

Jackson Township Zoning Commission Meeting Minutes
April 3, 2025

Members Present: Rich Cosgrove
Dustin Wiggins
Justin Gantz-Recused
Erin Domenico
Joshua Taylor-Alternate
Zoning Inspector: Joni Poindexter
Absent Member: David Calveski

5:00 PM Amendment 20250111 – Brian Kruszewski, agent for Always Stay Unlimited, LLC, property owner, 3673 Massillon Road, Uniontown, Ohio 44685 proposes to rezone R-2 Two-Family Residential District to B-2 Neighborhood Business District Parcel No. 10017148 Portage consisting of 1.21 Acres located on the south side of Portage approx. 288 ft. west of Frank Ave. NW, Sect. 11SE Jackson Twp.

Mr. Wiggins nominated Rich Cosgrove for Chairman. Ms. Domenico 2nd. There were no other nominations. The vote was: Mr. Wiggins-yes, Mr. Taylor-yes, Mr. Gantz-yes, Ms. Domenico-yes and Mr. Cosgrove-yes.

Mr. Cosgrove nominated Dustin Wiggins as Vice Chairman. Mr. Gantz seconded the nomination. There were no other nominations. The vote was: Mr. Wiggins-yes, Mr. Taylor-yes, Mr. Gantz-yes, Mr. Cosgrove-yes, and Ms. Domenico-yes.

Mr. Gantz recused himself from the hearing for amendment 20250111.

Those in favor: Mr. Wayne Boyer 1131 Willowway SE, North Canton, Ohio 44720.

Mr. Boyer stated he is the attorney for Always Stay Unlimited. They have been trying to develop/sell the property for 3-4 years and have had no interest whatsoever from an R-2 prospective in that area. They explored the option of rezoning and looked at the surrounding properties that are zoned B-2 and B-3 but they thought that B-3 would be a hefty asking and inappropriate for that neighborhood so they are requesting a rezone for a B-2 for the purposes of further development and uses of the property. Currently there is no interested buyer and there are no plans to sell the property at the moment. It is just for future development.

No one else spoke in favor of the amendment.

Those in opposition:

Mr. Sutter 6677 Frank Ave. NW, North Canton, Ohio 44720 stated he is one of the owners of the property that is adjacent to the property in question, Sol Harris Day Architects. The property in question doesn't only egress and ingress onto Portage, but there is an easement on the property that goes onto the Harris Day entry drive that comes out on Frank. If the property is zoned to B-2 a lot of the traffic will utilize the drive easement and flow right next to their building. They would be fully supportive for a B-1 which allows office uses because that would be similar to what they have and the traffic for the

easement would be reasonable. Mr. Sutter read some of the uses that could go in a B-2 and stated that some uses would have more traffic as a B-2. He would hate to see more traffic other than an office use.

Mr. Wiggins asked where the easement was located.

Mr. Sutter explained it is to the south of their building going out onto Frank.

Mr. Cosgrove asked if the easement has been in place for years.

Mr. Sutter stated yes. It was in place prior to them building their building. They aren't asking for no one to use the driveway and they realize it is there but thinks it would be more appropriate to be office with less traffic with a B-1.

Mr. Cosgrove asked Mr. Boyer if he would like to address what was said.

Mr. Boyer stated recently, within the last two years Always Stay Unlimited sold a piece of their property to Harris Day and as part of that transfer they specifically negotiated that they kept the easement. With Mr. Sutter stating that he supports B-1 but not B-2, there is a number of uses under B-1 that would have the same amount of traffic as the B-2. One of them that he stated was a financial institution and that is permitted in the B-1 as well as the B-2. None of the potential uses for a B-2 would significantly expand the traffic that would be on a B-1.

Mr. Cosgrove asked if anyone else wanted to speak in opposition.

