

Jackson Township Board of Zoning Appeals

June 24, 2021

Members Present: Charles Rohr
Patrick Snyder
Jared Singer
Leon Vitale
Steven Gosney-Alternate

Zoning Inspector: Joni Poindexter

Absent Member: Edward McDonnell
Deborah Busby-Alternate

5:00 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 stated this appeal was continued from May 6, 2021.

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

Michelle Miller, 3920 State St. NW, North Canton explained the sign variance and location of the property.

Mr. Vitale stated previously the statement was made it would be a financial hardship to redo the box.

Ms. Miller stated that is correct. The tenant that was going to go on the property backed out so now there are two tenants that want the spot and they need 2 panels.

Mr. Robert Brown, 3951 Convenience Cir. NW stated originally the developed was for 3 units. The third would have been one tenant. They backed out and now there are two tenants that want to come in. The sign on Whipple is small and if you try to split the sign and make it smaller it will be too hard to read and create a hazard if someone focuses on it while driving and trying read it.

Mr. Brown gave a rendering of the building to the board and stated they are happy to have a Farmers Bank in the Township.

Mr. Singer stated it appears the sign was prematurely constructed.

Mr. Brown stated they tried to get one tenant to take the spot but it did not work out so now they will have two tenants that need to be on the sign.

Mr. Gosney stated in looking at the rendering there is Duluth, Freedies, Farmers and another one.

Mr. Brown stated yes the forth use is a restaurant within the same building as Farmers. There is nowhere else to build after the third building is built.

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

Mr. Singer closed the appeal to public input.

Mr. Snyder stated he thinks the street frontage and the lot expanding out creates a practical difficulty, especially when looking at the other properties in the area.

Mr. Singer agreed with Mr. Snyder and stated in looking at section 803.5 he thinks special circumstances apply with the street frontage and thinks there is a practical difficulty.

Mr. Vitale stated there is testimony that they planned for three tenants so he can't say it is peculiar to the land. He doesn't support the variance.

Mr. Snyder made a motion to approve appeal #2419 as requested.

Mr. Vitale seconded the motion.

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

5:15 PM Appeal #2420— Steve Dimos, agent for Pand Properties LLC, 4853 Wallington Court Cir. NW, Canton, Ohio 44718 requests a variance for a 10 ft. rear yard setback for principal bldg. with no buffering where 75' is required with buffering when abutting a residential district and no shade trees along the street frontage where 13 shade trees are required per Art. IV Sect. 411.5 & 411.9 of the zoning resolution. Property located at 5859 Wales NW, Sect. 16SE Jackson Twp. Zoned B-3.

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. Steve Dimos, 4853 Wallington Ct. Cir. And David Patterson, 2747 Coventry Lane, Canton, Ohio.

Mr. Dimos stated the first variance is for the rear setback without buffering and the second variance is for no shade trees along the street frontage. The property is shallow so if they can't put the building there it will take too much of the property. The building would abut the bus garage so it really isn't abutting a residential property. The current building on the property is the office and has two garage spaces. The new building is to keep cars that can't be outside because they are too valuable and is a holding tank for other vehicles.

Mr. Snyder asked if they are expanding the parking lot.

Mr. Dimos stated yes, in order to get to the new building. The setback would be 10 ft. for the new building. The bus garage had a variance for a 5 ft. setback in the past.

Mr. Snyder asked if the landscaping shown would have been a proposal.

Mr. Patterson stated in order to get the zoning permit they were required to show a landscaping plan.

Mr. Singer asked why they can't move the building forward.

Mr. Patterson stated in order to maximize the property and if the building were at a 75 ft. setback it would occupy the display area of the lot that is proposed.

Mr. Vitale asked what type of structure the building would be.

Mr. Patterson stated it would be a pole building that is insulated and heated.

Mr. Rohr stated he understands the request for the building but the variance is significant. It appears the car lot is up and running and asked how we got to this point without the zoning.

Mr. Patterson stated they received the zoning permit.

Ms. Poindexter explained the zoning process and that a landscaping plan is required in order to obtain the zoning permit and they have six months to install the landscaping after taking occupancy of the property.

