

Jackson Township Board of Zoning Appeals  
October 28, 2021

Members Present: Charles Rohr  
Leon Vitale  
Edward McDonnell  
Steven Gosney-Alternate  
Debbie Busby-Alternate  
Zoning Inspector: Joni Poindexter  
Absent Members: Jared Singer  
Patrick Snyder

Mr. Rohr made a motion to appoint Mr. Vitale as Chairman in the absence of the Chairman and Vice Chairman.

Mr. McDonnell seconded the motion.

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

**5:00 PM Appeal #2428** – Brian Gaiser, 5919 Snowshoe NW, Canton, Ohio 44718 agent for Greg Saunier, property owner, 5926 Snowshoe NW, Canton, Ohio 44718 requests a variance for a 3 ft. north left side yard setback and a 1 ft. east rear yard setback for accessory building where a 10 ft. setback is required per Art. IV Sect. 401.11 of the zoning resolution. Property located at 5926 Snowshoe NW, Sect. 26SW Jackson Twp. Zoned R-R.

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

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

Brian Gaiser, 5919 Snowshoe NW, Canton, stated Mr. Saunier brought a copy of the receipt showing when the shed was installed along with 4 photos that were marked as exhibit A. The building has been there about 8 years. If moved toward to the west it would be over top of a gas line. The photo in the file shows the gas line flags in yellow. Moving it to the south, behind the building the grade elevates and they would have to do a lot of grading. Mr. Dicky, a neighbor, has no problem with the accessory building and signed a letter.

Mr. Vitale stated it has to be a sworn affidavit.

Mr. Vitale stated he doesn't see that a permit was issued for the shed.

Mr. Gaiser stated he thought the person putting the shed in obtained the permit. There was an existing shed but it was replaced with the new one.

Mr. Rohr asked if the shed is larger or smaller than the previous shed.

Mr. Gaiser stated it is larger. The property to the rear is wetland area.

Mr. McDonnell asked if Mr. Gaiser can see the shed from his property.

Mr. Gaiser stated he can see a portion of it if in the right spot.

Mr. McDonnell asked about the gas line location.

Mr. Gaiser explained the gas line is a transmission line and the location where the yellow flags are located.

Mr. McDonnell asked who put the flags in the yard.

Mr. Gaiser stated the gas company did.

Mr. Saunier, 5926 Snowshoe NW, stated he is the property owner.

Mr. Saunier stated the previous shed was there since 1976. He purchased the home not knowing there was a gas line. He can't move the shed back because there is a protected wetland. He thought the shed company would have taken out the permit and he put it up on good faith. The new shed has been there for 8 years and was never a problem.

Mr. Vitale asked how the overhead door is accessed.

Mr. Saunier stated through his yard because there is about a 3 ft. setback and there is also a double door on the front so he really doesn't need to use the other door.

Mr. Vitale stated don't ever trust anyone else to get the permit because the homeowner is the one responsible.

Mr. Rohr stated the shed was there for 8 years so how is it just coming to light.

Mr. Saunier stated there was a complaint.

Mr. McDonnell asked if he was required to move it where would he put it.

Mr. Saunier stated he did not know because there is wetlands in the rear and a gas line is to the west.

Mr. Mike Clapper, 5939 Snowshoe stated he lives across the street. The shed is not a nuisance at all. Mr. Clapper asked, if he has a shed and it was on there when he purchased the property and then replaced it, would he need a permit.

Ms. Poindexter stated if the shed is larger and moved to a different location a permit would need to be obtained.

No one else spoke in favor of the appeal.

Mr. Vitale swore in those in opposition to the appeal.

Mr. Rodney Zollars 5918 Snowshoe stated he lives north of the shed. Mr. Zollars stated they did not make a complaint and it was just seen by the zoning investigator because another neighbor complained about the stakes in their yard.

Mr. Zollars stated he is opposed because he found out it violates the zoning laws. He got a violation about his building and he came in and got a permit and paid the fee.

Mr. McDonnell asked if he is aware of the gas line.

Mr. Zollars stated he has lived there 24 years and the gas line was marked. The restriction is 10 ft. on each side of the line.

No one else spoke in opposition to the appeal.

Mr. Saunier stated if he knew they needed a permit he would have obtained it. He moved there in 2008 and he did not know there was a gas line because in his yard there were no yellow tags. Dominion has not kept up posting the line. Dominion notified him about 10 years after he purchased the property about the line. He knows now and wants to be compliance but there is really nowhere else to move the shed.

