Jackson Township Board of Zoning Appeals

August 10, 2023

Members Present: Steven Gosney

Jared Singer

Debbie Busby

Randy Alexander- Alternate

Zoning Inspector: Joni Poindexter

Absent Members: Edward McDonnell

Patrick Snyder

Alyssa Bettis-Alternate

**5:00 PM Appeal # 2023562** – Mark Haymaker, Haymaker Tree and Lawn Inc., property owner, 6854 Wales NW, North Canton, Ohio 44720 requests a variance for a 50 ft. south side yard setback for principal building where 75 ft. is required per Art. IV Sect. 411.5 of the zoning resolution. Property located at 7192 Wales NW, Sect. 10SW Jackson Twp. Zoned B-3.

Mr. Singer read the file application into the record.

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

Mark Haymaker, 6919 Lake O’Springs NW, North Canton, Ohio stated he is redoing the old barn that is on the property and making it into an event center. He can’t go to the west with the addition because it would be too close to the street. The property will be an improvement. The closest building to the addition on the adjoining property is the meeting center for the apartments and it is about 200 ft. away. They do not want to mess with the structure as far as changing it. He needs room for the restrooms and kitchen area and wants to keep the natural look of the barn. The addition cannot go on the east side because it will take up the area to be utilized for parking and structurally it would be difficult to go to the east with the way the barn beams are located. Along the property line will be a mound and spruce trees so the neighbors won’t see the structure. The structure will dress the area up and improve the area.

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

Mr. Singer closed the hearing to public input.

Mr. Singer reviewed the practical difficulty requirements per section 803.5 and stated that he believes the practical difficulty has been met. He does not have an issue with the request.

Ms. Busby made a motion to approve the variance as requested and shown on the site plan.

Mr. Gosney seconded the motion.

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

**5:15 PM Appeal # 2023570** – Joseph & Kendra Carpenter, property owner, 2050 Darby Dr. NW, Massillon, Ohio 44646 requests a variance for a 2 ft. left side yard setback for accessory building where 5 ft. is required per Art. IV Sect. 401.11 of the zoning resolution. Property located at 2050 Darby NW, Sect. 32SE Jackson Twp. Zoned R-R.

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

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

Ms. Carpenter stated they came before the board in May for 8 x 10 shed regarding the setback from the principal building. The variance was approved and they obtained the permit. At that time to the best of their knowledge the shed met the required side yard setback. Since that time the property owner at 2100 Darby had their property surveyed and they found out the shed was actually at a 2 ft. side yard setback because the property line was not where they thought it was. They are trying to be proactive by coming before the board and asking for a variance for the 2 ft. side yard setback. When they placed the shed it on the property they relied on the professionals to know where it could go. They weren’t aware they needed a permit. The landscaping is molded around the shed and moving it would be a financial detriment. Moving it will not benefit anyone because it is in the fenced area. The fence is on her property and the stake shown in the drawing labeled attachment 2D is the property line.

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

Mr. Singer closed the hearing to public input.

Mr. Singer stated he thinks they are being proactive in bringing the structure into compliance. He thinks the reasons for the request warrants the variance and he sees no issues with the variance.

Mr. Gosney made a motion to approve the variance as requested.

Ms. Busby seconded the motion.

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

Mr. Singer made a motion to approve the meeting minutes from the May 11, 2023 meeting.

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

Mr. Alexander made a motion to approve the meeting minutes from the June 22, 2023 meeting.

Ms. Busby seconded the motion.

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

Ms. Poindexter stated the meeting minutes from the July 13, 2023 meeting could be considered for approval due there are only two members present at the meeting this evening that were in attendance at the July meeting therefore it does not constitute a quorum for approval.

Respectfully submitted,

Joni Poindexter

Jackson Township Zoning Inspector

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS**

**CONCLUSIONS OF FACT**

**APPEAL #2023562**

Upon the hearing, the Board determined that the variance would allow for a 50 ft. south side yard setback for principal building where 75 ft. is required per Art. IV Sect. 411.5 of the zoning resolution. Property located at 7192 Wales NW, Sect. 10SW Jackson Twp. Zoned B-3.

Whereas, upon the Board determined:

There is a practical difficulty due to the building in which the addition will be added is existing and the way the beams are located and where the new parking area is located.

Whereas, the Board further:

Denied

Approved X

The variance for a 50 ft. south side yard setback for principal building where 75 ft. is required per Art. IV Sect. 411.5 of the zoning resolution.

Ms. Busby made a motion to approve appeal #2023562 per the site plan submitted.

Mr. Gosney seconded the motion.

The vote was: Mr. Gosney-Yes

Mr. Singer-Yes

Mr. Alexander-Yes

Ms. Busby-Yes

Chairman

Zoning Inspector, Joni Poindexter

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS**

**CONCLUSIONS OF FACT**

**APPEAL #2023570**

Upon the hearing, the Board determined that the variance would allow for a 2 ft. left side yard setback for accessory building where 5 ft. is required per Art. IV Sect. 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 location will not affect the adjoining property because it is in a fence area and the applicant seemed to be proactive in obtaining a variance once they found out the property line was not where they thought it was due to the neighbors survey.

Whereas, the Board further:

Denied

Approved X

The variance for a 2 ft. left side yard setback for accessory building where 5 ft. is required per Art. IV Sect. 401.11 of the zoning resolution.

Mr. Gosney made a motion to approve appeal #2023570 as requested for the accessory building as shown on the exhibits submitted.

Ms. Busby seconded the motion.

The vote was: Mr. Singer-Yes

Mr. Gosney-Yes

Mr. Alexander-Yes

Ms, Busby-Yes

Chairman

Zoning Inspector, Joni Poindexter