

Jackson Township Board of Zoning Appeals
February 28, 2019

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

5:30 PM Appeal #2364 – James & Amanda Harlow, property owner, 6448 Elmar Dr. NW, North Canton, Ohio 44720 requests a variance for a 5 ft. north side yard setback for garage addition to principal dwelling where 10 ft. is required per Art. IV Sect. 401.6 of the zoning resolution. Property located at 6448 Elmar Dr. NW, Sect. 15NW Jackson Twp. Zoned R-R.

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

Mr. Rohr swore in James Harlow, 6448 Elmar Dr. NW, North Canton, Ohio.

Mr. Harlow stated he wanted to add an addition to the existing garage. The existing garage is at a 5 ft. setback and he just wants to add more space in front of the existing garage for his motorcycle and other items.

Mr. Harlow stated the home was built in the 1940's.

Mr. Vitale asked how high the garage would be.

Mr. Harlow stated it would match the existing house and garage.

Mr. McDonnell asked how far the garage would come out toward the front of the property.

Mr. Harlow stated it would be even with the front of the house.

Mr. McDonnell asked if there is a shed on the property.

Mr. Harlow stated there is a swimming pool and tiki hut that was put in about 5 years ago.

Mr. McDonnell asked where the neighbor's garage is located in reference to the property line.

Mr. Harlow stated it is about 4 or 5 ft. away from the fence.

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

Mr. McDonnell asked Ms. Poindexter, in her opinion, how accurate are the property lines on the aerial view.

Ms. Poindexter stated they are close but not right on. It depends on the angle of the view when the photo is taken.

Mr. Rohr closed the appeal to public input.

Mr. Snyder stated the neighbor to the north won't be affected and the addition will be flush with the existing garage so it is going no closer to the property line than what is already there so the variance does not bother him.

Mr. Vitale stated the house was built prior to zoning and who knows when the garage was built.

Mr. Vitale asked Ms. Poindexter if the variance would cover the existing dwelling also.

Ms. Poindexter stated it was advertised for the garage addition so I think the variance would only be for the addition.

Mr. McDonnell stated the property to the south looks like it may be 5 ft. from the property line so this exists within the area. It would look stupid to put it at a 10 ft. setback and it is not going any closer to the property line than what is there. He thinks the practical difficulty has been demonstrated.

Mr. Rohr stated he agreed with the other board member and has no issue with the variance.

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

Mr. Snyder seconded the motion.

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

5:45 PM Appeal #2365 - Brad Cheyney, 7366 Akron Ave., Canal Fulton, Ohio 44614 agent for Brad & Clay LLC, property owner, 4617 Emmett Boyd NW, N. Canton, Ohio 44720 request a variance for a roofed outdoor storage area to be 1 inch from the principal building and at a 5 ft. south side yard setback where 30 ft. is required from the principal building and a 25 ft. south side yard setback is required per Art. IV Sect. 411.5 & 411.6 of the zoning resolution. Property located at 4617 Emmett Boyd Circle, Sect. 1SW Jackson Twp. Zoned I-1.

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

Mr. Rohr swore in Brad Cheyney, 7366 Akron Ave. NW, Canal Fulton, Ohio.

Mr. Cheyney stated the board received photos of the property that were in the file. They have 4 acres and there is an area that is utilized for outdoor storage for customer's products. In the winter the customer's items are outside and it looks bad. They have a warehouse but it is always

full. The storage area is hidden and they just want to put a roof over it. The builder does not want to penetrate the existing building. It will be open on three sides and it would have I-beams with a slopped roof. They would like to give the customer a better experience in having their items under roof.

Mr. Creighton asked if the area would be bigger or they would just cover what is there.

Mr. Cheyney stated it will not be any bigger than what is there. It will be a metal roof that is sloped to the south. The property drops down and there is a cement drain there now in which the water will run into from the roof. The cement that is there now is sloped so the water runs that way now. They do not want to penetrate into the building because of the I-beams. The roof would be about 15-16 feet in height.

Mr. McDonnell asked if it would look like a lean to.

Mr. Cheyney stated yes. He is currently trying to buy more acreage to the west because they are growing.

Mr. McDonnell asked who owned the property to the south.

Mr. Cheyney wasn't sure.

Ms. Poindexter stated it is owned by the County Commissioner's and ODOT because there is two parcels between Mr. Cheyney's property and I-77.