The old shed was there and this one was there for over 8 years. Dominion seen the shed and checked the line and said it is in great shape and won't need dug up. If they had a problem with it they would have told him to move it but they didn't do that so they have no issue with the location.

Mr. Vitale closed the appeal to public input.

Mr. Rohr stated there has been a shed there for a long time. It does not annoy anyone and the only problem he sees is the overhead door. If the gas company has an issue then they will ask the home owner to remove it or they will. There is nowhere else to move it. He has no problem with the appeal as long as there is no conflict with the gas company.

Mr. McDonnell stated if this came before the board before being put on the property he doesn't think he would have grant a variance for 3 ft. for the side yard but he doesn't have a problem with the rear variance.

Mr. Vitale stated this is a substantial variance. Could the size be reduced? Sure. There are options but there is a practical difficulty with the lot.

Mr. McDonnell made a motion to approve appeal #2428 as requested.

Mr. Rohr seconded the motion.

The vote was: Mr. Rohr-yes, Mr. McDonnell-no, Mr. Vitale-no, Mr. Gosney-yes, and Ms. Busby-yes.

**5:15 PM Appeal #2429** – Mark & Anna Farina, property owner, 2607 Charing Cross NW, Canton, Ohio 44708 requests a variance for 28 ft. 6 in. between two single-family attached dwellings where 30 ft. is required per Art. IV Sect. 401.20(3) of the zoning resolution. Property located at 2607 Charing Cross NW, Sect. 36NE Jackson Twp. Zoned R-4.

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

Mr. Vitale: Who would like to speak in favor of the appeal?

Mr. Farina: Mark Farina, 2607.

Mr. Vitale: Raise your right hand sir.

Mr. Farina: Oh Sorry. Oh got it.

Mr. Vitale: Do you swear the whole testimony you are about to give is the truth so help you god.

Mr. Farina: Yes.

Mr. Vitale: Okay now your name and address.

Mr. Farina: Mark Farina Sr., 2607 Charing Cross Rd. NW, Canton, Ohio 44708

Mr. Vitale: All right sir, tell us what you are up to.

Mr. Farina: Well my wife and I downsized and went to this little community and we been there about 6 or 7 years now and when we first moved in, the day we moved in, and I hate, this is a must and believe me I don't want to be anywhere near this place. Obviously this is so crazy but bottom line is we move in, and the day we move in you know you are carrying boxes as you are doing your thing and some guys comes in and says I'm so and so on the board. Hi and I want you to sign this. You neighbor, he called it roof mate, wants to put this addition on the back of her place. I said well I'm moving right now. I said can you come back another time. He's very persistent, no I got to have you sign this now, this and that. I said I'm not signing anything. The best thing you can do is kick stones, get out of here. I was getting upset. So I

