

Jackson Township Board of Zoning Appeals
June 25, 2020

Members Present: Charles Rohr
Patrick Snyder
Leon Vitale
Edward McDonnell-Recused from appeal #2401
Jared Singer-Recused from appeal #2402
Deborah Busby-Alternate-Participated in appeal #2401
Steven Gosney-Alternate-Participate in appeal #2402

Zoning Inspector: Joni Poindexter

5:00 PM Appeal #2400 – Casey Kiggans, property owner, 4435 Noble Loon NW, Massillon, Ohio 44646 requests a variance to allow the parking of a commercial vehicle on a lot in a residential district where commercial vehicles are not permitted to be parked in a residential district when over 9,000 lbs. and the maximum height of the vehicle body exceeds 7 ft. in height per Art. IV Sect. 401.14 (D) of the zoning resolution. Property located at 4435 Nobel Loon, Sect. 29NE Jackson Twp. Zoned R-1.

Mr. Snyder read the file application into the record and Ms. Poindexter read the contents of the file into the record.

Mr. Snyder swore in those in favor of the appeal.

Mr. Casey Kiggans, 4435 Noble Loon NW, Massillon, Ohio 44646 stated his job changed and he has a need to park a service truck in his driveway. He made his driveway larger to accommodate the truck. It has been parked there since March of this year. The truck was previously parked at the company when he was a shop employee. He does not know the height of the truck but the weight is around 24,000 or 25,000 lbs.

Mr. Snyder stated he thinks the truck may be 10 ft. in height because it appears to be higher than the garage door.

Mr. Kiggans stated he thinks it is 9 to 10 ft. He was going to park it at his brother's house but he also lives in Jackson Township. The office for his business is located in Richfield but he gets dispatched from his home.

Mr. Snyder asked what the truck is used for.

Mr. Kiggans stated he is a heavy equipment mechanic.

Mr. Snyder stated from the written statement it says if he is unable to meet the requirements his employment would be terminated and asked what other options he has looked at.

Mr. Kiggans stated he brought up the idea with his boss about parking it at the business but that did not go over well due to the need to be dispatched from his home.

Mr. Singer asked if he is prohibited from parking it at the business.

Mr. Kiggans stated no.

Mr. Vitale asked if the company has any local sites in which he could dispatch out of.

Mr. Kiggans stated to park at another customer's location would be difficult.

Mr. Vitale asked about keeping it at a storage facility.

Mr. Kiggans stated he had not looked into that.

Mr. Snyder stated RV's are permitted to be parked at storage units so larger vehicles are permitted to be stored there.

Mr. McDonnell stated that Mr. Kiggans had said that he is unable to meet the requirements by Rico and asked if he is required to have it nearby or at his house.

Mr. Kiggans stated he did not ask that question. He has to maintain employment with Rico by following the union rules. He did not ask them if he had to keep it at his house but he does need it if he is dispatched from his home. Mr. Kiggans stated other people that work for the business park the vehicles in their driveway. Mr. Kiggans stated the tools are 90% his and he would be responsible for them but Rico insures the tools.

Mr. Singer asked if the tools are locked up at the end of the shift or sitting freely.

Mr. Kiggans stated they are locked up.

Mr. Kiggans stated he asked his boss if there were any smaller trucks but his boss said not at this time but he would be put on a list for one; however, he is not sure if the regulations would be met with a smaller truck.

Mr. Reghetti, 8349 Yorkshire NW, Massillon, Ohio 44646 stated he lives a few streets over from Mr. Kiggans. He does not think the truck is an eyesore and it is Mr. Kiggans way of making a living. He sees a lot of recreational vehicles that weigh a great amount and it doesn't make sense there can be an RV on the property but not a vehicle in which someone makes a living. It's not like he has vehicles on blocks on his property.

Tracy Spyker 4445 Gold Eagle NW stated she has no problem with the truck parked on the property and it is not an eyesore.

Mr. Harter stated he is just listening in on the appeal and had no comments.

Mr. Vitale asked Mr. Kiggans if the 24,000 to 25,000 lbs. is fully loaded.

Mr. Kiggans stated yes. Without being loaded it would be about 18,000 lbs. but he really isn't sure.

Mr. Singer asked if he would be accepting to, if approved, for a certain duration and asked Ms. Poindexter if he came back to the board if that would require another fee.

Ms. Poindexter stated yes. Anytime someone applies to the board there is a fee.

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

Mr. Snyder closed the appeal to public input.

