

Jackson Township Board of Zoning Appeals
February 11, 2021

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

Absent Member: Leon Vitale

5:00 PM Appeal #2415 – Splash Car Wash/John Mallo, 4510 Leighurst Dr, Akron, OH 44319 and Anthony Cerny, 620 E. Smith Road, Suite E2, Medina, OH 44256 agents for ABC TGAB LLC, property owner, 1247 Medina Rd., Suite 59, Medina, Ohio 44256 requests a variance for a zero (0) ft. south parking setback where 5 ft. is required per Art. IV Sect. 411.8 of the zoning resolution. Property located at parcel #10013035 Fulton NW, Sect. 25NW Jackson Twp. Zoned B-3.

Mr. Singer read the file application in to the record and Ms. Poindexter read the contents of the file into the record.

Mr. Singer swore in Tony Cerry, 620 E. Smith Rd. Medina, Ohio

Mr. Cerry stated his client wants to build a car wash that is on a corner lot of Fulton and Belden Greens Circle. If the lot was a typical lot without limitations the car wash would fit. Because it is a corner lot the secondary road is 10 ft. from the parking setback. The problem is along Fulton there is a sanitary easement and there is a large grade change that will require a retaining wall to make the lot buildable. The wall will be over 16 ft. in height. The retaining wall cannot be on the easement so they actually lose about 15 ft. of buildable land. They reduced the length of the tunnel from 175 to 165. They are looking to get the variance along the south property line. They actually need space for the exit and entrance to allow the cars to aline properly. The owners are supportive and they have been through the planning commission and will receive approval based on the variance.

The north side is the easement that is giving them the most problem. The orientation of the building gives them the most length and ability to maintain the traffic flow and the cars will not have to cross over each other. The vacumm stations are on the west side. He looked at turning 180 degrees but the stack lanes would cross. The orientation is the best way for the property.

Mr. Singer asked if the building was shorted 10 ft and why it couldn't be shorter.

Mr. Cerry explained the equipment utilized for the car wash and the car wash process.

Mr. Singer asked if there is a retaining wall on the south side.

Mr. Cerry stated no.

Mr. McDonnell asked how much on the length intrudes into the setback.

Mr. Cerry stated the length along there for the variance is about 100 ft. The south property line is a little less than 250 ft.

Mr. McDonnell asked about the proposed property line.

Mr. Cerry stated the property line on SP-1 is the proposed property line. The property will be replatted.

Mr. Rohr stated as he looks at SP-1 it appears what they are proposing it goes right up to the right of way.

Ms. Poindexter explained it is technically not a road. It is a private driveway on the property and explained the difference.

Mr. McDonnell asked what happens if the owner doesn't agree to replatting the property.

Mr. Cerry stated they have already had the discussion and there is no issue with replatting the property.

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

Mr. Singer closed the appeal to public input.

Mr. Snyder stated there is a easement along the north side and if it wasn't there they wouldn't be discussing this. He sees a practical difficulty and has no issue with the request.

Mr. Singer agreed with Mr. Snyder. He would like to amend the variance that says it is conditional that the parcel is replatted in conjunction with the variance.

Mr. McDonnell agreed with Mr. Snyder. He thinks the easement creates a practical difficulty. He thinks if the variance is granted it should be conditioned on the replatting of the lot and if the variance is granted it only applies to the site plan shown.

Mr. Rohr stated he disagrees. There is a vacant property and he thinks the car wash owners knew what was there and they are trying to squeeze something that doesn't fit. He believes they created their own practical difficulty. He can't support it.

Mr. McDonnell made a motion to approve appeal #2415 as requested for a zero (0) ft. south parking setback. Variance applies only to what the request is and the approval of the new property line on exhibit SP-1, lot 11 labeled 2020096.00 in packet dated November 2020.

Mr. Snyder seconded the motion.

The vote was: Mr. Rohr-no, Mr. Snyder-yes, Ms. Busby-yes, Mr. McDonnell-yes, and Mr. Singer-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 #2415**

Upon the hearing the Board determined that the variance would allow for a variance for a zero (0) ft. south parking setback where 5 ft. is required per Art. IV Sect. 411.8 of the zoning resolution. Property located at parcel #10013035 Fulton NW, Sect. 25NW Jackson Twp. Zoned B-3.

Whereas, upon the Board determined:

There is practical difficulties with the utility easements that are located on the property.

Whereas, the Board further:

Denied _____

Approved X

The variance for a zero (0) ft. south parking setback that applies to the new property line on exhibit marked SP-1, Lot 11 labeled 2020096 dated November 2020. where 5 ft. is required per Art. IV Sect. 411.8 of the zoning resolution Property located at parcel #10013035 Fulton NW, Sect. 25NW Jackson Twp. Zoned B-3.

Mr. McDonnell made a motion to approve appeal #2415 for a zero (0) ft. south parking setback that applies to the new property line on exhibit marked Lot 11 labeled 2020096 dated November 2020.

Mr. Snyder seconded the motion.

The vote was: Mr. Snyder - Yes

Ms. Rohr - No

Mr. Singer - Yes

Ms. McDonnell- Yes

Ms. Busby - Yes

Chairman

Zoning Inspector, Joni Poindexter