Steven Hilson 5137 Portage NW North Canton, Ohio 44720 stated he is across the street on Portage and is against of any B-1 or B-2 because it would increase the traffic and decrease the safety of an already dangerous intersection where there are accidents all the time. He has to turn right out of his driveway because he can't turn left onto Portage. It will decrease his property value and he can't see where going to a B-1 or B-2 would help his property in any way, shape or form. He believes that for him to try to rezone at this point being, that he is one of two residential properties on the other side of the street, he has been told that there would be a slim chance for that happening. He can't see a way to get out from under his property without taking a loss due to the all the commercial buildings in the area. He will fight this every step of the way and would rather buy the property from them then see it go to B-1 or B-2.

Mr. Cosgrove asked Mr. Boyer if he would like to address what was said.

Mr. Boyer stated he understands changes in property use over the years, but he would also say it would be inappropriate to consider the desire for one owner across the street in a fashion that would prevent any sort of development of the property. From Mr. Hilton's perspective, he would prefer that it be vacant because any use of that property would lead to traffic of some sort. Generally speaking from a township perspective, you are looking for uses for properties, not for vacant properties. He can understand the traffic but many other intersections have become a problem. The applicant would work with whoever they need to too mitigate any traffic issues that there may be but also he thinks to develop the township as a whole they don't want vacant properties. He thinks, based on individuals he talked to from an appraisal standpoint that the property values would increase. He appreciates Mr.

Hilson's objections but he thinks they are misplaced. Based on 804.1 of the code as a whole, the development of the township as a whole, he thinks the requested rezoning would be a benefit.

Mr. Wiggins asked if a site study had been done.

Mr. Boyer stated no. When they bought the property there were some blank easements but regarding the exact location a site study has not been done because there is no planned development.

No one else spoke in opposition to the amendment.

Mr. Cosgrove closed the hearing to public input.

Mr. Wiggins stated he thinks it would be a step down zoning. The commercial area has gone up Frank so far, but he is not so sure about the step down zoning turning the corner. It seems riskier than some of the other step down zoning cases.

Mr. Cosgrove stated he tends to agree but at the same time he thinks some of the points brought up aren't valid. He will not take into account the easement simply because if that easement was known he feels something could always be rezoned if permission is granted. It is interesting because the property in front of Walgreens is a B-2. He realizes that faces Frank but he can see it going both ways.

Mr. Taylor asked what the lots are currently zoned next to the lot in question.

Mr. Cosgrove stated it is zoned R-2. He thinks if rezoned to B-2 nothing would stop someone from asking for the next one to be rezoned.

Mr. Boyer stated he realizes the hearing is closed to public input but the applicant owns the lot next to the one in question also and they would be willing to put some restriction on the other property to prevent some type of rezoning in the future.

Mr. Cosgrove stated the board isn't here to look at easements and traffic. It is just the zoning matter at hand. They cannot hold a member of the public to that statement.

Mr. Cosgrove asked Ms. Poindexter if there is anything she could share regarding a similar case.

Ms. Poindexter stated it is a step down now going from a B-3 to an R-2. It is also a step down if you go from B-3 to a B-2 and then an R-2. A B-3 has more intensive uses next to an R-2 than a B-2 would have next to an R-2.

Mr. Cosgrove stated he sees it both ways and asked for a motion.

Mr. Taylor made a motion for a recommendation of approval for the rezone.

Ms. Domenico seconded the motion.

The vote was: Mr. Wiggins-No, Mr. Cosgrove-no, Ms. Domenico-no, and Mr. Taylor-no.

Ms. Poindexter stated the matter will go before the Trustee on April 22, 2025 at 5:00 PM.

Mr. Cosgrove made a motion to approve the meeting minutes from the November 14, 2024 meeting.

Mr. Wiggins seconded the motion.

The vote was: Mr. Cosgrove-yes, and Mr. Wiggins-yes.

Being no further business the meeting was adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Joni Poindexter", with a long horizontal flourish extending to the right.

Joni Poindexter

Jackson Township Zoning Inspector