

Jackson Township Zoning Commission Meeting Minutes  
February 16, 2023

Members Present: Rich Cosgrove  
Matt Sutter  
Justin Gantz  
David Calevski  
Dustin Wiggins  
Zoning Inspector: Joni Poindexter

Absent Member: Mr. Weston

**5:00 PM Amendment 2023025**-Leescrest Holdings LLC, property owner, PO Box 604, Massillon, OH 44648 proposes to rezone R-R Rural Residential District to R-1 Single Family Low Density Residential District 23.2584 acres of a 32.49 acre tract-Parcel No. 1612954, 7291 Stuhldreher NW, Massillon, OH 44646, Sect. 33 NE Jackson Twp.

Mr. Cosgrove read the file application into the record.

Those is favor of the amendment:

John Walsh, 565 White Pond Dr. Akron stated he is representing Leecrest Holdings. Caris Homes is the anticipated builder. They are requesting to rezone about 23 acres on Julian St. Mr. Walsh explained the surrounding properties and what they are zoned. The eastern portion of the property will remain as R-R. He thinks the rezoning fits in with the area of the zoning. Mr. Walsh showed a copy of the map that had the zoning on it. They have all utilities to the site so the infrastructure can support the R-1 zoning. The portion of the project that is to the east will remain R-R so the people to the east will have the same type of lot sizes. He has a copy of the layout if the board would like to see it; however, he knows the layout has nothing to do with the zoning itself. The eastern portion of the lots will have the zoning line along the right of way so the lots are all zoned the same and there would be no split zoning. He thinks this fits with what is in the area. He would ask that the board grant a favorable vote.

Paul Danilowicz 3631 Vineyard looked at the map that showed the lots and asked if he would only have one house behind him.

Mr. Walsh stated yes.

Joyce Carr 3457 Vineyard asked how many homes would be on the remaining property and the size of the lots.

Mr. Walsh stated the lots would be about ½ acre.

Ms. Carr stated she is in favor of it because Chillmark has been vacated and the eastern portion will remain R-R therefore protecting the property values.

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

Mr. Cosgrove closed the hearing to public input.

Mr. Gantz asked Ms. Poindexter if Chillmark would have to go through.

Ms. Poindexter explained that Chillmark has been vacated and is no longer a public street so it would not connect through.

Mr. Sutter stated he thinks it is a clever way to do the step down zoning and it makes sense.

Mr. Gantz explained he thinks it is great that changes have been made since the last time this property was in front of the board so now the residents are in favor.

Mr. Gantz made a motion to approve the rezone request as submitted.

Mr. Sutter seconded the motion.

The vote was: Mr. Sutter-yes, Mr. Gantz-yes, Mr. Calevski-yes, Mr. Cosgrove-yes, and Mr. Wiggins-yes.

**5:15 PM Amendment 2023042**-- Bruno Ferrante, property owner, 922 Ashton Ct. Aurora, OH 44202 proposes to rezone approx. 2.42 acres of the rear portion of parcel # 10016306 Wales Ave. NW, N. Canton, OH, from R-R Rural Residential District to B-3 Commercial Business District, Sect. 10SW, Jackson Twp.

Mr. Cosgrove read the file application into the record.

Those in favor of the amendment:

Bruno Ferrante, 922 Ashton Ct. Aurora, OH stated he is the property owner and explained the property is split zoned and he would like to rezone the back portion of the property that is just like the request that his neighbor asked for. He would like to the property to have consistent zoning.

No one else was in the audience to speak in favor of or in opposition to the amendment.

Mr. Cosgrove closed the appeal to public input.

Mr. Gantz made a motion to approve the amendment as requested.

Mr. Sutter seconded the motion.

The vote was: Mr. Sutter-yes, Mr. Gantz-yes, Mr. Calevski-yes, Mr. Cosgrove-yes, and Mr. Wiggins-yes.

