

Jackson Township Board of Zoning Appeals
November 12, 2020

Members Present: Charles Rohr
Patrick Snyder
Leon Vitale
Edward McDonnell-recused
Deborah Busby-Alternate
Steven Gosney-Alternate

Zoning Investigator: Cliff Meidlein

Absent Member: Jared Singer

4:30 PM Appeal #2410 – TriDoc, Inc/Dave Daugherty, 2953 Carie Hill Circle NW, Massillon, Ohio 44646 agent for Nathan Cassandra Oaks, 5115 Cedar Glen Cir. NE, Canton, Ohio 44714 requests a variance for a 5 ft. left and 15 ft. right side yard setback and a 19 ft. front yard setback where a 10 ft. left, 25 ft. right and 25 ft. front yard setback is required per Art. IV Sect. 401.6 and 401.7 of the zoning resolution. Property located at 5943 W. Shore Dr. NW, Canton, OH 44718, Sect. 23NW Jackson Twp. Zoned R-1.

Mr. Meidlein read the contents of the file into the record.

Mr. Snyder swore in Dave Daughterty, 2953 Carie Hill Cir. NW, Massillon, Ohio 44646.

Mr. Daugherty explained that there is an existing home on the property that currently has non-conforming setbacks and the new proposed home will increase the front setbacks and the home will be further back than the existing home. Even if they built a smaller house the side yard setbacks would remain the same.

Mr. Vitale asked about the front setbacks.

Mr. Daugherty explained the other homes in the area are not in compliance with the front yard and this home will line up with the other homes. Mr. Daughterty stated they are not trying to over build the lot but the home has to be long and narrow due to the shape of the lot.

Mr. Vitale asked what the size of the existing home is compared to the new home because he thought it would be critical to have the information as to the size of the existing home compared to the new home in order for him to make a decision.

Mr. Daughterty stated he didn't think the footprint was that different in size.

Mr. Rohr asked if the retaining wall, patio and fire pit would affect the setback.

Mr. Daughterty stated that is not part of the project at this time.

Mr. Meildein stated the retaining wall and fire pit can be in the setback.

Mr. Snyder asked if they approve the setback does the patio have to have a variance.

Mr. Meildein stated he did not know.

Mr. Snyder stated if approved he thinks it would be for the house.

Mr. Daugherty stated they tried to keep the house as narrow as possible and it is a difficulty lot being narrow like it is and he think the existing conditions would be improved.

Noone else spoke in favor of or in opposition to the appeal.

Mr. Snyder closed the hearing to public input.

Mr. Rohr stated he heard the comments from Mr. Vitale who stated possibly they are overbuilding the lot but when he went to the site and looked at what is existing compared to what is requested all the setbacks are larger except on the southeast side, which he is asking for 5 where it was 6. The adjaect house is at a 4.6' setback. He think it is an improvement from what is there and he is in favor of the varainces.

Mr. Snyder stated he agreed with Mr. Rohrs comments and the new home will be set back further than the exising home.

Ms. Busby stated she had no problem with the varainces.

Mr. Vitale stated the board looks for practical difficutlies and they don't know if the property was pre-zoning or if there was other varainces. He think it is a lot to ask and when they purchased the property they knew what they had. He thinks it is being overbuilt and he is opposed to it.

Mr. Gosney had no comments.

Mr. Vitale made a motion to approve appeal #2410 as requested.

Mr. Snyder seconded the motion.

The vote was: Mr. Snyder-yes, Mr. Rohr-yes, Ms. Busby-yes, Mr. Vitale-No, Mr. Gosney-no.

4:45 PM Appeal #2411 – Scheetz Companies, 8060 Frank NW, North Canton, Ohio 44720 and Kevin Noble, 1540 Corporate Woods Parkway, Uniontown, Ohio 44685 agent for Fisher Food Marketing Inc., property owner, 4855 Frank NW, North Canton, Ohio 44720 requests a conditional use permit for an auto repair business where a conditional use permit is required per Art. IV Sect. 411.3(4)(A) of the zoning resolution. Property located at parcel #1626589 Fulton NW, Sect. 23SE Jackson Twp. Zoned B-3.

Mr. Meidlein read the contents of the file into the record.

Mr. Snyder swore in Kevin Noble, 1540 Corporate Woods Parkway, Uniontown, Ohio 44685.

Mr. Noble stated they are proposing an auto repair facility that will be approximately 7,130 sq. ft. with asphalt parking around the facility and will have access off of an existing drive to Fulton and an easement has been submitted. They made their presentation to Regional Planning and it has been conditionally approved.

Mr. Snyder stated the applicant has completed the answers to the criteria for the conditional use permit and they are in the file. The board should have read through them.

