enclosing the back would produce better working conditions for the employees. Mr. Sargent continued that the expansion was 26 feet by 20 feet with a 12 foot tall roof. Mr. Sargent stated that the area enclosed would cover the conveyor and the TV screen so that work could be done inside throughout the winter.

Lukas Gaffey asked if the area covered extended past the conveyor and the equipment. Mr. Sargent stated that the area where the cars would pull up to the conveyor would be covered. Mr. Sargent noted that he felt that if the area was covered, it would cut down on trash and look cleaner. Mr. Fitz Gibbon asked if the smaller roof was the only extension. Mr. Sargent stated the new roof would be 12 feet tall which was 4 feet shorter than the existing roof.

Mr. Gaffey asked if anyone from the public would like to address the Board regarding the application. No one from the public was present to address the application.

Stewart Fitz Gibbon made a motion to approve the application BZA-18-12, as presented. Ken Suchan seconded the motion.

Stewart Fitz Gibbon voted yes and stated that the use would not change and enclosing the existing exposed equipment would improve the look of the neighborhood.

Brad Gowins voted yes and stated that the expansion would not change, or add new business to the car wash.

Greg Taylor voted yes.

Ken Suchan voted yes for reasons cited by the Board.

Lukas Gaffey voted yes and stated that the expansion would not add to the use of the business, clean up the area, close the back section of the car wash, and be an improvement.

The motion passed unanimously, 5-0.

Application #BZA-18-13.

John Fiala of Weaver Commercial Contractor requested an area variance from Planning and Zoning Code Section 1131.06(b)(3) to allow a fence taller than permitted at 2868 Back Orrville Road in a CF (Community Facilities) District.

Brad Gowins recused himself from the application.

John Fiala, 2148 Eagle Pass, stated that he represented The Village Network in building a new crisis stabilization center. Mr. Fiala explained that the new center would be housing for children in crisis with 16 bedrooms. Mr. Fiala continued that there would be a playground in the back and The Village Network needed to keep the children in a safe area and keep people out of the playground area. Mr. Fiala stated that the application was for a no climb fence to be installed. Mr. Fiala continued that some of the taller children could jump up high enough to grab the top of an 8 foot fence and scale over the fence. Mr. Fiala stated that the variance was needed for the additional 2 feet to install a 10 foot fence.

Mr. Gaffey asked if anyone from the public would like to address the Board regarding the application. No one from the public was present to address the application.

Stewart Fitz Gibbon made a motion to approve application BZA-18-13, as presented. Ken Suchan seconded the motion.

Greg Taylor voted yes.

Ken Suchan voted yes and stated that the specific use made the request a logical one due to safety issues.

Stewart Fitz Gibbon voted yes and stated that he agreed with reasons cited by the Board and he felt that since the fence was entirely surrounded by The Village Network, it was acceptable.

Lukas Gaffey voted yes for reasons cited by the Board.

The motion passed unanimously, 4-0.

Application #BZA-18-14.

Kathy Thompson requested a use variance from Planning and Zoning Code Section 1133.02 to allow a kennel use on a vacant lot with Parcel Number 64-02655.00 on Saybolt Avenue in an R-T (Traditional Residential) District.

Kathy Thompson, 415 Woodland Avenue, stated that she was requesting a variance to keep 2 dog kennels on an empty lot beside her house. Mrs. Thompson explained that there were stray and feral cats from the Larwill Trailer Park that she wanted to house. Mrs. Thompson stated that 1 kennel would be taken down as it was no longer needed. Mrs. Thompson explained that she put up tarps for the winter in order to protect the cats from wind and snow and ran electric to the pens for the pet mats and to heat water dishes. Mrs. Thompson noted that cats were fed and watered twice a day, litter pans were cleaned daily and the cats received medical treatment, when necessary.

Mr. Dutton stated that he received calls and emails from neighbors that were forwarded to the Board.

Brad Gowins asked if the kennels were the only ones located on her property. Mrs. Thompson stated that she would be taking one of the kennels down.

Greg Taylor asked how many animals were in the kennels. Mrs. Thompson stated there were 8 cats, but one had died. Mrs. Thompson stated that she had neighbors come to her that didn't understand what the complaints were about. Mr. Gaffey stated the challenges that the Board had with this kind of request. Mr. Gaffey explained that kennels were not permitted in any residential area. Mr. Gaffey stated that in the R-T, kennels added more complications because the city was invested in trying to revitalize the area.

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

Tim Arnolt, 437 Woodland Avenue, stated that he was against the kennels. Mr. Arnolt explained that applicant fed stray and feral cats in the neighborhood, which attract other animals. Mr. Arnolt stated that the applicant had kennels in her backyard as well. Mr. Arnolt explained that the applicant had gone overboard with her attempts to feed the strays. Mr. Gaffey stated that the Board was only considering the kennels on the vacant lot.

