

## MINUTES

### CITY OF WOOSTER BOARD OF BUILDING & ZONING APPEALS

January 5, 2017

#### 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 Tate Emerson, Ken Suchan, Stewart Fitz Gibbon, Brad Gowins, Lukas Gaffey, and Doug MacMillan, were present at the meeting. Board member Gregg McIlvaine was absent. Andrew Dutton, Planning and Zoning Manager, was present representing the City of Wooster.

Mr. Gaffey noted that Mr. Emerson had agreed to serve on the Board for one additional meeting prior to his resignation.

#### II. APPROVAL OF MINUTES

Brad Gowins moved to approve the December 1, 2016, regular meeting minutes. Tate Emerson seconded the motion. The motion passed 4-0-2. Lukas Gaffey and Ken Suchan abstained.

#### III. PUBLIC HEARINGS

##### ***Appeal #BZA-17-01.***

Robert Reynolds of Reynolds Law Office representing Robert Basinger requested an area variance from Planning and Zoning Code Section 1169.15(b) to allow a gravel drive at 1630 Hickory Lane in an R-1 (Suburban Single Family Residential) District.

Robert Reynolds, 839 Forest Drive, stated that Mr. Basinger received approval for, and constructed, a 576 sq. ft. detached storage building in the northwest corner of the property. Mr. Reynolds stated the building was mainly used for restoration and storage and would not be used every day. Mr. Reynolds continued that Mr. Basinger installed a gravel driveway from an existing driveway to the storage building without approval. Mr. Reynolds identified the significant slope of the backyard as a reason for the use of gravel. Mr. Reynolds noted that the property and the neighbor had gravel drives.

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

Diana Basinger, 1630 Hickory Lane, stated she and her husband owned the property. Mrs. Basinger explained that the builder misled them and they did not want the building where it was located. Mrs. Basinger continued that they wanted a concrete drive.

Mr. Reynolds asked the Board if the application could be tabled until the end of the meeting to discuss the variance with the property owner.

Tate Emerson made a motion to table the variance until the end of the meeting. Stewart Fitz Gibbon seconded the motion. The motion passed unanimously, 6-0.

**Appeal #BZA-17-02.**

Ed Gasbarre of RW Gasbarre & Associates, Inc. representing Merit Pump and Equipment Company requested a use variance from Planning and Zoning Code Section 1143.02 to allow an outdoor storage use and an area variance from Section 1143.04(b)(1) to allow buildings within required side and rear setbacks, Section 1143.06(a)(2) to allow parking and associated drives within required side and rear setbacks, and Section 1191.04(a) to allow an irregularly shaped lot at 823 West Bowman Street in an M-1 (Office/Limited Manufacturing) District.

John Dunbar, 1560 Christmas Run Drive, stated that the lot was odd shaped and that he needed outside storage. Mr. Dunbar explained that the entry drive was shared with Tricor and indicated that he was proposing to split the lot into a 1.0 acre Lot A and a 2.2 acre Lot B. Mr. Dunbar stated that they needed occasional outdoor storage for bigger jobs. Mr. Dunbar stated the outdoor storage they had was minimal.

Ken Suchan asked if the outdoor storage was vehicles. Mr. Dunbar stated they employ six people and the cars were minimal. Mr. Dunbar continued that no building materials or gravel would be stored outside. Mr. Dunbar explained that the outdoor storage would consist of skids of pumps that come in. He indicated that the residences to the east would not be able to see the outdoor storage.

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

Bill Ellis, 3268 Lakeview Drive, stated that he worked at Tricor Industrial. Mr. Ellis asked if the variance would affect Tricor in any way. Mr. Gaffey showed Mr. Ellis where the property line was on the map and indicated the proposal would not affect Tricor.

Ed Gasbarre, 428 Spink Street, stated that there was 48 ft. of frontage and a mutual driveway easement that was a part of the property. Mr. Gasbarre explained the easements were already in place.

Tate Emerson stated concerns with the outdoor storage and the need for restrictions. Mr. Dunbar stated that he needed an area to store things on as they come in. Mr. Dunbar explained that he wanted the ability to store things outside. Mr. Dunbar continued that the property gave him the opportunity for a site to build on in the future and an area to store items.

