

Jackson Township Zoning Commission Meeting Minutes
February 25, 2021

Members Present: James Conley
John Weston
Chylece Head
Rich Cosgrove
Elizabeth Slesnick-Alternate
Justin Gantz-Alternate
Zoning Investigator: Cliff Meidlein

Absent Member: Matthew Sutter

5:00 PM Amendment 647-21 - Matt Scheetz, 8060 Frank NW, N. Canton, OH and Dominic Ferrante, 6677 Frank NW, N. Canton, OH agent for Scheetz Building Corp., 8060 Frank NW, N. Canton, OH and Sol Partners, LLC, 6677 Frank NW, N. Canton, OH proposes to rezone B-1 Suburban Office and Limited Business District to B-2 Neighborhood Business District 6665 & 6677 Frank Ave. NW & Parcel #10005889 Frank Ave. NW located on the west side of Frank approx. 385 ft. south of the southwest corner of Frank and Portage, Sect. 11SE/14NE Jackson Twp.

Mr. Conley read the application into the record.

Mr. Conley noted that no one was in the audience to speak for or against the amendment.

Mr. Conley closed the amendment to public comment.

Mr. Conley asked if any board members had a problem with the request.

Ms. Head stated she did not have a problem with the request and thinks it fits.

The other board members agreed.

Ms. Head made a motion to approve the requested rezone as submitted.

Mr. Cosgrove seconded the motion.

The vote was: Mr. Weston-yes, Mr. Cosgrove-yes, Ms. Slesnick-yes, Ms. Head-yes, and Mr. Conley-yes.

Amendment 647-21 was recommended for approval (5-0).

5:15 PM Amendment 648-21 – Joni Poindexter, Jackson Township Zoning Inspector propose misc. text amendments to the zoning resolution, including but not limited to, modifications to definitions, locations of Bed and Breakfast, skill-game use with over 5 machines as a conditional use and adding or modifying regulations for clarification purposes.

Mr. Conley read the file application into the record.

Mr. Conley stated he assumes the board reviewed the text amendments and if there are any specific items the board has questions about they can discuss them.

Ms. Slesnick asked if the people who currently have structures will be grandfathered in if something changes.

Mr. Meidlein explained about a non-conforming use and when the changes would take affect if approved.

Mr. Cosgrove asked about the temporary tent regulations and if temporary tents include party tents that people have in their yard.

Mr. Meidlein explained what the regulation referred to.

Ms. Head stated the tent rental companies usually knows what is needed for a large tents and the permit makes sure it is up to code.

Mr. Cosgrove questioned the Bed and Breakfast regulations and asked if this would preclude someone from having an Air BNB if their lot is smaller than 20,000 sq. ft.

Ms. Head stated currently they can't if the lot is less than 14,500 sq. ft. She takes it that the home can only be used as an Air BNB if the lot size will be 20,000 sq. ft.

Mr. Cosgrove stated he is trying to understand the reason for making it 20,000 sq. ft. because it seems they are limiting what a home owner can do with their property.

Mr. Conley stated the reason is because of a change from a allowing it in the current R-1 district to only allowing it in an R-R district.

Mr. Cosgrove stating he is comfortable approving the amendments but is not sure about the Air BNB requirement.

Mr. Cosgrove stated he understands the lots are larger in the R-R district and the use would be further away from the other properties to prevent complaints. But, he doesn't think all Air BNB's are wrong and someone may have purchased their property for that specific use.

Mr. Cosgrove stated he can see where they want the Bed and Breakfast to be moved to the 20,000 sq. ft. lots but Air BNB's would also be considered a Bed and Breakfast. He would make a motion to adopt the changes with the exception the Air BNB.

Ms. Head stated in looking at the text in section 431.6 it gives the requirements for a Bed and Breakfast with a minimum and maximum of guest rooms. With an Air BNB they usually rent to an entire family and a Bed and Breakfast is to different people. She is wondering if it has to do with the amount of traffic on a smaller lot of 14, 500 sq. ft. Bed and Breakfast's in residential cannot have more than 3 guest rooms.

Mr. Cosgrove stated he thinks an Air BNB is different than a bed and breakfast.