Mr. Dimos stated the property to the rear is not utilized as residential and is a bus garage. If it were zoned commercial the setback would be 16 ft. with no buffering.

Mr. Vitale asked what the frontage of the property is.

Mr. Patterson stated it is about 315 ft. overall.

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

Mr. Singer closed the appeal to public input.

Mr. Snyder verified with Ms. Poindexter that the rear setback would be 16ft. without buffering if it abutted a commercial zoned property.

The board agreed to separate the two variances into two separate votes.

Mr. Snyder stated he appreciates it being built and thinks there are self-created issues but he realizes the school bus garage is not residential.

Mr. Vitale stated he see a practical difficulty because the bus garage could have been zoned anything so why hold their feet to the fire. The south property is commercial and the property is long but not very deep. The property has been improved and he feels it will look better than the seeing the back of the bus garage.

Mr. Singer agreed with Mr. Vitale and stated if commercial zoning were to the rear then a 16 ft. setback with no buffering would be acceptable. He doesn't have an issue with the rear yard setback.

Mr. Rohr made a motion to approve appeal #2420 for a 10 ft. rear yard setback for principal bldg. with no buffering where 75' is required with buffering when abutting a residential district.

Mr. Snyder seconded the motion.

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

Mr. Singer stated, regarding the second variance, in looking at the aerial view there are no trees along the street frontage for the adjoining properties.

Mr. Vitale stated it is a long property and being able to see what they are trying to sell is important. The trees would make a mess on the vehicles and everywhere else.

Mr. Rohr stated he thinks the amount of shade trees is too much but he doesn't know that he can do away with all of them. This is a favor of the variance but if the car lot goes away the next person has the same requirement and that may not be good. He doesn't support the landscaping frontage variance.

Mr. Snyder stated exhibit 2 indicates that 35 new shrubs will be provided so there will be some landscaping.

Mr. Vitale stated he knows some of the buildings in the area have been redone and all other structures have gotten the same privilege. He thinks the shrubs are adequate.

Mr. Gosney agreed with Mr. Vitale.

Mr. Singer made a motion to approve appeal #2420 for no shade trees along the street frontage where 13 shade trees are required per Art. IV Sect. 411.9 of the zoning resolution.

Mr. Gosney seconded the motion.

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

5:30 PM Appeal #2421 – Chris Flinn, property owner, 5296 High Mill NW, Massillon, Ohio 44647 requests a variance to allow a 200 sq. ft. accessory building in the front yard area at approx. a 174 ft. front setback where accessory buildings are permitted in the side or rear yard. Property located at 5296 High Mill, Sect. 19SE Jackson Twp. Zoned R-R.

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

Mr. Singer swore in Sherry Flinn and Chris Flinn, 5296 High Mill NW, Massillon, Ohio.

Ms. Flinn stated they are looking for a variance for the shed on the property. There is no location in the back or side yard for the shed so this is the most logical location. The house sits up on the hill toward the back of the property and most of the side yard has trees and the back yard is a shallow hill with rock because it cannot be mowed because it is so steep.

Mr. Flinn stated they have a retaining wall because the property is very irregular.

Mr. Snyder asked if the shed is already there.

Mr. Flinn stated yes. It sits far back from the street and isn't very visible from the street.

Mr. Vitale stated he thinks it could be moved back.

Ms. Flinn stated they would have to cut the trees down.

Mr. Vitale stated he isn't saying it would easy.

Mr. Flinn stated he thinks it would be difficult to move. It is not an eyesore where it is located.

Ms. Flinn stated she was born and raised in Jackson and if the board had seen the property before they built on it, it was a dump and was a real eyesore. She doesn't think the shed hinders anything.

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

Mr. Singer closed the appeal to public input.

Mr. Rohr stated he agreed with Mr. Vitale that it isn't impossible to put it somewhere else but there is no one speaking against it and it can't be seen from the road. He thinks where it is located is the best place for it.

Mr. Gosney agreed with Mr. Rohr and stated it is in a spot where it isn't hindering anything.

Mr. Singer agreed with the other board members and stated he thinks there are special circumstance with the back yard. It is hidden back from the road and can't be seen.

Mr. Snyder agreed with the other board members.

