

Jackson Township Board of Zoning Appeals

January 13, 2022

Members Present: Charles Rohr
Jared Singer
Patrick Snyder
Edward McDonnell-Recused
Debbie Busby
Steven Gosney-Alternate
Randy Alexander-Alternate

Zoning Inspector: Joni Poindexter

Mr. Rohr made a motion to nominate Mr. Snyder as Chairman for 2022

Ms. Busby seconded the motion.

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

Ms. Busby made a motion to nominate Mr. Singer as Vice Chairman for 2022.

Mr. Snyder seconded the motion.

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

Mr. McDonnell recused himself from appeal #2432 and 2434 and Mr. Gosney participated in the hearings.

5:00 PM Appeal #2432 – Costco Wholesale Corporation/Stephen Cross, Cross Engineering & Associates, 1955 Raymond Dr., Suite 119, Northbrook, Illinois 60062 agent for Dressler Properties, Inc., property owner, 4942 Higbee NW, Canton, Ohio 44718 requests a variance to waive the solid wall or fence enclosure requirement around the refuse (trash) containers where the enclosure is required per Art. IV Sect. 411.11(B) of the zoning resolution. Property located at parcel #10010396 Applegrove NW, Sect. 12NW, Jackson Twp. Zoned I-1

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. John Imbus, 5899 Mount Clair, Cincinnati Ohio stated that Costco has a purchase agreement for the property and the variance deals with the requirement for fencing around the trash receptacle. Costco has a compactor on the north side of the building. The compactor will be fully enclosed and only accessible from the inside of the building. Based on the site plan the site lines for the compactor will only be from the north of the property. The compactor is about 240 ft. from Frank. It will be about 570 ft. from Strip and 20 ft. above the elevation. The compactor will be by the northern drive isle. If the compactor were enclosed with a fence or wall, it would restrict the drive isle around the building and the gas company would consider it an encroachment with the gas easement on the property.

Mr. Rohr asked if the gas company allowed it, would there be an enclosure.

Mr. Imbus stated no because it is not utilized from the outside.

Ms. Busby confirmed that the trash would be put in the compactor from the inside of the building and asked if there is a buffer between Costco and Spectrum.

Mr. Imbus stated all the trash will come from the inside. They have not completed the landscaping plan yet. There is a lot of landscaping along Frank that will be utilized.

Mr. Singer asked about the compactors.

Mr. Imbus stated they will be emptied from the outside but no trash will be put in them from the outside.

Mr. Snyder asked how the trash is picked up.

Mr. Imbus stated the container compacts the trash and the containers are traded out.

Mr. Imbus stated the truck dock is at the northeast portion of the building.

Mr. Rohr stated it sounds like the compactor is there permanently and is exchanged.

Mr. Imbus stated the compactor is taken away, not emptied.

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

Mr. Snyder closed the appeal to public input.

Mr. Rohr asked if there are other businesses in the Township that has compactors that are not fenced.

Ms. Poindexter stated there are businesses that do not have enclosures for compactors.

Mr. Singer stated it would be hard to deny the variance when other businesses do not have the fencing. They are here because of the way the regulation is written. He has no problem with the variance.

Mr. Gosney stated he agreed with Mr. Singer.

Mr. Snyder stated he thinks there is a practical difficulty with the flow of traffic and they cannot move the drive to the north with the easement.

Rohr made a motion to approve the variance as requested.

Mr. Gosney seconded the motion.

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

Ms. Poindexter stated that appeal #2433 has been withdrawn from the agenda and will be rescheduled for February 10th. It will be advertised and notice will be sent to the adjoining property owners due to an error in the address therefore the board will not take any action on the appeal.

5:30 PM Appeal #2434 - Matt Sutter agent for Sol Partners LLC, property owner, 6677 Frank NW, North Canton, Ohio 44720 requests a variance for a covered parking structure (with solar panels) at approx. 1,260 sq. ft. at a 28 ft. west and 7 ft. south setback where a 75 ft. west and 16 ft. south setback is required

per Art. IV Sect. 411.5 of the zoning resolution. Property located at 6677 Frank NW, Sect. 11SE Jackson Twp. Zoned B-2.

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. Matt Sutter, 6677 Frank NW North Canton, Ohio gave the board a packet of drawings. He explained the drawings submitted and stated they are asking for a variance for a covered parking area with solar panels on top.

Mr. Sutter stated the parking covering is 20 x 60. This is treated the same as a building because it is an accessory structure. The variance is for 7 ft. off the south property line. To the north is an undeveloped piece of property and they have an easement to use the drive. To the west is zoned residential so they are requesting a variance for a 28 ft. setback where 75 ft. is required. It is an undeveloped piece of property. There is an existing building on the property with a green roof and there will be no columns within the parking lot area. The covered parking slopes to the south to allow for snow runoff. There are existing solar panel on top of the existing building. They want to add more to get complete use of electricity from the panels. Looking from Frank toward the building, you can see it is in the back of the property. There will be five columns and no solid walls on the structure. It will be about 8 ft. tall.

