

Jackson Township Board of Zoning Appeals

May 11, 2023

Members Present: Jared Singer  
Debbie Busby  
Steven Gosney  
Edward McDonnell

Zoning Inspector: Joni Poindexter

Absent member: Patrick Snyder  
Randy Alexander- Alternate  
Alyssa Bettis-Alternate

**5:00 PM Appeal # 2023234** – Worl Evans, property owner, 7632 Parkford NW, Massillon, OH 44646 requests a variance for a 2,400 sq. ft. accessory building where 1,764 sq. ft. is permitted per Art. IV Sect. 401.12(A) (3) (b) of the zoning resolution. Property located at 7632 Parkford NW, Sect. 28SW Jackson Twp. Zoned R-1.

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

Mr. Singer swore in those in favor of the appeal.

Worl Evans, 7632 Parkford NW, Massillon stated this started in 2020 during covid. He combined the lots to be over on acre so he could build up to a 3,000 sq. ft. accessory building. When covid hit he held off because of the price of lumber. When he was finally ready to build he came to the zoning office and was informed the regulations had changed. He wants to store his large pontoon boat and a large camper. He would remove the existing building that is located on the property. The building will be set far back from the lot line. He spoke to the neighbors and none of them spoke ill about it. He believes the building needs to be the requested size to accommodate the items he wants to store in it.

Mr. McDonnell asked what size he originally wanted.

Mr. Evan stated he originally started with 3,000 sq. ft.

Mr. McDonnell asked when the lots were combined.

Mr. Evans stated in 2020 but he put off building because of the price of lumber and building materials.

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

Mr. McDonnell asked Ms. Poindexter why the regulations were changed to “or less”.

Ms. Poindexter explained the reason for the change and explained they didn’t want someone to have an accessory building larger than the dwelling.

Mr. Singer closed the appeal to public input.

Ms. Busby stated the applicant did what was necessary for zoning by putting the lots into one so he could build a larger building so she is in favor of the request.

Mr. Singer stated the applicant did what was needed for zoning and then the regulations changed. It is better to store things in a building than to have them outside. He is in favor of the appeal due to the testimony and complying with what was previously required.

Mr. Gosney agreed with Mr. Singer and Ms. Busby and stated that Mr. Evans did his due diligence and it will look better with things in a building.

Mr. McDonnell stated he concurred with the other members and thinks covid could be a practical difficulty although not listed. He understands about the price of items. The maximum he can build would be up to a 2,400 sq. ft. building, if approved. He has no problem with the appeal.

Mr. McDonnell made a motion to approve appeal # 2023234 as requested and Mr. Gosney seconded the motion.

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

**5:15 PM Appeal # 2023281** – Kendra Carpenter, property owner, 2050 Darby Dr. NW, Massillon, OH 44646 requests a variance to allow a storage shed 5 ft. from the principal dwelling where 15 ft. is required per Art. IV Schedule 401.11 of the zoning resolution. Property located at 2050 Darby NW, Sect. 32SE Jackson Twp. Zoned R-R.

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

Mr. Singer swore in those in favor of the appeal.

Joe and Kendra Carpenter, 2050 Darby NW, Massillon were sworn in.

Ms. Carpenter stated they have a shed that is approx. 5 ft. from the house and zoning requires 15 ft. They purchased the shed in 2018 and did not know they needed a permit. They had the property excavated for the shed and no one told them a permit was required. They have electric in the shed and a fence has been installed. The complaint came from the neighbor because there was an issue about the neighbor parking the trailer on the cul-de-sac.

Mr. Carpenter stated they bought their house in 2015 and had some work done. They relied on the professionals to take care of everything. Over the years they have been friends with the Arleys and there was never an issue until the Arleys started parking a box trailer in the cul-de-sac that created a blind spot that was a safety concern. He called the Arleys about moving it and but they didn't want to listen so they called zoning regarding their shed.

Mr. Singer asked who installed the shed.

