

Jackson Township Board of Zoning Appeals

May 6, 2021

Members Present: Charles Rohr
Patrick Snyder
Edward McDonnell
Jared Singer
Leon Vitale
Deborah Busby-Alternate
Steven Gosney-Alternate

Zoning Inspector: Joni Poindexter

5:00 PM Appeal #2416 – Randy & Julie Alexander, 6525 Sylvian NW, North Canton, Ohio 44720 requests a variance to allow a camping trailer exceeding 24 ft. to be parked in the front yard area approx. 156 ft. from the road right of way where no more than 24 ft. is permitted in the front yard area per Sect. 401.14(B) of the zoning resolution. Property located at 6525 Sylvian, Sect. 10 SW Jackson Twp. Zoned R-R.

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

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

Randy Alexander, 6525 Sylvian NW, North Canton, Ohio stated he received a letter stating that he was in violation because the camper was over 24 ft. in length and parked in the front yard area. He has had a camper parked in that location for the past 7 years with no issues. There has never been a complaint and the camper is covered in the winter time. There is no way to park the camper anywhere else on the property. If all the trees were removed they still couldn't drive the camper over the septic system. The east side of the property slopes down toward the road in a north to south east direction and if you tried to back a camper in there it would tip into the utility pole. The neighbor to the west is higher than his and there is a side walk going to a back patio. Even if that was cleared out there would still be a wall of dirt and not enough room to get a camper back to the side or rear yard area. His area is not a typical area because the homes have different setbacks. His home sits 260 ft. back and the neighbor to the west sits way in front of him. If the house was in line with the others there would be no zoning issues. He believes his property is unique, there are no other options for the camper and there has been no complaints for seven years. The camper is not an eyesore. Mr. Alexander stated they have had other campers on the property prior to this one with no issues.

Mr. Singer asked why the camper can't be moved to the back of the house.

Mr. Alexander explained the reasons again being the septic, utility poles, trees and the terrain of the land.

Mr. Vitale asked what size the other campers were that he previously had.

Mr. Alexander stated one was about 27 ft. and then they bought a fifth wheel that was about 29-1/2 ft. but they didn't have it long and then they purchased this one. The current camper is not 32 ft. It is only 30'3".

Mr. Rohr asked Ms. Poindexter how the zoning department saw the camper.

Ms. Poindexter stated the zoning investigator spotted it while doing another investigation.

Mr. Singer read an email into the record dated 5/6/21 from Barbara Matulavich, 6500 Sylvian stating that she had no objection to the variance.

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

Mr. Singer closed the appeal to public input.

Mr. Vitale stated in viewing the property there is a practical difficulty. He does have a camper that is larger than what is permitted, but in the past 7 years it has always exceeded what is permitted. He thinks the property is unique and he is in favor of the appeal if it is only for this camper and if sold he could not replace it.

Mr. McDonnell stated the board is required to find a practical difficulty and he isn't sure one exists. The first one, he understands he can't get in the back or side yard but this is not unique to the applicant's property so he doesn't think that practical difficulty is met. He thinks the variance is substantial and it changes the character of the neighborhood. It will not impact government services but thinks it can be obviated through some other method other than the variance.

Mr. Snyder stated he is concerned about the precedence being set.

Mr. Singer stated he understands they allow 24 ft. in the front yard and it has been there for seven years. It is tough when looking at the practical difficulty.

Mr. Vitale stated he understands but feels there is a practical difficulty due to the septic system location, it has been there for 7 years and is only 6 ft. larger than what is permitted. The house is over 200 ft. back and the camper is over 150 ft. back. Typically houses are set about 50 ft. from the street so he thinks there is a difference there. He is in favor as long as there is a condition.

Mr. Singer stated he looked at the placement and it is no further toward the front than the neighbor's house. If it was placed closer to the road that would be a red flag for him but if it is no further than the front of the neighbor's house then maybe that is a condition to put on it.

Mr. McDonnell asked what is the cutoff or the number, ie. how close to the road is too close? Without specific metrics, any ruling can be construed as capricious and arbitrary.

Mr. McDonnell made a motion to approve the appeal with the understanding that it applies only to the current trailer and no other trailer.

Mr. Vitale seconded the motion.

Ms. Poindexter asked why make it only this trailer as opposed to the size.

Mr. Vitale stated that is a good question.

Mr. McDonnell stated he is having difficulty with this. Mr. McDonnell stated down the road there could be issues. If they start making up rules they start making zoning laws if they say what size and how far back it can be.

