

Jackson Township Board of Zoning Appeals  
July 25, 2019

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

5:30 PM Appeal #2373 - ALC Holding LTD, John Pizzino, 6117 Old Church NW, Massillon, Ohio 44646, property owner, requests a variance for a 5 ft. west side yard setback for addition to principal dwelling where 10 ft. is required per Art. IV Sect. 401.6 of the zoning resolution. Property located at 1256 Stuart NW, Sect. 32SE Jackson Twp. Zoned R-1A.

Mr. Rohr read the file application and contents of the file into the record and stated the board was given a summary of the practical difficult requirements with answers by the applicant.

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

Mr. Sibila, 6146 Cherry Blossom NW, North Canton, Ohio stated Mr. Pizzino renovated the entire property. He would like to add a garage due to the size of the existing garage that is only 20 ft. deep with an 8 ft. garage door. When the house was built in 1943 there was glazed tile in the basement and the water wasn't an issue but there is no storm sewers on the street so John renovated the property and put in two or three dry wells on the property. Mr. Sibila gave the board an updated drawing showing the dry wells on the property and stated that there are two in the back and one in the front so they can contain their water. The power lines aren't really the problem but it is the water and the dry wells that are located on the property. There is about 3 lines that go into the dry wells. They are also proposing to put in another dry well when the garage addition is built. They need the five foot setback to stay away from the lines and dry wells.

Mr. Rohr asked if the expansion will create a two car garage.

Mr. Sibila stated the garage would be 16 x 27 with a 14 ft. garage door but they have to drive into the back of the garage to get into the wider portion of the garage.

Mr. Vitale asked how wide the existing garage is and what the need is for the 16 ft. in the back.

Mr. Sibila stated the existing garage is 12 ft. There is plenty of room in the rear but the variance is needed for the side.

Mr. Vitale asked what underground utilities are on the property.

Mr. Sibila stated he thinks it is the cable and phone. There are overhead lines beside it.

Mr. Snyder asked the need for the 5 ft. off the existing garage.

Mr. Sibila stated for access to the wider part of the garage. They will have to have it wider for two cars to fit into the garage. They moved it back further and then over because of the dry wells.

Mr. Vitate asked if the existing garage was going to stay as a garage.

Mr. Sibila stated yes. It will be retrussed but the part against the house will stay so it will have about a 36 ft. truss on it.

Mr. Vitale asked if they are proposing a 14 ft. door as opposed to an 8 ft. door.

Mr. Sibila stated yes.

Mr. Sibila stated they were going to try to move it to the back but then they would be into the powerlines and leach line wells.

Mr. Sibila stated there are five other homes in the area that are at a 5 ft. setback. He has the addresses if the board would like to see them.

Mr. Vitale asked if they went straight back with the existing 8 ft. door that would leave them a 22 ft. without the variance.

Mr. Sibila stated they will have to pull in and then go to an angle to get two cars in the garage.

Mr. Vitale stated if they would go straight back with the existing garage it would be 22 ft. and they are showing an 8 ft. bump out to the east and asked if the garage could be built without the variance.

Mr. Sibila stated he doesn't think so because it would be too tight because of the layout.

Mr. Vitale asked if the 8 ft. offset to the east is so when you pull through the 8 ft. door you could swing to the east and go straight into the west.

Mr. Sibila it will be very tight. He needs the width to make it work. They will be taking care of a lot of the water problems and he thinks this is a good fit.

No one else in the audience spoke in favor of the appeal.

Mr. Rohr asked if anyone wanted to speak in opposition to the variance.

Mr. Rohr swore in Mark Tyrrell, 5376 Governors NW, Canton, Ohio. Mr. Tyrrell stated he owns the property next door which is an empty lot and also the house on the west side. His lot is 184 and 186. He has been thinking about building a home on that property. His lot is only 50 ft. wide. He's not sure when he will build but has that option. The drawing they received shows all cement driveway up to the line. The garage is going to be right in the middle of the property. He would have no objection if they moved it to the back of the property. He will be looking at a garage and he has no idea how high the garage will be. When he lived there he spent a lot of time on the porch and now in the middle of the property they will be looking at a garage. He understands someone wanting a larger garage but thinks it will take away

from his property. He really doesn't want this in the middle of the yard and wants to keep it away from the setback.

