

Jackson Township Board of Zoning Appeals
June 11, 2020

Members Present: Charles Rohr
Patrick Snyder
Edward McDonnell
Jared Singer-
Deborah Busby-Alternate-Participated in 2399 and 2397
Steven Gosney-Alternate-Participated in 2398

Zoning Inspector: Joni Poindexter

Absent Member: Leon Vitale

5:00 PM Appeal #2399– Michael Sibila, 6145 Cherry Blossom Cir. NW, North Canton, Ohio 44720 agent for 8730 Wales Ave. LLC, property owner, 8730 Wales NW, North Canton, Ohio 44720 requests a variance for a 5 ft. east an 10 ft. south setback for principal structure where 25 ft. is required per Art. IV Sect. 411.5 of the zoning resolution. Property located at 8730 Wales NW, Sect. 3NE Jackson Twp. Zoned I-1.

Ms. 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. Snyder swore in Michael Sibila, 6145 Cherry Blossom NW, North Canton, Ohio 44720 and Rich Rohn, 4364 Red Fox Dr. NW, Massillon, Ohio 44646.

Mr. Sibila stated he purchased the property in February and wanted to add a building. It was going to be 150 x 50. They cleaned up the property and are removing the house in the front. Prior to buying the property he had a Phase I survey done by Flynn Environmental. After he purchased the property he called OPS to come out and mark the utilities and they found out the water line extended on the property that was not on the survey so they had to modify the building due to the easements. There is a 16 in. water main where there isn't an easement. They are the only building on the east side of the Wales between Shuffel and Mt. Pleasant. Their hardship is the easements.

Mr. Singer asked if the Aqua easement was in the title search before purchasing the property.

Mr. Sibila stated no, but the gas line was. The gas company called him and told him they better have it checked again because there was a waterline. It is a 16 in. water main. Without the easement he could build the building. Aqua doesn't want to move the waterline.

Mr. Singer asked why building needs to be the size it is.

Mr. Sibila stated for financial reasons. They moved the building in the only location possible because of the gas and water line.

Mr. Singer stated so the testimony is to make it financially viable it needs to be this size.

Mr. Sibila stated yes.

Ms. Sibila stated it has to be 10 ft. from the gas line and 12 ft. from the water line. He would like to have the building block but it depends on the cost.

Mr. Snyder stated he noticed the property is looking great and asked if there is any way the building could fit on the north side.

Mr. Sibila stated no.

Mr. Rohr asked Ms. Poindexter if the airport had any response to the request.

Ms. Poindexter stated no.

Mr. Rich Rohn stated he previously worked or Stark Soil and Water and is now the public works director for the Township. He worked with Aqua Ohio in locating the easement. Mt. Pleasant was vacated a long time ago and now this is the only feed for water going into Summit County. The biggest limitation is how it goes to the east and wetland area. The easement stops at the fire hydrant so it was not shown of the report and OPS didn't know the line was there. The wetland buffer is a Category 2 and he doesn't think it will ever be removed. A lot of the area is protected so there is no way a building would be built on the airport property. Mr. Sibila and the township had no idea the waterline was there.

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

Mr. Snyder closed the appeal to public input.

Mr. Singer stated he didn't have an issue with the variance and thinks the waterline throws a wrench into things. They did not know it existed. He thinks this is the only location the building could fit. The property does not abut residential so he has no issue with the variances.

Mr. McDonnell stated in looking at section 803.5 B and he thinks there are special circumstance with having to squeeze between two different easements. He thinks there is a practical difficulty and this is an industrial area with no residential next to it with the wetland and airport.

Mr. Snyder agreed with the other members.

Mr. Singer made a motion to approve appeal #2399 as requested.

Mr. McDonnell seconded the motion.

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

5:30 PM Appeal #2397 – Frank Nicodemo, property owner, 7421 Wales NW, North Canton, Ohio 44720 requests revisions to conditional use permit #393, per appeal #2322 approved on 10/27/16 for a mini storage facility where a conditional use permit is required and a variance to not have buffering within the 100 ft. radius of a gas well where buffering is required when abutting a residential district per Art. IV Sect. 411.3 and 411.9 of the zoning resolution. Property located at 7475 Wales, including parcels 1600761, 1603822, and 1623330 Wales, Sect. 9NE Jackson Twp. Zoned B-3.

