

Jackson Township Board of Zoning Appeals  
March 14, 2019

Members Present: Edward McDonnell  
Charles Rohr  
Leon Vitale  
Patrick Snyder  
Richard Lutz-Alternate-participated in hearing  
Jared Singer-Alternate

Zoning Investigator: Cliff Meidlein

Absent Member: Daniel Creighton

5:30 PM Appeal #2366 - Timothy Winnard, property owner, 46 Cherry Dr. NW, North Canton, Ohio 44720 requests a variance for an accessory building of 720 sq. ft. on lot #47 that is utilized under one lease in conjunction with lot #46, at a 12 ft. front setback which will result in a total of accessory buildings of 1,440 sq. ft. for the overall leased property where 1,200 sq. ft. is permitted and accessory buildings are not permitted in the front yard area per Art. IV Sect. 401.11 of the zoning resolution. Property located at 46 Cherry Dr. NW, Sect. 4NE Jackson Twp. Zoned R-R.

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

Mr. Rohr swore in Timothy Winnard, 46 Cherry Dr. NW.

Mr. Winnard explained that he owns the property and would like to add an additional garage for storage. The garage would be the same design as the current garage. He owns two lots under one lease. There is an incline to the property and there are water issues therefore the garage needs to be closer to the property line.

Mr. McDonnell asked if Mr. Winnard built the current garage.

Mr. Winnard stated no.

Mr. Winnard explained how the drainage flows on the property.

Mr. McDonnell asked what will happen with the utility pole.

Mr. Winnard stated that he contacted the utility company and they put in a new pole so the old pole will be removed.

There was some discussion regarding the variances and how Willowdale Lake has leased properties as opposed to individual lots.

Mr. Vitale asked what is the time frame for the leased property.

Mr. Winnard stated that it is a 99 year lease for the area that is included in the lease.

Mr. Rohr swore in Bill Barry, 110 Cherry Dr. NW

Mr. Barry explained that he was on the Willowdale Lake Board. There are photos in the file that shows many structures just as close to the road as the one proposed one. There is a drop off and drainage area on the property. He wants to keep the structure away from the drop off area and they are trying to improve the area.

Mr. Rohr asked for a clarification as to how the leases work.

Mr. Barry stated that lot #46 and #47 are under one lease. If the lease is sold the lots must be sold under one lease and the lease would start over again as a 99 year lease.

Mr. Vitale asked why he needed additional square footage as opposed to what is permitted.

Mr. Barry stated they are trying to get more storage that would be in the rear of the building. The Willowdale Board approved the plans because it is the same as the existing garage.

Mr. McDonnell asked what the distance is from the house to the existing garage.

Mr. Winnard explained it is about 30 ft. and there is about a 45 degree angel with 17 steps that go down from the garage to the house.

Mr. Vitale explained that Willowdale is very unique. He is okay with the front yard setback at 12 ft. because it is not out of character with the area therefore it meets the criteria for a practical difficulty. He struggles with the size of the structure.

The board discussed splitting the varainces into two separate votes.

The Snyder made a motion to split the vote into two separate variances with the first being the front setback of 12 ft. and the second being to allow a total of 1,440 sq. ft. of accessory buildings for the overall property.

Mr. Vitale seconded the motion.

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

Mr. McDonnell reviewed the practical difficulty requirements and felt the practical difficulty requirments had been met.

Mr. Rohr agreed with Mr. McDonnell and thinks it would be a challenge to move the garage further back on the lot.

Mr. McDonnell made a motion to approve the variance to allow the accessory structure in the front yard area at a 12 ft. setback.

Mr. Snyder seconded the motion.

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

Mr. Lutz stated he doesn't see a special condition to allow for the variance for over the permitted square footage.

Mr. Snyder explained that he didn't think the lot is being over built.

Mr. Rohr explained that he understood why Mr. Winnard wants the same square footage.

Mr. McDonnell explained that he didn't have a problem with the variance.

Mr. McDonnell asked if there is a maximum garage area if it is attached to principal structure.

Mr. Meidlein stated no, it would be considered as part of the principal structure.

Mr. Lutz stated he is trying to find ways to elevate his concerns and asked if the total permitted is 1,200 per parcel because there are two lots.

Mr. Vitale stated it is one overall parcel per the lease. The combined area would be a total of 1,440 sq. ft. for the accessory structures.

Mr. Snyder made a motion to approve the variance for a total of 1,440 sq. ft. accessory building for the overall property where 1,200 sq. ft. is permitted.

Mr. Vitale seconded the motion.

The vote was: Mr. Lutz-no, Mr. McDonnell-yes, Mr. Vitale-no, Mr. Snyder-yes, and Mr. Rohr-yes.

Mr. Rohr made a motion to adjourn the meeting and Mr. Snyder seconded the motion.

The vote was: Mr. Lutz-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 #2366**

Upon the hearing the Board determined that the variance would allow for an accessory building of 720 sq. ft. on lot #47 that is utilized under one lease in conjunction with lot #46, at a 12 ft. front setback which will result in a total of accessory buildings of 1,440 sq. ft. for the overall leased property where 1,200 sq. ft. is permitted and accessory buildings are not permitted in the front yard area per Art. IV Sect. 401.11 of the zoning resolution. Property located at 46 Cherry Dr. NW, Sect. 4NE Jackson Twp. Zoned R-R.

Whereas, upon the Board determined:

The variance would allow for an additional accessory building of 720 sq. ft. in the front yard area at a 12 ft. front yard setback which will result in a total of 1,440 sq. ft. of accessory buildings for the overall property where 1,200 sq. ft. in permitted.

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Whereas, the Board further:

Denied \_\_\_\_\_

Approved     X    

The variance to allow the accessory building in the front yard area at a 12 ft. front yard setback for an accessory building of 720 sq. ft. on lot #47 that is utilized under one lease in conjunction with lot #46, at a 12 ft. front setback which will result in a total of accessory buildings of 1,440 sq. ft. for the overall leased property where 1,200 sq. ft. is permitted and accessory buildings are not permitted in the front yard area per Art. IV Sect. 401.11 of the zoning resolution.

Conditions, if applicable, or modification: \_\_\_\_\_

Mr. McDonnell made a motion to approve the variance to allow the accessory building in the front yard area at a 12 ft. front yard setback.

Mr. Snyder seconded the motion.

The vote was: Mr. McDonnell-Yes  
Mr. Rohr-Yes  
Mr. Vitale-Yes  
Mr. Snyder-Yes  
Mr. Lutz-Yes

Mr. Snyder made a motion to approve the variance for a total of 1,440 sq. ft. accessory building for the overall property where 1,200 sq. ft. is permitted.

Mr. Vitale seconded the motion.

The vote was: Mr. McDonnell-Yes  
Mr. Rohr-Yes  
Mr. Vitale-No  
Mr. Snyder-Yes  
Mr. Lutz-No

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Chairman

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Zoning Inspector, Joni Poindexter