

Jackson Township Board of Zoning Appeals
February 22, 2024

Members Present: Patrick Snyder
Edward McDonnell
Steven Gosney
Randy Alexander-Alternate
Zoning Inspector: Joni Poindexter
Absent Members: Jared Singer
Debbie Busby

5:00 PM Appeal # 20240067 – Christopher Scala, agent/property owner for BNice LLC, 5561 Fox Tail Cir. NW, POB 36562 Canton, Ohio 44718 requests a variance for a 5 ft. right side yard setback where 10 ft. is required for stairs off deck of principal structure per Art. IV Sect. 401.6 of the zoning resolution. Property located at 5238 Pinedrive Cir. NW, Sect. 23NW Jackson Twp. Zoned R-1.

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

Mr. Snyder swore in those in favor.

Mr. Chris Scala, 5561 Fox Tail Cir. NW, Canton, Ohio stated they are building a new home in Lake Cable. The previous home that was torn down was 4 ft. from the property line; however, there was no variance found for the property. When the deck was started they realized the steps would go into the 10 ft. setback. Mliesta Stergios, who owns the property next door, signed a paper that she is in favor of the appeal. They could bring the down stairs another way, but it would interfere with the wall. They are trying to get off the deck in a safe manner.

Mr. Snyder asked if the stairs are on the south side and asked why they can't put them on the east side.

Mr. Scala stated the house and deck are very high at that point and it would create a long stair case.

Mr. Scala stated the stairs would not have a foundation and there would only be about 4 or 5 steps sitting on a stone.

Mr. McDonnell asked if it is Mr. Scala's testimony that the previous house was 4 ft. from the property line.

Mr. Scala stated yes. It was only a portion of the house and not the entire house.

Mr. McDonnell asked if it was in the same area.

Mr. Scala stated yes, but it was just the garage portion. Due to the way the house was angled on the property it was very close to the neighbor's house. His new home is further away from the neighbor's house.

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

Mr. Snyder closed the appeal to public input.

Mr. Snyder stated they have approved many requests in Lake Cable and it sounds like there is a practical difficulty behind the deck.

Mr. Gosney agreed with Mr. Snyder and stated that he did not have an issue with the variance.

Mr. McDonnell agreed. The reason he asked how close the old structure was is because it was a non-conforming use. He thinks section 803.5 has been met because of the property and topography. It is a minimum request and if the variance will apply only to the stairs and nothing else.

Mr. Gosney made a motion to approve appeal 20240067 with the condition that it is only for the steps.

Mr. Alexander seconded the motion.

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

5:15 PM Appeal # 20240071 – John Walsh, 565 White Pond Dr., Akron, Ohio 44320 agent for McKinley Development Co. LTD, property owner, 811 S. Main St. North Canton, Ohio 44720 requests a variance for a building height of 45 ft. for principal building where 40 ft. is the maximum permitted in the R-4 and 35 ft. is the maximum permitted in B-1 per Art. IV Sect. 401.8 and 411.7 of the zoning resolution. Property located at parcel # 1702424 and 1702423 Woodlawn NW, Sect. 36NE Jackson Twp. Zoned B-1 and R-4.

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

Mr. Snyder swore in John Walsh, 565 White Pond Dr. Akron, Ohio 44320 and John Elsey, 565 White Pond Dr. Akron, Ohio.

Mr. Elsey stated they are working on a zoning request because the property has multiple zoning districts. They wanted to get the variance first to ensure what they can do. They will be using the existing building and creating a campus around it. The assisted living will help with the footprint and parking and by having a 3 story building it will take up less green space. Usually the first floor is taller due to public spaces and activity areas so it is usually 12-13 ft. and then the heights of the upper floors are reduced. The existing Redicon building is a 2 story building from the street but it is not that far off from the height of new building. If they stay with the 6/12 pitch roof it gives them proper room in the attic. The 40 ft. mark is to the middle of the truss. Even if they did a 4/12 or 5/12 they would have to ask for a variance. Mr. Elsey showed the board a photo of a building with 2 stories that was for looks only and did not represent exactly what would be built.

Mr. Snyder asked if the variance is just for one building.

Mr. Elsey stated yes. They will have other buildings but they will meet the requirements.

Mr. McDonnell asked if they planned to keep the Redicon building and if the development would move forward if they didn't get the zone change.

Mr. Esey stated the property will be developed but maybe some other way. They need the additional 5 ft. because most codes are based on 10 ft. between floors. They always have 13 ft. on the first floor due to the activity, dining and mechanical that is located on the first floor.

Mr. McDonnell stated he is looking for a practical difficulty.

