

Jackson Township Board of Zoning Appeals
October 24, 2019

Members Present: Charles Rohr
Patrick Snyder
Daniel Creighton
Edward McDonnell
Leon Vitale
Jared Singer-Alternate
Zoning Inspector: Joni Poindexter

5:30 PM Appeal #2381 – David & Patricia Tarr, 4531-22nd St. NW, Canton, OH 44708 agent for Castlebar Vault, 4601 Castlebar NW, Canton, OH 44708 requests revision to previously approved conditional use permit #CU396 for a mini storage facility to add an additional storage building, units, and outdoor parking where a conditional use permit is required per Art. IV Sect. 411.3 of the zoning resolution. Property located at 4601 Castlebar NW, Sect. 36SE Jackson Twp. Zoned B-3.

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

Mr. Rohr swore in David Tarr, 4531 22nd St. NW, Canton, Ohio 44708.

Mr. Tarr stated he lives in the neighborhood on 20th St. He gave a summary of the property and how he came about owning the property and explained that he had previously obtained a conditional use permit for the use of a mini storage facility.

Mr. Tarr gave the board exhibit #1 which consisted of three photo's showing the picnic shelter after he renovated it, the renovation process and the larger building in the rear of the property and explained that he has a successful business and the rentals went fast. He stated that he wants to add seven units to the back of the existing building and believes he will have a greater occupancy. He also wants to add an additional building with parking.

Mr. McDonnell asked what the time frame is for the addition.

Mr. Tarr stated it would not be until next year in the spring.

Mr. Snyder stated he thinks everything looks nice on the property and asked if any land had to be cleared.

Mr. Tarr stated no. He has put in four fire hydrants for the property but there will be no connection between the two properties that he owns, which is this property and the Jax property next door.

Mr. Vitale asked what the hours of operation would be.

Mr. Tarr stated 24 hours a day but most people do not come at night. They have a lot of alarms and protection.

Mr. Vitale stated the building appears to be close to the Senior Living Facility.

Mr. Tarr stated he has a good relationship with them and he wouldn't allow anything that will cause noise. There will be no additional lighting because he believes they have enough lights as it is. He gets more light from the Senior Living facility than they get from him.

Mr. Rohr stated any additional lighting would have to be pointed down.

Mr. Tarr stated he does not plan to add any additional lighting. There is not much traffic in the evening.

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

Mr. McDonnell stated there are answers to the criteria in the file. It appears the criteria is being met for the conditional use permit. This is an addition to the existing conditional use permit and asked if it is Mr. Tarr's intention to not add lighting or loud speakers.

Mr. Tarr stated that is correct.

Mr. McDonnell reviewed the answers to the criteria for the conditional use permit submitted by Mr. Tarr.

Mr. McDonnell asked Ms. Poindexter if they needed to start construction within a year.

Ms. Poindexter stated once the permit is picked up for the structures he has one year to start construction and two years to finish it.

Mr. Rohr closed the appeal to public input.

Mr. Vitale stated that the facility is nice and is well maintained. He has no problem with the conditional use permit.

Mr. Snyder stated he thinks the addition will be in line with what is there and will not impede the neighbors.

Mr. Rohr agreed with the other board members.

Mr. Vitale made a motion to approve appeal #2381 as requested.

Mr. Snyder seconded the motion.

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

5:45 PM Appeal #2382 – David Daugherty, 2953 Carie Hill NW Massillon, Ohio 44646 agent for Scott & Sandra Knisley, 93 Spruce Dr. NW, North Canton, Ohio 44720 requests a variance for a principal dwelling to be at a 7 ft. left and right side yard setback where 10 ft. is required and to allow an accessory building in the front yard area at an approx. 268 ft. front yard setback and a 5 ft. left side yard setback where accessory buildings over 120 sq. ft. are permitted at a 10 ft. side yard setback in the rear and side yard per Art. IV Sect. 401.6 & 401.11 of the zoning resolution. Property located at 73 Cherry Dr. NW, Sect. 4 NE Jackson Twp. Zoned R-R.

Mr. Rohr stated that appeal #2382 has been withdrawn by the applicant therefore the board took no action on the request.

6:00 PM Appeal #2378 - John Dodovich, agent for Dressler Properties, Inc., property owner, 4942 Higbee NW, Ste. A, Canton, Ohio 44718 requests a variance for a 40.5 ft. front yard principal building setback where 50 ft. is required per Art. IV Sect. 411.5 of the zoning resolution. Property located at Parcel #1630142 Munson NW, Sect. 25NE Jackson Twp. Zoned B-3. (Continued from October 10, 2019)

Mr. Rohr stated this hearing was continued from October 24, 2019. Mr. Rohr swore in Mr. Dodovich, 4942 Higbee, Canton, Ohio.

