

Jackson Township Board of Zoning Appeals

December 14, 2023

Members Present: Patrick Snyder
Jared Singer
Debbie Busby
Edward McDonnell
Steven Gosney-Recused from 2023962
Randy Alexander- Alternate-participated in 2023962

Zoning Inspector: Joni Poindexter

Absent Members: Alyssa Bettis-Alternate

5:00 PM Appeal # 2023955 – Matthew Rabbitt, property owner 4497 Henry’s Mill Circle NW, Canton, OH 44718 request a variance to construct a new 6,000 sq. ft. building at the same 15 ft. west side yard setback of 3 existing buildings, totaling 3,215.88 sq. ft. that will be removed from the property, where 75 ft. is required per Art. IV Sect. 411.5 of the zoning resolution. Property located at 5720 Hills & Dales NW, Canton, OH 44708, Sect. 35NW Jackson Twp. Zoned R-R.

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

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

Matthew Rabbit, 4497 Henry’s Mill Circle NW, Canton, Ohio 44718 stated he is proposing to obtain a variance on a new proposed building. The existing structure to the west is 15 ft. from a residential property. The new structure is shown as 6,000 sq. ft. but he wants to go smaller to connect the existing building that is currently there. He has flood insurance possibilities. He showed the board a rendering that shows the new proposed building and stated that 2 buildings would come down and he would keep the existing barn building to connect to the new building. There are two garages that are falling apart and causing safety concerns so he wants to attach a new building to the existing smaller barn building. The building would house the vehicles and equipment to ensure safety of the business.

Mr. Rabbit stated there would be a 12 x 12 ft. breezeway for the building. Going from the breezeway would be a 60 x 68 building so it is smaller than what was originally proposed. The flood zone is a concern for him because it kind of engulfs his entire property. He is trying to establish a cleaner lot by getting the vehicles and equipment inside a building.

Mr. Rabbit stated the 6,000 sq. ft. building would now be 5,000 sq. ft. He would connect to the existing building that is at 15 ft. from the property line.

Ms. Poindexter confirmed that the existing building is at a 15 ft. setback; however, the variance is required because anything new that is built is required to meet the current setbacks per the regulations.

Mr. Snyder asked how far the new structure would be from the property line.

Mr. Rabbit stated it would be at the 15 ft. setback. He would be keeping the existing building that is on the hill and connect it to the new building.

Mr. Snyder asked why the two buildings are required to be torn down.

Mr. Rabbit stated the cinder blocks are expanding, the roof is leaking and there are electrical issues for the buildings as well as 3-3/12 inch gaps in the walls. He would like a new building to ensure the safety for those in the building.

Mr. Singer confirmed the variance is for a 5,000 sq. ft. new building at a 15 ft. west side yard setback.

Mr. Rabbit stated yes. Mr. Rabbit stated he cannot move the building because it would have to be in the middle of the property to meet the setback. DeVille owns the property to the rear that would impede the setback and there is a flood zone. It is best to have it connected to the existing building. To put it in the middle of the property would not make sense. When he bought the property he received a document stating where the flood plain is.

Mr. Singer asked if he could place the building anywhere else on the property without it being in the flood plain.

Mr. Rabbit stated no.

Mr. McDonnell asked where the far west building is located.

Mr. Rabbit stated it is on the far west side of the property and the addition would attached to it.

Mr. Daniel Creighton, 5724 Hills and Dales NW, Canton, Ohio 44708 stated he supports Mr. Rabbit regarding the building. The building went from 100 ft. long to 65 ft. and the property will be cleaned up. The trucks are an eyesore and by putting them in the building will be an improvement so he is in favor of the appeal.

No one else spoke in favor of the appeal.

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

Mr. Don DeVille, Whipple Ave. NW stated he is not in opposition but had a few questions. He wanted to know if the trucks would be housed in the building, what the elevations are and if they are in the flood zone. He believes there is another structure on site that is a canvas structure and wanted to know if that would remain. He wanted to know if the building is for the upkeep and maintenance of equipment or to store the equipment. He isn't opposed but wanted some clarification.

No one else spoke in opposition to the appeal.

Mr. Rabbit stated the canvas structure is a temporary structure to hold the salt for winter and soil. The salt needs to be covered. The structure is to keep the trucks and other equipment in the building to maintain the

curb appeal of the property. The elevation of the buildings will remain the same and it will not affect the runoff to other properties. There are other departments that will make sure the building is up to code.

Mr. Singer closed the appeal to public input.

Mr. Snyder stated the appeal will have to be amended with the motion from 6,000 to 5,000 sq. ft. There are flood issues on the property and it will be cleaned up so he supports the request.

Mr. McDonnell stated the variance is for a 5,000 sq. ft. new building. He concurred with Mr. Snyder that the flood plain constitutes a practical difficulty, it will not affect governmental services and it is not due to the actions of the owner. He thinks the practical difficulty has been met per section 803.5. He is in favor of the variance.

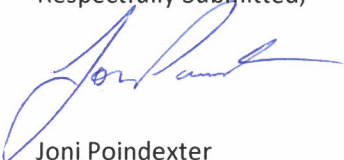
Mr. Singer stated that he agreed with the other board members and supports the request.

Mr. Snyder made motion to approve appeal # 2023955 as amended for a 5,000 sq. ft. building at a 15 ft. west side yard setback where 75 ft. is required.

Mr. McDonnell seconded the motion

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

Respectfully Submitted,



Joni Poindexter
Jackson Township
Zoning Inspector