Mr. Tyrrell stated he only lived in the house for one year and then bought another home. Eventually he will move back to his Stuart property and he wants the elbow space.

Mr. Vitale asked if Mr. Tyrrell ever noticed any water issues when he lived there.

Mr. Tyrrell stated only in the back corner of his property of the empty lot so he thinks they did a good job of containing the water problem. There is no water problem now because it is dry. He just doesn't want something so close.

No one else in the audience spoke in opposition to the appeal.

Mr. Sibila stated he knows Mr. Tyrrell only lived there a year but when John bought the house it was in disarray and there was a lot of water problems and they were taken care of. The entire house was resided and the garage will be a first class garage.

Mr. Vitale asked if the existing garage will come down.

Mr. Sibila stated the side and back wall will come down. It is attached to the house. Mr. Sibila explained the layout of the proposed garage.

Mr. Vitale asked if there would be anyway to move the garage 5 ft. over and then go straight back.

Mr. Sibila stated no because that's where the powerlines go into the house and he will already be within one foot of the lines where he will be digging.

Mr. Rohr asked Ms. Poindexter to give a background on the neighbor regarding the setbacks.

Ms. Poindexter explained that this is one of the older neighborhoods in the township and a lot of the lots are smaller or built over two lots and there are 5 ft. setbacks within the immediate neighborhood. As Mr. Tyrrell stated he has a 50 ft. lot so if he built a house he could go up to a 5 ft. side yard setback per the zoning regulations because if you have a lot that is 60 ft. wide or less at the building line you have a 5 ft. setback.

Mr. Singer stated so if the lot was 60 ft. or less they wouldn't even need a variance.

Ms. Poindexter stated that is correct. If Mr. Pizzino would have torn down the house and rebuilt it on one lot then he could have built up to 5 ft. from the side property lines.

Mr. Singer stated so the house could be rebuilt at a 5 ft. setback if they stayed on one of the lots.

Ms. Poindexter stated that is correct.

Mr. Rohr closed the appeal to public input.

Mr. Vitale stated he agrees with Mr. Tyrrell that every man wants a bigger garage and no one has enough space. With this being in an older neighborhood there have been other variances that have been

approved for a 5 ft. setback. Where he lives he has 5 ft. to his property line and his neighbor has 5 ft. to the property line so there are 10 ft. between structures. Sometimes it is what it is. This is a vacant lot next to the property in question and Mr. Tyrrell questioned if the concrete driveway was legal. It was very much legal. He reviewed the property. An 8 ft. overhead door is tight and a garage that is 20 ft. deep, most cars won't fit. Variances go both ways. Because people in the neighborhood have it, it is hard to tell others they aren't allow because their neighbor was allowed. Where he lives there are a lot of folks that have 5 ft. variances. He is torn on this and has to think it through before he votes.

Mr. Snyder stated he is concerned about the lot being overbuilt. Maybe this lot was only meant for a single car garage. He is sure the ground is wet and it's nice that he has taken care of the that but that's neither here or there. He appreciates the need for a second car garage but the way Joni explained it it is common in the neighborhood to have a 5 ft. setback.

Mr. Singer stated he sees both sides as well but on one hand you have five previous precedence that have been set with a 5 ft. setback but on the other hand there is a concern about the lot itself being overbuilt.

Mr. Rohr stated he shares Mr. Tyrrells concern but he also understand that there is a presence. He doesn't think the lot is being overbuilt. He understands why they want a two car garage and thinks when it is done it will look good for the neighborhood and will not negatively affect the neighborhood. He thinks it will affect the neighborhood in a good way. There are a lot of water problems in the area and it does affect where they can put the garage. He supports the variance.

Mr. Vitale made a motion to approve appeal #2373 as requested and Mr. Snyder seconded the motion.

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

**5:45 PM Appeal #2374** – Thomas & Constance Masters/Masters Family Trust, property owner, 9504 Lafayette NW, Massillon, Ohio 44647 requests a variance for a 25 ft. front yard setback for principal dwelling where 40 ft. is required per Art. IV Sect. 401.6 of the zoning resolution. Property located at 9504 Lafayette NW, Sect. 19SE Jackson Twp. Zoned R-R.