Mr. Dodovich stated they are building an office building and they put together the site plan with the input from the geotechnical engineer. He submitted a letter that summarized the expertise of the soil testing.

Mr. Rohr stated he understands why they need to shift the building. He thought they were going to see a geotechnical report.

Mr. Dodovich stated that he thought Mr. McDonnell didn't want to see the whole report.

Mr. Singer stated in the report letter it mentions that it will allow the placement of the structure in the optimal setting and asked if it is in the optimal setting.

Mr. Dodovich stated yes. There are a number of factors that play into it.

Mr. Singer asked if it is the optimal setting was determined by the test holes.

Mr. Dodovich state yes.

Mr. McDonnell stated he thinks Mr. Dodovich misunderstood him. He would have liked to had the actual report in the file. The letter states it will seek a benefit and in an optimal setting. It doesn't say it is the only place and asked what would happen if it were moved to the south

Mr. Dodovich stated it would be moved into bad soils regarding settling.

Mr. McDonnell asked if they are trying to find a consistent soil to avoid settling in the future.

Mr. Dodovich stated yes.

Mr. McDonnell stated there was testimony that there was an application for regional planning that showed the 50 ft. setback.

Mr. Dodovich stated Mr. Nau has provided conditional approval for a site plan of what Jackson approves. Once there is approval from Jackson then then they can get the final approval.

Mr. Dodovich stated the site plan submitted to RPC had errors regarding the size and location of the building. The approval is contingent on Jackson approving the variance.

Mr. Snyder asked if the setback would be 40.5 ft.

Mr. Dodovich stated yes.

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

Mr. Rohr closed the appeal to public input.

Mr. Snyder stated he is familiar with the area. The plan for the building and setback is not an issue. It doesn't bother him. He looked at the property and it will fit in with the neighborhood.

Mr. Rohr stated he is disappointed they didn't get the report but he believes Mr. Dodovich is telling the truth and the soil is quirky. He knows the area has bad soil.

Mr. Snyder made a motion to approve appeal #2378 as requested.

Mr. Rohr seconded the motion.

The vote was: Mr. Singer-no, Mr. Creighton-yes, Mr. McDonnell-no, Mr. Snyder-yes, and Mr. Rohr-yes.

Ms. Poindexter asked for a motion to approve the meeting minutes from the July 27, 2019 meeting in which those in attendance were, Mr. Vitale, Mr. Rohr and Mr. McDonnell.

Mr. Rohr made a motion to approve the June 27, 2019 meeting minutes and Mr. McDonnell seconded the motion.

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

Mr. Rohr adjourned the meeting.

Respectfully submitted,



Joni Poindexter
Zoning Inspector

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2381**

Upon the hearing the Board determined that the revision to previously approved conditional use permit #CU396 would allow for the mini storage facility to add an additional storage building, units, and outdoor parking where a conditional use permit is required per Art. IV Sect. 411.3 of the zoning resolution. Property located at 4601 Castlebar NW, Sect. 36SE Jackson Twp. Zoned B-3.

Whereas, upon the Board determined:

The criteria for the conditional use permit is being met per the applicant responses in the file.

Whereas, the Board further:

Denied _____

Approved X

The revision to the previously approved site plan that allows for the additional building, parking and mini storage units.

Mr. Vitale made a motion to approve the variance as requested.

Mr. Snyder seconded the motion.

The vote was: Mr. Rohr- Yes

Mr. Snyder- Yes

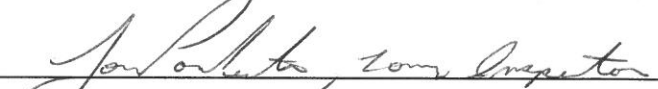
Mr. Creighton- Yes

Mr. McDonnell- Yes

Mr. Vitale- Yes



Chairman


Zoning Inspector, Joni Poindexter

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2378**

Upon the hearing the Board determined the variance would allow for a 40.5 ft. front yard principal building setback where 50 ft. is required per Art. IV Sect. 411.5 of the zoning resolution. Property located at Parcel #1630142 Munson NW, Sect. 25NE Jackson Twp. Zoned B-3.

Whereas, upon the Board determined:

The practical difficulty was met per the soil conditions on the property

Whereas, the Board further:

Denied _____

Approved X

The variance for a 40.5 ft. front yard principal building setback where 50 ft. is required per Art. IV Sect. 411.5 of the zoning resolution

Mr. Snyder made a motion to approve the variance as requested.

Mr. Rohr seconded the motion.

The vote was: Mr. Singer- No

Mr. Creighton- Yes

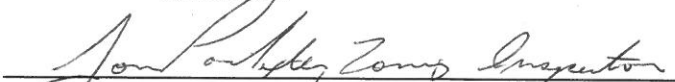
Mr. Snyder- Yes

Mr. McDonnell- No

Mr. Rohr Yes



Chairman


Zoning Inspector, Joni Poindexter