

Jackson Township Zoning Commission Meeting Minutes
August 22, 2019

Members Present: James Conley
John Weston
David Thiel
Chylece Head
Justin Gantz-Alternate
Matthew Williams-Alternate

Zoning Inspector: Joni Poindexter
Absent Member: Matthew Sutter

5:00 PM Amendment 639-19 - Propose to rezone R-R Rural Residential District to B-3 Commercial Business District approx. 3.599 acres of a 9.255 acre tract located on the west side of Wales, parcel #1623330, also known as 7475 Wales, in which requested 3.599 acres is located approx. 500 ft. west from the center line of Wales Ave. and abuts the cul-de-sac of Lourelton NW, Sect. 9NE Jackson Twp.

Mr. Conley read the file application into the record.

Those in favor of the amendment:

Frank Nicodemo, 7475 Wales NW, stated he owns the property that is split zoned B-3 and R-R. He would like to expand the property to all B-3 to expand his storage units.

Mr. Thiel asked how the property is accessed.

Mr. Nicodemo stated from the Wales Ave. 7421 is the main access to the property. He would not use Lourelton as an access to the property.

Mr. Thiel asked why not ask for a B-2.

Mr. Nicodemo stated B-2 does not accommodate the storage unit use.

Mr. Conley asked Nicodemo to show the driveway location on the map.

Mr. Nicodemo explained the driveway location.

Mr. Thiel asked if Mr. Nicodemo basically wanted to rezone the property to expand the storage unit area.

Mr. Nicodemo stated yes. There is a gas well and gas line on the property so there is an addition setback that is 100 ft. radius from the gas well.

Mr. Gantz asked how it is buffered now.

Mr. Nicodemo stated that there are trees. The B-3 zoning currently is only 500 ft. back from centerline of Wales.

Mr. Gantz stated for clarification purposes if a storage facility has to have a B-3 zoning.

Mr. Nicodemo stated yes.

Mr. Conley asked if he entered the property from the south side of the buildings.

Mr. Nicodemo stated yes. There is another driveway but it is for the house on the property.

Mr. Conley asked if Mr. Nicodemo built the storage units.

Mr. Nicodemo stated yes. The property is zoned B-3 for 500 ft. from the centerline of Wales.

Mr. Conly asked if the front of the property is zoned B-3.

Mr. Nicodemo stated yes.

Mr. Thiel asked, if from an access point, if there is any other way into the property.

Mr. Nicodemo stated the only access is from Wales. There are a total of three access ways off of Wales for the two addresses.

No one else spoke in favor of the amendment.

Those in opposition to the amendment:

Mr. Terry Haas, 7435 Lourelton stated he built his house in 2000 and the circle has went through a huge transformation. It used to be nothing but trees but in February or March all the trees were cut down. He does not want to see any building, parking lots, campers or whatever. He knows the building setback is 75 ft. and the parking is 20 ft. but his house would be in full view as well as the other houses. He is opposed to it and it was R-R for a reason.

Mr. Ted Blossfield, 7340 Lourelton NW asked if anyone physically looked at the cul-de-sac. He showed a photo of the gas well and stated that this is what Mr. Haas looks at but the property does dip down. Mr. Blossfield showed another photo of a different view of the area along the cul-de-sac and stated if changed to B-3 the ability is there to put parking 20 ft. from the residential district. He is concerned that storage units house meth labs, stolen vehicles and illegal guns. The fence isn't even over 6 ft. tall and wondered if a back ground check is done on people bringing stuff to the units.

Mr. Scott Kenreich, 7420 Lourelton stated his back yard faces the storage units. He is concerned about people coming in any time of day or night. A septic truck would come in at 4:30 in the morning and there is other folks that have long time storage. Noise is an issue and he thinks it will lower his property values but raise Mr. Nicodemo's. He is worried about the setbacks and parking close to him even if there is a security fence. The use of visual screens is a good idea but there has to be some maintenance on it. Trees need to be healthy. Mr. Kenreich showed the board some photos of trees standing from his yard toward the storage facility and stated if the trees don't grow tall enough he will see the storage units. He wants to maintain his property values and the quiet neighborhood and he doesn't think the change will provide that.

Mr. Kathleen Houston, 7320 Lourelton stated if it doesn't become commercial can he put an entrance off of Lourelton. This is a concern for her. Her house was built in the 1970s. She would be able to see it from her house as well as everyone else.

Mr. Don Wentzel, 7315 Lourelton stated he built his house in 1970 and he doesn't like the changes. The property by Braucher was rezoned along wales and he doesn't think it should move into the residential areas.

