

Jackson Township Board of Zoning Appeals
September 9, 2021

Members Present: Charles Rohr
Patrick Snyder
Deborah Busby-Alternate

Zoning Inspector: Joni Poindexter

Absent Members: Jared Singer
Leon Vitale
Edward McDonnell
Steven Gosney-Alternate

5:00 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.

Mr. Snyder stated the applicant has submitted a request to continue the appeal until the next available meeting.

Ms. Poindexter stated the next meeting would be October 14th at 5:45 PM.

Ms. Busby made a motion to continue appeal #2423 until October 14, 2021 at 5:45 PM.

Mr. Rohr seconded the motion.

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

5:15 PM Appeal #2424 – Thomas Winkhart, Esq., 825 South Main St., North Canton, Ohio 44720 agent for J29:11 LLC, property owner, 3033 Whipple NW, Canton, Ohio 44718 requests a variance to allow a 4,320 sq. ft. accessory building where 3,000 sq. ft. is permitted per Art. IV Sect. 401.12 of the zoning resolution. Property located at 7433 Strausser NW, Sect. 4SE Jackson Twp. Zoned R-R.

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

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

Mr. Thomas Winkhart, 7008 Victoria Court stated he is representing the property owner who is John Sirpilla.

Mr. Winkhart stated based upon a practical difficulty he tends to show the need for the variance. The uniqueness is John has worked on the property for over one year. As part of this he ordered and purchased the pre-engineered building prior to the change in the zoning resolution. The property is 33 acres and the home is going to be about 9,500 sq. ft. Behind the home is a swimming pool. The building was purchased early in the spring and on July 8th the zoning code was changed to say “3,000 sq. ft. or 3% of the lot whichever is less” when previously the regulation was “3,000 sq. ft. or 3% of the lot whichever is greater”. When Mr. Sirpilla ordered the building it was permitted. One of the criteria is did the owner do this to himself and he does not believe he did. It’s just a case of bad timing.

Mr. Winkhart reviewed the practical difficulty requirements and thinks the practical difficulty was due to a change in the zoning code. He believes the change was to prevent someone from having a small home and building a large accessory building. The property qualifies for an agricultural exemption but the building is not going to be used for agricultural purposes although there is someone farming the property. He doesn’t think

the variance is substantial because of the size of the entire project and the character of the neighborhood will not be altered. The variance will not affect government services and he thinks special circumstances exists due to the change in the zoning code. The building cannot be returned, it will be a nice looking building and he believes the spirit and intent of the zoning code will be met.

Mr. Rohr stated he noticed where the construction drive is located and asked if the drive will be along that line to Strausser.

Mr. Winkhart stated that will be the driveway.

Mr. Winkhart stated there is a driveway off of Evergreen to access the back of the building.

Mr. Snyder asked if the height would be higher than the house.

Mr. Winkhart stated no it will be below the height of the house.

Mr. Poindexter stated the maximum height allowed is 18 ft.

Mr. Winkhart stated yes.

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

Mr. Snyder closed the appeal to public input.

Mr. Rohr stated he is not sure of the practical difficulty but there are circumstances with a changed in the regulations. He has no issue with the variance.

Mr. Snyder stated the property owner did not create the issue.

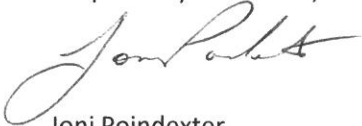
Mr. Rohr made a motion to approve appeal #2424 as requested.

Mr. Snyder seconded the motion.

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

Being no further business Mr. Snyder adjourned the meeting.

Respectfully submitted,



Joni Poindexter,
Jackson Township Zoning Inspector

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2424**

Upon the hearing the Board determined that the variance would allow a 4,320 sq. ft. accessory building where 3,000 sq. ft. is permitted per Art. IV Sect. 401.12 of the zoning resolution. Property located at 7433 Strausser NW, Sect. 4SE Jackson Twp. Zoned R-R.

Whereas, upon the Board determined:

~~There is a practical difficulty due to the fact that the owner purchased the building prior to a change in the regulations effective July 8, 2021 in which the maximum sq. ft. was changed~~
Whereas, the Board further: to 3,000 sq. ft. of 3% of the lot whichever is less as opposed to greater.

Denied _____

Approved X

The variance to allow a 4,320 sq. ft. accessory building where 3,000 sq. ft. is permitted per Art. IV Sect. 401.12 of the zoning resolution

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

Mr. Snyder seconded the motion.

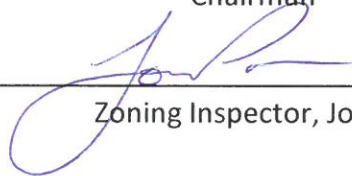
The vote was: Mr. Rohr- Yes

Ms. Busby- Yes

Mr. Snyder- Yes



Chairman



Zoning Inspector, Joni Poindexter