

Jackson Township Board of Zoning Appeals
August 13, 2020

Members Present: Charles Rohr
Patrick Snyder
Leon Vitale-absent for appeal #2304
Edward McDonnell
Jared Singer
Steven Gosney-Alternate-Participated in #2304
Zoning Inspector: Joni Poindexter

Absent Member: Deborah Busby-Alternate

5:00 PM Appeal #2403 – Heather Oakes, property owner, 8577 Wonderland NW, Clinton, Ohio 44216 requests a variance for a 5 ft. left (west) side yard setback for existing dwelling addition where 10 ft. is required per Art IV. Sect. 401.6 of the zoning resolution. Property located at 8577 Wonderland NW, Sect. 6NE Jackson Twp. Zoned R-R.

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.

Ms. Heather Oakes, 8577 Wonderland stated they built a garage in the back of the house in 2009 and put a new roof on the house. They also covered an existing concrete patio with a car point. They received the final okay from zoning and a photo was taken and there was never a concern. A couple months ago she received a letter stating a permit was needed. She applied for the permit but it couldn't be approved because the carport did not meet the required setbacks. The concrete pad in which the carport is located on was there when she purchased the home.

Mr. Snyder asked if there is 5 ft. between the carport and property line.

Ms. Oakes stated yes. They covered the pad for parking purposes. She thought the contractor received the permit because they were doing the garage also so she assumed everything was fine.

Ms. Poindexter explained how the issue came about and the reason for the variance.

Mr. Snyder stated he looked at the property and it appears there is a garage behind the house.

Ms. Oakes stated yes there is a detached garage.

Mr. McDonnell asked if he is correct that the testimony was that the pad was there when the house was purchased and it was covered in 2009.

Ms. Oakes stated the garage in the back, roof and carport area was all done at the same time.

Mr. McDonnell asked if it is the intent to never enclose it.

Ms. Oakes stated correct.

Mr. McDonnell stated a written responds referred to John P. and asked who John P. is.

Ms. Oakes stated she thinks he was from Stark County and when they drove by and seen it they told them they needed to stop but it was already finished by then. She thinks they may have seen it from an aerial view from the Auditor's site.

Mr. Rohr asked Ms. Poindexter if the other buildings are in compliance and if permits were obtained.

Ms. Poindexter stated yes.

Mr. Singer asked if it will remain as is if the variance is granted.

Ms. Oakes stated they have no intention of adding anything else or enclosing it.

Ms. Nancy Paull, 8563 Wonderland stated she has no issue with the structure as it stands. They live next door to the addition. It would have been nice if they had a permit so the issue wouldn't have come up. She thanked Ms. Poindexter for her help in answering all their questions regarding the variance and understands the variance would only affect the structure as it stands.

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

Mr. Singer stated it is important to note that there was an email against the appeal that was notarized from Christine Armsey.

Mr. Snyder stated he read it and assumes the other board members have read it also.

Mr. Singer stated he doesn't think the letter affects the variance.

Mr. Snyder closed the appeal to public input.

Mr. Singer stated there was good information from Nancy Paull who testified she doesn't have any issues with the variance.

Mr. Snyder stated the patio was there and they covered it in 2009. The patio was 5 ft. from the property line. It looks nice covered. It sounds like they tried to do everything properly in 2009 but there was an oversight. He has no problem with the variance. He agrees with the applicant in saying they have no intention of enclosing it so he see no problem with the condition it for the structure as it is.

Mr. Rohr stated he agreed with Mr. Singer. It appears they tried to do the right thing when the put the roof over the pad. Eleven years later this is coming to light and it seem like there's a lot more going on. He supports the structure as built.

Mr. Gosney stated he is in favor of the variance if it is for the existing structure.

Mr. Singer made a motion to approve appeal #2403 with requirement the existing structure remains as is.

Mr. Snyder seconded the motion.

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

5:15 PM Appeal #2404 – PetSmart, 19601 N. 27th Ave., Phoenix, AZ 85027 agent for Belden Park Delaware, LLC, property owner, 629 Euclid Ave., Suite 1300, Cleveland, Ohio 44114 requests a conditional use permit for a Kennel (overnight boarding) where a conditional use permit is required per Art. IV Sect. 411.3 of the zoning resolution. Property located at 5465 Dressler NW, Sect. 24NE Jackson Twp. 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.