told the guy come back in two or three weeks. He said okay. So in two or three weeks he comes back and you know I'm new to this whole thing and he says well she wants to put this addition on the back, this patio, this and that, dadada, and I said let me take a look at it. And I look at the plan and our little living room has about three windows across the back and then there is a section of the place that juts out which is our little family room. Well if she would have built this thing it would have jugged out here about 20 ft. right to the property line practically and I would be looking in her windows in her, whatever she wanted to build. I said I'm not, I'm not in for that. I don't accept that because I'm not going to be getting any natural light. I don't want to be looking in her patio. I don't like it. So I went to a meeting. They had a meeting. They said oh, okay you know we understand this and that and they denied her doing it. Now several months later I come home and there's all these building materials in the driveway. And I'm like you son of a gun. I didn't say that but I said son of a gun. So I said what is all this stuff over here. So I call Fred Neff, who is on the board, that actually built my patio and I said what is going on. He said, well she put in a building plan and we didn't get back to her in the right amount of time, like sixty days so it automatically gives her the right to build on the back of this place. I said that's not going to work so I got an attorney. I had him check it out. To make a long story short it didn't get built. So this July after I don't know how many years, and I met this women like twice in my life over seven years. She aged. She 90 years old god love her. Ah she seems like a nice person and everything but she wants what she wants you know. So I go on vacation to see my son and my grandchildren in Arizona and I come back. I got a letter from you guys in the mail that her son, and I don't even know, is he here this evening. Can I ask that question, Steve Gram? Anybody, okay. So he goes on the computer you know because his mom probably told him to and he puts in a compliant about the decks being built and there is no building permit. Well I got a letter from the association before I did this by the president saying that it was ok to do. It was originally a 12 x 12 deck. It was made out of wood and the women that owned the place put this real thick paint stuff with sand in it and whatever, you know to keep you from skidding, and it filled the cracks so you know water would stay on it and I knew I was going to replace it someday. But you know Fred said why don't you let me make this 14 x 14 because you know you buy the trex that I use in different lengths. He said rather than having to cut up much of it we can use a longer length. Yea go ahead and do it, that's fine. So when I came back I got this letter and the guys saying oh you don't have a building permit. He took some photos over there you know. He doesn't live there. I mean I'm sure he's just being a good samaritan for his mom you know, whatever. But I'm eighteen inches away from my neighbor. Eighteen inches, well that's Ms. Inzetta. Well Ms. Inzetta, when I was a kid I use to stay over at her house you know. I knew her son. So I go, she's 90 years old. I was going to bring her in here but I would have tortured you because she would have you here to six o'clock in the morning talking. She is worse than I am. So I go out there. I say Ms. Inzetta will you sign this letter. So I got a letter signed by her but I didn't get it notarized. I heard just from this last case you know that it is supposed to be notarized. I can get it notarized if you want you know but the bottom line is I'm asking for an appeal for eighteen inches and it is all due I think because of the fact that I didn't want her to build that unit on the back. But then I found out that it really wasn't up to me. There is an Ohio code 1153 or something, condominium code that states, you know, what you can do to your unit as far as changing it and quite frankly there's been a lot of changes in this place and nobody's gotten building permits on them and they shouldn't have been made in the first place. But you know, I'm like the youngest guy in there. I'm 66 you know she's 90. My other neighbor is 82. I mean it's just you know an older community. Eight-two units. Nobody bothers each other. I mean it's really. I mean I get it everybody has to respond. They got a job to do. You know the zoning department but it's really sort of crazy to me that I am even here but here I am.

Mr. Vitale: Okay, thank you.

Mr. Farina: Yep.

Mr. Vitale: I'm going to assume from your statement, this deck, the existing deck that is currently there, is the one that is eighteen inches too far.

Mr. Farina: The one I just had put on is eighteen inches closer to Ms. Inzetta's property. You got my unit and then you got the complainant's unit here. My deck is over here. There is no way from anywhere she's at outside or wherever she can see this deck. Ms. Inzetta though lives right here and she's got a deck that is sort of fenced in you know and she doesn't have a problem with it. Like I say it is eighteen inches away from being whatever, legal. What's really odd to me is this is a condominium association. Everybody owns like 1-82<sup>nd</sup> of all the property. You know this isn't like you have your own lot so if I'm not looking at this the right way, maybe like everybody here, if I don't get this approved everybody that owns part of the property should be involved in this because I don't really own the property. You know what I mean. I only own 1-82<sup>nd</sup> of the property but I mean maybe I'm looking at it the wrong way, but, and like I said Fred's on the board, he built it. I got a letter from the President that approved it. I had no idea. I didn't get a building permit. I thought Fred would do that if it was needed. I never thought about it. There's been other decks done with no building permits. There's been, you know additions put on back of places that there were building permits that probably shouldn't have got building permits. I mean it's really, I just sort of feel targeted by this you know and it's all over eighteen inches of deck that you know really it looks pretty good. You know it's not like, you know, offending anybody other than her evidentially or her son.

Mr. Vitale: Um with all that being said there are rules that we have to follow.

Mr. Farina: I understand.

Mr. Vitale: And it falls different in different locations.

Mr. Farina: Right

Mr. Vitale: With the condominium association, we have nothing to do with the association. We have nothing to do anything with that. We just do zoning.

Mr. Farina: Right

Mr. Vitale: Number one the gentleman who built the deck, I don't know if you was there earlier when I made the statement make sure whenever you do something on your property you call Joni. Because deck builders, people who put sheds in never put them in the right place and never do it the right way. So it has to be, it has to be, let me finish, it has to be according to zoning.

Mr. Farina: I made an assumption that the president and the guy on the board that's been doing this for other people over the last who knows how many years would know this. But it wasn't done. You know if I would have known, heck I wouldn't had a problem doing that.

Mr. Vitale: This isn't the first time we've encountered this. There have been some people who have had to cut the edge of the deck off. So just making that statement. I agree with you that deck looks great. It really does. I was out there today.

Mr. Farina: I don't know if you guys have this little map here. When I bought this place first of all there was another picture showing that the steps were on the original deck coming off this way behind the unit.