**5:30 PM Amendment 2023049** – The Jackson Township Zoning Inspector, agent for the Jackson Township Trustees, 5735 Wales Ave. NW, Massillon, Ohio proposes misc. text amendments, including, but not limited to, permitted and conditionally permitted uses, mini storage, automobile, landscaping and construction vehicle storage, outdoor retail sales, vendors and definitions.

Mr. Cosgrove read the file application into the record.

Ms. Poindexter reviewed the proposed text amendments. The notes listed after each item indicates what the board decided on each of the proposed changes.

**1) Section 201.2 Definitions**

- A) Change the definition of “Outdoor Display”** to “The placing of merchandise in an outdoor area **in conjunction with a principal use** that is open to the general public when the merchandise on display is removed from its shipping, packaging, and is representative of merchandise that is available for purchase inside the building and/or is available by the general public directly from the display area.

**REASON:** To clarify that outdoor display is utilized as part of a principal use in which merchandise is sold.

**NOTES:** ZC-okay with change

- B) Add “Retail Establishment – Any business facility that sells goods or merchandise directly to the consumer.”  
**REASON:** To clarify what is considered a retail sales establishment.  
**NOTES:** ZC thought the words “or merchandise” should be added.
- C) Delete the definition of ~~“Special Event Vending”-A vendor that is selling goods or services at township events that are sponsored by the Jackson Township Trustees”~~  
**REASON:** There will no longer be a special event vendor permit and any vendor attending events that are sponsored by the Jackson Township Trustees will be permitted per the application process for approval to participate in the event.  
**NOTES:** ZC Okay with change
- D) Move definition of “Stationary Vending” and “Transient Vendor” and add “Three Day Vending” and “Door to Door Vending/Solicitation” as listed under “Vending” as follows:  
**VENDING:**
- (a) **Stationary Vending:** Any vendor selling food, drinks, clothing, or other misc. items that sets up at any one (1) fixed location per the permit issued for a period of time not to exceed one-hundred (180) days and does not travel about the township.
  - (b) **Three Day Vending:** Any vendor selling food, drinks, clothing, or other misc. items or soliciting for the future delivery of goods and services at an event located at any one (1) fixed location per the permit issued for three (3) or less consecutive days.
  - (c) **Door to Door Vending-Solicitation:**
    1. All door to door sales and/or solicitors, including leaving brochures or other information on the property, shall fall under the Transient Vendor Legislation and a transient vendor permit shall be obtained, except;
    2. Any door to door sales and/or solicitors who represents any entity exempted from taxation under section 5709.04 of the Ohio Revised Code shall not be required to obtain a transient vendor permit.
  - (d) **Transient Vendor:** See the Jackson Township Transient Vendor Home Rule Legislation.  
**REASON:** To have all definitions for vendor located under one definition for easy finding.  
**NOTES:** ZC okay with change
- E) Add definition “Outdoor Retail Sales-Outdoor sales of products that is not associated with a principal building on the property.”  
**REASON:** Ex. would be storage buildings, playground equipment, etc. that is being sold the property as a principal use in which no items are sold within a building.  
**NOTES:** ZC okay with change
- F) Add definition of “Principal Building-A building utilized for the principal purpose of the property in which a building permit is required and is serviced by permanent utilities.”  
**REASON:** So principal building would be required to obtain a building permit and be serviced by utilities.  
**NOTES:** ZC okay with change

2) Section 411.3 Schedule of Permitted uses

- A. Section 411.3 (3) (K) – Delete “Outdoor Display” and add “Outdoor Retail Sales” and add a “P” as a permitted use in the I-1 and C-P District.

REASON: Outdoor display will not be a principal use of the property and will be addressed as an accessory use to a Retail Sales Establishment. Outdoor retail sales will be a permitted use in the I-1 and C-P district. Ex. Storage shed, playground equipment, etc. that are not associated with a principal retail sales establishment.

NOTES: ZC okay with change

- B. Section 411.3 (4) (a) Change to “Automobile, truck, boat, trailer, ~~and~~ farm implement storage, including Landscaping and Construction Vehicle storage when not used in conjunction with an onsite business, and/or repair garage. “Remove as a conditionally permitted use in the B-3 district.”

