

Jackson Township Board of Zoning Appeals
September 12, 2024

Members Present: Patrick Snyder
Jared Singer
Edward McDonnell

Zoning Inspector: Joni Poindexter

Absent Members: Debbie Busby
Steven Gosney
Randy Alexander-Alternate

5:00 PM Appeal # 20240578 - John Fiala, 17279 Old Lincoln Way, Dalton, Ohio 44618 agent for Christian Children's Home of Ohio, property owner, 2685 Armstrong Rd. Wooster, Ohio 44691 requests a variance for a 33.5 ft. west side yard setback for principal building where 50 ft. is required and a 5 ft. west side yard parking setback where 20 ft. is required when abutting a residential district per Sect. 411.5 of the zoning resolution. Property located at 7317 Portage NW, Sect. 9SE Jackson Twp. Zoned B-1.

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

Mr. Snyder swore in John Fiala, 17279 Old Lincoln Way, Dalton, Ohio.

Mr. Fiala explained the counseling center that is there now is expanding. They tried to fit the building on the lot in compliance with zoning but the property to the west is zoned R-R Rural Residential although it is occupied by Rivertree Church and is not utilized as residential. They have an agreement with Rivertree Church for employee parking. Mr. Fiala presented two renderings of what the building would look like that were marked as exhibit 1 and 2 and stated that they already applied to Regional Planning and received conditional approval.

Mr. Snyder asked if the request is for a 33.5 ft. setback and if it is not possible to meet the 50 ft. setback due to the lot being narrow.

Mr. Fiala stated that is correct and the parking setback is because of the drive coming into the property.

Mr. Fiala stated the sidewalk connects the two properties so the employees can walk from the parking lot on the Rivertree property to the offices.

Mr. Singer asked why the building is 8,950 sq. ft.

Mr. Fiala stated there will be 15 different rooms for the counselors.

Mr. Singer stated the request strictly applies to the 33.5 ft. building setback and the 5 ft. parking setback as shown on sheet A.01.

Mr. Fiala stated that is correct.

No one else in the audience spoke in favor of the appeal.

Mr. Snyder if anyone wanted to speak in opposition to the appeal.

Mr. Snyder swore in Mr Georgy Schwertner 6861 Lorraine NW, North Canton, Ohio 44720.

Mr. Schwertner stated he and his neighbor had a concern. He sees only a 16.3 inch gap on the east side of the property.

Ms. Poindexter explained that the setback is only required to be 16 ft. due to the building is located next to the property line that is zoned commercial and is not next to the property line of residential.

Mr. Fiala stated the reason they pushed the building as far forward as they could is so it wouldn't affect the neighbors. He knows if they expand in the future they would have to come back to the board if it wouldn't meet the required zoning setbacks.

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

Mr. Singer asked Ms. Poindexter if he is correct in stating if the building would go any further back on the parcel and didn't meet the setbacks they would have to come back to the board.

Ms. Poindexter stated that is correct.

Mr. Snyder closed the appeal to public input.

Mr. Singer stated he doesn't have a problem with the request. It aligns with other requests and in the future and if built any closer to the property line they would need to come back to the board.

Mr. McDonnell concurred with Mr. Singer and stated that he thinks the practical difficulty is the narrowness of the lot.

Mr. Singer stated section 803.5(B) (1) indicates narrowness of the lot as a practical difficulty.

Mr. Snyder made a motion to approve appeal 20240578 as requested.

Mr. McDonnell seconded the motion.

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

5:15 PM Appeal # 20240803 –North Coast Sign and Lighting Services Inc, 310 N. Broadway St, Medina, OH 44256 agent for GGPA Banksville I 1999 LP & GGPA Beaver Falls 1998 LP & GGPA Cricket Field 1999, 500 Grant St., Suite 2000, Pittsburg, PA 15219 property owner, requests a variance for 310.60 sq. ft. of wall signage on the north elevation where 235.8 sq. ft. is permitted per Sect. 502.5 of the zoning resolution for a total of 75 sq. ft. over the permitted square footage. Property located at 4844 Everhard NW, Sect. 24SW zoned B-3.

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

Mr. Snyder swore in Jim Berlono 301 North Broadway St. Medina, Ohio.

Mr. Berlono stated he is requesting the variance for Grocery Outlet. It is a big space and they are renovating the property and creating a place for people to shop. There were previous signs on the property and they want to add the signage as shown. It will be an advantage to bring the space back to life.

Mr. Snyder stated they are looking at separate signs on the property and asked Ms. Poindexter if the sign total is the sq. ft. of all the signs.

Ms. Poindexter explained how they got to the 75 sq. ft. over what is permitted.

Mr. Snyder stated the main panel is 27 ft. x 96 inches high and asked if there is a way to make the signs smaller to fit what is permitted.

Mr. Berlono stated it is a corporate reason. They have this in 3 other cities and it is their image.

Mr. Snyder asked if they can reduce the signage to get to the permitted square footage.

Mr. Berlono stated yes. He can go back and talk with them. He is representing the sign company. He can ask them if they can revise the artwork to get closer to the requirements; however, he thinks the balance of the signs on the building works and the signs fit comfortably.

Mr. Snyder asked if there would be a sign at the street also.

Mr. Berlono stated the street sign is a separate application.

Mr. Singer stated he understand Mr. Berlono is representing another sign company. He isn't hearing the reason to exceed the maximum signage requirement.

Mr. Berlono stated they are a business and want to maximize the amount of their signage.

Mr. McDonnell asked, when he looks at the 216 sq. ft. of signage, if that includes the fresh, produce, meat and organics signage.

Mr. Berlono stated the fresh, produce, meat and organics are individual channel letters.

Mr. McDonnell stated it sounds like the reason for the greater signage is for marketing purposes.