Mr. McDonnell stated it is an interesting case but he looks at 803.5(B) regarding variances. There are no special circumstance that are related to the property. It is a truck. The property will yield a reasonable return without the variance. He thinks the variance is substantial. This is a residential area and the variance would introduce a commercial vehicle into the area. He thinks the character of the neighborhood would be changed. The applicant testified he has not investigated other areas to park the vehicle such as a 24 hours self-storage area. This is a residential area and the intent is that it remains residential and to not introduce commercial to the area. There are no R-1 areas in which commercial vehicles like this are permitted. He has a problem with any company telling Jackson Township these are our standards and you must comply. Maybe not so much with this but the Township does not need to comply with a company's requirements, rather the company needs to comply with Jackson Townships requirements. He has a problem with the variance.

Mr. Snyder stated he agreed with Mr. McDonnell on some points and asked if there is any merit to tabling this until he checks with his employer or sees if he can park it somewhere else.

Mr. McDonnell stated no.

Mr. Vitale stated he agreed with Mr. McDonnell and it is clear this truck exceeds what is acceptable. He knows there are other companies that require their employees to have vehicles but this truck is well beyond what is permitted. He thinks parking the vehicle at a self-storage area would be the best alternative.

Mr. Rohr stated he doesn't want to deny his livelihood being a resident but this is a huge variance. He could only support this with a time period such as 6 months to allow the applicant to make other arrangements.

Mr. Singer stated he agrees with Mr. McDonnell but also agrees with Mr. Regheittis comments about RV's but they have to go by the regulations. He would support this if it was for a limited duration.

Mr. Vitale asked Ms. Poindexter if the variance were denied how long would he have to move it.

Ms. Poindexter stated probably a couple of weeks.

Mr. Vitale stated he would like to see more than a couple weeks.

Mr. Rohr made a motion to approve appeal #2400 with the condition of a period not to exceed 6 months from June 25, 2020 to make other arrangements.

Mr. McDonnell stated he preferred 90 days.

Mr. Rohr modified his motion to approve appeal #2400 for a period not to exceed 90 days from June 25, 2020 to make other arrangements for the parking of the commercial truck.

Mr. McDonnell seconded the motion as modified.

Mr. Rohr-yes, Mr. McDonnell-yes, Mr. Snyder-yes, Mr. Vitale-Yes, and Mr. Singer-yes.

5:15 PM Appeal #2401 – John & Deborah Norris, property owner, 5715 Channel Dr. NW, Canton, Ohio 44718 requests a variance for a 6 ft. rear yard setback where 15 ft. is required for principal dwelling per Art. IV Sect. 401.6 of the zoning resolution. Property located at 5715 Channel Dr. NW, Sect. 14SW Jackson Twp. Zoned R-1.

Mr. Snyder read the file application into the record and Ms. Poindexter read the contents of the file into the record.

Mr. Snyder swore in those in favor of the appeal.

Mr. John Norris stated there is a practical difficulty as to where the home is located that was built in 1970.

Ms. Norris stated there is no backyard. There is currently an enclosed patio off the porch and they want add a roof over the other patio. The neighbors are fine with it. The structure will be open with a roof. They have lived at the property for 7-1/2 years.

Mr. Snyder stated it looks like the farthest point is 11'6" and the closest point is 6'.5". He looked at the property and the house is setback on the lot pretty far.

Mr. Vitale asked if the size of the roof is the same size as the existing patio.

Ms. Norris state the roof is smaller than the patio so they are only covering a portion of the patio.

Mr. Snyder stated there are a lot of variances in Lake Cable.

Ms. Busby stated in looking at google maps there are some structures that are closer to the property line and 5727 is near the border.

Mr. McDonnell stated the property at 5646 has a variance for the front yard.

Mr. Rohr asked if the roof structure will impair the neighbor's view of the lake.

Ms. Norris stated no.

Ms. Norris stated the roof will have a peak so the highest point will be 15 ft. and then down to 9 ft. The existing peak of the house at 17 ft.

Mr. Singer asked if it would not exceed the highest point on the existing house.

Ms. Norris stated that is correct.

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

Mr. Snyder closed the appeal to public input.

Mr. Snyder stated he sees a practical difficulty due to the house layout on the lot. He does not have an issue with the variance. It is 6 ft. and they have gone down to 5 ft. in Lake Cable.

Mr. Vitale agreed with Mr. Snyder.

Mr. Snyder made a motion to approve appeal # 2401 as requested and Mr. Vitale seconded the motion.

The vote was: Mr. Singer-yes, Ms. Busby-yes, Mr. Rohr-no, Mr. Vitale-yes, and Mr. Snyder-yes.

5:45 PM Appeal #2402 – Akers Signs, PO Box 906, Uniontown, Ohio 44685 agent for Marketplace at Nobles Pond Dev., Bob DeHoff, property owner, 7138 Fulton NW, Canton, Ohio 44718 requests a variance to allow a 2nd freestanding sign along Fulton NW for the advertising of businesses within the Nobles Pond Development where one freestanding sign is permitted per street frontage. Property located at 7138 Fulton NW, Sect. 21NE Zoned B-3.

