

Jackson Township Board of Zoning Appeals
October 22, 2020

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

5:00 PM Appeal #2408 – Jeff & Marilyn Chapanar, 5374 Arlington NW, Clinton, Ohio 44216 property owner, requests a variance for a 5' north and a 6.8' south side yard setback where 10' is required and a 13.2' front setback where the average of 25 ft. is permitted, per Art. IV Sect. 401.6 & 401.7 of the zoning resolution. Property located at 5544 Holmes NW, Sect. 14SW Jackson Twp. Zoned R-1.

Mr. Snyder read the file application and contents of the file into the record.

Mr. Snyder swore in those in favor.

Mr. Larry Bradshaw, 5536 Holmes Dr. Canton, Ohio stated he is representing the Chapanar's and he also owns the property to the right of the Chapanar's where the 6.8 ft. variance is. The variance will allow the pre-designed house to fit on the lot. The lots are irregular and the street is almost at a 45 degree angle which is a difficulty. Even with the variance the garage will have to go into the basement. If you look at the GIS map it shows the homes around it and they all basically had to have a variance due to the lot layout. If you take a straight edge along the property the homes pretty much line up. He has no problem with the variance and neither does the other owners to the right of them.

Mr. Bradshaw stated he thinks there might have been a variance for this house in the past for 5 ft. A variance was obtained for his house prior to him owning it.

Mr. Snyder stated that the board received an email from Ms. Poindexter regarding variances that were granted for the homes in the area.

Mr. Snyder confirmed with Ms. Poindexter that there is only a 15 ft. setback required in the rear of the property.

Ms. Poindexter stated that is correct.

Mr. Bradshaw stated it would be a single story home. The home has been adjusted some but to make it any smaller would not be practical.

Mr. Vitale stated that the plan shows a 2 ft. cantaliver on the house and asked Ms Poindexter if that would be a problem.

Ms. Poindexter stated that they are permitted a 2 ft. overhang.

Mr. Bradshaw explained the reasons they could not move the home to a different location.

Mr. Rohr stated if the house were moved back they would not need a front yard variance but the further you move it back the 6.8' would shrink. Mr. Rohr stated some houses are closer in the front.

Mr. Brandshaw stated in the rear of the house to the left there is a sanitary sewer manhole and it is very close. When they demolished the house the sewer guy told them the new house needed to be 15 ft. from the sewer. The property owner to the north stated the further the house can be moved to the front the better because she did not want her view blocked. The three house pretty much line up due to the shape of the lots and road.

Mr. Snyder swore in Jeff Chapanar, 5374 Arlington NW, Clinton, Ohio.

Mr. Chapanar stated regarding moving the house forward, he took into consideration the neighbor and not blocking her view. The neighbor was happy that her view was not going to be blocked.

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

Mr. Snyder closed the appeal to public input.

Mr. Vitale stated Lake Cable has a lot of odd shaped and pie shaped lots. They have a lot of variance in Lake Cable. This is no different than other variances. Mr. Bradshaws house is even closer. He has no problem with the variances.

Mr. Snyder stated he thinks the size of the lot creates a practical difficulty and there is presicende for a 5 ft. setback in Lake Cable. He thinks the practical difficutly has been met and he does not have an issue with the variances.

Mr. Vitale stated the sewer is a practical difficulty also that they have to stay away from.

Mr. Rohr stated he thinks 3 variance is a lot. He doesn't see a practical difficilty with the lot but does see one with the sewer. The view of the lake is a big deal. If not for the sewer he wouldn't think the front setback should be granted but there is a sewer easement there.

Mr. Gosney stated he thinks the sewer is the practical difficulty.

Mr. Vitale made a motion to approve appeal #2408 as requested.

Mr. Rohr seconded the motion.

The vote was: Mr. Gosney=yes, Ms. Busby=yes, Mr. Vitale=yes, Mr. Rohr=yes, and Mr. Snyder=yes.

5:15 PM Appeal #2409 - Attorney, John Chapman, 631 West Exchange, Akron, Ohio 44302 agent for Orrville Entertainment Arcade LLC, Dba Gold Rush, 135 Hostetler Road, Orrville, Ohio 44667 appeals the decision of the Zoning Inspector as follows: On September 28, 2020 a notice of revocation of Permit was affixed to the listed address (1857 Whipple Ave. NW, Canton, Ohio 44708) revoking the permitted use permit (#5931) for the operation of Type C skilled games. The listed reasons were 1) a violation of the condition on which the permit was issued; 2) false statements and/or misrepresentations on the application; and 3) Violation of a state statute, Operating a Gambling House in violation of 2915.03 (A) (1) of the Ohio Revised Code. Property owner of 1857 Whipple Ave. NW, Canton, Ohio 44708 is William Wagner, 1857 Whipple Ave. NW, Canton, Ohio 44708.