Mr. Singer stated 803.5 leaves it up to the board to determine if there is a practical difficulty so they are not acting as the zoning commission and not creating or modifying the resolution but are interpreting the resolution the best they can and applying Section 803.5 to determine a practical difficulty. Mr. Singer stated if Mr. Alexander presented anything that is 803.5 items 1-9 then a practical difficulty does exist which is a requirement to determine if it should be granted or not. Mr. Singer stated based on the aerial view and documentation there is a septic field and no room on the left side due to the grade.

Mr. Rohr stated the problem he has is any owner could park a camper there if it's not just for this camper.

Ms. Poindexter asked if the trailer gets wrecked then they can't replace it.

Mr. Singer stated then they would have to submit another application if that is how the motion was made.

Mr. Vitale stated not if it was for 30'3" and has to be 156 from the street then he is allowed to park it there and if Mr. Alexander sells then no one else can park one there. It would only be for Mr. Alexander.

Mr. Singer asked Ms. Poindexter if the variance is for the land or structure involved and not the person.

Ms. Poindexter stated the board did that with the food truck and this is not any different.

Mr. Vitale stated that is correct.

Mr. McDonnell withdrew his motion and Mr. Vitale withdrew his second.

Mr. Vitale made a motion to approve the variance with the condition that it is for Mr. Alexander's trailer no greater than 30'.3" and 156 ft. from the street and Mr. Snyder seconded the motion.

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

5:15 PM Appeal #2417 – Greg Kauth, 8872 Scotsbury Glen NW, Massillon, Ohio 44646 agent for John Braun, property owner, 8693 Scotsbury Glen NW, Massillon, Ohio 44646 requests a variance to allow a lot split in which one lot would be 12,968 sq. ft. where 14,500 sq. ft. is required in an R-1 district per Art. IV Sect. 401.5 of the zoning resolution. Property located at 8693 Scotsbury Glen, Sect. 20SW Jackson Twp. zoned R-1.

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

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

Mr. Kurt Shank, 8872 Scotsbury Glen NW stated the original plat was .279 acres and in 2016 Mr. Braun purchased two lots and they were combined. He has decided to sell and there was an agreement that developer would buy the lot back if he ever sold. When split the lot would be .299 acres and all the setbacks would be met for the existing home that would be on the remaining property. They aren't making it any smaller than what was originally recorded.

Ms. Poindexter explained the reasons for the lot size change.

Mr. Vitale asked if the purchaser did not want the extra lot and the builder would like to have the lot back.

Mr. Shank stated yes.

Mr. Snyder asked where the extra land came from.

Mr. Shank stated it would be taken from the original lot #17.

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

Mr. Singer closed the appeal to public input.

Mr. Singer verified the existing structure will meet the setbacks.

Ms. Poindexter stated yes.

Mr. Rohr stated in 2016 it seems like Scotsbury Glen allowed him to buy the property to not have someone next to him. He is trying to do the right thing by selling it back to Scotsbury Glen. It was previously approved and he thinks it will actually be larger than it originally was. He sees no reason to deny it.

Mr. Vitale agreed with Mr. Rohr and stated he had no problem with the appeal.

Mr. Singer agreed and did not see an issue with the variance.

Mr. Rohr made a motion to approve appeal #2714 as requested and Mr. Snyder seconded the motion.

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

5:30 PM Appeal #2418 - Ryan & Danielle Walton, property owner, 5247 Sandy Cir. NW, Canton, Ohio 44718 requests a variance for a raised patio with footers at a 6 ft. south side yard setback where 10 ft. is required per Art. IV Sect. 401.6 of the zoning resolution. Property located at 5247 Sandy Cir. NW, Sect. 23 NE Jackson Twp. Zoned R-1.

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

Mr. Singer swore in those is favor of the appeal.

Mr. Ryan Walton, 5247 Sandy Cir. NW stated his new neighbor, John Scheetz, built a new home beside him. He would like to build a bump out for his patio.

Mr. Rohr asked if there would be a roof over the patio.

Mr. Walton stated the plan is to not have it covered but have a separate wall or fire place to provide some separation.

Mr. Snyder asked why not make to closer to the lake instead of the side property line.

Mr. Walton stated he thinks it would impede Mr. Scheetz view of the lake.

Mr. Snyder asked why not go to the north.

Mr. Walton stated there is a patio that steps down almost a whole story.

No one else spoke in favor of the appeal.

Mr. Singer swore in those opposed.

Mr. John Scheetz, 5404 Peninsula Dr. NW stated he will be moving into his home next week and gave the board exhibit A consisting of 6 pages.

Mr. Scheetz stated this is not a neighbor dispute and they are friends. He stated there is slope on the lot and there was some water issues that he knew he had to deal with when he purchased his lot. There is a about a 6 ft. slope within 16 ft. The patio would prevent the water from going to the lake and it would go onto his property. A text from Ryan says he is trying to provide separation but would be getting closer. He doesn't see a hardship. The main thing is the water. In the packet is a drawing the shows the typographic side and how the water will flow.