That was never the case. You know I mean this was drawn improperly from day one, but this was the existing deck 12 x 12 and this was the addition. The steps now come from this direction. Originally they come from this direction so they were already larger than what was added to the deck in the first place so I don't know if they measure from any particular portion of the deck but it already was probably 18 plus inches closer. All I did was take the steps from coming up on this side and move them up here.

Mr. Vitale: Okay, so board members anyone have any questions for Mr. Farina.

Mr. Gosney: Mr. Farina can you tell us when the deck was built.

Mr. Farina: It was in July. Yea July, it had to be because. It might have started before that because I, like I say it took him a few weeks to do it and he's just one guy you know. Um, I also have something regarding variance request topics. I heard he said that the fact that the old steps protruded out to the same location that the new deck does not go towards the neighbor. The type of material used was trex composite because I didn't want to have to paint or you know watch it rot, only comes in 16 ft. length. It is very expensive therefore it made sense to eliminate the waste and go to the 14 ft. instead of the 12. The deck size needed in today's environment to be able to put a grill, furniture, etc. It adds beauty and value to the property. Fred wrote this stuff so. The variance request is very minimal distance. It would be a financial hardship to the owner to attempt to make the deck within compliance at this time. There was no intent to build the deck and not be in compliance when it was finished. Owner thought that by having permission from the board association that the size of the deck was okay. Did not know about having to get a building permit.

Mr. Vitale: There's no reason to go on much longer because you are reading something that somebody else wrote and it is not notarized so we really can't accept it.

Mr. Farina: Okay. That's fine.

Mr. Vitale: Does anybody else have any questions for Mr. Farina.

Mr. Rohr: I have a question for Joni.

Mr. Vitale: Okay

Mr. Rohr: The Ohio Revised Code was thrown out there. I don't have any idea what the Ohio Revised Code says in relation to space between condominiums.

Ms. Poindexter: I don't either. Our regulations are 30 ft.

Mr. Rohr: If there was some code that had a rule he wanted to make sure them approving something.

Ms. Poindexter: I don't know.

Mr. Rohr: Okay.

Mr. Vitale: Any other questions. Okay sir.

Mr. Farina: That's it. Thank you.

Mr. McDonnell: Mr. Farina you have an extra eighteen inches on there.

Mr. Farina: Do I need it.

Mr. McDonnell: No why do you need the extra eighteen inches.



Mr. Farina: Well we bought all new furniture. I bought this big Trager grill. I went into Ace Hardware and I went there to buy a grill and instead of just buying a small grill the guy says this does 18 sets of ribs and 4 pork butts. I said that's the one I want. My wife wanted to kick my butt but I ended up buying it anyhow.

Mr. McDonnell: Okay, before you had this put on there you said the stairs came out.

Mr. Farina: The stairs went towards Ms. Inzetta's unit. Closer to her unit. They were actually further out then what the deck is now. Now the steps are coming this way instead of this way.

Mr. McDonnell: Did the steps extend any further than the current deck. Did the old steps extend further than the current deck?

Mr. Farina: Yea probably a few inches. Not like huge you know what I mean. It was, it extended further than what the current deck is yes.

Mr. McDonnell: thank you.

Mr. Farina: Okay.

Mr. Vitale: anyone else want to speak in favor of this appeal. By your silence I will take that as a no. Anyone want to speak in opposition to the appeal. By your silence I'll take that as a no. At this point we will close.

Mr. McDonnell: Mr. Chairman.

Mr. Vitale: Go ahead Ed.

Mr. McDonnell: Ms. Poindexter is there anyone in the township that does not have to get a permit for a deck.

Ms. Poindexter: No.

Mr. McDonnell: Everyone has to be a building permit.

Ms. Poindexter: Correct.

Mr. McDonnell: Have we had problems with the area, situations in this area, complex.

Ms. Poindexter: Not that I'm aware of.

Mr. McDonnell: Thank you.

Mr. Vitale: We will close to public input. Board members what's your thoughts.

Mr. Vitale: I'll give you my thoughts if everyone is going to be quiet.

Mr. Gosney: I'll give you my thoughts on it. I go back to your first statement when the first case came up. Make sure, make sure you cover your own assets. In this case it was built by a board member that did the construction. I'm hard pressed to get this one approved because the proper channels were not followed and that's why they are out there.

Ms. Busby: Mr. Chairman the previous deck I understand was the same distance, encroaching on the same amount of distance of the current one. Correct.

Mr. Vitale: No.

Ms. Busby: No the steps.

Mr. Vitale: Yes the steps. From what Mr. Farina's testimony was the steps, went I think that would be north, it went to the north.

