Jackson Township Board of Zoning Appeals

July 13, 2023

Members Present: Patrick Snyder

Edward McDonnell

Steven Gosney

Randy Alexander- Alternate

Alyssa Bettis

Zoning Inspector: Joni Poindexter

Absent Members: Jared Singer

Debbie Busby

The board appointed Edward McDonnell as acting chairman in absence of the chairman and vice chairman.

**5:00 PM Appeal # 2023505** – Kevin West, agent for LDV Properties LLC, 3656 Dressler Rd. NW, Canton, Ohio 44718 requests a variance for a 65 ft. rear yard setback for building addition where 75 ft. is required when abutting a residential district per Art. IV Sect. 411.5 of the zoning resolution. Property located at 4715 Hills & Dales NW, Sect. 25SE Jackson Twp. Zoned B-3.

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

Kevin West 2223 Fulton NW, Suite 107, Canton, Ohio 44079 stated they want to build out a full time restaurant. The kitchen is in the rear of the building but it doesn’t have enough room for a cooler with a full time restaurant. They want to add a small addition for the cooler and restroom.

The property is adjacent to residential and requires a 75 ft. setback. They will be over the setback by 10 ft. or so.

Mr. McDonnell asked if they had looked at moving the addition to the west (left) side of the building.

Mr. West stated that they looked at other areas, but the parking would not work.

Mr. McDonnell asked the size of addition.

Mr. West stated the addition is 37 ft. by 17 ft.

Mr. McDonnell asked if they could reduce the size of the addition.

Mr. West stated they might be able to reduce the width of the aisle in the addition by a couple of feet.

Mr. Alexander stated it appears they will lose about 8 or 9 parking spaces.

Mr. West stated they changed the parking to diagonal spaces for staff parking.

Mr. Anthony Tossi, stated he is the president of the condo association for the condos to the north. They took a poll of the residents in favor or opposed to the variance. He gave a list to Joni that shows everyone’s name and signature of the 35 residents who own the condos as to who is for or against the variance and there are only 3 people against it.

Mr. Tossi further offered that he had been in the restaurant business. He knows when you have a cramped space ~~its tuff~~ it’s tough. He recommended against reducing the aisle width in the proposed addition.

He thinks the requested variance is a good idea.

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

Mr. McDonnell closed the appeal to public input.

Mr. Snyder stated he thinks the applicant did their due diligence and they are asking for about 13% of what is allowed. It is not a big deal. There is a retention pond on the property and the addition won’t affect anything. The majority of the adjoining residents in the condos do not have an issue with it.

Mr. Alexander stated there is no issue with the angled parking.

Mr. McDonnell review section 803.5. He doesn’t think the variance is substantial and the character of the area will not be altered.

Mr. Snyder made a motion to approve appeal # 2023505 as requested for a 37 ft. x 17 ft. rear addition as shown on the site plan submitted, exhibit A.

Mr. Gosney seconded the motion.

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

Respectfully submitted,

Joni Poindexter

Jackson Township Zoning Inspector

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS**

**CONCLUSIONS OF FACT**

**APPEAL #2023505**

Upon the hearing, the Board determined that the variance would allow for a 65 ft. rear yard setback for building addition where 75 ft. is required when abutting a residential district per Art. IV Sect. 411.5 of the zoning resolution. Property located at 4715 Hills & Dales NW, Sect. 25SE Jackson Twp. Zoned B-3.

Whereas, upon the Board determined:

The variance is not substantial and will not affect the adjoining property. Practical difficulty has been met due to existing layout of building.

Whereas, the Board further:

Denied

Approved x

The variance for a 65 ft. rear yard setback for building addition, as requested and presented, where 75 ft. is required when abutting a residential district per Art. IV Sect. 411.5 of the zoning resolution. Property located at 4715 Hills & Dales NW, Sect. 25SE Jackson Twp. Zoned B-3.

Mr. Snyder made a motion to approve appeal #2023426 as requested for a .37 x 17 ft. rear addition as shown on the site plan submitted, exhibit A.

Mr. Gosney seconded the motion.

The vote was: Mr. Snyder-Yes

Mr. McDonnell-Yes

Mr. Alexander-Yes

Mr. Gosney-Yes

Ms. Bettis-Yes

Chairman

Zoning Inspector, Joni Poindexter