

Jackson Township Board of Zoning Appeals  
September 26, 2024

Members Present: Patrick Snyder  
Jared Singer  
Edward McDonnell  
Randy Alexander-Alternate

Zoning Inspector: Joni Poindexter

Absent Members: Debbie Busby  
Steven Gosney

**5:00 PM Appeal # 20240838** - John Stancato, agent for PJ Investment Group LLC & John J. Stancato and Pamela J Stancato Revocable Trust, property owner, 16164 Cala Rojo Drive, Colorado Springs, CO 80926 requests a variance for a 15 ft. south building setback for 3470 Wales and a 15 ft. north building setback for 3464 Wales where a 16 ft. side setback is required per Art. IV Sect. 411.5 of the zoning resolution. Property located at 3470 and 3464 Wales NW, Sect. 33NW Jackson Twp. Zoned B-2.

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

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

Ms. Carrie Freeman, 4775 Munson NW, North Canton, stated she represents John Stancato. The middle parcel creates the buildings to be across the lot line. They are asking for an area variance so each building will be on its own property so they can have a marketable title.

Mr. Snyder asked Ms. Poindexter if the buildings were non-conforming.

Ms. Poindexter stated when the buildings were constructed they were permitted as a planned development and were required to be 30 ft. apart.

Mr. McDonnell stated he understands the buildings are on three parcels and they want to make it two parcels so they need the variance because they can't move the buildings.

Ms. Freeman stated that is correct and to make it marketable.

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 it is a reasonable request and has no issue.

Mr. Singer stated in order to get a marketable title the buildings need to be on their own parcel and he has no issue with the appeal.

Mr. McDonnell stated there is a practical difficulty and it was built in 1999. They can't move the buildings and the variance is only for one foot. He sees a practical difficulty with the minimal request.

Mr. Singer motioned for approval of appeal 20240838 as requested.

Mr. Alexander seconded the motion.

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

Being it was only 5:10 PM and the next hearing did not start until 5:15 PM Ms. Poindexter asked for a motion to approve the meeting minutes from the August 29, 2024 meeting.

Mr. Alexander motioned for the approval of the meeting minutes from the August 29, 2024 meeting and Mr. Singer seconded the motion.

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

**5:15PM Appeal # 20240840** – Patricia Paschki, 11122 Wright Rd. NW, Uniontown, Ohio 44685 agent for FPCC Real Estate Company LLC, property owner, 6315 Promway NW, North Canton, Ohio 44720 requests a variance for a 15 ft. front parking setback where 20 ft. is required per Art. IV Sect. 411.8 of the zoning resolution. Property located at 6320 Promway NW, Sect. 13NE, Jackson Twp. Zoned I-1.

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

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

Troy Luketic, 4535 New Melford Rd. Rootstown gave the board a drawing of the property and stated he assumes no one has an issue with what they are doing because no one came to the hearing. They are working with an existing building on a lot that is a warehouse and they want to convert to a pickleball court with a restaurant. They are require to have 89 parking spaces and they have 90. The reason for the lesser setback is because of the required parking. They are looking for a little space between the parking and building with landscaping so the parking isn't right up against the building. They are planning a 5 ft. landscaped strip with a sidewalk. When they submitted the plan for the variance the drawings were done by another architect from when the building was built. It showed the building at 86 ft. from the right of way line. The survey was done after the plan was submitted. They just found out yesterday the dimension is actually 82.6 ft. from the road right of way, not 86 ft. So with what they are asking for, the 15 ft. setback as opposed to the 20, they can't accomplish what they are trying to accomplish which is to get the buffer between the parking and the building. What they are really asking for is 11.6 as opposed to the 15 ft. setback for the parking area.

Mr. Snyder asked if they are amending the request from 15 ft. to 11.6 so they can maintain the 5 ft. strip along the front of the building.

Mr. Luketic stated if you drive up and down Promway there are a lot of properties in the area without a front parking setback.

Mr. Snyder asked how wide the grass area is in front of the building.

Mr. Luketic stated 5-6 ft. of landscaped area.

Mr. Snyder asked the reason for the variance. They are now asking for 11.6. The landscaping along the building is not required.

Mr. Luketic stated they need room for people to walk along the sidewalk when bumpers are overhanging onto the sidewalk. They are trying to make the building look good.