Mr. Suchan asked what type of screening Mr. Dunbar intended to use in comparison to the items being stored. Mr. Suchan asked if the pump units would be stored in a storage shed, garage, or in a big building. Mr. Dunbar answered that his business covered a number of industries and, in the past, some of the items were larger pumping units. Mr. Dunbar explained that the items conventionally stored were pumps 9 feet long and 4 feet wide. Mr. Dunbar stated the most outdoor storage that he may use was about a .25 acre. Mr. Suchan explained that was about 10,000 square feet of space. Mr. Suchan said a restricted square footage limitation of space could possibly work.

Andrew Dutton stated that an additional with the application was that the surface was gravel. Mr. Dutton explained that the applicant was proposing gravel for the storage area and a variance to Section 1143.07(d) would need to be added to the request.

Stewart Fitz Gibbon moved to adjourn to Executive Session. Tate Emerson seconded the motion. The motion passed unanimously, 6-0, at 6:10 pm.

Stewart Fitz Gibbon moved to come out of Executive Session. Doug MacMillan seconded the motion. The motion passed unanimously, 6-0, at 6:20 pm.

Stewart Fitz Gibbon made a motion to approve the variance as presented including Section 1143.07(d) with the condition that the approval variance shall only apply to the applicant (John Dunbar of Merit Pump and Equipment). Brad Gowins seconded the motion.

Tate Emerson stated that this was a unique situation with the City facility being adjacent to the property which had outdoor storage on gravel in the same M-1 District. Mr. Emerson voted yes.

Ken Suchan voted yes and cited the same reasons as Mr. Emerson. Mr. Suchan stated that the request was a reasonable way to divide the two properties.

Doug MacMillan voted yes.

Stewart Fitz Gibbon voted yes.

Brad Gowins voted yes. He indicated he agreed with what was previously stated and added that there was the buffer zone for side and rear setbacks, particularly from the residential area.

Lukas Gaffey voted yes.

The motion passed unanimously, 6-0.

***Appeal #BZA-17-01 (CONTINUED).***

Stewart Fitz Gibbon made a motion to bring back to the table the variance BZA-17-01. Tate Emerson seconded the motion. The motion passed unanimously, 6-0.

Mr. Reynolds stated that there was frustration between the homeowner and the contractor. Mr. Reynolds continued that the property owners were concerned with the location of the storage building and the length of the driveway. Mr. Reynolds explained that the property owner knew they were getting a gravel drive and they were very frustrated that the drive was installed without the variance.

Tate Emerson made a motion to approve the application as presented. Stewart Fitz Gibbon seconded the motion.

Tate Emerson voted yes and stated that drive slope would benefit from a gravel drive over a hard surface with better drainage.

Ken Suchan voted yes.

Doug MacMillan voted yes.

Stewart Fitz Gibbon voted yes and stated that the application was consistent with the nature of the neighborhood.

Brad Gowins voted yes.

Lukas Gaffey voted yes.

The motion passed unanimously, 6-0.

***Appeal #2016-19. (Application Continued to be Tabled by the Applicant)***

Doug Drushal of Critchfield, Critchfield and Johnson, Ltd. representing Renner Development Company Ltd. requested a use variance from Planning and Zoning Code Section 1143.02(d)(2)G. To allow a prohibited use for the outdoor storage of materials at 1055 East Henry Street in an M-1 (Office/Limited Manufacturing) District.

***Appeal #2016-20. (Application Continued to be Tabled by the Applicant)***

Doug Drushal of Critchfield, Critchfield and Johnston, Ltd. representing Renner Development Company Ltd. requested an area variance from Planning and Zoning Code Section 1143.07(a)(2) to allow the outdoor bulk storage of materials without a means to effectively prevent spreading, Section 1143.07(d) to store outdoor materials on a surface which is not asphalt or concrete, Section 1143.07(e) to store outdoor materials without the required screening, Section 1165.07 to allow a non-residential development without the required buffer yard, and Section 1169.15(b) to allow gravel access drives at 1055 East Henry Street in an M-1 (Office/Limited Manufacturing) District.

**V. ADJOURNMENT**

Stewart Fitz Gibbon made a motion to adjourn. Doug MacMillan seconded the motion. The motion passed unanimously, 6-0.

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**Lukas Gaffey, Chairman**

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**Carla Jessie, Administrative Assistant**