Mr. Esey stated if they don't get the variance they could only do a 2 story building. They want to reduce the footprint for a little height. For the looks of public areas they need more height on the first floor along with the mechanics. The code is based on a story being 10 ft. and a flat roof but they do not want a flat foot. They want to be consistent in their product.

Mr. Alexander asked the highest point of the existing building.

Mr. Esey stated that he thinks it is 45 ft. to the peak, but he is not sure.

Mr. Esey stated that the new building will be more toward the front of the property.

Mr. Walsh stated the new standards of HVAC's are larger and will fit in the larger space with the duct work.

Mr. Esey stated assisted living is an I-2 use and the memory care is just under the I-2 and it has to be on the first floor. Part of the I-2 is that it has to have a certain temperature and have a continuous air exchange that requires a whole other part of duct work.

Mr. Esey stated the I-2 is assisted living that is basically nursing that has a different exhaust system.

McDonnell asked Mr. Esey if it is his testimony that this type of building requires more room for the system which is in the building code.

Mr. Esey stated yes.

No one else spoke in favor of the appeal.

No one spoke in opposition to the appeal.

Mr. McDonnell asked Ms. Poindexter if the building could be built in the current zoning and the only variance is the height of building, and if it is standard to use the mid of the trusses for the height.

Ms. Poindexter stated yes.

Mr. McDonnell asked Mr. Esey if the variance would be only for the building they have been discussing and no other buildings.

Mr. Esey stated yes.

Mr. Snyder closed the appeal to public input.

Mr. Snyder stated based on testimony with the HVAC and required height for the duct work, he does not think it is a substantial variance for the height.

Mr. Alexander stated he does not think the variance is substantial and they want to have more green space by adding 3 stories instead of more footprint.

Mr. Gosney stated he did not think the variance is unreasonable and he has no problem with the variance.

Mr. Snyder stated the variance would just be for the building that was discussed.

Mr. McDonnell stated he thinks the practical difficulty has been met with the I-2 code requirements.

Mr. McDonnell made a motion to approve appeal 20240071 with the condition that the variance is only for the one building that was discussed and no other buildings.

Mr. Gosney seconded the motion.

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

Mr. Snyder made a motion to approve the meeting minutes from the February 1, 2024 meeting.

Mr. McDonnell seconded the motion.

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

Being no further business the meeting was adjourned.

Respectfully submitted,



Joni Poindexter

Jackson Township Zoning inspector

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #20240067**

Upon the hearing, the Board determined that the variance would allow for a 5 ft. right side yard setback where 10 ft. is required for stairs off deck of principal structure per Art. IV Sect. 401.6 of the zoning resolution. Property located at 5238 Pinedrive Cir. NW, Sect. 23NW Jackson Twp. Zoned R-1.

Whereas, upon the Board determined:

That the variance is not substantial being only for the steps. A practical difficulty exists.

Whereas, the Board further:

Denied _____

Approved X

The variance for a 5 ft. right side yard setback where 10 ft. is required for stairs off deck of principal structure per Art. IV Sect. 401.6 of the zoning resolution.

Mr. Gosney made a motion to approve appeal #20240067 with the condition that it is only for the steps.

Mr. Alexander seconded the motion.

The vote was: Mr. Alexander-Yes
Mr. McDonnell-Yes
Mr. Gosney-Yes
Mr. Snyder-Yes



Chairman


Zoning Inspector, Joni Poindexter

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #20240071**

Upon the hearing, the Board determined that variance would allow for a building height of 45 ft. for principal building where 40 ft. is the maximum permitted in the R-4 and 35 ft. is the maximum permitted in B-1 per Art. IV Sect. 401.8 and 411.7 of the zoning resolution. Property located at parcel # 1702424 and 1702423 Woodlawn NW, Sect. 36NE Jackson Twp. Zoned B-1 and R-4.

Whereas, upon the Board determined:

The variance met the practical difficulty requirements.

Whereas, the Board further:

Denied _____

Approved X

The variance for a building height of 45 ft. for the congregate living facility building where 40 ft. is the maximum permitted in the R-4 and 35 ft. is the maximum permitted in B-1 per Art. IV Sect. 401.8 and 411.7 of the zoning resolution.

Mr. McDonnell made a motion to approve variance with the condition that it applies only to the Building that was discussed and no other buildings.

Mr. Gosney seconded the motion.

The vote was: Mr. Snyder-Yes

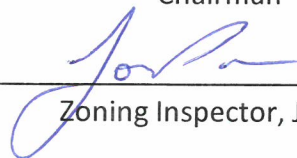
Mr. McDonnell-Yes

Mr. Alexander-Yes

Mr. Gosney-Yes



Chairman



Zoning Inspector, Joni Poindexter