

Jackson Township Board of Zoning Appeals

April 6, 2023

Members Present: Jared Singer  
Debbie Busby  
Steven Gosney  
Edward McDonnell  
Patrick Snyder  
Randy Alexander- Alternate  
Alyssa Bettis – Alternate

Zoning Inspector: Joni Poindexter, absent

**5:00 PM Appeal #2023144**

Dale Batdorff, property owner, 5954 Chermont NW, Canton, Ohio 44718 requests a variance for a 20ft. (rear) south yard setback for swimming pool where 25ft. is required when abutting a secondary road right of way. Property located at 5954 Chermont NW, Canton, Ohio, Section 14NW, Jackson TWP. Zoned R-1.

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

Installing a pool and needing a setback variance from 25ft to 20ft.

Mr. McDonnell recuses himself from appeal #2023144.

Mr. Alexander will take place of Mr. McDonnell.

Mr. Singer swore in Dale Batdorff, 5954 Chermont Street NW, Canton, Ohio 44718.

Mr. Batdorff stated that the property is unique, they have three roads on each side.

Mr. Batdorff is asking for a variance because there is a power line that comes off Lake o' springs and Murray Street. Murray Street is a dead end. The pool measurements are 14ft by 28ft.

Mr. Singer asks if it is practical to have a 9ft pool to maintain a 25ft setback from the street.

Mr. Batdorff stated he does not think it is practical, changing measurements would make it a lap pool.

Mr. Singer asks if there are any other locations on the property that the pool could be placed without asking for a variance.

Mr. Batdorff stated there is a high-pressure gas line coming off Lake O' Springs. There is a larger easement with aqua Ohio. On the east side of the home, other properties would be too close.

Mr. Alexander asks what the distance is between the pool and the house.

Mr. Batdorff stated 17ft.

Mr. Alexander asks if the pool can be moved closer to the house. By moving the pool closer to the house,

Mr. Batdorff stated that would be encroaching the setback for the underground power line.

Mr. Snyder stated that the distance he has to keep away from the easements is a practical difficulty. Mr. Gosney says he sees no problem with this request. Ms. Busby agrees.

Mr. Singer stated that the lot is unique, there are three surrounding roads. Mr. Batdorff is on a corner lot. There are underground utilities as well as a few separate easements. A swimming pool like this can only be placed at this location. Mr. Singer stated that it was Mr. Batdorff's testimony that a 9ft wide pool is not a practical pool, this would attain a 25ft setback.

Ms. Busby made a motion to approve appeal #2023144

Mr. Snyder seconded the motion.

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

#### **5:15 PM Appeal #2023167**

Matt VerBeck, 1917 Henry Avenue SW, Canton, Ohio 44707 agent for Blue Falls Real Estate, property owner, 1477 Lorain Avenue, Cleveland, Ohio 44111 requests a variance for an 18ft. in height freestanding sign where 10ft. is permitted per Art. V Section 502.4 of the zoning resolution. Property located at 6652 Frank Avenue NW, Section 13 NW Jackson Township. Zoned B-2.

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

Mr. Singer swore in Matt VerBeck, 1917 Henry Avenue SW, Canton, Ohio 44707.

Mr. VerBeck stated he is here today to request a variance on the allowable height on the ground sign. Mr. VerBeck gave a brief background on nature of the parcel's intended use. Conrad's has been a customer for Blue Falls Real Estate for a while. They have 38 tire locations and upwards of 20 car wash locations in Northeast Ohio. Their number one profit generating store is located here in Jackson Township. The closest car wash center they have is 40 minutes North. The most ideal place to build did not have the commercial zoning available. This lot is zoned B-2 and touches the commercially zoned properties.

Mr. VerBeck stated the foreseeable problem is with the traffic coming out of the Home Good, Pet Supplies Plus Plaza. They used to be able to exit, left on Frank Avenue. Now, the people who are trying to avoid the traffic on Portage Street use the exit beside the car wash property. A ground sign at 8ft by 8ft, 5ft from the road would pose a hazard and potentially obstruct view. Lifting the sign to 10ft would clear the area for obstruction. Mr. VerBeck stated it is a safety issue.

Mr. Singer asks if the sign location is 5ft from the right of way. Mr. VerBeck stated yes. There is a conceptual landscape island. The plans are to take it 5ft from the right of way and 10ft from the adjoining property.

Mr. Singer stated from the right of way to the road measures 13ft. Mr. Singer asks for the exact measurement.

Mr. VerBeck stated he does not know.

Mr. Singer stated if his measurements are correct, from the right of way to the road edge is 13ft. with the added 5ft we are at 18ft. from the road edge to the nearest edge of the sign.

Mr. VerBeck stated usually they measure 10ft from the road. Putting the sign further back on the property removes advertising ability.

Mr. Snyder asks if people will be able to make a left out of this location.

Mr. VerBeck stated, yes, left and right.

Mr. McDonnell clarified the potential hazard envisioned is for the traffic turning out of lot to the North.