Ms. Slesnick stated she thinks the Air BNB should not be included in the bed and breakfast because with an Air BNB someone rents their entire house out. She thinks the problem is they are lumped together.

Mr. Conley stated he spoke with Ms. Poindexter and she said what the board has already concluded, that the thinking of the law director and Ms. Poindexter was that a bed and breakfast made more sense in the rural residential district where the spacing of the houses is larger than in the R-1 district. Although 14,500 sq. ft. sounds like a big lot it really isn't so it basically eliminates the bed and breakfast

and Air BNB's in the neighborhoods where the lot sizes are smaller. They are thinking that makes more sense.

Mr. Cosgrove stated he thinks the bed and breakfast makes sense to be on a 20,000 sq. ft. lot but he has a problem with them be lumped together. He would motion to adopt the regulations with the exception of the Air BNB amendment, if they can do that.

Mr. Conley said a motion can be made after they discuss if there are any other issues with the changes.

Ms. Head wondered if it has to do with the number of people. It seems they are being lumped together and it could have to do with the amount of traffic it could generate.

Mr. Cosgrove stated he is not saying he would want this next to his house but he thinks there is a significant difference between a bed and breakfast and an Air BNB because an Air BNB is where a family might choose rent the entire property. He thinks the difference needs to be very clear or the Air BNB removed all together.

Ms. Slesnick stated in reading the definition she thinks what she is hearing is that the Air BNB should not be in the definition because they are two different things and are being lumped together because someone could have their house that they want to rent out for the Hall of Fame. It seems any type of transaction at all could be a problem because it says compensation but it doesn't say monetary compensation. She thinks the problem is it is being lumped together.

Mr. Conley stated he asked Ms. Poindexter if there are any current Air BNB's in the township and she stated they would not be aware of them because the township does not issue permits for them.

Mr. Conley stated it seems like the board is not comfortable including the Air BNB with the Bed and Breakfast in the same category but they do not want a Bed and Breakfast in the R-1 district and agrees it should be in the R-R district.

Ms. Head stated she thinks they are just trying to head off an issue by only allowing a bed and breakfast on a 20,000 sq. ft. lot to make sure it doesn't become an issue. She stated she prefers that.

Mr. Cosgrove stated there have been instances where cities have tried to outlaw Air BNB's and they ended up in the newspaper and a lot of people fighting it and he doesn't think the township wants that.

Ms. Head stated to Mr. Cosgrove's point maybe it should say you're only renting out to one family and separating it out.

Mr. Cosgrove stated they could get into some fair housing rights to say you can't rent your house. He's sure the law director would know and that Ms. Poindexter reviewed this with him but he is still not in favor of it.

Mr. Conley stated all the board can do is make a recommendation and he thinks all the board members agree a bed and breakfast and an Air BNB are not the same thing.

Ms. Conley stated he thinks what the board is saying is that a facility that provides overnight accommodations and is operated primarily for a business will be restricted to the R-R district. They do not think that the Air BNB addition to the definition is necessary.

Ms. Conley stated he thinks the distinction is a bed and breakfast is primarily a business use as opposed to an owner of a house renting their house to a family for a week or so.

Mr. Cosgrove stated he thinks this would go against private property rights and he thinks if you took a poll in the township people would think it goes against their property rights.

Mr. Conley stated it isn't the board's job to rewrite the text amendments. That is why Mike Vaccaro is the law director but he thinks the board agrees there should be a distinction between facilities that are primarily operating a business and those that have owner occupied residence and the zoning commission does not think the township should restrict occasional rentals for their property. The board is just saying that they are asking the law director to modify a distinction between bed and breakfast and other rentals.

The board had no other concerns or comments.

Mr. Conley stated that he is asking for a motion to approve the amendments with the exception the board asks the law director to reconsider the bed and breakfast residential restrictions.

Ms. Head moved for the motion as stated by Mr. Conley.

Mr. Cosgrove seconded the motion.

The vote was: Mr. Conley-yes, Mr. Weston-yes, Ms. Slesnick-yes, Ms. Head-yes, and Mr. Cosgrove-yes.

Being no further business Mr. Conley adjourned the meeting.

Respectfully submitted,

Joni Poindexter

Jackson Township Zoning Inspector