Mr. Snyder asked how far the residential district is to the parking lot.

Mr. Noble stated the parking lot is about 115 ft. and the building is about 175 ft. from the residential district. There is a buffer between the two districts and none of the trees will be removed.

Mr. Noble explained the lighting and stated the building will be about 10 ft. lower than the adjacent property. The general hours will be 8-5.

Mr. Vitale stated the hours are listed in the criteria answers for the conditional use.

Mr. Noble stated there will be an enclosed dumpster located on the west side of the property.

Mr. Rohr asked about the landscaping plan along Fulton.

Mr. Noble stated they will follow the landscaping plan requirements per the township.

Mr. Snyder swore in Matt Scheetz, 8060 Frank Ave. NW, Canton, Ohio.

Mr. Scheetz stated he has nothing to add but is available for questions. They are the general contractor and they have interest in the property to the west and are part of the shared agreement.

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

Mr. Snyder closed the appeal to public input.

Mr. Vitale stated he doesn't have any issues with the conditional use permit.

Mr. Gosney agreed with Mr. Vitale.

Mr. Snyder stated he's glad to see the property developed.

Mr. Snyder made a motion to approve appeal #2411 as requested.

Mr. Vitale seconded the motion.

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

Mr. Snyder made a motion to approve the meeting minutes from the September 24, 2020 meeting.

Mr. Rohr seconded the motion.

The vote was: Mr. Rohr-yes, Mr. Vitale-yes, Mr. McDonnell-yes, and Ms. Busby-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 #2410**

Upon the hearing the Board determined that the variance would allow for a 5 ft. left and 15 ft. right side yard setback and a 19 ft. front yard setback where a 10 ft. left, 25 ft. right and 25 ft. front yard setback is required per Art. IV Sect. 401.6 and 401.7 of the zoning resolution. Property located at 5943 W. Shore Dr. NW, Canton, OH 44718, Sect. 23NW Jackson Twp. Zoned R-1.

Whereas, upon the Board determined:

There was a practical difficulty with the narrowness of the lot and the existing conditions will improve by the new home being further back from the road right of way than the existing home.

Whereas, the Board further:

Denied _____
Approved X

The variances for a 5 ft. left and 15 ft. right side yard setback and a 19 ft. front yard setback where a 10 ft. left, 25 ft. right and 25 ft. front yard setback is required per Art. IV Sect. 401.6 and 401.7 of the zoning resolution.

Mr. Vitale made a motion to approve the variances for a 5 ft. left and 15 ft. right side yard setback and a 19 ft. front yard setback where a 10 ft. left, 25 ft. right and 25 ft. front yard setback is required per Art. IV Sect. 401.6 and 401.7 of the zoning resolution.

Mr. Snyder seconded the motion.

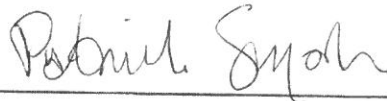
The vote was: Mr. Snyder - Yes

Mr. Vitale - No

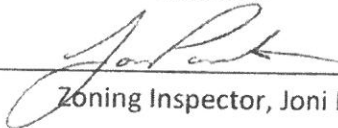
Ms. Rohr - Yes

Mr. Gosney - No

Ms. Busby - Yes



Chairman



Zoning Inspector, Joni Poindexter

JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2411

Upon the hearing the Board determined that the conditional use permit would allow for an auto repair business where a conditional use permit is required per Art. IV Sect. 411.3(4)(A) of the zoning resolution. Property located at parcel #1626589 Fulton NW, Sect. 23SE Jackson Twp. Zoned B-3.

Whereas, upon the Board determined:

The criteria for the conditional use permit has been met.

Whereas, the Board further:

Denied _____

Approved X

The conditional use permit for an auto repair business where a conditioanl use permit is required.

Mr. Snyder made a motion to approve the conditional use permit for auto repair where a contional use permit is required per Art. IV Sect. 411.3(4)(A) of the zoning resolution.

Mr. Vitale seconded the motion.

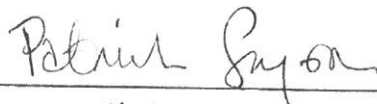
The vote was: Mr. Snyder - Yes

Mr. Vitale - Yes

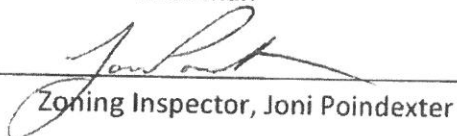
Ms. Rohr - Yes

Mr. Gosney - Yes

Ms. Busby - Yes



Chairman


Zoning Inspector, Joni Poindexter