Ms. Busby: So the constructed part was in the 30 ft.

Ms. Poindexter: the steps were in the 30 ft.

Ms. Busby: It had been there for some time.

Ms. Vitale: The discussion Joni and I are having is the steps protruding in that area are kind of like an overhang. It's not the foundation or the actual box of the deck where the steps came out so they're not really. Because they can be removed. If had to they could be removed. I think Mr. Farina's original testimony showed them on the drawing they came off the back so they could have been there.

Mr. Vitale: Anybody else. Okay, um this is really a hard one for a number of reasons. This deck is already built. Because someone didn't follow the procedures is not our fault. It really isn't. In a village where you live or similar to where you live is like opening Pandora's box because someone could say Mr. Farina got it so I want it.

Mr. Farina: Can I stand up here because I can't hear you.

Mr. Vitale: You can stand up here sir but you can't speak out.

Mr. Farina: I understand. I just can't hear.

Mr. Vitale: I said this is like opening Pandora's box because if one of your neighbors sees that you got it then they want it. Our zoning book, we might as well throw it away because nobody isn't playing by the rules. I'm sorry sir but your testimony is done, but you can stand up here and listen to me.

Mr. Farina: Okay.

Mr. Vitale: So this is a real hard one. There is a lot of wrongs and very few rights on this one. So that is just my perspective of this appeal. I'm only one vote though.

Mr. McDonnell: Mr. Chairman.

Mr. Vitale: Go ahead Ed.

Mr. McDonnell: When I look at 803.5 of the zoning resolution the criteria is for the board to review for all variances. When I take a look at whether special circumstance exist that are peculiar to the land, etc., etc. No, no special circumstance exist. Whether the property in question will yield a reasonable return. Whether there can be any beneficial use of the property without a variance. Yes, obviously it can. And it is obviously yielding a reasonable return now. Whether the variance is substantial. This is the only one where that falls in the realms and is not substantial. It is only 5%. Whether the special character of the neighborhood will be altered and whether adjoining properties will suffer substantial detriment as a result of the variance. That's kind of the problem we run into. If we allow it here we get to the point how we going to say you can't do it here or there. It just becomes a cascading event. The only special condition I see with this is that the owner had it built. And that's one of the things here where it says whether special conditions are a result of the actions of the property owner. Yes they are at which point it is no longer a special event or circumstance. There is nothing here, and when I first, I went out to look at it, eighteen inches, not a problem. But when I go through what the law requires us to go through I say there is really



no way that I can vote in favor of this, justifiably vote in favor of this. So for those reasons I will be voting against it.

Mr. Vitale: Thank you Ed. Anyone else. Do we have a motion to #2429?

Mr. Rohr: Motion to approve appeal #2429 as requested.

Mr. Vitale: A seconded.

Mr. Busby: Second.

Ms. Poindexter: Mr. Rohr.

Mr. Rohr-No.

Ms. Poindexter: Mr. McDonnell.

Mr. McDonnell-No.

Mr. Poindexter: Ms. Busby.

Ms. Busby-Yes.

Ms. Poindexter: Mr. Vitale

Mr. Vitale-No.

Ms. Poindexter: Mr. Gosney.

Mr. Gosney-No.

Mr. Vitale: With that I hate to tell you that you have been denied the appeal.

Mr. Farina: Oh I understand that. Thank you. I appreciate your time.

Mr. Vitale: Does he have to do anything with you Joni.

Ms. Poindexter: No. He just has to make sure he brings it into compliance.

Mr. Farina: Yea that's not going to happen because you guys have already given out permits to people to do this and they are closer than this with other units. It's no problem. We will take care of it another way. Thank you for your time.

Mr. Vitale: Sir you have thirty days to take it to the court of common pleas.

Mr. Farina: Oh I got it. It will be less than thirty days. Thank you.

**5:30 PM Appeal #2430** – James & Carri Meek, property owner, 8674 Saybrook NW, North Canton, Ohio 44720 requests a variance for a 6.5 ft. left (west) side yard setback for pavilion where 10 ft. is required per Art. IV Sect. 401.11 of the zoning resolution. Property located at 8674 Saybrook, Sect. 5NE Jackson Twp. Zoned R-R.

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

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

Ms. Carrie Meek, 8674 Saybrook NW stated they have a pool and a sundeck that gets a lot of sun. The area in question is about 6.5 ft. from the property line. They will have it inside the pool fence and they want the shade on the cement. There is pool plumbing underground and they would only end up with a

3 ft. path of cement. This is about a \$20,000 structure and will be very nice and add value to the home. They are over 150 to any neighbor.

