

Jackson Township Board of Zoning Appeals

March 10, 2022

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

**5:00 PM Appeal #2435** – Nick Nakoneszny, property owner, 9792 Spring Brook NW, Canal Fulton, Ohio 44614 requests a variance for a 4 ft. rear (west) setback for swimming pool where 10 ft. is required per Art. IV Sect. 401.11 of the zoning resolution. Property located at 9792 Spring Brook NW, Sect. 7NW, Jackson Twp. Zoned R-R PRD.

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

Mr. Snyder swore in Nick Nakoneszny, 9792 Spring Brook NW, Canal Fulton.

Mr. Nakoneszny stated he has no other place to put the swimming pool due to the drainage in the yard and accessibility to the pool for his handicapped son. The pool will not impede or affect any other property owner due to abutting the common area for the development. The closest home is 100 yard away from the pool location. Only one side of the pool will be at the 4' setback due to the shape of the lot and the pool is as close to the house as he can get it.

Mr. McDonnell asked the size of the pool.

Mr. Nakoneszny stated it is 16 x 36', which is a standard size. It cannot be moved to the west side due to the accessibility needed for his son because he cannot walk.

Mr. McDonnell asked why the reason for the common area.

Mr. Nakoneszny stated he did not know why they chose to have the common area.

Ms. Poindexter explained the common area is part of the open space that is required for the development and it cannot be built on and must remain open.

Mr. Singer asked why the pool couldn't be smaller to meet the 10 ft. setback.

Mr. Nakoneszny stated he did not think about making it more narrow but if denied he possibly could if he had to.

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

Mr. Rohr stated he does not have a problem with the appeal. The common space behind them cannot be built on and it won't impact any neighbors.

Mr. Snyder agreed with Mr. Rohr and stated only one corner of the pool requires the variance. He thinks the shape of the lot is a practical difficulty.

Mr. McDonnell agreed with the other members and stated he thinks the practical difficulty has been met. The common area is unbuildable because of the gas pipe and it is open space. The pool could fit somewhere else although it is not practical and they are not overbuilding the property.

Mr. McDonnell made a motion to approve appeal #2438 as requested with the condition the variance only applies to the pool as presented and does not apply to the entire property.

Mr. Rohr seconded the motion.

The vote was: Mr. Singer-no, Mr. Rohr-yes, Mr. McDonnell-yes, Ms. Busby-yes, Mr. Snyder-yes.

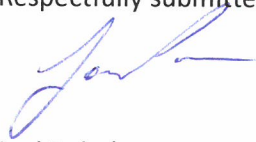
Mr. Singer made a motion to approve the meeting minutes from the February 10, 2022 meeting.

Mr. Snyder seconded the motion.

The vote was: Mr. Rohr-yes, Mr. Snyder-yes, Mr. Singer-yes, Mr. McDonnell-yes, and Ms. Busby-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 #2438**

Upon the hearing, the Board determined that the variance would allow for a 4 ft. rear (west) setback for swimming pool where 10 ft. is required per Art. IV Sect. 401.11 of the zoning resolution. Property located at 9792 Spring Brook NW, Sect. 7NW, Jackson Twp. Zoned R-R PRD.

Whereas, upon the Board determined:

There is a practical difficulty on the property with the shape of the lot. The area to the rear is unbuildable due to being common area and the gas line on the property. Not overbuilding the property.

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Whereas, the Board further:

Denied \_\_\_\_\_

Approved X

The variance for a 4 ft. rear (west) setback for swimming pool where 10 ft. is required per Art. IV Sect. 401.11 of the zoning resolution.

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Mr. McDonnell made a motion to approve appeal #2438 as requested with the condition the variance only applies to the pool as presented and does not apply to the entire property.

Mr. Rohr \_\_\_\_\_ seconded the motion.

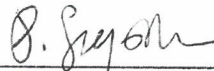
The vote was: Ms. Busby-Yes

Mr. Rohr-Yes

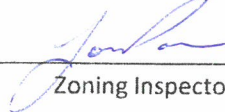
Mr. Singer-No

Mr. McDonnell-Yes

Mr. Snyder-Yes



Chairman



Zoning Inspector, Joni Poindexter