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

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

Mrs. Constance Masters stated they want to add onto the front of their property. They had plans drawn up and then found out they wouldn't meet the setback. Her neighbors across the street are in attendance and are in favor of the appeal. The addition will come out from the edge of the roof of an existing porch. Mr. Master stated from the pin to the actual corner of the addition it will at 75 ft. if they measure from the pavement.

Mr. Vitale stated so the addition will be 25 ft. from the road right of way.

Mr. Thomas Masters stated yes.

Mr. Snyder asked if it could be on the side or rear.

Mr. Master stated no because of trees and there is a well on the other side.

Mr. Rohr asked if the trees are one their property or the neighbors.

Mr. Masters stated they are on the line.

Mr. Singer asked if there was no other feasible location for the addition.

Mr. Masters stated that is correct.

Ms. Master showed the board several photos of the property.

Ms. Tereas Holt, 9537 Lafayette NW stated she lives across the street and she is in support of the variance.

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. Singer asked Ms. Poindexter if there are any other variance in this area that she is aware of.

Ms. Poindexter stated no.

Mr Snyder stated the issue is the right of way. He is okay with the variance. It's peculiar how the house is built on the lot and is closer than the other properties.

Mr. Vitale agreed with Mr. Snyder and thinks a practical difficulty was proven due to the existing home being closer to the street.

Mr. Singer stated if this was a conventional neighborhood he might have an issue but based on it being on 3 acres and house being in a rural setting he doesn't have an issue.

Mr. Rohr stated he doesn't have an issue with the variance. They can't build in the back due to the well but being in a rural setting he has no problem.

Mr. Snyder made a motion to approve appeal #2374 as requested and Mr. Singer seconded the motion.

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

**6:00 PM Appeal #2375** – Lindsey Snyder, property owner, 3254 Bloomsbury Cir. NW, Canton, Ohio 44708 requests a variance for a 15 ft. rear yard setback for above ground swimming pool where 25 ft. is required when abutting a secondary road right of way per Art. IV Sect. 401.11 of the zoning resolution. Property located at 3254 Bloomsbury Cir. NW, Sect. 34NW Jackson Twp. Zoned R-1.

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

Mr. Rohr swore in Bryan Earlenbaugh, 3254 Bloomsbury Cir. NW, Canton, Ohio.

Mr. Earlenbaugh stated they want to put a pool in the back yard. The fence is near the right of way and a pool will not fit and be 25 ft. off the right of way line.

Mr. Vitale stated the pool is currently there.

Mr. Earlenbaugh stated the pool got installed while they were on vacation because they forgot to cancel it with the pool company before they went on vacation. If they have to remove it they can but they wanted to ask for the variance. There is 11 ft. between the fence and the road pavement. There was an accident on the road before and because of the fence they stayed on the other side of fence when the cars hit it so there is a sturdy fence to block the pool.

Mr. Singer asked if there is any other location for the pool

Mr. Earlenbaugh stated if he moved it by the driveway he would still need a variance.

Mr. Singer asked if the pool were to be installed anywhere else on the property if it would need a variance.

Mr. Earlenbaugh stated yes. The pool company was not aware that a variance was needed.

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

Mr. Rohr closed the appeal to public input.

Mr. Singer asked if there has ever been a variance for a pool.

Ms. Poindexter stated she is sure there has been but not real often.

Mr. Singer stated that it is more than 25 ft. from the edge of pavement so he doesn't have an issue with the variance.

Mr. Snyder stated it wouldn't make sense to put a pool anywhere else. They are talking right of way verses putting it against someone else's property.

Mr. Rohr stated the fence provides some safety issues and there is nowhere else to put it.

Mr. Singer made a motion to approve appeal #2375 as requested for an above ground swimming pool and Mr. Snyder seconded the motion.

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

Mr. Snyder made a motion to approve the meeting minutes from the April 11, 2019 meeting and Mr. Vitale seconded the motion.

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

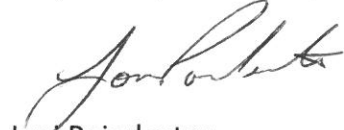
Mr. Snyder made a motion to approve the meeting minutes from the July 11, 2019 meeting and Mr. Vitale seconded the motion

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

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

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

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Joni Poindexter".