REASON: The above items would not be conditionally permitted in the B-3 district. This is consistent with removing the Mini storage from the B-3 which includes automobile, boats, trailers and farm implements stored on the property outside of a building. The above will only be permitted in the I-1 district.

NOTES: ZC okay with change

- C. Section 411.3 (4) (e) Delete Entirely- ~~Landscaping & Construction Vehicle and equipment storage when not used in conjunction with an onsite business.~~

REASON: The above use was combined with section 411.3(4)(a) as a principal permitted use in the I-1 district only. It is no longer a CUP in the B-3 district.

NOTES: ZC okay with change

- D. Section 411.3(6) (b) Mini Storage facility-“Remove as a conditionally permitted use in the B-3 district.”

REASON: Any mini storage buildings currently in the B-3 district would remain as a legal non-conforming conditional use however; any new mini storage uses would be required to be in the I-1 districts.

NOTES: ZC okay with change

- E. Change 411.3(6) (C) – Delete “Outdoor Storage” as a principal use of the property in the B-3 District.

REASON: Outdoor storage will not be a principal use of the property in the B-3 district, and will only be permitted as an accessory to a permitted use.

NOTES: ZC-okay with change

- F. Change 411.3(6) (J) Certified Compositing Facility –Delete as a conditionally permitted use in the B-3 and C-P districts.

REASON: This would only be permitted in the I-1 district.

NOTES: ZC okay with change

~~G. Change 411.3 (8) (3) Churches, other places of worship, building for assembly~~ Change CUP in the B-1, B-2 and C-P districts to a permitted use.

REASON: This use would allow as a permitted use within these districts

NOTES: Zoning Commission recommended to leave as a CUP

NOTES: \_\_\_\_\_

3) Section 411.10 "Minimum Yard Requirements and Height for Accessory Buildings, Structures or use

A) Add – "Outdoor Display/Storage as an accessory to a principal use, see section 411.12."

REASON: Outdoor Display/Storage in an accessory use to a principal building located on the property and the regulations are addressed in 411.12.

NOTES: ZC okay with change

4) Section 411.12 Outdoor ~~Business~~ Display/Storage

All uses, excluding patios, shall be conducted within completely enclosed buildings, except in the B-3 and I-1 district, **Outdoor Display/Storage as an accessory to a permitted principal use shall be permitted in compliance with the following:**

A. Outdoor Display. The outdoor display of goods for sale shall comply with the following:

1. **Outdoor** display areas **for the sale of goods or merchandise** shall comply with the parking setbacks set forth in Schedule 411.8A.
2. Such display areas shall not be located in areas intended for traffic circulation.
3. One ten (10%) percent of the existing parking spaces may be used for temporary display when the display area is located within the parking lot.

B. Outdoor Storage:

1. All areas devoted to outdoor storage shall be located in the side or rear yard, a minimum of 16 ft. from a side or rear property line.
2. Outdoor storage areas shall not exceed the ground floor area of the principal building on the site.

REASON: To clarify that outdoor business display and storage is permitted in the B-3 and I-1 district as an accessory to a principal building use that is located on the property.

NOTES: ZC thought the words "or merchandise" should be added.

5) Section 411.19 Delete entire section ~~Mobile Food and Stationary Vending, and Special Event (Township Sponsored) Vending~~ and replace with the following:

Replace section 411.19 - "Section 411.19 Stationary/Solicitation/Three Day Vendor Permits/Door to Door Vending-Solicitation"

**"Vendors attending Events operated by the Jackson Township Trustees shall not be required to obtain a transient vendor, stationary vendor, solicitors, or three day event vendor permit."**

A. Three day vendor permit.

1. A three day vendor permit is required for any vendor selling food, drinks, clothing, other misc. items, or soliciting for the future delivery of goods or services, at an event located at any one (1) fixed location per the permit issued for three or less consecutive days.

