

Jackson Township Zoning Commission Meeting Minutes
May 15, 2025

Members Present: Rich Cosgrove
Dustin Wiggins
Joshua Taylor-Alternate
Zoning Inspector: Joni Poindexter

Absent Members: Justin Gantz
David Calveski
Erin Domenico

5:00 PM Amendment 20250237 – Tim and Angela Betz, property owner, 7445 Braucher NW, North Canton, Ohio 44720 proposes to rezone B-3 Commercial Business District to R-R Rural Residential District, parcel # 1601229, consisting of 4.66 acres located on the east side of Erie Ave. NW, approx. 4,400 ft. south of Traphagen, Sect. 31SE Jackson Twp.

Mr. Cosgrove read the file application into the record.

Those in favor of the amendment:

Angela Betz, 7445 Baucher NW stated they want to build their forever home because they have a shop next door. They have everything ready but need the zoning.

Mr. Craig Betz 5065 Revere NW stated owns the adjoining property and has a business there. They have no objection to the rezone. He tried to buy the land years ago but it wasn't for sale. There are several houses along Erie and to the rear of the property. He has no objection to the application.

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

Mr. Cosgrove closed the hearing to public input.

Mr. Cosgrove explained that he is torn on the rezone because he understands there are homes along Erie but for the other owners that own an adjoining B-3 property if the property were rezoned to residential the B-3 properties would be required to have a 75 ft. building setback for the commercial zoning because 75 ft. is required when abutting a residential property. His concern is not that they wouldn't want residential, but the effects for the property owners surrounding them in the future.

Mr. Wiggins explained that he is also torn and questioned is if it would it be spot zoning, being one piece in the middle of a B-3 district. He thinks the concern in the future is if the property is sold and then a more aggressive business moves in next to them. The reason for zoning is safety and welfare.

Mr. Taylor made a motion to recommend approval of the amendment.

Mr. Wiggins seconded the motion.

The vote was: Mr. Cosgrove- no, Mr. Wiggins-no, and Mr. Taylor-yes.

Ms. Poindexter stated the amendment will go before the Trustee on June 10th.

5:15 PM Amendment 20250303 – Mike Kochovski, 8667 Serenity Dr. NW, Massillon, Ohio 44646 agent for Rafael Madrigal, property owner, 6363 Hollyridge St. NW, North Canton, Ohio 44720 proposes to rezone R-R Rural Residential District to R-2 Two-Family Residential District 6367 Portage NW, consisting of 0.54 acres located approx. 316 ft. east of Elaine on the north side of Portage, parcel # 1614436, Sect. 10 SE Jackson Twp.

Mr. Cosgrove read the file application into the record.

Those in favor of the amendment.

Mike Kochovski, 8667 Serenity Dr. NW stated he owns Kochovski Enterprises LLC. He is the agent representing Rafael Madrigal. They would like to request a zoning change on the property from R-R to R-2. The reason for the request is that he believes it is suitable for a duplex. The duplex would be 1600 sq. ft. of living space on each side plus a two car garage for each unit. The design would blend in with the current residential area next to it and across the street. Mr. Madrigal plans to have his family take immediate occupancy of the proposed dwelling when constructed.

Gable Madrigal, 6362 Hollyridge NW stated that they would like to use the lot for a duplex in which he would live with his girlfriend and children. His sister and her child would live in the other side. It would be nice to live close to his parents.

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

Mr. Wiggins stated there are duplexes on the two of the R-R lots next to the property in question and wondered if they are non-conforming uses. Twenty-five to thirty years ago the township was different as to supplying water, waste water, etc. One of the purposes of the R-R was to prevent excess demands on sewer and water systems.

Mr. Cosgrove asked Ms. Poindexter, if a duplex could not be constructed on the property under the R-R zoning classification.

Ms. Poindexter stated that is correct.

Mr. Wiggins asked Mr. Kochovski if he spoke to the county regarding traffic.

Mr. Kochovski explained that he spoke to the sewer department to make sure the capacity is there and there is no problem with a duplex being constructed on the property. He also spoke to Aqua and there is no problem. As far as the driveway one can be on each side. The lot is 120 ft. wide and it is deep. If they had to pull the duplex back four of five feet north of Portage they have room to do that.

Being no further comments Mr. Cosgrove closed the amendment to public input.