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

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

Mr. Snyder swore in Frank Nicodemo, 7421 Wales NW, North Canton, Ohio 44720.

Mr. Nicodemo stated he would like to build three additional buildings on the site that are 40 x 280.

Mr. Snyder asked if the buildings are to the north.

Mr. Nicodemo stated to the northwest. There are no other additions.

Mr. Snyder asked how many units will be in the building.

Mr. Nicodemo stated approximately fifty-six that will be 10x20.

Mr. Snyder stated for the record, the criteria for the conditional use permit is in the file.

Ms. Singer asked Ms. Poindexter to explain the buffering.

Ms. Poindexter explained that buffering is not permitted within the 100 ft. radius of the gas well per the gas company. Therefore just to make sure all the bases were covered we included it in the request.

Ms. Singer stated it appears the buildings will be 10 ft. below the edge of the property at the southern edge where the buffer will not exist.

Mr. Nicodemo stated the elevation is more like 30 ft. from the end of the cul-de-sac for the buildings.

Mr. Snyder asked Ms. Poindexter if the buildings met the setbacks requirements per the conditional use.

Ms. Poindexter stated the setbacks and site plan meets the requirements for the mini storage facility.

Mr. Nicodemo stated that he owns the property along the cul-de-sac that is zoned R-R. It is all one property but is split zoned.

Mr. McDonnell asked if there is existing screening between the residential and business property.

Mr. Nicodemo stated there is one house on the cul-de-sac that abuts his business property and there are trees that buffer it.

Mr. McDonnell asked if the plan was reviewed and if it meets the requirements.

Ms. Poindexter stated yes. It has also been reviewed by the fire department regarding the distance between buildings etc.

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

Mr. Snyder closed the appeal to public input.

Mr. Snyder stated based on the plan meeting the requirements he has no issue with the request. He was part of the previous approval and there was no issue at that time either.

Mr. McDonnell made a motion to approve appeal #2397 as requested.

Mr. Rohr seconded the motion.

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

6:00 PM Appeal #2398 – Lynette Fulmer, 310 W. Mohawk Dr., Malvern, Ohio 44644 agent for Acorn Secure Self-Storage, property owner, 2133 Erie Ave. NW, Massillon, Ohio 44646 requests revisions to conditional use permit #387 per appeal #2232 approved 9/13/12 for a mini storage facility and a variance for no additional landscaped buffer along the east property line where a conditional use permit is required and a buffer is required when abutting a residential district per Art. V Sect. 411.3 & 411.9 of the zoning resolution. Property located at 3122 & parcel #1615150 Erie NW, Sect. 31NE Jackson Twp. Zoned B-3.

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

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

Lynette Fulmer, 310 W. Mohawk Dr. Malvern, Ohio 44644 stated they have been operating since 2013 and have enjoy the experience and it is a positive business. They are looking to expand and add three additional buildings to the north. She has worked with the fire department, RPC and Stark Soil and Water and would like to continue their business. The new building would be located to the north of the existing structures.

Mr. Fulmer stated she is also asking for a variance regarding the landscaping because there is a high slope with trees. To plant trees would not serve any additional purpose and would be difficult to plant because of the slope.

Mr. Snyder asked if the slope is approx. 80 ft.

Ms. Fulmer stated yes.

Mr. Singer stated it appears the finished floor will be a foot or two over the existing buildings and it seems like the new buildings will require a lot of earth moving and will be at the same elevation.

Ms. Fulmer stated Bontrager is the excavator. They been working and are close to the elevation that is needed.

Mr. Snyder asked Ms. Poindexter if the buildings meet all the setbacks that are required.

Ms. Poindexter stated yes.

Mr. Snyder stated the criteria for the conditional use permit is included in the file.