Mr. Craig Shotwell, 7415 Lourelton stated he lives next to Mr. Haas. He thinks his house was built in 1968. He agrees with the township expanding and growing but he agrees with Mr. Haas and the others regarding the trees being cut down. He notice on his street that there is about 2 or 3 homes that have wind damage since the trees were cut down. The layout of the land is a concern. He wants to know how the property is split zoned.

Ms. Poindexter explained that a lot of properties are split zoned in the township and the zoning does not always follow the property lines.

Mr. Shotwell stated if the property is rezoned there is no guarantee it will be storage units. It can be anything under the B-3 zoning. Drug dealers can store money or drugs on the property. This is a nice neighborhood and he would like to see it stay that way. He thinks the property values will go down. He doesn't know what type of buildings there would be and if the drive will be gravel or concrete. It will be a 24 hour operation. He is opposed to it. If kept residential he has no problem with building houses. He knows the driveway is off Wales but if people want to break in they will park at the cul-de-sac and do it.

Mr. Greg Haines, 7175 Poplarwood stated that he lives on the corner of Lourelton and Poplarwood. He is opposed to the rezoning. There is a lot of kids in the neighborhood and he wants it to remain safe.

Mr. Matt Richardson 7335 Lourelton stated he was shocked when he looked out and seen the trees gone and an office building being built. There would be a noise factor and he can hear the gate now for the storage units from his property. There will be additional traffic and it would be heard more often.

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

Mr. Nicodemo stated his original goal was to make notes of the issues. The tree issue, he cleared the lot and got immediate back lash but he didn't realize what an impact it would have. This isn't to ruin someone's property values. Lourelton would not be used as an entrance. Terry Haas is his friend and he wouldn't want to do anything to offend him. It is not a 24/7 operation. He can say he not going to do this or that but within the laws there are certain things he needs to do. He pays \$25,000 in property taxes a year. He's just trying to better himself and his area. The best use of the property is one zoning classification.

Mr. Thiel asked why Mr. Nicodemo hasn't submitted his plan to Stark County Regional Planning for review.

Mr. Nicodemo referred to the zoning inspector.

Ms. Poindexter stated that he does not need to submit a plan to RPC until he is ready to build any buildings. Almost all commercial construction projects need to go to RPC for review before building. This just the rezoning process.

Mr. Nicodemo stated there is a couple people that have a remote to get into the units because of their type of use.

Ms. Head asked if anyone can get 24 hours access.

Mr. Nicodemo stated not everyone. The whole property is not entirely surrounded with a fence but he does have security cameras.

Mr. Conley closed the amendment to public input.

Ms. Head asked if zoning decides if the property owner can have access off Lourelton.

Poindexter explained process and stated that normally commercial developments are not permitted to access their property from a residential street. If the zoning were approved and he wanted to build more storage units he would have to go the Board of Zoning Appeals for a conditional use permit and there is certain criteria that they have to meet in order to obtain the permit.

Mr. Weston stated what the board is looking for is a recommendation to the trustees and they are looking at does the zoning fit. It's nice to know the use but a B-3 is a B-3 and it can be whatever is permitted in the B-3. He has a concern about that in a residential area. He thinks it fits about 50% of the way and is a tuff property and there is a good argument either way. A helpful part is knowing that traffic will not increase along Lourelton. If homes are built there will be more traffic. This is what could happen but that is not what the board is looking at. It's difficult.

Mr. Gantz asked Ms. Poindexter about the split zoning.

Ms. Poindexter explained that 500 ft. west from the center line of Wales is zoned commercial for several properties in the area. She is not sure when that zoning came about but it has been that was for at least the 20 years that she has been with the township.

Mr. Gantz stated people bought their home knowing there as R-R around them and that is an issue for him. He reviewed the uses of the B-3 that would be permitted and asked if there is a way to subdivide the property to keep the land around the cul-de-sac R-R and rezone the other portion of the property to B-3.

Mr. Nicodemo stated each lot would need to be 20,000 sq. ft. He did test the land for septic but the setback would increase dramatically. He would have to be 75 ft. from the residential district. He did look into it with a buffer and no access from the street. It makes the most sense to him to rezone the whole thing.

Mr. Conley asked if he can build to the north.

Mr. Nicodemo stated he needs dirt and the property would need to be leveled out.

Mr. Thiel stated he thinks Mr. Nicodemo is an honorable land owner. He thinks it is a shame that property is split zoned and he is not in favor of expanding the dual zoning.

Ms. Head stated she agrees it is a property with a zoning issue and she hates split zoning but that doesn't solve any issue. She doesn't like the B-3 up against an allotment. She is against spot zoning this to B-3.

Mr. Conley stated he thinks the case would have to be overwhelmingly compelling to change it to B-3.