Mr. Cosgrove stated that he would be in favor of the rezone because there are multiple duplexes in the area so it would not be spot zoning.

Mr. Cosgrove made a motion to recommend approval of the amendment.

Mr. Wiggins seconded the motion.

The vote was: Mr. Cosgrove-yes, Mr. Wiggins-no, and Mr. Taylor- yes.

Ms. Poindexter stated the amendment will go before the Trustee on June 10th.

5:30 PM Amendment #20250262 – Joni Poindexter, Jackson Township Zoning Inspector, agent for the Jackson Township Trustees, 5735 Wales Ave. NW, Massillon, Ohio 44646 proposes misc. text amendments, including, but not limited to, revisions to the R-3 PUD District regarding density, open space and distance between principal dwelling units and permitting and Adult/Child Day care center in the B-1 district.

Mr. Cosgrove read the file application.

Ms. Poindexter reviewed the proposed text amendments (highlighted) and explained the reasons for the changes as follows:

1) SECTION 401.1 PURPOSE

Change (F) to the following:

- F. R-3 Residential Planned Unit Development District. The purpose of this district is to promote the development of attached and detached single family dwellings in an atmosphere which provides a degree of flexibility in development where final approval or denial for same is given at the conclusion of the amendment process, with a maximum density of six (6) dwelling units per acre for an R-3 attached single family PUD and a maximum of ~~2-2~~ **four (4)** dwelling units per acre for an R-

3 detached single family PUD. No commercial uses are permitted.

This type of development may occur ➞ between any residential zoning classifications ~~and multi-family zoning classifications~~, or ➞ between residential and commercial zoning classifications, and ➞ shall have access onto an arterial, collector or local street according to the Stark County Area Transportation Study street classification, and ➞ as determined to be compatible with surrounding land uses and appropriate for the area when considered within the context of an integrated development plan consistent with the Planned Unit Development concept.

REASON: To modify the number of detached dwelling units permitted per acre and where the development may occur.

2) SECTION 401.16 PROJECT REQUIREMENTS FOR PLANNED DEVELOPMENTS

Change (C) to the following:

- C. Maximum Density R-3 and R-6 PUD - The density of a planned development shall not exceed the number of dwelling units per acre set forth in Schedule 401.16. The total number of dwelling units permitted shall be calculated by multiplying the total project area, exclusive of land devoted ~~to commercial uses~~, public rights of way existing at the time the development plan is submitted, and areas determined to be unsuitable for development pursuant to Section 401.17 (D) (6) through 401.17(D) (8), by the number of dwelling units permitted per acre. **In the R-6 PUD, the total number of dwelling units permitted calculated by multiplying the total project area shall also be exclusive of land devoted to commercial uses.**

REASON: For clarification purposes that commercial uses are only in the R-6 district and do not apply to the R-3.

3) SCHEDULE 401.16

Changes #1 (D) to the following:

Schedule 401.16

Project Area, Frontage, and Density Requirements for Planned Unit Developments

Column A.	B.	C.	D.
Zoning District	Minimum Project Area	Minimum Street Frontage	Maximum Dwelling Units per Acre
1. R-3 PUD	4 acres	100 feet	6 for Attached ^(a) 2.2 4 for Detached
2. R-4 PUD	4 acres	100 feet	10
3. R-5 PUD	4 acres	100 feet	25
4. R-6 PUD Res/Comm.	100 acres	100 feet	8
Notes to Schedule 401.16 (a) Provided there shall not be more than four units attached in one building.			

REASON: To modify the number of detached unit from 2.2 to 4 per acre in the R-3 PUD.

4) SECTION 401.17 OPEN SPACE REQUIREMENTS FOR PLANNED DEVELOPMENTS IN R-3 and R-6 PUD DISTRICTS

Change (B) (2) and Schedule 401.17 to the following:

Every planned unit development in an R-3 Single Family Detached PUD & R-6 PUD District shall include area devoted to common open space in compliance with the following:

- A. Purpose. The purpose of the common open space is to conserve land in its natural state as a

natural resource and for environmental benefits, including wetlands, flood plains, wildlife habitats, and to set aside open area for its recreational benefit.

