

Jackson Township Board of Zoning Appeals  
April 11, 2019

Members Present: Charles Rohr  
Leon Vitale  
Patrick Snyder  
Daniel Creighton

Zoning Inspector: Joni Poindexter

Absent Member: Edward McDonnell  
Richard Lutz-Alternate  
Jared Singer-Alternate

**5:30 PM Appeal #2367** – LTW Properties LTD LLC/ Lynette Fulmer, property owner, 3122 Erie Ave. NW, Massillon, Ohio 44646 requests a variance for a minimum lot frontage and minimum lot width of 20 ft. where 75 ft. is required per Art. IV Sect. 411.4 of the zoning resolution to split the existing lot into two separate properties in which one will not meet the requirements. Property located at 3775 Wales Ave. NW, Sect. 29SE Jackson Twp. Zoned B-2

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

Mr. Rohr swore in Lynetter Fulmer, 7142 Braucher NW, North Canton, Ohio.

Ms. Fulmer explained she wanted to split the property into 2 parcels for the purpose of allowing the two businesses to operate on their own property. A child care center is located in the rear of the property. She would like to sell one of the two buildings, which is the child care building. The front building is an office building.

There are other properties in the area that have the 20 ft. of frontage off of Traphagan. 8194 Traphagen that sits to the south of the dentist building and 8206 Traphagan, which is now vacant due to the building burning down several years ago.

Mr. Rohr stated he visited the site and the driveway is approximately where the right of way for access would be.

Ms. Fulmer explained that they would create an easement for the access onto Wales for both properties. All the buildings in the area share driveways. There are no streets within the complex.

Mr. Vitale stated that a statement was made that all the buildings share the driveway. He doesn't understand how they will split them without landlocking someone.

Ms. Fulmer explained there would be an easement. There are only drive accessways, they are not streets. The only streets are Traphagen and Wales. Ms. Fulmer explained the driveways and easements.

Ms. Poindexter explained that the split property would not be landlocked because it would have 20 ft. of street frontage.

Mr. Vitale asked if the buildings are owned by separate owners.

Ms. Fulmer explained that all the buildings within the complex area are owned by separate owner.

Mr. Creighton asked if the 20 ft. of frontage is to give access to the other property.

Ms. Fulmer stated yes.

Mr. Rohr swore in Ms. Sarah Widmer, 5742 Brookwood Drive, New Franklin, Ohio.

Ms. Widmer stated she owns the child day care center. Her business has grown and they are happy in Jackson Township. They are licensed for about 100 kids. They want to modify the building to meet their needs so they would like to purchase it and in order to purchase it they need to split the property.

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

Mr. Vitale asked Ms. Poindexter about the driveway easements.

Ms. Poindexter explained that there are several shared driveways on the property an throughout the township for commercial properties.

Mr. Rohr closed the appeal to public input.

Mr. Snyder stated this is a common area and there are other property that have the same frontage so he didn't see an issue with the variance. It appears to meet the criteria for the variance.

Mr. Vitale stated he agreed with Mr. Snyder. It is basically changing ownership of the common drive. It is an odd situation but he thinks there is a practical difficulty.

Mr. Rohr stated he was apprehensive when he first looked at it but after hearing how there are other properties with the same frontage in the area he supports the variance.

Mr. Vitale made a motion to approve appeal #2367 as requested and Mr. Creighton seconded the motion.

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

Mr. Rohr made a motion to approve the meeting minutes from the March 14, 2019 meeting and Mr. Vitale seconded the motion.

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

Being no further business Mr. Vitale made a motion to adjourned the meeting and Mr. Creighton seconded the motion.

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

Respectfully submitted,



Joni Poindexter  
Jackson Township Zoning Inspector

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS**  
**CONCLUSIONS OF FACT**  
**APPEAL #2367**

Upon the hearing the Board determined that the variance would allow for a minimum lot frontage of 20 ft. and a minimum lot width of 20 ft. at the required front building setback line where 75 ft. is required per Art. IV Sect. 411.4 of the zoning resolution to split the existing lot into two separate properties in which one will not meet the requirements. Property located at 3775 Wales Ave. NW, Sect. 29SE Jackson Twp. Zoned B-2.

Whereas, upon the Board determined:

Dividing the property would not be uncommon to the neighboring properties as similar street frontages and minimum lot width of 20 ft. area located with other properties in the complex.

Whereas, the Board further:

Denied \_\_\_\_\_

Approved     X    

The variance to allow a minimum lot frontage of 20 ft. and a minimum lot width of 20 ft. at the front building setback line where 75 ft. is required per Art. IV Sect. 411.4 of the zoning resolution.


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

Mr. Creighton seconded the motion.

The vote was: Mr. Rohr-Yes  
Mr. Vitale-Yes  
Mr. Snyder-Yes  
Mr. Creighton-Yes

  
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Chairman

  
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Zoning Inspector, Joni Poindexter