

Jackson Township Board of Zoning Appeals
January 14, 2021

Members Present: Charles Rohr
Patrick Snyder
Leon Vitale
Edward McDonnell
Jared Singer
Steven Gosney-Alternate
Zoning Inspector: Joni Poindexter
Absent Member: Deborah Busby-Alternate

The first order of business in the election of Chairman and Vice Chairman for the board.

Mr. Snyder nominated Mr. Singer as Chairman for 2021.

Mr. Rohr seconded the nomination.

There were no further nominations.

The vote was: Mr. Singer-yes, Mr. Vitale-yes, Mr. Rohr-yes, Mr. McDonnell-yes, and Mr. Snyder-yes.

Mr. Vitale nominated Mr. Snyder as Vice Chairman for 2021.

Mr. Rohr seconded the nomination.

There were no further nominations.

The vote was: Mr. Singer-yes, Mr. Vitale-yes, Mr. Rohr-yes, Mr. McDonnell-yes, and Mr. Snyder-yes.

5:00 PM Appeal #2412 – Glen & Colleen Maurer, property owner, 5457 Island Dr. NW, Canton, OH 44718 requests a variance for a 24 ft. 3.5 in. west front yard setback for principal dwelling where 40 ft. is required per Art. IV Sect. 401.6 of the zoning resolution. Property located at 5457 Island Dr. NW, Sect. 14SW Jackson Twp. Zoned R-1.

Mr. Snyder read the file application into the record.

Ms. Poindexter read the contents of the file into the record.

Mr. Snyder swore in Glen Maurer, 5457 Island Dr. NW, Canton, Ohio 44718.

Mr. Maurer stated they are a family of 6 and bought the home about 10 years ago. They previously added an addition to the home in which a variance was granted for the principal dwelling. They also applied for a variance for a garage on the south side but it was denied. The hardship is they do not have a garage and the house is built at an angle and the front yard has a curve. Lake Cable is different than the rest of the township will small lots and there has been a lot of exceptions in Lake Cable due to the lots and area.

Mr. Snyder stated he looked at the property. There is a single car garage.

Mr. Maurer stated a car cannot fit in there and it is more or less just a storage area for bicycles and other items.

Mr. Snyder asked the dimension of the new garage.

Mr. Maurer stated it is 30 x 45. The garage would be in line with the corner of the house.

Mr. Vitale asked if this is a two story addition.

Mr. Maurer stated it is a garage with a loft.

Mr. McDonnell asked what the width of lot is.

Mr. Maurer stated it is 90 ft. The house was built in the 1950's and they added on in the rear about 10 years ago.

Mr. Maurer stated the photo's presented show other houses in the area that are closer to the street.

Mr. Snyder swore in Mike Harty, 5450 Island NW. Mr. Harty stated lives across the street and he does not have any objections to the variance.

Mr. Snyder swore in Ellen Clark, 5505 Island Dr. NW. Mr. Clark stated she lives on the north side where the garage will be located. She called and asked about the height restrictions and Glen told her he thought it would be 32 ft. but wasn't sure. She called Joni and Joni told her it was within the allowable height. Ms. Clark asked what the usual distance is from the property line for a building along the side.

Mr. Snyder stated it is 10 ft.

Ms. Clark stated if the variance were granted previously can they now build to that setback.

Mr. Snyder stated yes because the variance was for the principal dwelling and not a specific area of the house.

No one else spoke in favor of or in objection to the appeal.

Mr. McDonnell asked Ms. Poindexter about the variance on the side.

Ms. Poindexter stated the appeal was for a general variance for the principal dwelling.

Mr. McDonnell asked if they board can restrict the variance to a specific area.

Ms. Poindexter stated she thought the board could if the variance is granted to approve as presented in the site plan.

Mr. Snyder closed the appeal to public input.