Mr. McDonnell asked if they would build walls around the structure at a later date.

Mr. Cheyney stated no, not at all.

Mr. Vitale stated it is a big property and asked why they couldn't put a covered area somewhere else on the property.

Mr. Cheyney stated there are high pressure gas lines and he has a 100 ft. radius in which no structure can be built. The property has to have a well and septic system because there are no utilities.

Mr. Vitale asked if anything could be put to the north.

Mr. Cheyney stated no. That is the area in which the 100 ft. radius for the gas well is located as well as an area for septic.

Mr. Vitale stated that it appears there is a practical difficulty on the property.

Mr. Cheyney stated that on the north side is where the water from the parking goes into the retention area. This area is designated for septic in case their septic would go bad in the future.

Mr. Cheyney stated that he pays \$75,000 a year in taxes and supports the township.

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

Mr. McDonnell asked if the parking requirements are met.

Ms. Poindexter stated yes.

Mr. Rohr closed the appeal to public input.

Mr. Creighton stated the property is beautiful. With the septic, gas and wells he thinks the practical difficulty has been met. The cement is already there so he has no problem with the variance.

Mr. Vitale stated he agreed with Mr. Creighton and stated that the variances make sense.

Mr. McDonnell stated he thinks the practical difficulty has been met. There is room to build it elsewhere but he can't because of the issues. The structure will be open. He is in favor of the appeal but wants to make sure it is an open structure. He would like to see an condition that the three walls will remain open.

Mr. Rohr stated he believes a practical difficulty exists.

Mr. McDonnell made a motion to approve the variances with the condition that it is an outdoor structure without walls.

Mr. Snyder seconded the motion.

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

Mr. Snyder made a motion to approve the meeting minutes from the January 10, 2019 BZA meeting.

Mr. Rohr seconded the motion.

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

Being no further business Mr. Rohr adjourned the meeting.

Respectfully submitted,

Joni Poindexter
Jackson Township Zoning Inspector

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2364**

Upon the hearing the Board determined that the variance would allow for a 5 ft. north side yard setback for garage addition to principal dwelling where 10 ft. is required per Art. IV Sect. 401.6 of the zoning resolution. Property located at 6448 Elmar Dr. NW, Sect. 15NW Jackson Twp. Zoned R-R.

Whereas, upon the Board determined:

The 5 ft. north side yard setback for the addition will be in line of the existing garage that was built prior to zoning regulations.

Whereas, the Board further:

Denied _____

Approved X

The variance to allow for a 5 ft. north side yard setback for garage addition to principal dwelling where 10 ft. is required per Art. IV Sect. 401.6 of the zoning resolution.

Conditions, if applicable, or modification: _____

Mr. Creighton made a motion to approve appeal #2364 as requested.

Mr. Snyder seconded the motion.

The vote was:

Mr. McDonnell-Yes

Mr. Rohr-Yes

Mr. Creighton-Yes

Mr. Snyder-Yes

Mr. Creighton-Yes

Chairman

Zoning Inspector, Joni Poindexter

JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2365

Upon the hearing the Board determined that the variance would allow for a roofed outdoor storage area to be 1 inch from the principal building and at a 5 ft. south side yard setback where 30 ft. is required from the principal building and a 25 ft. south side yard setback is required per Art. IV Sect. 411.5 & 411.6 of the zoning resolution. Property located at 4617 Emmett Boyd Circle, Sect. 1SW Jackson Twp. Zoned I-1.

Whereas, upon the Board determined:

That there are practical difficulties on the property with septic & the deletion of the area to the north and the existing gas well on the north side of the building as well as meeting the required parking spaces per zoning.

Whereas, the Board further:

Denied _____

Approved X

The variance would allow for a roofed outdoor storage area to be 1 inch from the principal building and at a 5 ft. south side yard setback where 30 ft. is required from the principal building and a 25 ft. south side yard setback is required per Art. IV Sect. 411.5 & 411.6 of the zoning resolution.

Conditions, if applicable, or modification: The structure is an outdoor roofed structure without walls.

Mr. McDonnell made a motion to approve appeal #2365 with the condition that this is an outdoor structure without walls.

Mr. Snyder seconded the motion.

The vote was:

Mr. McDonnell-Yes

Mr. Rohr-Yes

Mr. Creighton-Yes

Mr. Snyder-Yes

Mr. Creighton-Yes

Chairman

Zoning Inspector, Joni Poindexter