Mr. Snyder read the file application into the record and Ms. Poindexter read the contents of the file into the record.

Mr. Snyder swore in those in favor of the appeal.

Michelle Miller, Akers Signs, 3920 State St. NW, North Canton, Ohio 44720 stated she had some photo's but is not able to share them on her screen. This is an upgrade to the location and the proposed sign is a large financial investment. The existing monument sign is more of a directional sign and has no visibility to those on Fulton. They are asking for the variance because there are over 30 businesses on the property and they provide over 400 jobs. The proposed sign is a small version of what they have on Wales.

Mr. Snyder asked if the proposed sign met all requirements except for the additional sign.

Ms. Miller stated yes. It is smaller than the existing pylon on Wales.

Mr. Snyder asked if the sign is only going to be for Buehlers and Ace Hardware.

Ms. Miller stated there are panels for two more businesses.

Mr. Snyder stated the area that is highlighted is very large and asked if they are not sure of the location.

Ms. Miller stated they have to have the utilities marked so they know where they can put the sign. Key banks sign would remain.

Ms. Snyder asked Ms. Poindexter about Buehlers existing sign and why this is considered a second freestanding sign for Fulton.

Ms. Poindexter explained when a permit was issued for the monument sign it was permitted as the freestanding sign for Fulton. At that time there were no other businesses along Fulton.

Mr. Snyder asked why they don't remove the monument sign.

Ms. Miller explained why they did not want to remove the sign and stated it does serve a purpose.

Mr. Vitale asked if the original Fulton sign could be a directional sign.

Ms. Poindexter stated no because it is too large.

Mr. McDonnell asked where the sign location was that is in the interior of the property.

Ms. Miller stated it is right in front of Buehler's off Fulton Rd. as you pull into the plaza.

Mr. Thomas Winkhart, 825 S Main St. North Canton, Ohio 44720 stated he is the attorney for Nobles Pond and has worked with Joni regarding the signage that is currently in place. There is a large pylon signs along Wales and the sign that is on the Fulton side was originally the sign for Fulton Rd. This variance has to have a hardship and he thinks the township requires a landscaping

package that grows to a nice maturity. The trees change the view of the shopping center because of the way it sits off of the street. The only other thing is if they remove the trees and replanted them with smaller trees. They don't want to do that and it would be a waste. Mr. DeHoff would like to invest \$30,000 in a new sign that is helpful to motorist to identify the tenants. The shopping center has become a mainstay in the township and the sign will be a nice addition to the shopping center. It is only 8 ft. verses what is one on Wales.

Mr. McDonnell stated he has heard the sign is smaller than the one on Wales and asked what the size of the sign on Wales is.

Ms. Miller stated the existing sign is at 360" from top to bottom by 206" wide.

Mr. McDonnell stated that the one on Wales is 30 ft. tall.

Ms. Miller stated yes and it is 17.16 ft. wide.

Mr. Vitale asked if the yard strip is wide enough to accommodate the sign.

Ms. Miller stated yes. The proposed location area is the best placement. The sign would probably be between Jersey Mikes and Key Bank.

Mr. Rohr asked Mr. Winkhart what is to keep the owner from disassembling the monument sign and putting another freestanding sign along Fulton Rd in 5 or 10 years.

Mr. Winkhart stated he thinks that sign was entitled and this one is by variance. The questions is are they entitled to a replacement sign along Fulton. He would think if that sign was removed that this sign would become the one that is entitled. He thinks they could agree if that sign were dismantled any future sign would have to have a variance along Fulton.

Mr. DeHoff, 7700 Mudbrook NW, Massillon, Ohio stated that could be a condition of the variance.

Mr. Snyder stated he understands there is a widening of Fulton.

Mr. DeHoff stated to his knowledge the necessary right of way is in place.

Mr. Winkhart stated he thinks the widening is past the culvert and goes to Church of the Lakes.

Ms. Miller stated when the Jersey Mikes sign was installed they met with ODOT to get a correct setback.

Mr. McDonnell stated there have been comments that this sign is smaller than the one on Wales and stated the conversation is based on the sign presented. Mr. McDonnell asked if there is anything down the road that would prevent the applicant from replacing the sign with a larger one.

Mr. DeHoff stated he would agree that the sign size is based on what was presented.

Mr. Winkhart stated he understands the conditions would be the removal of the other sign would not allow an additional sign on Fulton and the sign per the variance would not be any larger than 16-1/2 by 11-1/2 per the request.

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

Mr. Snyder closed the appeal to public input.

Mr. McDonnell asked Ms. Poindexter if the removal of the monument sign would eliminate the variance.

Ms. Poindexter stated yes that makes sense.