Mr. Vitale stated he thinks the variance isn't much different than others at Lake Cable. He knows the property and area and has no objection with the appeal. Mr. Vitale stated they did not create the practical difficulty. They bought the house the way it sits on the lot.

Mr. Snyder agreed with Mr. Vitale.

Mr. Singer stated he thinks it is important to make a motion that it is based on the site plan as presented.

Mr. Rohr stated he supports the variance for the front yard setback but the board needs to take more care in the way they grant variance because he thinks the side yard setback will negatively affect the adjoining property.

Mr. McDonnell agreed with the other board members and stated he thought Mr. Maurer did a good job with the photos but just because someone else got a variance doesn't mean others will get it. Mr. McDonnell reviewed some of the practical difficulty requirements and thought they had been met.

Mr. Vitale made a motion to approve appeal #2412 with the condition that the front setback is only for the structure being built per the site plan C1.0 as exhibit #2.

Mr. Snyder seconded the motion.

The vote was: Mr. Singer-yes, Mr. Vitale-yes, Mr. Rohr-yes, Mr. McDonnell-yes, and Mr. Snyder-yes.

5:15 PM Appeal #2413 – Steve Swinehart, 1559 East Maple St, North Canton, Ohio 44720 agent for Kris Ballish, Trustee, property owner, 3109 Kennesaw Cir. NW, Canton, Ohio 44708 requests a variance for an 8 ft. south side yard setback where 10 ft. is required for principal dwelling per Art. IV Sect 401.6 of the zoning resolution. Property located at 3109 Kennesaw Cir. NW, Sect. 34SW Jackson Twp. Zoned R-R PRD.

Mr. Singer read the file application into the record.

Ms. Poindexter read contents of the file into the record.

Mr. Singer swore in Steve Swinehart, 1559 East Maple St., North Canton, Ohio 44720.

Mr. Swinehart stated the owner wants some more garage space for their cars. When he drew the drawing he scaled down the garage some. He made it 26.4 and if he goes any less it is hard to open the car doors when you pull into the garage. It is only the front left corner that is protruding into the setback. He located the property pins so the drawing is accurate.

Mr. Singer asked if any other location on the property was looked at.

Mr. Swinehart stated there are no other locations on the property and the addition has to be attached to the structure due to the deed restrictions for Aberdeen Ridge.

Mr. Singer asked if they are only talking about the 1'9" by 10'4".

Mr. Swinehart state yes.

Mr. McDonnell asked why the addition couldn't be moved to the north.

Mr. Swinehart showed the building elevation and stated there are two garage doors and a man door. Between the man door and garage door is the north wall going into the back yard. If moved he would not be able to put in the man door and the access would be reduced to the back yard. The man door is important for access.

Mr. McDonnell stated the board needed a copy of the drawing since Mr. Swinehart testified to it.

Ms. Poindexter stated it may have been submitted with the actual application therefore they would have a copy.

Mr. McDonnell asked why the man door couldn't be moved to the other side.

Mr. Swinehart stated it would not work. If the garage is 1'9" narrower when you open your car door you will hit the wall.

Mr. Singer stated if they pushed the garage another two feet they could put the man door on the right wall and it would connect to the house.

Mr. Swinehart stated there is not a reason they couldn't do that but the only difference is the door would have to be rotated 90 degrees and face west as opposed to north.

Mr. Vitale asked if there is another door that attaches it to the house.

Mr. Swinehart stated there is no interior hall way. There is no wall to the west. There is a lean to roof to go into the existing garage.

Mr. Vitale asked how much wall space there is between the overhead door and man door.

Mr. Swinehart stated from the jam of the garage door to the jam of the man door is 3'4" and there is 1.7' between the garage doors.

Mr. Singer stated he doesn't see a reason the garage can't be pushed back.

Mr. Singer swore in Mona Shay, 3109 Kennesaw Circle, Canton, Ohio 44708.

Ms. Shay stated that she is the property owner and in favor of the project. She talked to her neighbors and they don't have any issues.