B. Minimum Area Required. Each project shall provide common open space in compliance with the following:

1. Each project in an R-6 PUD District shall be designed with a minimum 25% of the total project area devoted to common open space.
2. Each project for an R-3 Single Family Detached PUD shall be designed with a minimum of ~~10~~ 5% common open space, or as indicated in schedule 401.17 based on the density of the proposed project, after subtracting areas unsuitable for development pursuant to Section 401.17D(6) through 401.17D(8).
3. If single family attached and single family detached dwellings are incorporated into one overall R-3 PUD plan, the required open space and maximum density shall be in accordance with R-3 Single Family Detached requirements.

**Schedule 401.17
Reduced Minimum Open Space Based on Reduced Density**

Density of Proposed R-3 Project		R-3 Single Family Attached- No required Open Space
R-3 Single Family Detached	Minimum Common Open Space for R-3 Single Family	
2-2 3.1 to 4 units/acre	25 20%	6 units/acre
2-0 2.1 to 3 units/acre	20 15%	
1-9 1.1 to 2 units/acre	15 10%	
1-8 1 or less units/acres	10 5%	

REASON: To lower the required amount of open space that is required in the R-3 District and adjust the units per acre.

5) SECTION 401.18 Site Development Requirements for planned developments in R-6 PUD Districts

Change item (E) to the following:

- E. Requirements for Fee-Simple Subdivided Lots. Individually subdivided lots may be included as part of a PUD project and need not comply with the lot area, lot width or yard requirements established in Section 401.5 to 401.6, except that the minimum lot size for any fee simple subdivided lots in an ~~R-3 Single Family Detached PUD and an~~ R-6 PUD shall be 7,500 sq. ft. and the minimum rear and side yard building setback shall be 10 ft. for the principal building and the minimum lot frontage shall be 40 ft. for cul-de-sacs and 50 ft. for all other lots.

REASON: The R-3 should not be included in this paragraph because this Section is for the R-6 district.

6) SECTION 401.19 REGULATIONS FOR R-3 RESIDENTIAL PLANNED UNIT DEVELOPMENT DISTRICT

Change (B) 4, 6, & 7, to the following and delete #8:

An application for a general development plan shall be submitted in addition to a map amendment application.

- A. This district will provide for:
1. Detached and attached planned housing developments. This will provide an alternative to apartment and single family subdivisions with no compromise in beauty or livability.

2. Houses with traditional appearances and designs, adequate parking, and landscaping and designed for privacy as well as appearance.
 3. Promotion and protection of open space.
- B. Requirements:
1. The maximum building and paving coverage shall be seventy (70%) for developments without fee simple lots.
 2. Projects with more than one dwelling shall be considered as one (1) dwelling for the purpose of determining front, side and rear yard setback requirements, except individually subdivided lots shall comply with Section 401.19(B)(6).
 3. The minimum front yard setbacks shall be forty (40) feet measured from any existing public street right-of-ways. The minimum setback from the edge of any private street shall be twenty (20) feet. The minimum setback from any newly constructed public right-of-ways shall be twenty-five (25) feet.
 4. The minimum setback of units on the perimeter of the development shall be twenty-five (25) feet measured from adjacent property lines, **except those that are located on individual subdivided single family lots.**
 5. Cement, block, or brick patios (open and unenclosed without a roof) may extend a maximum of ten (10) feet into the required yard area, except individually subdivided lots.
 6. The minimum distance between ~~two or more~~ single family detached dwellings, **single family attached dwellings, or single family attached and detached dwellings** shall be twenty (20).
 7. Individually subdivided **single family** lots may be included as part of an R-3 Residential PUD project and need not comply with the lot area, lot width, or yard requirements established in Section 401.5 to 401.6, except that the minimum lot size for any fee simple subdivided lot in an R-3 Single Family Detached PUD shall be 7,500 sq. ft., the minimum rear and side yard building setback shall be 10 ft. for the principal building.
 - ~~8. The minimum distance between a single family attached, a two family or multi family dwelling and any other dwelling shall be thirty (30) feet.~~
 9. No portion of common open space areas may be utilized to meet the minimum building setbacks or required yard area or serve as part of the required separation between buildings.

REASON: To clarify that the 25 ft. setback around the perimeter of the property does not apply to single family individual subdivided lots as the required setbacks are listed under # 6 of this section. To allow 20 ft. between all types of dwelling units within the R-3 PUD District.

7) SECTION 411.3 SCHEUDLE OF PERMITTED USES

Change (8) (b) Adult or Child Day Care Center to a permitted use in the B-1.