2. A current food license must be submitted to the zoning department prior to the issuance of a three day vendor permit for the vending of food.
3. Any vendor attending an event who represents any entity exempted from taxation under section 5709.04 of the Ohio Revised Code shall be exempt from the permit fee.

**B. Stationary Vendor Permit:**

1. A Stationary Vendor permit is required for any vendor selling food, drinks, clothing, other misc. items, or soliciting for the future delivery of good or services at any one (1) fixed location per the permit issued for a period of time not to exceed one-hundred eighty (180) days, and does not travel about the township.
2. A current food license must be submitted to the zoning department prior to the issuance of a stationary vendor permit for the vending of food.
3. Any stationary vendor, who represents any entity exempted from taxation under section 5709.04 of the Ohio Revised Code shall be exempted from the permit fee.

**C. Regulations for Stationary Vending:**

1. Stationary vending is permitted to operate on a lot or parcel in the B-1, B-2, B-3, I-1 and C-P districts.
2. Stationary vendors are not permitted to sell from any public road right of way or within 10 ft. of a public road right of way.
3. Stationary vending units must not block the entrance or exits to the property, fire lanes or drive isles.
4. Vending operators must have permission from property owners (public or private) or, in case of township owned property, written permission from the Jackson Township Trustees, or their designee, to participate in vending on township property.
5. Stationary vendors are permitted to have a canopy or tent utilized for selling purposes.
6. No more than two stationary vendor units are permitted per property at any one time.
7. Stationary vendors shall not provide or allow any seating areas, including but not limited to, tables and chairs, booths, bar stools, benches and stand up counters.
8. Stationary vendors must supply, in a prominent location, trash containers sufficient in size to collect all waste generated by customers and staff on the vending operation. All trash and debris generated by customers and staff shall be collected by the vendor and remove from the site by the vendor.
9. The use of PA systems, bells or music is prohibited.
10. Stationary vendors may display one freestanding sign without a permit at a maximum size of 6 sq. ft./5 ft. in height during selling hours.

**D. Door to Door Sales/Solicitation**

1. All door to door sales and/or solicitors, including leaving brochures or other information on the property, shall fall under the Transient Vendor Legislation and a transient vendor permit shall be obtained, except;
2. Any door to door sales and/or solicitors who represents any entity exempted from taxation under section 5709.04 of the Ohio Revised Code shall not be required to obtain a transient vendor permit.

6) ~~Schedule 431.4 (2) Church, other place of worship.~~

~~Change acreage from "one acre to seven acres".~~

~~REASON: To provide ample space for parking and buildings.~~

~~NOTES: Zoning commission recommended to leave as one acre. Thought this would make too many properties substandard.~~

~~NOTES:~~

7) ~~Schedule 431.5 (5) Church, other place of worship.~~

~~Change acreage from "one acre to seven acres".~~

~~REASON: To provide ample space for parking and buildings.~~

~~NOTES: Zoning commission recommended to leave as one acre. Thought this would make too many properties substandard.~~

~~NOTES:~~

8) Section 801.2 Application Requirements

Change "A" Zoning Certificates for Single Family and Two-Family Dwellings ~~and Uses Accessory Thereto.~~

REASON: Accessory uses do not require plot plans that are drawn to scale.

NOTES: ZC okay with change

Add "B" Zoning Certificates for Uses as an Accessory to a Residential use. (Re-letter others to correspond)

a) Plot plan showing lot dimensions, proposed structure and existing structures.

b) Location, dimension, height, and intended use of structure(s) to be erected.

c) Setbacks from property lines, other structure(s) and road right of ways where applicable.

REASON: to separate accessory uses because they do not require a plot plan drawn to scale.

NOTES: ZC okay with change

9) Section 802.4 Action by Board of Zoning Appeals

A. Change the first sentence – "If the proposed condition use is determined by the Board of Zoning Appeals to be appropriate, the Board of Zoning Appeals shall approve the conditional use permit application ~~and the conditional use permit shall be issued.~~"

REASON: Upon the approval of the conditional use permit by the BZA the permit would be issued by the zoning inspector as part of the approval process.