Mr. McDonnell asked if Ms. Fulmer is the familiar with the criteria that was submitted.

Ms. Fulmer stated yes.

Mr. Snyder asked Ms. Gaul, who was in attendance, if she wanted to speak.

Ms. Gaul stated she was just listening in on the call and did not have any comments.

Mr. Snyder stated there was no one else to speak in favor of or in opposition to the appeal.

Mr. Snyder closed the appeal to public input.

Mr. Snyder stated as far as the buildings he has no problem with the request. He agrees there is no need for the additional landscaping based on the slope and the existing woods that is along the property. Especially since there is an 80 ft. slope.

Mr. Singer stated he agreed with Mr. Snyder. He does not think the buffer is required.

Mr. Snyder made a motion to approve appeal #2398 as requested.

Mr. Singer seconded the motion.

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

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 #2397**

Upon the hearing the Board determined the approval would allow for revisions to conditional use permit #393, per appeal #2322 approved on 10/27/16 for a mini storage facility where a conditional use permit is required and a variance to not have buffering within the 100 ft. radius of a gas well where buffering is required when abutting a residential district per Art. IV Sect. 411.3 and 411.9 of the zoning resolution. Property located at 7475 Wales, including parcels 1600761, 1603822, and 1623330 Wales, Sect. 9NE Jackson Twp. Zoned B-3.

Whereas, upon the Board determined:

- The criteria for the conditional use permit has been met.
- The variance will prevent trees and planting from being within the 100 ft. radius of the gas well.


Whereas, the Board further:

Denied _____
Approved X

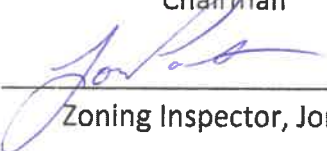
revisions to conditional use permit #393, per appeal #2322 approved on 10/27/16 for a mini storage facility where a conditional use permit is required and a variance to not have buffering within the 100 ft. radius of a gas well where buffering is required when abutting a residential district

Mr. McDonnell made a motion
Mr. Rohr seconded the motion.

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



Chairman



Zoning Inspector, Joni Poindexter

JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2398

Upon the hearing the Board determined that the approval would allow for revisions to conditional use permit #387 per appeal #2232 approved 9/13/12 for a mini storage facility and a variance for no additional landscaped buffer along the east property line where a conditional use permit is required and a buffer is required when abutting a residential district per Art. V Sect. 411.3 & 411.9 of the zoning resolution. Property located at 3122 & parcel #1615150 Erie NW, Sect. 31NE Jackson Twp. Zoned B-3.

Whereas, upon the Board determined:

- The criteria to allow for the revisions to the conditional use permit has been met.
- There are currently trees at the top of the hill.
- The property sits lower than all other properties to the east.

Whereas, the Board further:

Denied _____
Approved X

Revisions to conditional use permit #387 per appeal #2232 approved 9/13/12 for a mini storage facility and a variance for no additional landscaped buffer along the east property line where a conditional use permit is required and a buffer is required when abutting a residential district

Mr. Snyder made a motion to approve Appeal 2398.

Mr. Singer seconded the motion.

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



Chairman


Zoning Inspector, Joni Poindexter

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2399**

Upon the hearing the Board determined that the variance would allow for a 5 ft. east an 10 ft. south setback for principal structure where 25 ft. is required per Art. IV Sect. 411.5 of the zoning resolution. Property located at 8730 Wales NW, Sect. 3NE Jackson Twp. Zoned I-1.

Whereas, upon the Board determined:

 The variance would not be a deterrent to the property.
 Practical difficulty has been demonstrated with the location of the gas and water line.

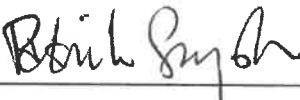
Whereas, the Board further:


Denied _____
Approved X

The variance would allow for a 5 ft. east an 10 ft. south setback for principal structure where 25 ft. is required.

Mr. Singer made a motion to approve appeal #2399 as requested.
Mr. McDonnell seconded the motion.

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



Chairman


Zoning Inspector, Joni Poindexter