Mr. Meek, 8674 Saybrook NW stated the fence is on the lot line. The footers have to go down through the cement and if at the 10 ft. they would run into the pool plumbing.

Ms. Meek stated her neighbor complained about draining the pool and her bushes and said they thought they had enough structures. She told them she would be willing to take care of any issues regarding the pool drainage and bushes.

Mr. Meek stated if the bushes are over the lot line they will take care of it but when the bushes were put in it was a vacant lot and they weren't aware it was on someone else's property.

Mr. Vitale stated he looked at the property and where the line is.

Mr. Meek stated the lot line is about 1 foot from their fence. They are willing to address any issues with the neighbors.

Mr. Vitale asked if the structure could be made smaller.

Ms. Meek stated yes, but she would hope they wouldn't have to because it doesn't affect anyone.

Mr. Vitale asked if the structure was made shorter, would it still affect the plumbing area.

Mr. Meek stated no.

Mr. McDonnell asked why the house is not centered on the lot.

Mr. Meek stated there is a gas easement on the east side of the property and cuts across the front of the house. Mr. Meek drew the gas easement on the drawing showing the location and Mr. Vitale marked the drawing as Exhibit #1.

Mr. McDonnell stated there is a letter in the file from Mr. Meek and asked if it is his letter.

Mr. Meeks stated yes.

No one else spoke in favor of the appeal.

Mr. Vitale swore in those in opposition to the appeal.

Terry Snow, 8679 Saybrook stated she feels the request is a desire and not a need. They don't support having a variance. They also live with a gas easement. This doesn't make sense to her. They addressed the bushes, rocks and pool drainage that there was an issue with, but it hasn't been corrected.

No one else spoke in opposition to the appeal.

Ms. Meek stated she knew where the property line was but didn't know it was an issue that it wasn't fixed yet.

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

Mr. Vitale closed the appeal to public input.

Mr. Gosney stated he is happy the structure has not been built yet. In looking at the property he sees where some changes could be made to the pavilion. He is not sure of a difficulty but doesn't really see an issue.

Mr. Rohr stated he thought the lot line was further west than what it is. It is hard to imagine a variance is needed for 3 acres. Even though it is not huge, to the neighbor it seems significant. He thinks it would infringe on the neighbor and there are other avenues.

Mr. McDonnell reviewed section 803.5 and stated he thinks there are difficulties with the land and the gas easement on the east side of the property. He has no problem with the variance.

Ms. Busby stated she thinks the gas easement is a practical difficulty and where the location of the house is and the gazebo they are trying to construct.

Mr. Vitale stated they do have a practical difficulty with the gas easement. His problem is that both Mr., and Mrs. Meek stated they could go smaller and it would not impact the plumbing for the pool.

Mr. Gosney made a motion to approve appeal #2430 as requested.

Mr. Busby seconded the motion.

The vote was: Mr. Rohr-No, Mr. McDonnell-yes, Mr. Vitale-no, Mr. Gosney-yes, and Ms. Busby-yes.

**5:45 PM Appeal #2423** - Jeff Certo, 26031-B Center Ridge Road, Westlake, Ohio 44145 agent for Linda & Joseph Codispoti, property owner, 5575 Astrojet NW, North Canton, Ohio 44720 requests a conditional use permit for a car wash where a conditional use permit is required per Art. IV Sect. 411.3 of the zoning resolution. Property located at 6600 Frank NW, North Canton, Ohio 44720, Sect. 13NW Jackson Twp. Zoned B-2. (Continued from September 9 & October 14 per applicant request)

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

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

Mr. Eric Turk, 14577 Lorraine Ave. Cleveland, Ohio stated he is representing Blue Falls Car Wash. They have been in business for 52 years and are a family owned business. One of which is Conrad's down the road. They went to Stark County for site approval. It is a state of the art car wash. They tweaked the model for the best site plan that is good for the adjoining property. It is important the building and property look very sharp and clean. Jeff had a family emergency so he cannot be here but he can answer any questions regarding the car wash. They sell monthly passes to the car wash. There is a member only access lane and have free vacuums on the site and recycle the water.

Mr. Vitale asked about the vacuums and noise issues.

Mr. Turk stated the vacuums are different from others. The vacuum producers are inside the building and are not 24/7. They only run when being used by the customer. The drying motors are at the exit and angled to the street noise.

Mr. McDonnell asked what the decibels are.

