**MINUTES**

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

**May 5, 2022**

1. **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 Stewart Fitz Gibbon, Ben Gunn, Doug MacMillan, Mark Reynolds, and Ken Suchan. Board member Joel Gray was absent. Vincent Marion, Planning and Zoning Manager, represented the City of Wooster.

1. **APPROVAL OF MINUTES**

Ben Gunn made a motion to approve the minutes of the April 7, 2022, meeting of the Board of Building and Zoning Appeals. Doug MacMillan seconded the motion. The motion carried unanimously 5-0.

1. **APPLICATIONS**

***BZA-22-5.***

Josh Funderburk requested an Area Variance from Planning and Zoning Code Section 1115.04(a) regarding the maximum front yard setback, Section 1125.03(b)(5) regarding parking located behind the front building line, and Section 1125.03(b)(5) regarding parking setback from abutting lot lines at 310 South Market Street (Parcel numbers 64-01740.000, 64-01226.000, 64-01739.000, 64-01741.000 and 64-00149.000.

The applicant tabled the application.

***BZA-22-6.***

Dennis Hammond requested an Area Variance from Planning and Zoning Code Section 1125.03(h)(3) to allow a driveway without a hard surface at 4590 Mel Lane in an R-1 (Suburban Single-Family Residential) zoning district.

Dennis Hammond, 4590 Mel Lane, stated that the proposal was for the new construction of a 24 by 28 garage on the property. Mr. Hammond explained that he had concerns about the hard surface driveway due to the water in the back of the lot that runs down the road. Mr. Hammond continued that if he were to install a hard surface driveway, it would significantly increase the amount of water running through the area. Mr. Hammond stated that if the gravel driveway were permitted, the rainwater would soak into the gravel and lessen the water runoff. Mr. Hammond noted that the water runoff comes from the back of the lot to the front.

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.

Doug MacMillan made a motion to approve application BZA-22-6 as presented. Mark Reynolds seconded the motion.

Doug MacMillan voted yes and stated that he understands the water problem. I think the neighbor directly affected by the drive doesn’t have any issues with the gravel driveway and the water running off into her yard.

Mark Reynolds voted yes and stated that this was a unique situation and this was not the primary drive; the direct drive was longer than average and met the code, the garage was back off the road, and it was an accessory drive.

Ken Suchan voted yes for reasons cited by the board and stated an accessway drive to two other houses to the north which was gravel and not untypical to the neighborhood.

Ben Gunn voted yes and stated that there was a water issue to consider, and there were other gravel access drives and roads in the area.

Stewart Fitz Gibbon voted yes and stated that the board was not setting precedence regarding allowing gravel driveways in the City because the code was pretty explicit about the reasons for hard surfaces. Mr. Fitz Gibbon explained that the neighbors worked out a good solution, and as a unique situation, I agree that it should be permitted.

The motion passed unanimously, 5-0.

***BZA-22-7.***

Charles Schatz requested an Area Variance from Planning and Zoning Code Section 1125.03(b) (5), Table 1125-1, to allow a driveway within the required setback at 1840 Cleveland Road in a C-2 (Community Commercial) zoning district.

 Mike Mariola, 1800 East Moreland Road, stated that the existing driveway on the north side of the property does not meet the code. Mr. Mariola explained that there was an existing electric pole. A variance was needed to shift the driveway to the north to maintain a safe distance from the electric pole. Mr. Mariola continued that the pole was large and difficult to move. Mr. Mariola stated that the business would not be dine-in and only drive-thru traffic.

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 application BZA-22-7 as presented. Ken Suchan seconded the motion.

Mark Reynolds voted yes and stated that the location of the power pole was unique to the property, and the moving of the pole was not a very feasible option, and this was the minimum needed.

Ken Suchan voted yes for the reasons cited by the board and that the application was the minimum necessary to make the property function.

Ben Gunn voted yes for reasons cited by the board and the fact that the property would be an improvement and that this was in the spirit of the code.

Doug MacMillan voted yes for reasons cited by the board.

Stewart Fitz Gibbon voted yes for reasons cited by the board and that the electric company declined to invest the effort to move the power pole.

The motion passed unanimously, 5-0.

1. **ADJOURNMENT**

Ben Gunn made a motion to adjourn. Doug MacMillan seconded the motion. The motion passed unanimously, 5-0.

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**Stewart Fitz Gibbon, Board of Building and Zoning Appeals Chairman**

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**Carla Jessie, Administrative Assistant**