

Jackson Township Board of Zoning Appeals
April 25, 2019

Members Present: Charles Rohr
Leon Vitale
Jared Singer

Zoning Inspector: Joni Poindexter

Absent Member: Patrick Snyder
Daniel Creighton
Edward McDonnell

5:30 PM Appeal #2368 – Thomas Winkhart, Esq., 825 South Main St, North Canton, Ohio 44720 agent for Gary McAfee, property owner, 602 Stoner, Clinton, Ohio 44216 requests a variance for a 5 ft. west and a 5 ft. 1 in. north parking setback with no buffering where a 20 ft. parking setback with buffering is required, a 54 ft. west building setback where 75 ft. is required and a 5 ft. west dumpster setback where 20 ft. is required when abutting a residential district per Art. IV Sect. 411.5, 411.8 & 411.9 of the zoning resolution. Property located at 5859 Wales NW, Sect. 16SE Jackson Twp. Zoned B-3.

Mr. Rohr stated that appeal #2368 has been withdrawn per the letter from the applicant dated April 18, 2019.

5:45 PM Appeal #2369 – Thomas Winkhart, Esq., 825 South Main St, North Canton, Ohio 44720 agent for Marketplace at Nobles Pond, 821 South Main St, North Canton, Ohio 44720 requests a variance for 50 ft. lot frontage and 50 ft. minimum lot width at the 100 ft. setback where 75 ft. is required per Art. IV Sect. 411.4 of the zoning resolution. Property located at 7042 Fulton NW, Sect. 22NW Jackson Twp. Zoned B-2.

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

Mr. Rohr swore in Thomas Winkhart, 7008 Victoria Ct., Canton Ohio.

Mr. Winkhart stated he is the attorney for Nobles Pond and a resident of Nobles Pond. The property is 8.46 acres and the minimum required frontage is 75 ft. The property was purchased in 1987 and 340 acres of Nobles Pond has been developed. Exhibit A is the aerial view that shows Nobles Pond. There is a portion of the property zoned R-4 and there is an irregular shaped property owned by the Aultman Foundation and the Buehlers plaza. The subject property is irregular shaped with the Goddard School in the front. The property in yellow is shown on exhibit B. The variance request is for the neck of the property. Lot #1 is planned to be developed as a Jerzy Mikes with two tenants in the building. This property was recently rezoned to B-2 for the northern 4.6 acres of the site toward Fulton Rd. The plan is to subdivide the property to create a parcel for the existing Goddard School and for Jerzy Mike's and the remaining portion of the property is for the variance.

Mr. Winkhart stated that they brought it on themselves a little bit because the property was developed and the portion of the property for the variance will miss the requirement by 25 ft. The property is mostly vacant. There is a likely hood that the northern portion of the subdivided piece will be bought by Goddard School. The 5 acres, in which the variance is requested, would be developed commercially with a planned business district for some small office buildings behind buehlers.

He thinks the County created the difficulty because they thought they had it figured out with an private steet. They met with Jackson Township and sought their approval for a platted private street but Stark County Regional Planning wouldn't allow it. He thinks they have special conditions which include the shape of the existing lot. If they don't have an opportunity to develop the property it is difficult from a lending standpoint. This is the minimum amount for the lot split. The Goddard school and the retail area is already built and when they requested a rezoning to B-2 there was no opposition. The character of the neighborhood will not be altered, no government services will be affected and it will not negatively affect the adjoining property owners. He thinks the spirit and intent of the zoning will be observed. Based on the evidence he would request the board approve the variance.

Mr. Rohr asked if the 50 ft. of frontage will be a right of way to the property behind Jerzy Mikes and the Goddard School.

Mr. Winkhart stated yes.

Mr. Rohr stated it appears the property in the rear is landlocked so it is limited as to what can be done with it.

Mr. Winkhart stated there is some interest for an office building on the property.

Mr. Singer asked what the original concern was with original plan from RPC.

Mr. Winkhart explained the requirements for a private street and stated they were going to ask for some varainces from RPC so the street would be like an access drive for a commercial driveway but RPC did not like the idea. The fire department was fine with it.

Mr. Singer asked if this is the best use for the land.

Mr. Winkhart stated yes.

Mr. Vitale stated he thinks the back parcel would eventually be part of the nursing home.

Mr. Winkhart explained the layout of the lots.

Mr. Vitale asked if the 50 ft. lot would have the access drive to develop the 4.6 acre property.

Mr. Winkhart stated yes. The property further south is the Aultman Health foundation property but it is not inconceivable that there would never be a connection.

Mr. Rohr asked Ms. Poindexter if zoning had any issues with the variance.

Ms. Poindexter stated no.

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

Mr. Rohr closed the appeal to public input.

Mr. Vitale stated he sees this no more than an access driveway for the 4.6 acres in the back of the property. He has no problem with the variance or sees any reason to turn it down.

Mr. Singer stated he thinks the practical difficulty has been demonstrated and the variance should be approved. He thinks the 25 ft. difference isn't a major concern.

Mr. Rohr stated he agreed with the other board members.

Mr. Vitale made a motion to approve appeal #2369 as requested.

Mr. Singer seconded the motion.

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

Mr. Vitale made a motion to adjourn the meeting and Mr. Singer seconded the motion.

Respectfully submitted,



Joni Poindexter
Jackson Township Zoning Inspector

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2369**

Upon the hearing the Board determined that the variance would allow for a minimum lot frontage of 50 ft. and a minimum lot width of 50 ft. at the 100 ft. setback where 75 ft. is required per Art. IV Sect. 411.4 of the zoning resolution to split the lot into two separate lots. Property located at 7042 Fulton Dr. NW, Sect. 22NW Jackson Twp. Zoned B-2.

Whereas, upon the Board determined:

The splitting of the property would allow the ability to further develop the property and a practical difficulty exists due to how the entire area was developed.

Whereas, the Board further:

Denied _____

Approved X

The variance to allow a minimum lot frontage of 50 ft. and a minimum lot width of 50 ft. at the 100 setback where 75 ft. is required per Art. IV Sect. 411.4 of the zoning resolution.

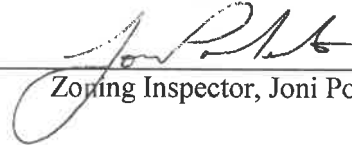
Mr. Vitale made a motion to approve the variance as requested.

Mr. Singer seconded the motion.

The vote was: Mr. Rohr-Yes
 Mr. Vitale-Yes
 Mr. Singer-Yes



Chairman



Zoning Inspector, Joni Poindexter