Mr. Dominion Umek, 1477 Lorraine, Cleveland, Ohio stated it is low to mid 60's and the dryer by the drive by traffic is the low 70's. This is why the building is positioned the way it is.

No one else spoke in favor of the appeal.

Mr. Vitale swore in those in opposition to the appeal.

Mr. Mark Pellegrino, 5651 Frank, North Canton, Ohio stated he is opposed and thinks it would be a detriment to his business and the care he provides to his patients. He owns the building at 5651 Frank Ave. He is a physician and his concern is the traffic congestion and his patient's ability to enter and exit his building. It is difficult to make a left turn out of his property now. If a car wash is there, there will be 300 to 500 cars going into the area. The traffic will be disruptive for the business owners in the area. He

thinks it will interfere with his patient care and prevent some of them from visiting him. His other concern is a car wash is not part of the professional neighborhood. He feels this does not fit the area, is not a professional business, and it would adversely affect his property and the community.

Mr. Vitale stated the drive loops around his building so people can come out the other side of the building.

Mr. Pellegrino stated it does not loop and people will not use any other entrance.

Mr. Vitale stated he used the other entrance and it was easy to get out.

Mr. Bert Marzley, 6677 Brink Ave. representing Sole Partners stated they are across the street and this is the 4<sup>th</sup> car wash attempted in that area. They have seen a number of accidents by that property. There is a lot of traffic issues. Where the property is located is next to the delivery dock for Pet Smart for semi-trucks. He sees this as adding to the congestion in the area. If the traffic is increased they may need to add a turn lane which would result in the taking of property. He sees the engineer is limiting it to one curb cut. This is more of a professional area. Costo is going to be going in and this will also add to the traffic.

Mr. Vitale stated they are only looking at the conditional use and it is not their job to look at the traffic and curb cuts that are permitted.

Maria Stojazinovic, 3562 Lake Center St. NW stated she is a former patient of the doctor and the other entrance is easier but when you come around it is hard to see and the entrance is mostly for the businesses in the back. She doesn't think the car wash or any other large business is good for the property. It would be better suited by Bj's. This is mostly for doctor's offices and the area is congested.

No one else spoke in opposition to the appeal.

Mr. Turk stated he understands about the traffic but car washes do not generate more traffic. No one drives 5 miles to go to a car wash. There is a misconception that it will bring more traffic. They did a traffic study and this is why the drive is where it is. This is a commercial zoned property. The rest of the property will also be used commercial. Originally they had 2 entrances and this was changed due to the study. They could do 2 lanes but they do 3 for less cars in the lanes.

Mr. McDonnell asked if Mr. Turk was familiar with the criteria for the conditional use permit and Mr. McDonnell reviewed the criteria for the conditional use permit.

Mr. Vitale closed the appeal to public input.

Mr. Vitale stated he hears what the opposition is saying that they don't want the car wash. There is a section of office buildings but there are multiple uses along this stretch of Portage and Frank. The property will be developed but he is not sure what or how it will be developed. He think the due diligence has been done. They have escape routes if needed. The vacuums are enclosed for the motors and he thinks all the right things have been done.

Mrs. Busby stated she agrees it will not increase traffic and most people use it on their way home from somewhere.

Mr. Rohr agreed with the other board members, although he doesn't think they need another wash, but that is not up to him. It is zoned commercial and could be anything that is permitted in this commercial district. He sees no reason not to support it.

Mrs Busby stated the company made sure they did their due diligence and the argument could always be used something isn't needed.

Mr. Gosney made a motion to approve appeal #2423 as requested.

Mr. Busby seconded the motion.

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

Ms. Poindexter stated the meeting minutes from the October 14<sup>th</sup> meeting. Those who vote on the minutes are Mr. Rohr, Mr. Vitale, and Mr. Gosney

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

Mr. Gosney seconded the motion.

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

Being no further business the meeting was adjourned.

Respectfully submitted,

Joni Poindexter

Jackson Township Zoning Inspector

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS  
CONCLUSIONS OF FACT  
APPEAL #2428**

Upon the hearing the Board determined that the variance would allow for a 3 ft. north left side yard setback and a 1 ft. east rear yard setback for accessory building where a 10 ft. setback is required per Art. IV Sect. 401.11 of the zoning resolution. Property located at 5926 Snowshoe NW, Sect. 26SW Jackson Twp. Zoned R-R.

Whereas, upon the Board determined:

There was a practical difficulty with the gas easement on the property.