Mr. VerBeck stated, yes, it is right up against it. There is no distance between Conrad's parcel and that exit. Mr. VerBeck stated his job is to give sign consultation to his customers and this is something that was spotted very quickly. There was no engineered traffic study.

Mr. McDonnell asked who determined 8ft in the air would be sufficient to remove the hazard.

Mr. VerBeck stated that this was his assessment.

Mr. VerBeck stated his plan b, is to move the sign further south on the parcel to avoid view obstruction.

Mr. Snyder asks if Conrad's parking lot connected to the property to the north. Mr. VerBeck stated, no, there will be a clear separation.

Mr. McDonnell stated the sign location from the curb was never determined.

Mr. VerBeck stated, the right of way is 5ft from the physical curb itself, they take it another 5ft from that. In total, 10ft. from the edge of the road.

Mr. McDonnell stated section 803.5 subsection B, the situation has to meet practical difficulty. Mr. McDonnell stated he does not believe there are any practical difficulties. This parcel is no different from any other parcel on Frank Avenue. The parcel will provide reasonable return. Going from 18ft to 10ft, the variance is very substantial at 80% increase. The character of the neighborhood would be altered; the signage in B-2 is restricted to 10ft in height. The sign can be moved to another location. Mr. McDonnell stated his appreciation for concern by Conrad's and by Archer Signs, but the requirements for practical difficulty have not been met.

Mr. Singer stated that there is a substantial amount of distance for someone to pull up scan left and right before exiting the parcel. The height, although safer to some degree, is not required. Mr. Singer stated the parcel is zoned B-2 for a reason and B-2 limits signs to 10ft. and we are asking for an 80% add.

Mr. McDonnell made a motion to approve appeal #20231657.

Mr. Snyder seconded the motion.

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

Mr. Singer stated that meeting minutes from March 9, 2023 needed approval and those present for the meeting were Mr. McDonnell, Mr. Snyder, Ms. Busby, Mr. Singer, Mr. Alexander, and Ms. Bettis.

Mr. Snyder made a motion to approve the minutes from the March 9, 2023 meeting.

Mr. Alexander seconded the motion.

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

Being no further business the meeting was adjourned.

Respectfully submitted,

Alyssa Bettis

Board of Zoning Appeals Member

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS  
CONCLUSIONS OF FACT  
APPEAL #2023144**

Upon the hearing, the Board determined that the variance would allow for a 20 ft. (rear) south yard setback for a swimming pool where 25 ft. is required when abutting a secondary road right of way per Art. IV Sect. 401.6 of the zoning resolution. Property located at 5954 Chermont NW, Sect. 14NW Jackson Twp. Zoned R-1.

Whereas, upon the Board determined:

There is a practical difficulty due to the power lines underground and the property surrounded on three sides by streets.

Whereas, the Board further:

Denied \_\_\_\_\_

Approved X \_\_\_\_\_

The variance for a 20 ft. (rear) south yard setback for a swimming pool where 25 ft. is required when abutting a secondary street.

Mr. Snyder made a motion to approve appeal #2023144 as requested.

Mr. Alexander seconded the motion.

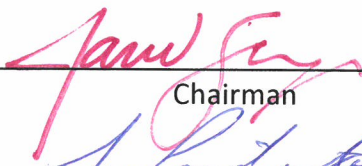
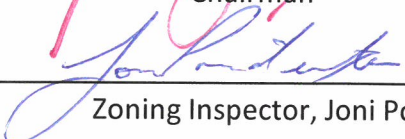
The vote was: Mr. Alexander–Yes

Mr. Gosney-Yes

Mr. Snyder-Yes

Mr. Singer-Yes

Ms. Busby-Yes

  
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Chairman  
  
\_\_\_\_\_  
Zoning Inspector, Joni Poindexter

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS  
CONCLUSIONS OF FACT  
APPEAL #2023167**

Upon the hearing, the Board determined that the variance would allow for an 18ft. in height freestanding sign where 10ft. is permitted per Art. V Section 502.4 of the zoning resolution. Property located at 6652 Frank Avenue NW, Section 13 NW Jackson Township. Zoned B-2.

Whereas, upon the Board determined:

          There is no practical difficulty because the sign can be moved to a different location and the variance request is substantial being 80%. No practical difficulty proven.

Whereas, the Board further:

Denied   X  

Approved       

The variance for an 18 ft. in height freestanding sign where 10 ft. is permitted.

Mr.   McDonnell   made a motion to approve appeal #2023167.

Mr.   Snyder   seconded the motion.

The vote was: Mr. McDonnell-No

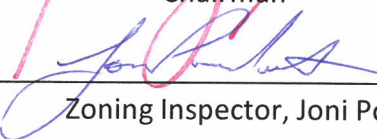
Mr. Snyder-No

Mr. Gosney-No

Ms. Busby-No

Mr. Singer-No

  
\_\_\_\_\_  
Chairman

  
\_\_\_\_\_  
Zoning Inspector, Joni Poindexter