Column A.	B.	C.	D.	E.	F.
LAND USE CATEGORIES	B-1	B-2	B-3	I-1	C-P
8. Community Facilities					
b. Adult or Child Day Care Center	CUP P	P	P	P	CUP

REASON To allow a child or adult day care center in the B-1 district without having to obtain a conditional use permit. This type of use fits within the B-1 district.

8) SECTION 431.5 AREA, WIDTH AND YARD REGULATIONS FOR CONDITIONAL USES IN COMMERCIAL/INDUSTRIAL DISTRICTS.

Delete #11 Family Day Care Facility Type A

Schedule 431.5

Area, Width and Yard Regulations for Conditional Uses in Commercial/Industrial Districts

Column A	B.	C.	D.	E.	F.	G.	H.
Conditional Permitted Use:	Minimum Lot Regulations ^(d)		Minimum Building Setback		Minimum Parking Setbacks		Also See Section:
	Area	Width	Front	Side/Rear ^(a)	Front	Side/Rear ^(a)	
11. Family Day Care type A	20,000-sf	(b)	(b)	(b)	(b)	(b)	431.61

REASON: A Family Day Care Facility Type A is not listed as a conditional or permitted use in the Commercial or Industrial Districts therefore should not be listed in this section.

9) SCHEDULE 431.6 SUPPLEMENTAL REGULATIONS FOR CERTAIN USES

Item (I) Change or delete the following:

- (I) Day Care Center, Adult or Child, and Family Day Care Type A shall comply with the following:
- The development plan shall indicate the dimensions of the day-care ~~home, or~~ center ~~or family day care type A home~~, open space areas, parking and emergency entrances or exits and other safety precautions.
 - Property shall be maintained in a neat, orderly and safe condition.
 - All activities shall be directly related to the conditional use permit so granted, and shall be adequately and properly supervised to prevent any hazard, disturbance or nuisance.
 - ~~Sixty (60) square feet of outdoor open space and thirty-five (35) feet of indoor open space per occupant shall be provided.~~ All outdoor and indoor space required per occupant shall be regulated per the requirements of the Ohio Revised Code, including fencing requirements for outdoor activity areas.
 - ~~All outdoor activity areas shall be enclosed by a fence or wall having a height of at least five (5) feet but not exceeding six (6) feet. An entry gate shall be securely fastened.~~

Additional regulations for a Family Day Care Type A ~~in a residential district~~.

- There shall be a minimum of 600 feet between one Type A family day care home and another Type A family Day Care home.
 - There shall be no more than one (1) on-premises sign that shall not exceed four square feet in area.
- ~~Additional regulations for Day Care Center~~
~~No portion of a day-care center site may be located within 600 feet of gasoline pumps, underground gasoline storage tanks, or any other storage area for explosives or hazardous materials.~~

REASON: To list compliance with the Ohio Revised Code instead of specific zoning requirements for outdoor and indoor space due to changes could be made in the Ohio Revised Code. The Family Day Care Type A in residential is only conditionally permitted in residential districts and not in commercial or industrial districts.

No one in the audience spoke in favor of or in opposition to the amendment.

Mr. Cosgrove closed the amendment to the public.

Mr. Cosgrove explained that there was a housing study recently done and asked Ms. Poindexter if the density change is due in part to the house study.

Ms. Poindexter some of the changes came about due to the housing study. But in looking at the R-3 it didn't make sense to have the maximum units per acre for detached dwellings in the R-3 at 2.2 units per acre, which is the same as the R-R. By modify the density it encourages more single family detached units on individual lots as opposed to attached dwellings, that allows for housing that is more affordable due to being on smaller lots.

Mr. Taylor asked if each change is voted on separately.

Ms. Poindexter stated that it is one overall package and is voted on as one amendment.

Mr. Taylor stated that he is in favor of the change for the Adult and Child Day Care regulations but is not in favor of the R-3 changes.

Mr. Cosgrove made a motion to recommend approval of the amendment.

Mr. Wiggins seconded the motion.

The vote was: Mr. Cosgrove-yes, Mr. Wiggins-yes, and Mr. Taylor-no.

Mr. Cosgrove made a motion to approve the meeting minutes from the April 3, 2025 meeting.

Mr. Wiggins seconded the motion.

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

Being no further business the meeting was adjourned.

Respectfully submitted,

Joni Poindexter

Jackson Township Zoning Inspector