Ms. Poindexter stated a letter was received from the applicant's attorney, Mr. John Chapman, requesting a continuance until the next available meeting. Ms. Poindexter read the letter in to the record and stated the next available meeting is December 10, 2020 at 5:00 PM therefore she asked for a motion for a continuance of appeal #2409 until this date.

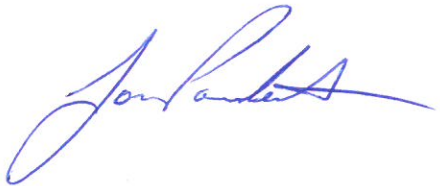
Mr. Snyder made a motion to continue appeal #2309 until December 10, 2020 at 5:00 PM.

Mr. Vitale seconded the motion.

The vote was: Mr. Gosney-yes, Ms. Busby-yes, Mr. Vitale-yes, Mr. Rohr-yes, and Mr. Snyder-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 #2408

Upon the hearing the Board determined that the variance would allow for a 5' north and a 6.8' south side yard setback where 10' is required and a 13.2' front setback where the average of 25 ft. is permitted, per Art. IV Sect. 401.6 & 401.7 of the zoning resolution. Property located at 5544 Holmes NW, Sect. 14SW Jackson Twp. Zoned R-1.

Whereas, upon the Board determined:

There was a practical difficulty with the sewer easement therefore a practical difficulty to allow for the variances.

Whereas, the Board further:

Denied _____

Approved X

The variance for a 5' north and a 6.8' south side yard setback where 10' is required and a 13.2' front setback where the average of 25 ft. is permitted, per Art. IV Sect. 401.6 & 401.7 of the zoning resolution.

Mr. Snyder made a motion to approved the variance for a 5' north and a 6.8' south side yard setback where 10' is required and a 13.2' front setback where the average of 25 ft. is permitted.

Mr. Vitale seconded the motion.

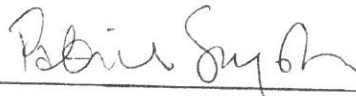
The vote was: Mr. Snyder - Yes

Mr. Vitale - Yes

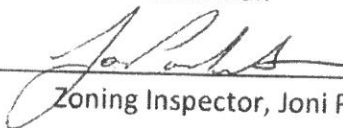
Ms. Rohr - Yes

Mr. Gosney - Yes

Ms. Busby - Yes



Chairman



Zoning Inspector, Joni Poindexter

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2409**

Upon the hearing the Board determined that the appeal would not be heard until December 10, 2020 at 5:00 PM per the request of the applicant regarding an appeals the decision of the Zoning Inspector as follows: On September 28, 2020 a notice of revocation of Permit was affixed to the listed address (1857 Whipple Ave. NW, Canton, Ohio 44708) revoking the permitted use permit (#5931) for the operation of Type C skilled games. The listed reasons were 1) a violation of the condition on which the permit was issued; 2) false statements and/or misrepresentations on the application; and 3) Violation of a state statute, Operating a Gambling House in violation of 2915.03 (A) (1) of the Ohio Revised Code. Property owner of 1857 Whipple Ave. NW, Canton, Ohio 44708 is William Wagner, 1857 Whipple Ave. NW, Canton, Ohio 44708.

Whereas, upon the Board determined:

The appeal would not be heard at the meeting on 10/22/20 and would be heard at the December 10, 2020 meeting at 5:00 PM.

Whereas, the Board further:

Denied _____

Approved X

The continuance of the hearing to be heard by the Board of Zoning Appeals at the December 10, 2020 at 5: 00 PM.

Mr. Snyder made a motion to continued the appeal to December 10, 2020 at 5:000 PM.

Mr. Vitale seconded the motion.

The vote was: Mr. Snyder - Yes

Mr. Vitale - Yes


Ms. Rohr - Yes

Mr. Gosney - Yes

Ms. Busby - Yes



Chairman


Zoning Inspector, Joni Poindexter