Mr. Vitale stated they always look for a practical difficulty and he sees a few of them. The shopping plaza is a success and the plaza is kind of hidden with the landscaping. He did not know the monument sign was a street sign. He doesn't think the size is obscene or too large. He has no problem with the variance.

Mr. Snyder agreed with Mr. Vitale and stated the applicant provided photos of a street view and you can't see the monument sign. It can only be seen by turning into the plaza. He has no problem with the variance.

Mr. Gosney agreed with the other board member and stated with the conditions he has no problem with the appeal.

Mr. Rohr stated he thinks the sign is needed and the project has outgrown the original sign.

Mr. McDonnell agreed with the other board members but thinks all signs are obscene. But, with the conditions he has no problem with the appeal.

Mr. McDonnell made a motion to approve appeal #2402 with the condition that the maximum size for the second sign on Fulton is no larger than 16.5 ft. high by 11.5 ft. wide and the removal of the internal monument sign will eliminate the variance for the second sign along Fulton Rd.

Mr. Vitale seconded the motion.

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

Mr. Snyder made a motion to approve the meeting minutes from the May 7, 2020 meeting and Mr. Singer seconded the motion.

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

Respectfully submitted,



Jori Poindexter
Jackson Township Zoning Inspector

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2400**

Upon the hearing the Board determined that the variance would allow the parking of a commercial vehicle on a lot in a residential district where commercial vehicles are not permitted to be parked in a residential district when over 9,000 lbs. and the maximum height of the vehicle body exceeds 7 ft. in height per Art. IV Sect. 401.14 (D) of the zoning resolution. Property located at 4435 Nobel Loon, Sect. 29NE Jackson Twp. Zoned R-1.

Whereas, upon the Board determined:

Granting of the variance for a period of 90 days would allow the applicant time to find a place to park and store the commercial vehicle that is not in violation of the zoning.

Whereas, the Board further:

Denied _____

Approved X

The variance for a period not to exceed 90 days from June 25, 2020, (expiring on 9/23/20) to make other arrangement for the parking of the commercial truck.

Mr. Rohr made a motion to approve appeal #2400 as modified for a period not to exceed 90 from June 25, 2020, (expiring on 9/23/20) to make other arrangement for the parking of the commercial truck .

Mr. McDonnell seconded the motion.

The vote was: Mr. Singer - Yes

Ms. Vitale - Yes

Ms. McDonnell - Yes

Mr. Rohr - Yes

Mr. Snyder - Yes



Chairman



Zoning Inspector, Joni Poindexter

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2401**

Upon the hearing the Board determined a variance would allow for a 6 ft. rear yard setback where 15 ft. is required for principal dwelling per Art. IV Sect. 401.6 of the zoning resolution. Property located at 5715 Channel Dr. NW, Sect. 14SW Jackson Twp. Zoned R-1.

Whereas, upon the Board determined:

There is a practical difficulty with the current location of the house.

Whereas, the Board further:


Denied _____

Approved X

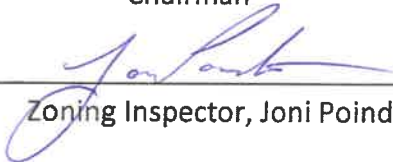
The variance for a 6 ft. rear yard setback where 15 ft. is required for principal dwelling per Art. IV Sect. 401.6 of the zoning resolution.

Mr. Snyder made a motion
Mr. Vitale seconded the motion.

The vote was: Mr. Singer - Yes
 Mr. Vitale - Yes
 Ms. Busby - Yes
 Mr. Rohr - No
 Mr. Snyder - Yes



Chairman



Zoning Inspector, Joni Poindexter

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2402**

Upon the hearing the Board determined that the variance would allow for a variance to allow a 2nd freestanding sign along Fulton NW for the advertising of businesses within the Nobles Pond Development where one freestanding sign is permitted per street frontage. Property located at 7138 Fulton NW, Sect. 21NE Zoned B-3.

Whereas, upon the Board determined:

The existing sign cannot be seen from the exterior of the property and is small

Whereas, the Board further:

Denied _____

Approved X

The variance to allow a 2nd freestanding sign along Fulton NW for the advertising of businesses within the Nobles Pond Development where one freestanding sign is permitted per street frontage.

Mr. McDonnell made a motion to approve appeal #2402 with the condition that the maximum size for the second sign on Fulton is not larger than 16.5 ft. high by 11.5 ft. wide and the removal of the internal monument sign will eliminate the variance for the second sign along Fulton Rd.

Mr. Vitale seconded the motion.

The vote was: Mr. Vitale - Yes

Mr. McDonnell - Yes

Ms. Gosney - Yes

Mr. Rohr - Yes

Mr. Snyder - Yes



Chairman



Zoning Inspector, Joni Poindexter