Mr. Conley stated in order to put the matter on the table he would ask for a motion for approval of the rezone.

Mr. Theil made a motion to recommend approval of amendment 639-19 and Mr. Weston seconded the motion.

The vote was: Mr. Conley-no, Mr. Weston-no, Mr. Thiel-no, Ms. Head-no, and Mr. Gantz-no.

Ms. Poindexter explained that the amendment will be set normally for the Sept. 10th meeting because it is supposed to be schedule within 30 days of the hearing; however, Mr. Nicodemo is going to be out of town so it may not be heard until a later date but those that received notices will receive them again.

5:15 PM Amendment 640-19 – Hammontree & Associates Limited, 5233 Stoneham Rd, North Canton, Ohio 44720 agent for Daniel & Penny Laubacher, property owner, 4220 Reicosky Ln, Canton, Ohio 44718 proposes to rezone R-R Rural Residential District to B-1 Suburban Office & Limited Business District approx. 2.61 acres of a 5.33 acre tract known as 4220 Reicosky Ln, Parcel #1613368, in which the 2.61 acres is located approx. 1,032 ft. north of Fulton Dr., Sect. 25NE Jackson Twp.

Mr. Conley read the file application into the record.

Those in favor of the amendment:

Jennifer Schumacher, Hammontree & Associates, 5233 Stoneham Rd., North Canton, Ohio 44720 stated she is representing the Laubachers and Raymond Folly where the property is split zoned. The property is in 2 separate tracts. The 2.61 acre tract to the north has abuts B-3 to the north, East is B-3 and B-1, west is B-3 and to the south is R-R. She feels the rezone requests provides the buffer between the R-R and B-3. The intent is for Raymond's Folly to purchase the property from the Laubachers and provide an office building and with shared parking and access.

Penny Laubacher stated had a question. She didn't know it was going to be an office building and thought it would be a parking lot. The property has been in her family for almost 200 years. Mr. Conley stated it is her property so she can decide what she wants to do with it.

Mr. Dan Laubacher stated when Bill approached them to purchase the property they were under the understanding it would be a parking lot in case they expanded the building that was already there.

Ms. Schumacher stated with a B-1 there are several options either to add to the existing Brown Mackie building and a parking lot or for a separate standalone building.

Joh Bacardi, 5450 North Ave. Massillon, stated there are three or four different schemes to add onto the 415 building or to add on the site. It hasn't been decided what the option will be. One is a parking lot, one is an addition to the existing Brown Mackie building and one is an addition to the other side of the Brown Mackie buildings.

Mr. Laubacher stated when the new owners asked if they were interested in selling, Bill came to the house and stated they were interested in buying the property because they were thinking about expanding the building that was there and needed extra parking. They didn't know there was three options. They were told it was going to be a parking lot.

Mr. Conley stated this is the Laubacher's rezoning and asked if the owners what it B-1. They are only approving the B-1 and not a parking lot or office building.

Ms. Head stated she understands that the principal use of a parking lot has to be a B-2 not a B-1.

Ms. Poindexter stated if the parking is part of the use for the building it is permitted.

Ms. Schumacher stated a buffer is still required for commercial abutting residential.

Ms. Head stated that the owners need to realize if it is zoned B-1 they could put an office building there.

Ms. Laubacher stated as long as there is a buffer it is fine.

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

Mr. Conley closed the hearing to public input.

Mr. Conley stated it seems like a logical rezone.

Ms. Head stated she thinks the rezone is appropriate.

Mr. Thiel made a motion to recommend approval of the amendment as requested and Ms. Head seconded the motion.

The vote was: Mr. Gantz-yes, Ms. Head-yes, Mr. Thiel-yes, Mr. Weston-yes, and Mr. Conley-yes.

Ms. Poindexter stated the amendment will go before the Trustees on Sept. 10, 2019 and the time is yet to be announced.

Mr. Thiel made a motion to approve the meeting minutes from the May 16, 2019 meeting and Mr. Weston seconded the motion.

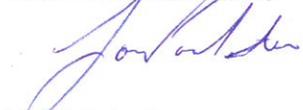
The vote was: Mr. Thiel-yes, Ms. Head-yes, Mr. Weston-yes, and Mr. Conley-yes.

Mr. Thiel made a motion to approve the meeting minutes from the June 20, 2019 meeting and Mr. Weston seconded the motion.

The vote was: Mr. Gantz-yes, Mr. Sutter-yes, Mr. Thiel-yes, Mr. Weston-yes, and Mr. Conley-yes.

Being no further business Mr. Conley adjourned the meeting.

Respectfully submitted,



Joni Poindexter
Jackson Township Zoning Inspector