Ms. Diana Rinck, 19601 N. 27th Ave., Phoenix, AZ stated the existing store is about 24 to 26,000 sq. ft. and they want to incorporate a 3,100 sq. ft. boarding area for pets. There is a need for this and it is convenient for the animals and associates. Ms. Rinck explained how the walls of the building minimize the noise in the facility. They partnered with a company to eliminate any germs or bacteria in the facility. The max occupancy would be 61 dogs and 12 cats. She understands there is a 30 day appeal period if granted. After that period they would submit their construction documents for permits. They could start later this year but it depends on the permitting process.

Mr. Singer asked if the HVAC system is shared with the adjacent tenants.

Ms. Rinck stated it is not shared with other tenants or the sales floor.

Mr. Vitale asked if the insulation is sound proof.

Ms. Rinck stated the insulation is not sound proof but the wall studs are larger. They would have one associate for every 17 dogs. There would be one staff member overnight, depending on the number of animals.

Mr. McDonnell noted the conditional use response are in the file and asked if the response for the conditional use permit are her responsibility.

Ms. Rinck stated yes. She is the one who submitted them. She explained the HVAC system and that the pet waste is cleaned up immediately to help keep down the smell of orders. They use a pet friendly cleaner and disinfectant. They have a toilet that is used only for pet waste. The pets will not go outdoors for anything. The flooring will be a sealed concrete floor so no waste will absorb into the concrete.

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

Mr. Snyder closed the appeal to public input.

Mr. McDonnell stated he thinks PetSmart meets the requirements and conditions so he has no problem with the conditional use permit.

Mr. Snyder and Mr. Singer agreed with Mr. McDonnell.

Mr. Rohr stated he is in favor.

Mr. Vitale made a motion to approve appeal #2404 as requested and Mr. McDonnell seconded the motion.

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

5:30 PM Appeal #2405 – New River Homes, PO Box 1077, Norton, Ohio 44203 agent for Bonnie Festi, 5396 Villarose NW, Massillon, Ohio 44647 requests a variance for a 22 ft. setback for principal dwelling where 25 ft. is required in the R-3 PUD District when abutting an R-R Rural Residential District per Art. IV Section 401.19 of the zoning resolution. Property located at 5396 Villarose NW, Sect. 19NE/NW Jackson Twp. Zoned R-3 PUD.

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.

Hannah and Ron Skyes

Ron Skyes, PO Box 1077, Norton, Ohio stated it is an odd shaped lot. It is 22 ft. at angle and the rest is at 30 ft. There is no basement on the property. They can't move it over 3 ft. because the opening would be smaller. She needs the storage area due to not having a basements.

Mr. Snyder asked if the testimony is the sunroom cannot be moved.

Mr. Skye stated it would be into the master closet if they moved it over. It is 18 ft. wide to account a pantry area and a fireplace. The home is only 1,200 sq. ft.

Mr. Vitale asked if this is actually a sunroom.

Mr. Skye stated it will be used as storage and sunroom.

Mr. Snyder asked if the property to the south has any home on it.

Mr. Skyes stated he thinks it use to be a farm but not sure if it is still used as a farm.

Mr. Skyes explained why they can't move the addition to the east due to the 3 ft. door that is already there.

Mr. Rohr asked he does not see a fireplace chimney.

Mr. Skyes stated it will not have a chimney and will go the side wall.

Mr. Snyder verified it's just the corner of the sunroom that will be at 22 ft. and the rest meets the setbacks.

Mr. Skyes explained why the addition had to be size that is requested.

David & Patricia Dudley, 5408 Villarose NW, Mass.

Ms. Dudley stated her and her husband looked at the plans and they have no problem with the variance. It is only 3 ft. and it doesn't encroach on anyone's property.

Mr. Snyder closed the appeal to public input.

Mr. Dudley stated they are in favor and not against the appeal.

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

Mr. Snyder stated he thinks the need has been shown where located. He has no problem with the appeal as it is just the corner of the sunroom and there is a practical difficulty with the shape of the property.

Mr. Vitale agreed with Mr. Snyder.

Mr. Rohr agreed with the other board members and the variance is minimal.

Mr. McDonnell agreed with the other board members.

Mr. McDonnell made a motion to approve appeal #2405 as requested.

Mr. Vitale seconded the motion.

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

Ms. Poindexter stated the meeting minutes from June 11, 2020 had all members present except Mr. Vitale. Ms. Busby participated in appeal #2397 and #2399 and Mr. Gosney participated in appeal #2398.

Mr. Snyder made a motion to approve the meeting minutes from the July 11, 2020 meeting.