Barbara Conley, 512 Saybolt Avenue, stated that she lived across the street. Mrs. Conley stated that the neighborhood didn't want the kennels, cats, and smell in the area. Mrs. Conley continued that the applicant had between 50 and 75 cats and she was a hoarder. Mrs. Conley stated that the smell caused her medical problems.

Timothy Badger, 7641 E. Lincoln Way, Apple Creek, stated that he didn't live in the city, but he owned the property at 508 Saybolt Avenue. Mr. Badger explained that there was a cat trail from all of the cats in the area. Mr. Badger continued that the applicant had fed the cats as long as he has owned the property. Mr. Badger explained that cats attract more cats.

Linda Fry, 520 W. Larwill Street, stated that there were a large number of stray cats in the neighborhood. Mrs. Fry explained that the cats traveled all over the area and continued to breed. Mrs. Fry continued that the neighborhood also has skunks and raccoons.

Brad Gowins moved to adjourn to Executive Session. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously 5-0 at 6:09 pm.

Brad Gowins moved to come out of Executive Session. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously 5-0 at 6:17 pm.

Brad Gowins made a motion to approve application BZA-18-14 as presented. Ken Suchan seconded the motion.

Stewart Fitz Gibbon voted no and stated that the R-T District had special conditions for the primary use of the lot. He continued that given that the lot was separate from the home, the Board had to be careful allowing an accessory use without a primary use on the lot. Mr. Fitz Gibbon stated that one of the criteria for this use variance also related to public health, which may be affected by the proposed use.

Brad Gowins voted no and stated that one of the variance criteria was that the hardship condition could not be created by the applicant. He stated that not everyone had knowledge of the zoning code, but that could not be the only factor in approving applications to the Board. Mr. Gowins stated that the applicant could have taken other options than the proposal and the applicant had created the hardship.

Greg Taylor voted no for the same reason previously cited.

Ken Suchan voted no and stated that there were reasons why the use was only permitted in industrial and C-5 districts and not in residential areas, which were discussed. He noted that the applicant did not show that odors were not present.

Lukas Gaffey voted no for reasons cited by the Board and stated that there were several use variance criteria which were not met.

The motion was denied unanimously, 5-0.

Application #BZA-18-15.

Greg Earnst of of AODK Inc. requested an area variance from Planning and Zoning Code Section 1147.07 to allow a drive-thru on a lot smaller than permitted, Section 1141.06(a) to allow reduced parking setbacks, Section 1165.04(b) to allow fewer street trees, Section 1165.06(a) to allow reduced interior parking lot landscaping, and Section 1165.06(b) to allow reduced perimeter parking lot landscaping at 350 East Liberty Street in the C-4 (Central Business) District.

Greg Earnst, 17306 Madison Avenue, Lakewood, stated that the project was a new 4,400 sq. ft. building with 3 bank drive-thru lanes. Mr. Earnst explained that ta variance to conditional use standard was needed. He stated that it was difficult to find a 1 acre commercial lot in the city. Mr. Earnst continued that the building would be located near the front of the property on Liberty Street and 15 parking spaces would be located in the rear of the lot. Mr. Earnst stated

that the narrowness of the lot resulted in the need for parking and landscaping variances. Mr. Earnst explained that the existing streetscape would not be changed.

Mr. Earnst stated that no parking spaces were required for the property. Mr. Dutton clarified that there was no alley to the east of the property. Mr. Gaffey noted that the alleys were on the north and west sides of the property.

Mr. Gaffey asked if anyone from the public would like to address the Board regarding the application. No one from the public was present to address the application.

Stewart Fitz Gibbon made a motion to approve application BZA-18-15, as presented. Brad Gowins seconded the motion.

Stewart Fitz Gibbon voted yes and stated that the proposal was consistent with the downtown and several other banks, which were located on very small lots.

Brad Gowins voted yes and stated that the design and the parking were in the spirit of downtown development.

Greg Taylor voted yes.

Ken Suchan voted yes for the same reasons cited by the Board.

Lukas Gaffey voted yes and stated that he appreciated the design, there were banks in the area and he appreciated challenges faced with a smaller lot.

The motion passed unanimously, 5-0.

IV. APPLICATIONS CONTINUED TO BE TABLED
Applications #2016-19 and #2016-20.

V. ADJOURNMENT

Stewart Fitz Gibbon made a motion to adjourn. Brad Gowins seconded the motion. The motion passed unanimously, 5-0.

Lukas Gaffey, Chairman

Carla Jessie, Administrative Assistant