Mr. Singer stated the requirement is 20 ft. and they are asking for 11.6. There is a 4 ft. sidewalk and a 5-6 ft. strip of landscaping. He understands those are not a requirement but they want to relieve the parking away from the face of the buildings.

Mr. Luketic stated that is correct. They want to make sure people have enough room to walk along the sidewalk with the bumpers overhanging.

Mr. Singer asked Mr. Luketic if he thought this was the minimum necessary to do what they want to do.

Mr. Luketic stated yes.

Mr. McDonnell stated they found out the front building setback went from 86 ft. to 82.6.

Mr. Luketic stated yes. The surveyor stated it is actually at 82.6. They are now asking for 11.6 because the building is closer than they thought to the road right of way.

Mr. McDonnell asked if it is 11'6" as opposed to 11.6 ft.

Mr. Luketic stated yes.

Mr. Snyder asked if there is anywhere else the parking spaces could go.

Mr. Luketic stated they would have to have parallel parking. They rearranged the curb cut. It currently is a wide curb so they cut it down and it helped them with parking a little bit.

Mr. Singer asked if the plan complied with the fire department regulations, etc.

Mr. Luketic stated they did not submit to RPC yet. The fire department will have access from all four sides.

Mr. McDonnell stated the applicant originally asked for a 15 ft. setback and now wants to modify it to 11'6". Mr. McDonnell asked Ms. Poindexter if the board is permitted to vote on a variance that is greater than what was originally requested. He knows if they asked for a lesser variance such as going from 15 ft. to 16 ft. they could do that is not sure if they can decrease it.

Ms. Poindexter stated she knows the answer but in the past the board has granted less but not more.

Mr. McDonnell stated he understands the board can grant a lesser request but is not sure they can grant a greater request of 11'6" as opposed to 15 ft.

Ms. Poindexter stated she does not recall the board ever doing that.

Mr. McDonnell stated he thought the reason the board has never done that is because it was deemed illegal and would need to be re-advertised because people were told it was going to be this and now it is less.

Mr. Luketic asked if it matters that the people who were invited to the meeting didn't come because it must not matter to them.

Mr. McDonnell stated it doesn't matter if no one objects but it has to meet the requirements of the resolution and has to meet a practical difficulty and be legal.

After discussions it was determined that the appeal would be continued to check to see if it should be re-advertised and new notices sent with the modification. Ms. Poindexter will check with Mr. Vaccaro as to if he is aware of any regulation that prohibits the board from voting on a greater variance than what was advertised.

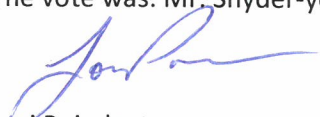
No one else spoke in favor of the appeal and no one spoke in opposition to the appeal.

Mr. Snyder closed the appeal to public input.

Mr. Alexander motioned to continue appeal 20240840 until October 24, 2024 at 5:00 PM

Mr. Singer seconded the motion.

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

  
Joni Poindexter  
Jackson Township Zoning inspector

**JACKSON TOWNSHIP BOARD OF ZONING APPEALS  
CONCLUSIONS OF FACT  
APPEAL #20240838**

Upon the hearing, the Board determined that the variance would allow for a 15 ft. south building setback for 3470 Wales and a 15 ft. north building setback for 3464 Wales where a 16 ft. side setback is required per Art. IV Sect. 411.5 of the zoning resolution. Property located at 3470 and 3464 Wales NW, Sect. 33NW Jackson Twp. Zoned B-2.

Whereas, upon the Board determined:

The variance is not substantial and will allow for each building to be located on it's own parcel.

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Whereas, the Board further:

Denied \_\_\_\_\_

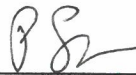
Approved  X

The variance for a 15 ft. south building setback for 3470 Wales and a 15 ft. north building setback for 3464 Wales where a 16 ft. side setback is required per Art. IV Sect. 411.5 of the zoning resolution.

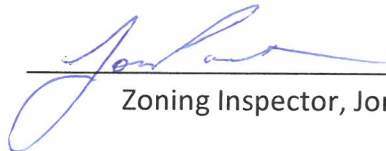
Mr.  Singer  motioned to approve the variance for appeal 20240578 as requested.

Mr.  Alexander  seconded the motion.

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



Chairman



Zoning Inspector, Joni Poindexter