Mr. Snyder made a motion to approve appeal #2421 as requested.

Mr. Singer seconded the motion.

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

Mr. Snyder made a motion to approve the meeting minutes from the May 6, 2021 meeting and Mr. Singer seconded the motion.

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

There was a practical difficulty with the land due to having a small street frontage and the property opening up as you get further into the property.

Whereas, the Board further:

Denied _____

Approved X

The 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.

Mr. Snyder made a motion to approve appeal #2419 as requested.

Mr. Vitale seconded the motion.

The vote was: Mr. Snyder- Yes

Mr. Rohr-Yes

Mr. Vitale-No

Mr. Gosney-Yes

Mr. Singer-Yes



Chairman

Zoning Inspector, Joni Poindexter

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2420**

Upon the hearing the Board determined that the variance would allow for a 10 ft. rear yard setback for principal building with no buffering where 75' is required with buffering when abutting a residential district and no shade trees along the street frontage where 13 shade trees are required per Art IV Sect. 411.5 & 411.9 of the zoning resolution. Property located at 5859 Wales NW, Sect. 16SE Jackson Twp. Zoned B-3.

Whereas, upon the Board determined:

The property to the rear is utilized as a commercial use and most likely will never be used residential therefore if zoned commercial the setback would only be required to be 16 ft. with no buffering. No shade trees are in comformance with the other properties in the area and there will be shrubs on the property.

Whereas, the Board further:

Denied _____
Approved X

The variance for a 10 ft. rear yard setback for principal building with no buffering where 75' is required with buffering when abutting a residential district per Art. IV Sect. 411.5 of the zoning resolution.

Mr. Rohr made a motion to approve the variance for a 10 ft. rear yard setback for principal building with no buffering where 75' with buffering is required when abutting a residential district.

Mr. Snyder seconded the motion.

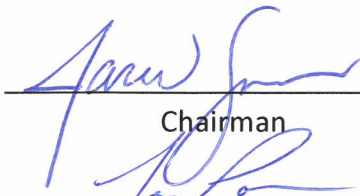
The vote was: Mr. Snyder - <u> Yes </u>	Mr. Rohr - <u> Yes </u>
Mr. Singer - <u> Yes </u>	Mr. Gosney- <u> Yes </u>
Mr. Vitale - <u> Yes </u>	


Whereas, the Board Further:

Denied _____
Approved X

The variance for no shade trees along the street frontage where 13 shade trees are required per Art. IV Sect. 411.9 of the zoning resolution.

The vote was: Mr. Snyder - <u> Yes </u>	Mr. Rohr - <u> No </u>
Mr. Singer - <u> No </u>	Mr. Gosney- <u> Yes </u>
Mr. Vitale - <u> Yes </u>	



Chairman


Zoning Inspector, Joni Poindexter

JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2421

Upon the hearing the Board determined that the variance would allow a 200 sq. ft. accessory building in the front yard area at approx. a 174 ft. front setback where accessory buildings are permitted in the side or rear yard. Property located at 5296 High Mill, Sect. 19SE Jackson Twp. Zoned R-R.

Whereas, upon the Board determined:

There is a practical difficulty with the land and the way the house sits on the lot. The building cannot be seen from the road and is 174 ft. from the road right of way.

Whereas, the Board further:

Denied _____

Approved X

The variance for a 200 sq. ft. accessory building in the front yard area at approx. a 174 ft. front setback where accessory buildings are permitted in the side or rear yard per Art. IV Sect. 401.11 of the zoning resolution.

Mr. Snyder made a motion to approve appeal #2421 as requested.

Mr. Singer seconded the motion.

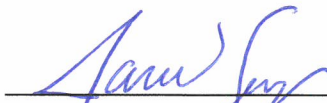
The vote was: Mr. Snyder - Yes

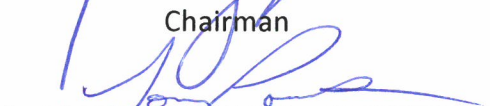
Mr. Rohr - Yes

Mr. Singer - Yes

Mr. Gosney - Yes

Mr. Vitale - No



Chairman


Zoning Inspector, Joni Poindexter