No one else in opposition to the appeal.

Mr. Singer closed the appeal to public input.

Mr. Snyder stated he does not see a practical difficulty and thinks it could be built toward the back and the lake. He doesn't support the variance.

Mr. Rohr stated in Lake Cable the board has always been lenient. He was skeptical when he looked at it. He thinks the objection is legitimate. He doesn't think it should be supported if it makes the water worse.

Mr. Singer stated based on Section 803.5 he doesn't think a practical difficulty exists.

Mr. Snyder made a motion to approve appeal #2418 as requested.

Mr. Rohr seconded the motion.

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

5:45 PM Appeal #2419 – Michelle Miller, 3920 State St. NW, North Canton, OH 44720 agent for Deville Developments, 3951 Convenience Cir. NW, Canton, OH 44718 requests a variance for an additional 23.28 sq. ft. of freestanding signage for a total of 106.49 sq. ft. where 84.22 sq. ft. is permitted per Art. V Sect.

502.4 of the zoning resolution. Property located at 5445 Whipple NW, Sect. 24NE Jackson Twp. Zoned B-3.

Mr. Singer read the file application and contents of the file in to the record.

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

Michelle Miller, 3920 State St., NW, North Canton, Ohio 44720 stated the property is very narrow and expands back. The frontage is small. In the beginning she doesn't know why they didn't add the extra panel. They want to add a bank and restaurant to the sign and there is only once space available and they need two spaces. Ms. Miller gave the board an engineered drawing and it was marked as exhibit A. They are asking for an additional 23.28 ft. Ms. Miller also presented a site plan of the property that was marked as exhibit B.

Mr. Singer asked if the additional size only adds the additional square footage.

Ms. Miller stated yes.

Mr. Vitale asked about the businesses that are located on the property.

Mr. Miller stated there is Duluth, Freddie's, and then the bank and restaurant.

Mr. McDonnell stated he understands the sign they are talking about is the existing sign location that is marked in red on the site plan.

Mr. Miller stated yes. There is no more retail space to lease after this. The sign is owned by DeVille and there is no more space for retail.

Mr. McDonnell asked why she is here instead of a representative of DeVille.

Mr. Miller stated she was asked to come but really didn't want to be here.

Mr. McDonnell read the multi-tenant facilities section of the resolution, Section 502.4C.

Mr. Singer asked why the sign can't be redesigned.

Ms. Miller stated it would be very expensive. She tried everything to not be here but they want to move forward with the variance because it is very costly to change. They would only add one additional cabinet.

Mr. Vitale asked about the original design of the sign.

Ms. Miller stated she would have done it differently if she owned the sign company at that time.

Mr. Snyder asked Ms. Poindexter about the frontage.

Ms. Poindexter explained the street frontage is small and does not meet the current requirements therefore it is considered legal non-conforming frontage and is smaller than the other properties in the area.

After further discussion about the businesses on the property the board decided to continue the hearing so the owner can be present to answer questions about the businesses on the property.

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

Mr. Singer closed the appeal to public input.

Mr. Rohr made a motion to continue appeal #2419 until the next scheduled meeting so the owner can be present.

Mr. Singer seconded the motion.

Ms. Poindexter stated that meeting would be June 24th at 5:00 PM.

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

Mr. Rohr made a motion to approve the meeting minutes from the January 14, 2021 BZA meeting.

Mr. Vitale seconded the motion.

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

Mr. Rohr made a motion to approve the meeting minutes from the February 22, 2021 meeting.

Mr. McDonnell seconded the motion.

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

Being no further business Mr. Singer adjourned the meeting.

Respectfully submitted,



Joni Poindexter,
Jackson Township Zoning Inspector

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2416**

Upon the hearing the Board determined that the variance would allow a camping trailer exceeding 24 ft. to be parked in the front yard area approx. 156 ft. from the road right of way where no more than 24 ft. is permitted in the front yard area per Sect. 401.14(B) of the zoning resolution. Property located at 6525 Sylvian, Sect. 10 SW Jackson Twp. Zoned R-R.

Whereas, upon the Board determined:

There was no practical difficulty to allow the camper to be in the front yard area and although there were trees, septic system and the house sits more than 200 ft. off the road it was felt there was other avenues for the parking of the camper

Whereas, the Board further:

Denied X

Approved _____

The variance to allow a camping trailer exceeding 24 ft. to be parked in the front yard area approx. 156 ft. from the road right of way where no more than 24 ft. is permitted in the front yard area per Sect. 401.14(B) of the zoning resolution.