Mr. Berlono stated he knows the importance of signs that can help or hurt a community.

Mr. McDonnell explained that he didn't see anything different than Hobby Lobby or other places that want more signage.

Mr. Berlono stated the signage fits nicely for the building. It enhances the building and does not take away from other businesses in the area.

Michelle Fair 1106 Roy St. NW Uniontown, Ohio stated she is the property manager and represents the owner. They have been working with the tenant for almost a year. The grocery outlet signage looks good based on the size of the façade. The signage would not look right if they shrunk it down. Tuesday morning had signage on both sides of the tower. Ollies could put signage on both sides of the tower if they wanted to. As a representative for the owner they like what the signage will look like and are in favor of the variance. There will be signage on the pylon sign.

Mr. McDonnell asked if she is aware of anyone else in the plaza who has a variance for the signage.

Ms. Fair state no.

Mr. McDonnell asked Ms. Poindexter if she is aware of any variances.

Ms. Poindexter stated no.

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

Mr. McDonnell stated he thinks the board can either close to the public and vote on it or does the applicant have the authority to ask for this to be tabled and come back with a different proposal.

Mr. Poindexter stated yes they could do either one.

Mr. Snyder stated they can vote on it as written. If they deny it and if the store owners wanted to amend the request they can come back to the board or it can be tabled until later.

Ms. Fair stated she thinks they would want a vote on it now because they want to open soon and will want signage.

Mr. Berlono stated he would like the board to vote on the variance.

Mr. Singer stated the signage is 32% over what is permitted.

Mr. Berlono stated that grocery outlet received variances in 2 other locations for the business signage.

Mr. Snyder closed the appeal to public input.

Mr. Snyder stated it is 32%, it's not a big difference. With that being said he can't tell them the last time they approved a sign over the allowable square feet. There was the sandwich shop that requested a

larger size and it was denied. K carpet received a variance for an additional sign. Ohio Cat wanted larger signs and they were denied. 32% or 75 sq. ft. isn't that much.

Mr. McDonnell state he thinks 32% is a lot. Do they need fresh, produce, meat and organics. Maybe. The one that gives him heartburn is the one on the tower. If they eliminated the tower sign it would take away 57.1 sq. ft. so they would be taking about 17.5 sq. ft. over what is permitted. He thinks this would give them the opportunity to open and put up some signage.

Mr. Snyder stated if the tower sign was eliminated the requested would be more viable. He does not see a practical difficulty.

Mr. McDonnell agreed and thinks 32% is substantial.

Mr. Singer stated he also does not hear a practical difficulty. It's not the board's job to make changes to the resolution. He cannot support the request.

Mr. Snyder made a motion to approval appeal #20240803 as requested.

Mr. McDonnell seconded the motion.

The vote was: Mr. Singer-no, Mr. McDonnell-no, and Mr. Snyder-no.

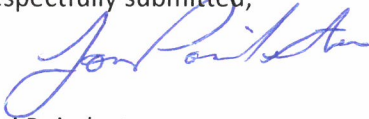
Mr. Snyder made a motion to approve the meeting minutes from the July 25, 2024 meeting.

Mr. Singer seconded the motion.

The vote was: Mr. McDonnell-yes, Mr. Singer-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 #20240578**

Upon the hearing, the Board determined that the variance would allow for a 33.5 ft. west side yard setback for principal building where 50 ft. is required and a 5 ft. west side yard parking setback where 20 ft. is required when abutting a residential district per Sect. 411.5 of the zoning resolution. Property located at 7317 Portage NW, Sect. 9SE Jackson Twp. Zoned B-1.

Whereas, upon the Board determined:

The narrowness of the lot is a practical difficulty and although the property to the west is zoned R-R it is not utilized as R-R with the Church being on the property.

Whereas, the Board further:

Denied _____

Approved X

The variance for a 33.5 ft. west side yard setback for principal building where 50 ft. is required and a 5 ft. west side yard parking setback where 20 ft. is required when abutting a residential district per Sect. 411.5 of the zoning resolution.


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

Mr. McDonnell seconded the motion.

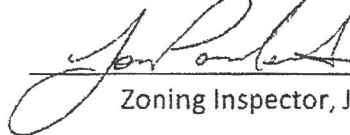
The vote was: Mr. Singer-Yes

Mr. McDonnell-Yes

Mr. Snyder-Yes



Chairman



Zoning Inspector, Joni Poindexter

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS
CONCLUSIONS OF FACT
APPEAL #20240803**

Upon the hearing, the Board determined that the variance would allow for 310.60 sq. ft. of wall signage on the north elevation where 235.8 sq. ft. is permitted per Sect. 502.5 of the zoning resolution for a total of 75 sq. ft. over the permitted square footage. Property located at 4844 Everhard NW, Sect. 24SW zoned B-3.

Whereas, upon the Board determined:

There was no practical difficulty to allow for the variance.

Whereas, the Board further:

Denied X

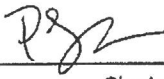
Approved

The variance for 310.60 sq. ft. of wall signage on the north elevation where 235.8 sq. ft. is permitted per Sect. 502.5 of the zoning resolution for a total of 75 sq. ft. over the permitted square footage.

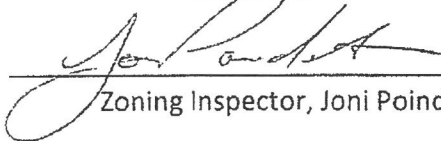
Mr. Snyder made a motion to approve the variance as requested.

Mr. Singer seconded the motion.

The vote was: Mr. Singer-No
 Mr. McDonnell-No
 Mr. Snyder-No



Chairman



Zoning Inspector, Joni Poindexter