

Jackson Township Board of Zoning Appeals

March 9, 2023

Members Present: Jared Singer-
Patrick Snyder
Edward McDonnell
Debbie Busby
Randy Alexander-Alternate
Alyssa Bettis-Alternate
Zoning Inspector: Joni Poindexter
Absent Member: Steve Gosney

Mr. McDonnell nominated Mr. Singer as Chairman for 2023 and Mr. Snyder seconded.

There were no other nominations.

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

Mr. McDonnell nominated Ms. Busby as Vice Chairman for 2023 and Mr. Snyder seconded.

There were no other nominations.

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

5:00 PM Appeal #2023011 –Timothy Bell, PO Box 634, Canal Fulton, OH 44614 agent for DMAS Property Management LLC, Ohio Limited Liability Co., property owner, 9498 Mont Clair Rd. Massillon, OH 44646 requests a conditional use permit for Landscaping Business where a conditional use permit is required per Art. IV Sect. 411.3 of the zoning resolution. Property located at 6899 Wales NW, Sect. 9SE Jackson Twp. Zoned B-3.

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

Those in favor were sworn in:

Timothy Bell, 1035 Strausser NW, Canal Fulton NW, stated he will close on the property in about a week. He does landscaping and concrete work. He wants to keep all his equipment inside the existing building.

Mr. McDonnell asked if he is aware of what the property is being used for now.

Mr. Bell stated yes. It is for equipment storage. He wants to put his equipment in the building, that includes his trucks, trailers, bob cats, etc.

Mr. McDonnell stated there are answers to the criteria for the conditional use permit in the file and asked Mr. Bell if he submitted the answers. Mr. Bell also confirmed that he and his wife authored and submitted the one page description of his landscaping business.

Mr. Bell stated yes, along with his wife.

Mr. Alexander asked if all his equipment will fit in the building.

Mr. Bell stated not all his equipment will be on the property. He has another business location.

Mr. Alexander asked if there would be some items stored in the fenced area.

Mr. Bell stated yes.

No one else spoke in favor of the appeal

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

Mr. Terry Morris, 6917 Harvey NW stated this has always been a commercial property and he doesn't know what is different. There previously was a landscaping business on the property. He asked Ms. Poindexter to explain why they need to come to the board.

Ms. Poindexter explained the conditional use process and the reason for the conditional use permit.

Mr. Morris stated Mr. Bell has applied for a landscaping business but he is a cement contractor.

Mr. Bell explained that he does snow plowing and landscaping. He grosses a large amount of money in a year doing snow plowing.

Mr. Singer explained the zoning resolution and what the requirements are regarding a conditional use permit.

Mr. Singer asked if Mr. Morris is against it or indifferent.

Mr. Morris explained he isn't really opposed to it or indifferent but wants to make sure Mr. Bell is being honest as to what he wants to do.

Mr. Morris asked if a fence would be on the entire property.

Mr. Bell stated eventually he will fence in the whole property.

Mr. Singer explained that Mr. Bell must comply with what is allowed on the property.

No one else spoke in opposition to the appeal.

Mr. Singer closed the appeal to public input.

Mr. McDonnell asked Ms. Poindexter where an actual concrete business would be permitted.

Ms. Poindexter stated in I-1 district.

Mr. Snyder stated he has no issues with the conditional use permit.

Mr. Singer agreed with Mr. Snyder and stated if a concrete business operations occurs it would have to in an I-1 district. Per the testimony it is not a concrete business.

Mr. McDonnell stated he thinks the criteria has been met. Per the Trustees, if the conditions are met then there is no reason to deny the permit. Just up the street on 241 there is a stone business and this was a landscaping business before. It is in keeping with the general area so he sees no reason not to vote for it.

Mr. Snyder made a motion to approve appeal # 2023011.

Mr. Alexander seconded the motion.

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

5:15 PM Appeal # 2023086 – David Patterson, 600 Market Ave. North, Canton, OH 4402 agent for GT Realty LLC, property owner, 6775 Ponteberry St. NW, Canton, OH 44718 requests a variance for a 10 ft. front parking setback where 20 ft. is required per Art. IV Schedule 411.8 of the zoning resolution. Property located at parcel # 10016336 Munson NW, Sect. 24SW Jackson Twp. Zoned B-3.

Mr. Singer recused from appeal # 2023086 and Ms. Bettis participated in the hearing.

Ms. Busby read the file application and contents of the file into the record.

Those in favor were sworn in:

David Patterson, 600 Market Ave. North, Canton, OH stated in 1999 he did the building to the west of the property and the setbacks at that time were 10 ft. Most of the properties in the area are at a 10 ft. setback. The idea is to fit a building that will handle the needs for a dental business. This is like the property to west with a similar parking layout. The issue is the site is on a hillside so most of the parking runs up the side of the building and it would be better to put it at 10 ft. setback to allow the building to fit and have enough parking for everyone. There are 65 parking space and they are required to have 42. The existing parking lot will be removed when the new building is built.