NOTES: ZC okay with change

10) Section 802.6 Effective Date and Termination

Delete all of 802.6 ~~"If the Board of Zoning Appeals approves a conditional use permit that is for a specific term, the term commences upon the date of approval of the Conditional Use by the Board of Zoning Appeals." Approved Conditional Use permits run with the land and not the property owner.~~

~~A Conditional Use Permit shall be issued prior to the issuance of a Zoning Certificate for a conditionally permitted use. A Conditional Use Permit must be obtained within one year from the date of approval by the Board of Zoning Appeals or the approval shall become null and void and no permit shall thereafter be issued.~~

~~Permits for specific Conditional Uses as stated in Schedule 401.3 and 411.3 shall be renewed on an annual bases per Section 802.7. Violations of an approved conditional use permit shall be subject to Chapter 901.~~

**Replace -Section 802.6 Effective Date, Termination and Violations of a Conditional Use Permit**

- A. Any approved conditional use permit that is not utilized within two (2) years from the approval date by the Board of Zoning Appeals shall expire and the approval of the conditional use permit shall become null and void. In order for a conditional use permit to be considered utilized, a valid zoning certificate for which the use requires new construction shall be issued, or in the case where no new construction is required the use must commence within two (2) years of the date of approval by the Board of Zoning Appeals and a permitted use certificate must be issued per the approved conditional use permit.
- B. Conditional use permits run with the land, not the property owner.
- C. Violations of an approved Conditional Use permit shall be subject to Chapter 901.
- D. A conditional use permit that has expired may be reapplied for per Section 802.2, Procedure for making application, upon being in compliance with the current zoning regulations.

**REASON:** To allow 2 years for a conditional use permit to be utilized once it has been approved by the Board of Zoning Appeals.

**NOTES:** ZC okay with change

**11) Section 802.7 Change ~~Renewal Procedure~~ “Extension of Conditional Use Permits”**

~~At least thirty (30) days prior to the expiration of a Conditional Use permit, the applicant shall apply for renewal of the permit, where applicable, to be issued by the Zoning Inspector. If the applicant fails to apply for the renewal within twenty (20) days after the expiration date of the Conditional Use permit, the use shall be removed or discontinued. Renewal requires shall be accompanied by the fee as set out in the fee schedule.~~

A conditional use permit that has not been utilized within two (2) years from the approval date by the Board of Zoning Appeals may be administratively extended, not to exceed one (1) additional year if **any of** the following conditions apply:

- A. A site plan is on file with Stark County Regional Planning, where applicable for new construction.
- B. Termination of the conditional use permit would result in unreasonable hardship to the applicant and the applicant is not responsible for the delay; and
- C. The extension of the conditional use permit will not cause substantial detriment to existing uses in the immediate vicinity of the subject property.

**REASON:** To allow the Zoning Inspector to administratively extent the time period to utilize a conditional use permit beyond the 2 year time period when specific conditions apply.

**NOTES:** ZC added the words “any of” to clarify only one of the conditions need to apply

**NOTES:** \_\_\_\_\_

Mr. Cosgrove made a motion to approve amendment # 2023049 as modified per the above changes highlighted in purple, that includes eliminating the change of section 411.3 (8)(3), churches, other places of worship, building for assembly, to be a permitted use in B-1, B-2 and C-P districts and sections 431.2(2) and 431.5(5) acreage for CUP for churches from one acre to seven acres.

Mr. Gantz seconded the motion.

The vote was: Mr. Sutter-yes, Mr. Gantz-yes, Mr. Calveski-yes, Mr. Cosgrove-yes, and Mr. Wiggins-yes.



Mr. Gantz made a motion to approve the meeting minutes from the January 19, 2023 meeting.

Mr. Cosgrove seconded the motion.

The vote was: Mr. Cosgrove-yes, Mr. Gantz-yes, Mr. Calveski-yes, and Mr. Wiggins-yes.

Being no further business the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joni Poindexter". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Joni Poindexter

Jackson Township Zoning Inspector