Mr. Sutter reviewed the conditions in the zoning code under section 803.5 for allowing a variance and stated he looked at other places to put the covered panels but the lot is very narrow being only 75 ft. He doesn't think the character of the neighborhood will be changed and it will not affect services for the property. He thinks the spirit and intent of the zoning code will be observed and does not think they are getting too close to the property line because it is not a substantial structure.

Mr. Sutter stated a lot of places have solar panels and it is very cost effective and it is responsible to utilized them.

Mr. Singer asked if the panels on the roof are fixed.

Mr. Sutter stated yes.

Mr. Snyder asked if the structure were rotated, could they put it behind the building.

Mr. Sutter stated they would still need a variance for the north and south and the columns would be up against the existing foundation.

Ms. Busby asked if the solar panels would not be as effective if the structure were moved to a different location.

Mr. Sutter stated that is correct because the existing building is 6 to 7 ft. higher so they would lose some sun.

Mr. Rohr asked the height of the structure.

Mr. Sutter stated it is about 8 ft.

Mr. Sutter stated there would be no perimeter walls and only columns. In the future, they may add some vehicle charging stations to the columns.

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

Mr. Snyder closed the appeal to public input.

Mr. Rohr stated in looking at the property, it is very small at only 75 ft. wide. There is a practical difficulty. He has no problem with it as long as it is open with just the columns. There is nowhere else to put it and function the way it is intended.

Mr. Gosney stated he thinks Mr. Sutter did a great job in identifying all the difficulties with the property. He has no problem with the variances.

Mr. Snyder stated he agreed with the other members.

Mr. Gosney made a motion to approve appeal #2434 as requested.

Mr. Snyder seconded the motion.

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

Mr. Rohr made a motion to approve the meeting minutes from the September 9, 2021 meeting.

Mr. Snyder Seconded the motion.

Mr. Rohr-yes, Mr. Snyder-yes, and Ms. Busby-yes.

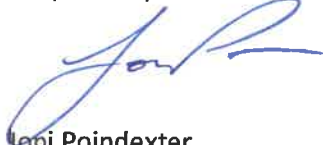
Mr. Gosney made a motion to approve the meeting minutes from the October 28, 2021 meeting.

Mr. Rohr seconded the motion.

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

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 #2432**

Upon the hearing the Board determined that the variance would allow for no solid wall or fence enclosure around the refuse (trash) container where the enclosure is required per Art. IV Sect. 411.11(B) of the zoning resolution. Property located at Parcel #10010396 Applegrove NW, Sect. 12 NW Jackson Twp. Zoned I-1.

Whereas, upon the Board determined:

 The trash is contained and put in the compactor from within
 the building and there is a gas easement on the property.

 If fenced, it would affect the drive isle.
Whereas, the Board further:

Denied

Approved X

The variance for no solid wall or fence enclosure around the refuse (trash) container where the enclosure is required.

Mr. Rohr made a motion to approve appeal #2432 as requested

Mr. Gosney seconded the motion.

The vote was: Mr. Rohr- Yes
 Mr. Singer- Yes
 Mr. Snyder- Yes
 Mr. ' Gosney-- Yes
 Ms. Busby- Yes



Chairman



Zoning Inspector, Joni Poindexter

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2434**

Upon the hearing the Board determined that the variance would allow for a covered parking structure (with solar panels) at approx. 1,260 sq. ft. at a 28 ft. west and 7 ft. south setback where a 75 ft. west and 16 ft. south setback is required per Art. IV Sect. 411.5 of the zoning resolution. Property located at 6677 Frank NW, Sect. 11SE Jackson Twp. Zoned B-2.

Whereas, upon the Board determined:

There was a practical difficulty with the width of the lot only being 75 ft. wide.

Whereas, the Board further:

Denied _____


Approved X

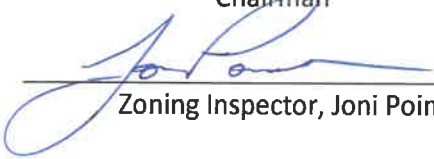
The variance to allow for a covered parking structure (with solar panels) at approx. 1,260 sq. ft. at a 28 ft. west and 7 ft. south setback where a 75 ft. west and 16 ft. south setback is required.

Mr. Gosney made a motion to approve appeal #2434 as requested.

Mr. Snyder seconded the motion.

The vote was: Mr. Rohr- Yes
Mr. Singer- Yes
Mr. Snyder- Yes
Ms. Busby- Yes
Mr. Gosney- Yes



Chairman


Zoning Inspector, Joni Poindexter