Mr. McDonnell asked what the sq. ft. of the building is.

Mr. Patterson stated 6281 sq. ft.

Mr. McDonnell reviewed some of the setbacks for the properties in the area.

Mr. Alexander asked if per the aerial view it appears that the yellow line is the 10 ft. setback and the right of way is into the grass area.

Mr. Patterson stated yes. The front setback is 10 ft. and most of the neighbors being the same will make it work.

Mr. McDonnell asked why they need 65 parking spaces as opposed to 42.

Mr. Patterson stated because of the number of patients and staff, they want to make sure there is enough parking. They want to have adequate parking so it is appealing to renters as well.

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

Mr. McDonnell asked Ms. Poindexter if there are any other properties in the area along Munson that have a 10 ft. front parking variance.

Ms. Poindexter stated there is one at 4481 Munson for a 10 ft. setback that was granted in 2000. The zoning regulations changed late in 1999 from a 10 ft. front parking setback to a 20 ft. front parking setback for the B-3 district. There are approximately 8-10 properties in the immediate vicinity that have a 10 ft. front parking setback.

Ms. Busby closed the appeal to public input.

Mr. Snyder explained this is not uncommon for this area to have a 10 ft. front parking setback and it is consistent with the other properties so he has no issue with the variance.

Mr. Alexander stated he agreed with Mr Snyder and there are a lot of properties in the are that are the same.

Ms. Busby stated it looks nice down the street.

Mr. McDonnell explained in looking at section 803.5 he thinks the criteria for a practical difficulty is being met. He has no issues with the request.

Mr. Snyder made a motion to approve appeal # 2023086.

Mr. Alexander seconded the motion,.

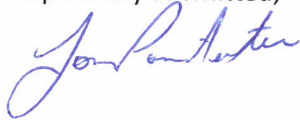
The vote was: Mr. Snyder-yes, Ms. Bettis-yes, Ms. Busby-yes, Mr. McDonnell-yes, and Mr.Alexander-yes.

Mr. Snyder made a motion to approve the meeting minutes from the November 17, 2022 meeting.

Mr. Singer seconded the motion.

The vote was: Mr. Singer-yes, Mr. Snyder-yes, Mr. McDonnell-yes, and Mr. Alexander-yes.

Respectfully submitted,



Joni Poindexter
Jackson Township Zonign Inspector

JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2023011

Upon the hearing, the Board determined that the conditional use permit would allow for Landscaping Business where a conditional use permit is required per Art. IV Sect. 411.3 of the zoning resolution. Property located at 6899 Wale NW, Sect. 9SE Jackson Twp. Zoned B-3.

Whereas, upon the Board determined:

The criteria for the conditional use permit has been met therefore allowing for the conditional use permit.

Whereas, the Board further:

Denied _____

Approved X

The conditional use permit for a Landscaping Business where a conditional use permit is required per Art. IV Sect. 411.3 of the zoning resolution.

Mr. Snyder made a motion to approve appeal #2023011 as requested.

Mr. Alexander seconded the motion.


The vote was: Mr. Alexander-Yes

Mr. McDonnell-Yes


Mr. Snyder-Yes

Mr. Singer-Yes

Ms. Busby-Yes



Chairman



Zoning Inspector, Joni Poindexter

JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #2023086

Upon the hearing, the Board determined that the variance would allow for a 10 ft. front parking setback where 20 ft. is required per Art. IV Sect. 411.8 of the zoning resolution. Property located at Parcel # 10016336 Munson, Sect. 24SW Jackson Twp. Zoned B-3.

Whereas, upon the Board determined:

There are other properties in the area that have a 10 ft. front parking setback and the existing parking lot on the property is at a 3 ft. setback there fore when redeveloping the property per the variance the parking lot will be further back from the road right of way then it current.

Whereas, the Board further:

Denied _____


Approved X

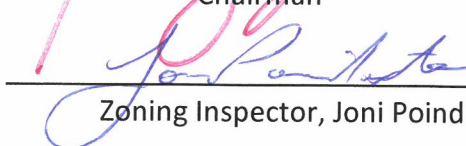
The variance for a 10 ft. front parking setback where 20 ft. is required per Art. IV Sect. 411.8 of the zoning resolution.

Mr. Snyder made a motion to approve appeal #2023086.

Mr. Alexander seconded the motion.

The vote was: Mr. Alexander-Yes
Mr. McDonnell-Yes
Mr. Snyder-Yes
Ms. Bettis-Yes
Ms. Busby-Yes



Chairman


Zoning Inspector, Joni Poindexter