Mr. Carpenter stated Hartville Outdoor Products installed the shed but they did not say anything about needing a zoning permit.

Mr. Singer asked how far the shed is from the dwelling.

Ms. Carpenter stated it is 5 ft. The reason for the appeal is because they cannot move it due to the fence is in and it would have to be removed, along with the landscaping and electric. The shed is for outdoor decoration storage, cushions for chairs, etc.

Mr. Carpenter stated he apologizes for the situation but it isn't an easy fix with the fence and to tear everything up and move the shed would be expensive and they can't afford it.

Mr. Singer swore in Samuel John, 1280 Wood Stock NW, Massillon, Ohio.

Mr. John stated he lives to the east of the Carpenters' and he sees nothing wrong with the location of the shed. To move it and rip out the electric is not going to be cheap.

Ms. Carpenter stated this variance is due to retaliation.

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

Mr. Busby asked Mr. Poindexter if there is a fire department issue regarding the shed.

Ms. Poindexter stated no, she spoke with Aaron Stoller and he said the fire department does not have an issue with this size of an accessory building being closer to the dwelling.

Mr. Singer closed the appeal to public input.

Mr. Singer stated based off the testimony that they paid professional to install the structure, there has not been an issue until now, it will be costly to move, and there is no safety issue, he supports the variance.

Mr. McDonnell stated he thinks it is understandable that they were not aware a permit is required. He agreed with Mr. Singer and Ms. Busby and stated unless there is a reason to not allow it then he supports the request.

Mr. Gosney agreed with the other board members and stated that they hired someone to do the work and the contractors should have known to get a permit.

Mr. Gosney made a motion to approve appeal # 2023234 and Mr. Busby seconded the motion.

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

**5:30 PM Appeal # 2023288** – Mark Haymaker, agent for Haymaker Tree and Lawn Inc. property owner, 6919 Lake O'Springs NW, North Canton, Ohio 44720 requests a conditional use permit for a landscaping business where a conditional use permit is required per Art. IV Sect. 411.3 of the zoning resolution. Property located at 7192 Wales NW, North Canton, OH, Sect. 10SW Jackson Twp. Zoned B-3.

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

Mr. Singer swore in those in favor of the appeal.

Mark Haymaker, 6919 Lake O'Springs NW, North Canton stated he is asking for a conditional use permit for the property. They have another property right down the street and the hours would be between 7-5. There would be no spot lights on the property. They would be parking their landscaping items on the property and they are not planning on processing anything on the site. There are some future plans for the front and if it all goes well there may not end up being any landscaping on the property at all.

Mr. Haymaker explained that mulch, topsoil and etc. cannot be processed on the site per the zoning regulations. They are currently in the process of cleaning up the property since the tenant that was in the house finally moved out.

Ms. Busby asked if any will be retail or just landscaping storage.

Mr. Haymaker stated it will be mostly storage for the landscaping business.

Mr. Haymaker's confirmed in writing that he has met and/or will meet all required conditions for the Conditional Use Permit.

No one else spoke in favor of the appeal.

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

Bruno Ferrante 922 Ashton Ct. stated he owns the property next to Mr. Haymaker to the north. His concerns is the back portion as to what type of material will be stored there and how high mounds would be if there are mulch piles on the property. He is concerned about the access drive being close to his property line.

Mr. McDonnell confirmed Mr. Ferrante's property is vacant and there are no currently plans for it.

Mr. Ferrante stated correct.

Mr. Haymaker stated both he and Mr. Ferrante had the back of their properties rezoned to B-3. He did that to allow for the business. It's mostly going to be for excess equipment and maybe a few mulch piles and dirt piles. Mostly everything will be in the fence area. He plans to put the driveway in and there will be a renter in the existing house. There will be no high piles of items.

No one else spoke in opposition to the appeal.

Mr. Singer closed the appeal to public input.

Mr. Singer stated he does not see anything that makes the application non-compliant and sees no reason to deny the permit.