Mr. Rohr seconded the motion.

All were in favor of approving the meeting minutes with Mr. Vitale recusing.

Ms. Poindexter stated the meeting minutes from June 25, 2020 had all members present including the alternates in which Ms. Busby participated in appeal #2401 and Mr. Gosney participated in appeal #2402.

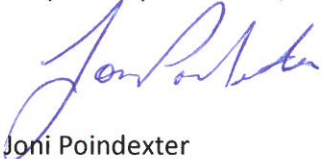
Mr. Snyder made a motion to approve the meeting minutes from the June 25, 2020 meeting.

Mr. Rohr seconded the motion.

All were in favor of approving the meeting minutes.

Being no further business Mr. Snyder adjourned the meeting.

Respectfully submitted,



Joni Poindexter
Jackson Township Zoning Inspector

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2405**

Upon the hearing the Board determined that the variance would allow for a 22 ft. setback for principal dwelling where 25 ft. is required in the R-3 PUD District when abutting an R-R Rural Residential District per Art. IV Section 401.19 of the zoning resolution. Property located at 5396 Villarose NW, Sect. 19NE/NW Jackson Twp. Zoned R-3 PUD.

Whereas, upon the Board determined:

The variance is not substantial, will not be detrimental to the neighborhood or adjoining property owners.

Whereas, the Board further:

Denied _____

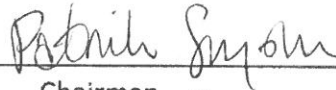
Approved _____ X _____

The variance to allow a 22 ft. setback for principal dwelling where 25 ft. is required in the R-3 PUD District when abutting an R-R Rural Residential District.

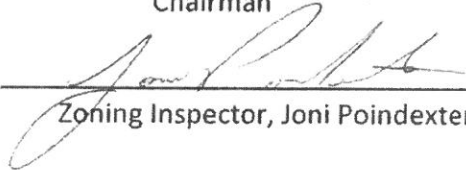
Mr. McDonnell made a motion to approve appeal #2405 as requested.

Mr. Vitale seconded the motion.

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



Chairman


Zoning Inspector, Joni Poindexter

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2404**

Upon the hearing the Board determined a variance would allow for a conditional use permit for a Kennel (overnight boarding) where a conditional use permit is required per Art. IV Sect. 411.3 of the zoning resolution. Property located at 5465 Dressler NW, Sect. 24NE Jackson Twp. Zoned B-3.

Whereas, upon the Board determined:

It has been demonstrated that the requirements for the conditional use permit have been met therefore there is no reason to deny the conditional use permit.

Whereas, the Board further:

Denied _____

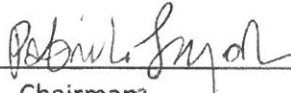
Approved _____ X _____

The conditional use permit for a Kennel (overnight boarding) where a conditional use permit is required.

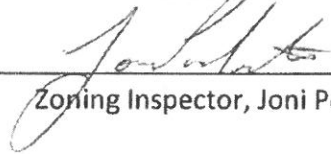
Mr. Vitale made a motion

Mr. McDonnell seconded the motion.

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



Chairman



Zoning Inspector, Joni Poindexter

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2403**

Upon the hearing the Board determined that the variance would allow for a 5 ft. left (west) side yard setback for existing dwelling addition where 10 ft. is required per Art IV. Sect. 401.6 of the zoning resolution. Property located at 8577 Wonderland NW, Sect. 6NE Jackson Twp. Zoned R-R.

Whereas, upon the Board determined:

The addition has been there since 2009 and has not been an issue and has not changed the character of the neighborhood or adversely affected the use of the adjoining properties.

Whereas, the Board further:

Denied _____

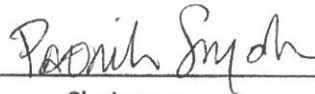
Approved X

The variance to allow for a 5 ft. left (west) side yard setback with the condition that the variance is only for the existing structure and the existing structure remains as is.

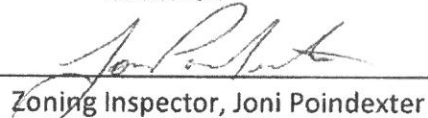
Mr. Singer made a motion to approve appeal #2403 as requested.

Mr. Snyder seconded the motion.

The vote was: Mr. Singer - Yes
Mr. Gosney - Yes
Ms. McDonnell - Yes
Mr. Rohr - Yes
Mr. Snyder - Yes



Chairman


Zoning Inspector, Joni Poindexter