Joni Poindexter  
Jackson Township Zoning Inspector

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS  
CONCLUSIONS OF FACT  
APPEAL #2373**

Upon the hearing the Board determined that the variance would allow an addition to the west side of the dwelling at a 5 ft. west side yard setback where 10 ft. is required per Art. IV Sect. 401.6 of the zoning resolution. Property located at 1256 Stuart NW, Sect. 32SE Jackson Twp. Zoned R-1A.

Whereas, upon the Board determined:

That one of the members thought the lot was being overbuilt and a second member did not think a vehicle would fit into the proposed addition. The other two members thought the lot was not being overbuilt and would fit within the existing neighborhood and there are other properties in the same immediate area that have a 5 ft. setback so it would not change the character of the neighborhood.

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Whereas, the Board further:

Denied  X (2 to 2 tie vote)

Approved \_\_\_\_\_

The variance to allow an addition to the principal dwelling to be 5 ft. from the west property line where 10 ft. is required for principal dwellings.

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

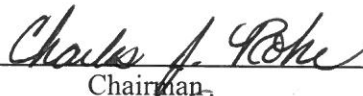
Mr. Snyder seconded the motion.

The vote was: Mr. Rohr- Yes

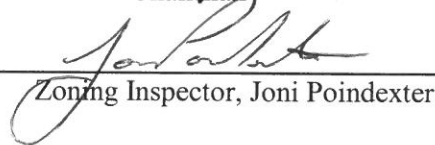
Mr. Snyder- No

Mr. Vitale- No

Mr. Singer Yes

  
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Chairman

  
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Zoning Inspector, Joni Poindexter



**JACKSON TOWNSHIP BOARD OF ZONING APPEALS  
CONCLUSIONS OF FACT  
APPEAL #2374**

Upon the hearing the Board determined that the variance would allow a 25 ft. front yard setback for principal dwelling where 40 ft. is required per Art. IV Sect. 401.6 of the zoning resolution. Property located at 9504 Lafayette NW, Sect. 19SE Jackson Twp. Zoned R-R.

Whereas, upon the Board determined:

The practical difficulty is proven by the home being built so close to the right of way and tree that run along the side of the home the addition cannot be located elsewhere on the property.

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Whereas, the Board further:

Denied \_\_\_\_\_

Approved  X

The variance to allow the principal dwelling to be at a 25 ft. front yard setback where 40 ft. is required for principal dwellings.

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

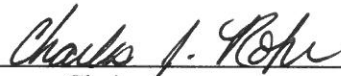
Mr.  Singer  seconded the motion.

The vote was: Mr. Rohr-  Yes

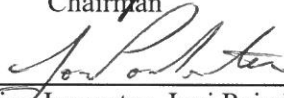
Mr. Snyder-  Yes

Mr. Vitale-  Yes

Mr. Singer  Yes



Chairman



Zoning Inspector, Joni Poindexter

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS  
CONCLUSIONS OF FACT  
APPEAL #2375**

Upon the hearing the Board determined that the variance would allow a for a 15 ft. rear yard setback for an above ground swimming pool where 25 ft. is required when abutting a secondary road right of way per Art. IV Sect. 401.11 of the zoning resolution. Property located at 3254 Bloomsbury Circle NW, Sect. 34NW Jackson Twp. Zoned R-1.

Whereas, upon the Board determined:

The pool is actually 26' from the roadway but due to the right of way going into the property it will only be 15 ft. from road right of way. Anywhere the pool is placed on the property would require a variance due to abutting a secondary road right of way.

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Whereas, the Board further:

Denied \_\_\_\_\_

Approved  X

The variance to allow an above ground swimming pool to be at a 15 ft. rear yard setback when abutting a secondary road right of way where 25 ft. is required.

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


Mr.  Snyder  seconded the motion.

The vote was: Mr. Rohr-  Yes

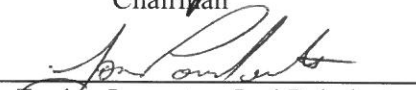
Mr. Snyder-  Yes

Mr. Vitale-  Yes

Mr. Singer  Yes

  
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Chairman

  
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Zoning Inspector, Joni Poindexter