Mr. McDonnell asked if Ms. Shay is in favor of the project or appeal.

Ms. Shay stated she is in favor of the project with the setbacks as drawn.

No one else spoke in favor of or in opposition to the appeal.

Mr. Singer closed the appeal to public input.

Mr. Singer stated he understands it is a small setback and the concern with the spaces for the cars, etc. He feels there are other alternatives to move the garage to make it work without a variance.

Mr. Gosney agreed with Mr. Singer and stated he thought there are alternatives with the garage.

Mr. Vitale stated he agreed with the other board members. The applicant testified there are other options so he doesn't think there is a practical difficulty.

Mr. Rohr agreed with the other board members and he doesn't see a practical difficulty.

Mr. McDonnell reviewed the criteria for the practical difficulty and think the owners predicament can be obviated through something other than a variance.

Mr. McDonnell made a motion to approve appeal #2413.

Mr. Vitale seconded the motion.

The vote was: Mr. Singer-no, Mr. Gosney-no, Mr. Rohr-no, Mr. McDonnell-no, and Mr. Vitale-no.

5:30 PM Appeal #2414 – Steve Trent, 5310 Manchester Rd., Suite 200, Akron, Ohio 44319 agent for Don Shriner & June Wuerthele, property owner, 18 Cherry Dr. NW, North Canton, Ohio 44720 requests a

variance for an 11'6" front setback for principal dwelling addition where 25 ft. is required per Art. IV Sect. 401.7 of the zoning resolution. Property located at 18 Cherry Dr. NW, Sect. 4NE Jackson Twp. Zoned R-R.

Mr. Singer read the file application into the record.

Ms. Poindexter read the contents of the file into the record.

Mr. Singer swore in Brian Bahry, 5310 Manchester Rd. Franklin, Ohio 44319.

Mr. Bahry stated the home owner is looking for more garage space by adding a two car garage.

Mr. Bahry stated there is a leach field behind the garage location. It would have a side entrance into the garage and the existing house has window so if moved back it would cover the windows.

Mr. McDonnell asked if they wanted to enter off the existing drive.

Mr. Bahry stated yes. This would be a two car garage.

Mr. Singer asked the reason the garage has to be this large.

Mr. Bahry stated to have a two stall garage.

Mr. Vitale asked if the owner would be opposed to entering into the garage off Cherry Dr. and shift it toward the lake.

Mr. Bahry stated he did not know. He is only filling in for someone who is in quarantine due to Covid.

Mr. Singer asked if it is Mr. Bahry's testimony that the leach field is behind the garage.

Mr. Bahry stated yes, but he does not know how far back it is.

No one else spoke in favor of or in opposition to the appeal.

Mr. Singer closed the appeal to public input.

Mr. Singer asked Ms. Poindexter about Willowdale.

Ms. Poindexter stated there are a lot of non-conforming structures in Willowdale. She is not sure how many variance have been granted.

Mr. Vitale stated they approved a variance a few years ago for a structure just as close if not closer. He supports the variance because Willowdale is unique.

Mr. Snyder stated this area doesn't have a lot of structures that are this close to the street but on the other street there are some that very close. He doesn't have a problem with the variance because the setback is not uncommon in this neighborhood.

Mr. Rohr stated he agreed with Mr. Snyder and has no objection.

Mr. McDonnell stated the project manager isn't there because of Covid and asked about the owners.

Mr. Bahry stated the owner are in quarantine also because of Covid.

Mr. McDonnell stated because of Willowdale Lake and the situation he accepts it as it is but he has a problem when the owner isn't available; although, he understands the reason due to Covid.

Mr. Singer thinks they have to assume the leach field is there.

Mr. Vitale made a motion to approve appeal #2412 for the new structure addition per the site plan.

Mr. Snyder seconded the motion.

