

Jackson Township Board of Zoning Appeals

August 12, 2021

Members Present: Charles Rohr
Jared Singer
Leon Vitale
Edward McDonnell
Steven Gosney-Alternate

Zoning Inspector: Joni Poindexter

Absent Members: Patrick Snyder
Deborah Busby-Alternate

5:00 PM Appeal #2422 - Marketplace at Nobles Pond Dev. Co. LTD, property owner, 7048 Fulton Dr. NW, Canton, OH 44718 requests a variance for a 50 ft. east side yard setback for principal building where 75 ft. is required per Art IV Sect. 411.5 of the zoning resolution. Property located at 7048 Fulton NW, parcel #10014103, Sect. 22NW Jackson Twp. Zoned B-2.

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

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

John Walsh, 565 White Pond Dr. Akron, Ohio 44320 stated he is the civil engineer and designer for the project. Mr. Walsh explained the site of the property and location of the structures in the area. The property is bound by Marketplace at Nobles Pond, Altercare, Aultman Hospital and Nobles Pond. Their plan is to extend the driveway and construct a restaurant and 2 office buildings. The variance is for the east property line that will allow them to construct the parking on the west side of the restaurant building. Their goal is to preserve the open space on the east side.

Ms. Cassie Elliott 4267 Riverside NW, Massillon, stated the restaurant will have brunch and dinner. They are trying to keep the headlights on the other side of the building and preserve the natural tree line. It is an upscale establishment with open glass windows and stone work. There will be a veranda for the restaurant.

Mr. Singer asked where the veranda will be placed.

Ms. Elliott stated it will face Nobles Pond on the south side of the building.

Mr. Walsh reviewed the criteria for the variance per section 803.5 and explained the property abuts an R-1 zoning district but it is used by Altercare, which is a conditional use. Altercare is actually a commercial use so the property is not utilized as residential. A letter of support was issued by Mr. Schorer. The 25 ft. variance is the minimum to allow the balance of the parking lot and preserve the natural open space that is there. It will not affect the neighborhood or government services. The property to the east was never rezoned but used as a conditional use so he thinks the spirit and intent of the zoning will be met.

Mr. Vitale stated the people from the nursing home asked for a barrier with the trees remaining.

Mr. Walsh stated they will maintain the existing vegetation and add addition landscaping if needed. He agrees with what the nursing home is asking for.

Mr. McDonnell asked Ms. Poindexter if the parking requirements will be met.

Ms. Poindexter stated yes.

Mr. McDonnell asked why the restaurant couldn't be relocated and the parking moved.

Mr. DeHoff, 7700 Mudbrook NW stated they looked to have the restaurant where the office buildings are located but that area is where semi's are and they didn't want to look at the trucks and hear the noise from Buehlers servicing their business. He forgot Altercare was a conditional use and not zoned commercial. Originally they had the building closer with a 25 ft. setback but they knew they needed to minimize the impact so they shrunk the office buildings and added more parking to the south side of the office buildings. This way all parking can be accommodated. The balance of the property south of Altercare to the pond, four acres, has been granted to Nobles Pond so that parcel that remains south of Altercare and east of their property will never be developed. When this last phase is developed that will be the last of the development.

Mr. Randy Gonzalez, 6929 Frank Ave NW, stated he has been working with Ms. Elliott and she is committed to staying in Jackson Township. She has looked at several sites in the township and decided this is a great location in the center of Jackson. We have an entertainment district and we wanted to use the economic development district which is part of the entertainment district. He did his homework and had a conversation with Mr. Schoror. They have a great relationship and he is very comfortable with the variance. They are trying to keep the row of trees and it will be great to look at the green space. He is in support of the project and it is great to not have another franchise restaurant.

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 clarified with Ms. Poindexter that if this were next to commercial the setback would be 16 ft.

Ms. Poindexter stated that is correct.

Mr. Rohr stated his questions and concerns were answered. He thinks it is an excellent use and has no issues with the variance.

Mr. Vitale stated he thinks Mr. DeHoff's reputation speaks for itself and the homework has been done. The office buildings have been reduced to accommodate the parking and there is a natural barrier. He thinks this is great for Jackson Township.

Mr. Singer agreed with the other board members and stated he had no objection and supports the appeal.

Mr. McDonnell stated they are required to find a practical difficulty. The nursing home is in a residential district but it is a commercial use. It is a 33% variance and he agrees the primary practical difficulties have been met.

Mr. McDonnell made a motion to approve appeal# 2422 as requested and Mr. Rohr seconded the motion.

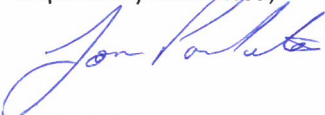
The vote was: Mr. Vitale-yes, Mr. Gosney-yes, Mr. Rohr-yes, Mr. McDonnell-yes, and Mr. Singer-yes.

Mr. Rohr made a motion to approve the meeting minutes from the June 24, 2021 meeting and Mr. Singer seconded the motion.

The vote was: Mr. Singer-yes, Mr. Vitale-yes, Mr. Gosney-yes, and Mr. Rohr-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 #2422**

Upon the hearing the Board determined that the variance would allow for requests a variance for a 50 ft. east side yard setback for principal building where 75 ft. is required per Art IV Sect. 411.5 of the zoning resolution. Property located at 7048 Fulton NW, parcel #10014103, Sect. 22NW Jackson Twp. Zoned B-2.

Whereas, upon the Board determined:

There was a practical difficulty due to the fact that although the land to the east is zoned R-R it is being utilized as a commercial use as a nursing home and no residential use is forseen in the near future.

Whereas, the Board further:

Denied _____

Approved X

The variance to allow a variance for a 50 ft. east side yard setback for principal building where 75 ft. is required per Art IV Sect. 411.5 of the zoning resolution.

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

Mr. Rohr seconded the motion.

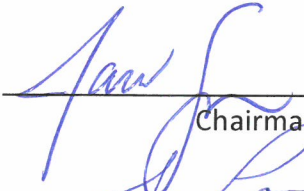
The vote was: Mr. Rohr- Yes

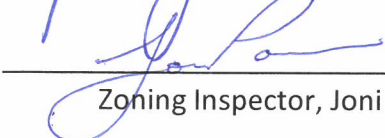
Mr. McDonnell- Yes

Mr. Vitale- Yes

Mr. Gosney- Yes

Mr. Singer- Yes



Chairman


Zoning Inspector, Joni Poindexter