Mr. Vitale made a motion to approve to approve the variance with the condition that it is for Mr. Alexanders trailer no greater that 30'.3" and 156 ft. from the street.

Mr. Snyder seconded the motion.

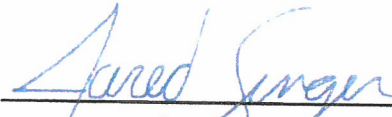
The vote was: Mr. Snyder - No

Ms. Rohr - No

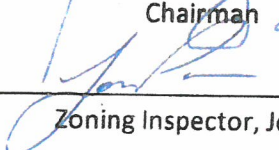
Mr. Singer - No

Ms. McDonnell- No

Ms. Vitale - Yes



Chairman



Zoning Inspector, Joni Poindexter

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2417**

Upon the hearing the Board determined that the variance would allow a to allow a lot split in which one lot would be 12,968 sq. ft. where 14,500 sq. ft. is required in an R-1 district per Art. IV Sect. 401.5 of the zoning resolution. Property located at 8693 Scotsbury Glen, Sect. 20SW Jackson Twp. zoned R-1.

Whereas, upon the Board determined:

The lot size after the split will be greater than the original size before it was combined.

Whereas, the Board further:

Denied _____

Approved _____ x _____

The variance to allow a lot split in which one lot would be 12,968 sq. ft. where 14,500 sq. ft. is required in an R-1 district per Art. IV Sect. 401.5 of the zoning resolution.

Mr. Rohr made a motion to approve appeal #2417 as requested.

Mr. Snyder seconded the motion.

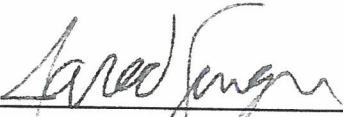
The vote was: Mr. Snyder - Yes

Ms. Rohr - Yes

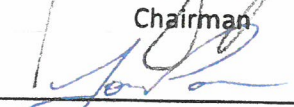
Mr. Singer - Yes

Ms. McDonnell- Yes

Ms. Vitale - Yes



Chairman



Zoning Inspector, Joni Poindexter

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2418**

Upon the hearing the Board determined that the variance would allow a for a raised patio with footers at a 6 ft. south side yard setback where 10 ft. is required per Art. IV Sect. 401.6 of the zoning resolution. Property located at 5247 Sandy Cir. NW, Sect. 23 NE Jackson Twp. Zoned R-1.

Whereas, upon the Board determined:

There were other places the patio could be construction and found no practical difficulty.

Whereas, the Board further:

Denied X

Approved

The variance for a raised patio with footers at a 6 ft. south side yard setback where 10 ft. is required per Art. IV Sect. 401.6 of the zoning resolution.

Mr. Snyder made a motion to approve appeal #2418 as requested.

Mr. Rohr seconded the motion.

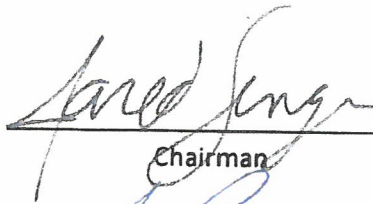
The vote was: Mr. Snyder - No

Ms. Rohr - No

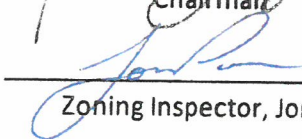
Mr. Singer - No

Ms. Busby - No

Ms. Gosney - No



Chairman



Zoning Inspector, Joni Poindexter

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2419**

Upon the hearing the Board determined that the variance would allow for an additional 23.28 sq. ft. of freestanding signage for a total of 106.49 sq. ft. where 84.22 sq. ft. is permitted per Art. V Sect. 502.4 of the zoning resolution. Property located at 5445 Whipple NW, Sect. 24NE Jackson Twp. Zoned B-3.

Whereas, upon the Board determined:

Continued the hearing until June 24, 2021 at 5:00 PM.

Whereas, the Board further:

Denied _____

Approved _____

Continued X

The variance until June 24, 2021 at 5:00 PM so the owner of the property could be present.

Mr. Rohr made a motion to approve appeal #2419 until the next meeting of June 24, 2021 at 5:00 PM.

Mr. Singer seconded the motion.

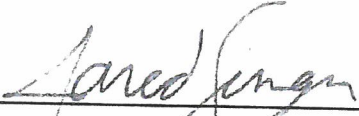
The vote was: Mr. Snyder - Yes

Ms. Rohr - Yes

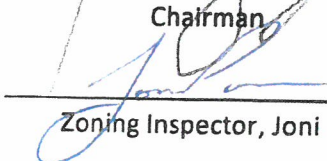
Mr. Singer - Yes

Ms. Vitale - Yes

Ms. McDonnell - Yes



Chairman



Zoning Inspector, Joni Poindexter