The vote was: Mr. Singer-yes, Mr. Vitale-yes, Mr. Rohr-yes, Mr. McDonnell-yes, and Mr. Snyder-yes.

Mr. Snyder made a motion to approve the meeting minutes from the October 22, 2020 meeting.

Mr. Rohr seconded the motion.

The vote was: Mr. Snyder-yes, Mr. Rohr-yes, Mr. Vitale-yes, and Mr. Gosney-yes.

Mr. Snyder made a motion to approve the meeting minutes from the November 12, 2020 meeting.

Mr. Vitale seconded the motion.

The vote was: Mr. Snyder-yes, Mr. Vitale-yes, Mr. Gosney-yes, Mr. Rohr-yes.

Being no further business the meeting was adjourned.

Respectfully submitted,

Joni Poindexter

Jackson Township Zoning Inspector

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2412**

Upon the hearing the Board determined that the variance would allow for a 24 ft. 3.5 in. west front yard setback for principal dwelling where 40 ft. is required per Art. IV Sect. 401.6 of the zoning resolution. Property located at 5457 Island Dr. NW, Sect. 14SW Jackson Twp. Zoned R-1.

Whereas, upon the Board determined:

There was a practical difficulty with the way the existing home sits on the property.
There a lot of other homes in the area that are closer to the property line.

Whereas, the Board further:

Denied _____
Approved X

The variance for a 24 ft. 3.5 in. west front yard setback for principal dwelling where 40 ft. is required per Art. IV Sect. 401.6 of the zoning resolution.

Mr. Vitale made a motion to approve appeal #2412 with the condition that the front setback is only for the structure being built per the site plan C1.0 as exhibit #2.

Mr. Snyder seconded the motion.

The vote was: Mr. Snyder - Yes
Mr. Vitale - Yes
Ms. Rohr - Yes
Mr. Singer - Yes
Ms. McDonnell- Yes

Chairman

Zoning Inspector, Joni Poindexter

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2413**

Upon the hearing the Board determined that the a variance would allow for an 8 ft. south side yard setback where 10 ft. is required for principal dwelling per Art. IV Sect 401.6 of the zoning resolution. Property located at 3109 Kennesaw Cir. NW, Sect. 34SW Jackson Twp. Zoned R-R PRD.

Whereas, upon the Board determined:

No practical difficulty was met as the applicant testified the structure could be moved to meet the required setback.

Whereas, the Board further:

Denied X

Approved

The a variance for an 8 ft. south side yard setback where 10 ft. is required for principal dwelling per Art. IV Sect 401.6 of the zoning resolution.

Mr. McDonnell made a motion to approve appeal #2413.

Mr. Vitale seconded the motion.

The vote was: Mr. Snyder - No

Mr. Vitale - No

Ms. Rohr - No

Mr. Gosney - No

Ms. McDonnell - No

Chairman

Zoning Inspector, Joni Poindexter

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2414**

Upon the hearing the Board determined that the a variance would allow for an 11'6" front setback for principal dwelling addition where 25 ft. is required per Art. IV Sect. 401.7 of the zoning resolution. Property located at 18 Cherry Dr. NW, Sect. 4NE Jackson Twp. Zoned R-R.

Whereas, upon the Board determined:

Willowdale Lake is a unique area and many homes sit close to the road. There is a practical difficulty with the leach lines on the property running to the rear of the proposed garage.

Whereas, the Board further:

Denied _____

Approved X

The variance for an 11'6" front setback for principal dwelling addition where 25 ft. is required per Art. IV Sect. 401.7 of the zoning resolution

Mr. Vitale made a motion to approve appeal #2412 for the new structure addition per the site plan.

Mr. Snyder seconded the motion.

The vote was: Mr. Snyder – Yes

Mr. Vitale - Yes

Ms. Rohr - Yes

Mr. Singer - Yes

Ms. McDonnell - Yes

Chairman

Zoning Inspector, Joni Poindexter