Mr. McDonnell concurred with Mr. Singer. The Trustees have basically said if you meet the conditions it is a permitted use. They don't know what Mr. Ferrante will do with his property but in looking at what is permitted in the B-3, nothing would hurt that use.

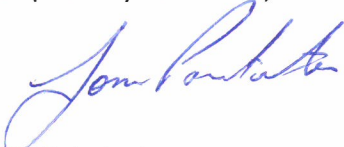
Mr. Gosney made a motion to approve appeal # 2023234 and Ms. Busby seconded the motion.

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

Mr. Singer made a motion to approve the meeting minutes from April 6, 2023 and Mr. Gosney seconded the motion.

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

Respectfully submitted,



Joni Poindexter

Jackson Township Zoning Inspector

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS  
CONCLUSIONS OF FACT  
APPEAL #2023234**

Upon the hearing, the Board determined that the variance would allow for a 2,400 sq. ft. accessory building where 1,764 sq. ft. is permitted per Art. IV Sect. 401.23(A)(3)(b) of the zoning resolution. Property located at 7632 Parkford NW, Sect. 28SW Jackson Twp. Zoned R-1.

Whereas, upon the Board determined:

The process for the larger accessory building was started prior to the change in regulations and Covid, that delayed the permitting and construction of the building.

Whereas, the Board further:

Denied \_\_\_\_\_

Approved   x  

The variance for a 2,400 sq. ft. accessory building where 1,764 sq. ft. is permitted per Art. IV Sect. 401.23(A)(3)(b) of the zoning resolution.

Mr. McDonnell made a motion to approve appeal #2023234 as requested.

Mr. Gosney seconded the motion.


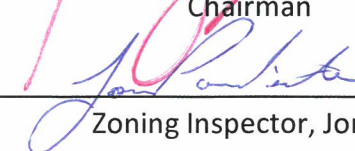
The vote was: Mr. Bettis- Absent

Mr. Gosney- Yes

Mr. McDonnell- 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 #2023281**

Upon the hearing, the Board determined that the variance would allow for storage shed 5 ft. from the principal dwelling where 15 ft. is required per Art. IV Schedule 401.11 of the zoning resolution. Property located at 2050 Darby NW, Sect. 32SE Jackson Twp. Zoned R-R.

Whereas, upon the Board determined:

The variance did not affect any adjoining property owners  
and the fire department has no issues with the shed being 5 ft.  
from the principal dwelling.

Whereas, the Board further:

Denied \_\_\_\_\_

Approved   x  

The variance for a storage shed 5 ft. from the principal dwelling where 15 ft. is required per Art. IV  
Schedule 401.11 of the zoning resolution.

Mr. Gosney made a motion to approve appeal #2023281.

Ms. Busby seconded the motion.

The vote was: Mr. McDonnell- Yes

Ms. Bettis- Absent

Mr. Gosney- Yes

Ms. Busby- Yes

Mr. Singer- Yes

  
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Chairman  
  
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Zoning Inspector, Joni Poindexter

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS  
CONCLUSIONS OF FACT  
APPEAL #2023288**

Upon the hearing, the Board determined that the Conditional Use Permit would allow for a landscaping business where a conditional use permit is required per Art. IV Sect. 411.3 of the zoning resolution. Property located at 7192 Wales NW, North Canton, OH, Sect. 10SW Jackson Twp. Zoned B-3.

Whereas, upon the Board determined:

The criteria for the conditional use permit has been met.

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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.

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Mr.   Gosney   made a motion to approve appeal #2023288.

Ms.   Busby   seconded the motion.

The vote was: Mr. McDonnell- Yes

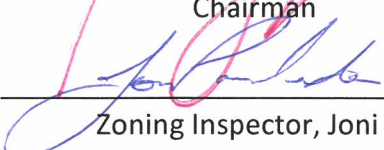
Ms. Bettis- Absent

Mr. Gosney- Yes

Ms. Busby- Yes

Mr. Singer- Yes

  
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Chairman

  
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Zoning Inspector, Joni Poindexter