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Whereas, the Board further:

Denied \_\_\_\_\_

Approved x \_\_\_\_\_

The variance for a 3 ft. north (left) side yard setback and a 1 ft. east rear yard setback for an accessory building where 10 ft. is required.

Mr. McDonnell made a motion to approve appeal #2428 for a 3 ft. north (left) side yard setback for the accessory building as requested.

Mr. Rohr seconded the motion.

The vote was: Mr. Rohr—yes


Mr. Vitale-No\_

Mr. Gosney- Yes

Mr. McDonnell-No

Ms. Busby- Yes

  
\_\_\_\_\_  
Acting Chairman

  
\_\_\_\_\_  
Zoning Inspector, Joni Poindexter



**JACKSON TOWNSHIP BOARD OF ZONING APPEALS  
CONCLUSIONS OF FACT  
APPEAL #2429**

Upon the hearing the Board determined that the variance would allow 28 ft. 6 in. between two single-family attached dwellings where 30 ft. is required per Art. IV Sect. 401.20(3) of the zoning resolution. Property located at 2607 Charing Cross NW, Sect. 36NE Jackson Twp. Zoned R-4.

Whereas, upon the Board determined:

The practical difficulty was not met as this was a result of the actions of the owner therefore there are no special circumstance or conditions.

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Whereas, the Board further:

Denied   X  

Approved       

The variance to allow 28 ft. 6 in. between two single-family attached dwellings where 30 ft. is required.

Mr.   Rohr   made a motion to approve the variance as requested to allow 28 ft. 6 in. between two single-family attached dwelling where 30 ft. is required.

Mr.   Busby   seconded the motion.

The vote was: Mr. Rohr-   No  

Mr. Vitale-   No  

Mr. Gosney-   No  

Ms. Busby-   Yes  

Mr. McDonnell-   No  



Acting Chairman



Zoning Inspector, Joni Poindexter

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS  
CONCLUSIONS OF FACT  
APPEAL #2430**

Upon the hearing the Board determined that the variance would allow for a 6.5 ft. left (west) side yard setback for pavilion where 10 ft. is required per Art. IV Sect. 401.11 of the zoning resolution. Property located at 8674 Saybrook, Sect. 5NE Jackson Twp. Zoned R-R.

Whereas, upon the Board determined:

There was a practical difficulty with the gas easement on the property as well as the way the house is located on the lot.

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Whereas, the Board further:

Denied \_\_\_\_\_

Approved X \_\_\_\_\_

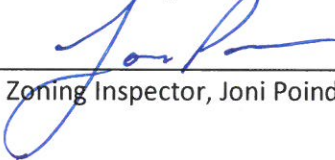
The variance would allow for a 6.5 ft. left (west) side yard setback for pavilion where 10 ft. is required.

Mr. Gosney made a motion to approve appeal #2430 for a 6.5 ft. left (west) side yard setback for pavilion as requested.

Mr. Busby seconded the motion.

The vote was: Mr. Rohr- No  
Mr. Vitale- No  
Mr. Gosney- Yes  
Ms. Busby- Yes  
Mr. McDonnell- Yes

  
\_\_\_\_\_  
Acting Chairman

  
\_\_\_\_\_  
Zoning Inspector, Joni Poindexter

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS  
CONCLUSIONS OF FACT  
APPEAL #2423**

Upon the hearing the Board determined that the approval would allow for a conditional use permit for a car wash where a conditional use permit is required per Art. IV Sect. 411.3 of the zoning resolution. Property located at 6600 Frank NW, North Canton, Ohio 44720, Sect. 13NW Jackson Twp.

Whereas, upon the Board determined:

The criteria for the conditional use permit has been met and the diligence has been done including a traffic study.

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Whereas, the Board further:

Denied \_\_\_\_\_

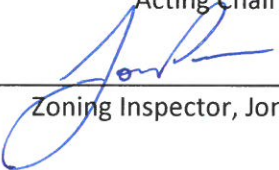
Approved  X

The conditional use permit for a car wash where a conditional use permit is required in the B-2 district.

Mr.  Gosney  made a motion to approve appeal #2423 for a conditional use permit for a car wash.

Mr.  Busby  seconded the motion.

The vote was: Mr. Rohr-  Yes   
Mr. Vitale-  Yes   
Mr. Gosney-  Yes   
Ms. Busby-  Yes   
Mr. McDonnell-  Yes

  
\_\_\_\_\_  
Acting Chairman  
  
\_\_\_\_\_  
Zoning Inspector, Joni Poindexter