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JACKSON TOWNSHIP BOARD OF ZONING APPEALS

APPEAL - VARIANCE

PERMIT NUMBER: 20250948

TRANSCRIPT OF PROCEEDINGS

The following Board of Zoning Appeals Meeting was taken before me, the undersigned, Deanna Gleckler, a Registered Professional Reporter, Certified Realtime Reporter and Notary Public in and for the State of Ohio, at the Jackson Township Administrative Offices, at 5735 Wales Avenue, N.W., Massillon, Ohio, on Thursday, the 12th day of February 2026, at 5:00 p.m.

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APPEARANCES :

BOARD OF ZONING APPEALS COMMITTEE

JARED SINGER - CHAIRMAN

PATRICK SNYDER

DEBI BUSBY

ALEX MCARTHUR

NICK YOUNG

JONI POINDEXTER - ZONING INSPECTOR

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MR. SINGER: Okay. Welcome to the Jackson Township Board of Zoning Appeals. The Board consists of five members and an alternate appointed by the Jackson Township Trustees to hear and decide requests for variances, requests for conditional use permits and appeals of decisions by the zoning inspector. The Board operates under the authority and requirements of the Ohio Revised Code and the Jackson Township Zoning Resolution and the BZA rules of procedure, including the Sunshine Law, that requires all of our actions to be within the eyeshot and earshot of the public. Because we are a quasi judicial board, all testimony is taken under oath and is recorded.

Our normal procedure for each hearing is, read the legal requirements into the record, have the applicant explain the appeal and the reasons for the appeal, hear from those in favor of the appeal, hear from those in opposition to the appeal, close the public input, discuss the matter among board members and vote on the matter, where a simple majority decides the issue, a tie loses the issue. If anyone impacted by the decision of the

1 Board disagrees with the decision, they have the
2 right to appeal the decision within 30 days to the
3 Court of Common Pleas.

4 Our first appeal tonight is number, I think
5 first and only appeal tonight, is number 20250948.
6 The date filed with the zoning inspector is
7 11/10/2025. The applicant is Starlett Isles Burns
8 and Chezaraye Burns, (330) 418-9664, at 8633
9 Eastlynn Avenue, N.W., Massillon, Ohio, 44646. The
10 property owner is Starlett Isles Burns, 8633
11 Eastlynn Avenue, N.W., Massillon, Ohio, 44646, and
12 premises affected are one in the same, parcel
13 number 1620604, zoning district R-1, quarter
14 section 29 SW. The application is for request a
15 variance to allow 6 feet between buildings where 15
16 feet is required and 7 feet east side yard setback
17 for a pool deck and garage where 25 feet is
18 required when abutting a secondary road
19 right-of-way per Section 401.11 of the zoning
20 resolution book.

21 The hearing date and time is February 12,
22 2026 at 5 p.m. The time is currently 5:04.
23 There's additional comments in the application that
24 read, Amherst is considered an 80 foot road
25 right-of-way, however 23 feet of the right-of-way

1 is green space. Therefore, the garage and pool
2 deck are actually 30 feet from the edge of pavement
3 so they will not block view of traffic and it is
4 unlikely that Amherst will ever be widened.

5 All right. That is what's on the
6 application. So we should have a cover sheet, we
7 should have the application in our packet. There
8 should be a map of a highlight of Jackson Township
9 section 29 quarter SW. We should have a zoom-in
10 satellite topographic and a zoom-in satellite
11 pictograph map of the premises affected from the
12 Stark County web map. We should have an additional
13 one that's zoomed in with some additional
14 dimensions indicated.

15 There is another page, two pages of
16 additional write-up that are, a few of these have
17 responses - actually, all of them have responses -
18 to the zoning resolution itself. So there should
19 be two pages of that, and then the final page that
20 we have in the packet is a document, a drawing
21 indicating a garage that's constructed. It
22 actually shows the front, left, right and back
23 elevation. That should be it for the packet
24 itself, and then we also have additional
25 information that was provided.

1 So first of all, I guess for the packet,
2 does everyone sitting on the Board here have
3 everything that was in the packet that I just set
4 forth?

5 MS. BUSBY: Yes.

6 MR. YOUNG: Yes.

7 MR. SNYDER: Yes.

8 MR. MCARTHUR: Yes.

9 MR. SINGER: The next packet of information
10 that we have is a document that is dated 2/12/26,
11 and it has the appeal number 20250948, indicating
12 at the top, with some additional comments.

13 MS. POINDEXTER: Jared.

14 MR. SINGER: Yes.

15 MS. POINDEXTER: That is the same stuff you
16 just read that's marked as exhibits.

17 MR. SINGER: Okay. Got it. Oh, yeah.
18 Perfect. Well, that's good then. All right. So
19 does everyone have that secondary packet that is
20 similar information to what we have?

21 MR. SNYDER: Yes.

22 MR. MCARTHUR: Yes.

23 MR. YOUNG: Yes.

24 MS. BUSBY: Yes.

25 MR. SINGER: Before we get going, Joni, is

1 there anything else we need to be aware of for this
2 specific area?

3 MS. POINDEXTER: Well, I can give you a
4 little bit of background on this property. Mr. and
5 Mrs. Burns came into the office a few times
6 inquiring about putting a detached garage on the
7 property. I spoke to them and so did Mr. Ash, who
8 was the zoning investigator. They came in wanting
9 to put a garage on the property. I pulled the
10 aerial view from the Stark County Auditor's website
11 and looked at the property. It was determined that
12 the garage would not fit on the property due to the
13 existing structures and the lot size and the
14 setbacks that would be required. Amherst is a
15 secondary road right-of-way, so therefore a 25 foot
16 setback is required for the side yard as opposed to
17 your normal 10 foot setback. Also, 15 feet is
18 required between a detached structure and a
19 dwelling.

20 The information was stated to Mr. and
21 Mrs. Burns that they could apply for a variance,
22 but there was no guarantees that the variance would
23 be approved. Several weeks later, while driving
24 down Amherst, it was noticed that garage had been
25 constructed after they were told that they couldn't

1 build it on the property without a variance. No
2 variance had been applied for and no permit was
3 obtained.

4 On October 29, 2025, I sent Mr. Ash out to
5 conduct an inspection and obtain a photo of the
6 garage. Upon reviewing the files, it was found
7 that a permit was obtained for the pool in 2019
8 that is located on the property, but there was
9 never a permit obtained for the pool deck.

10 According to the Auditor's aerial view, it appears
11 the deck was built some time between 2020 and 2021.
12 A violation letter was mailed on October 30th of
13 '25 stating that the garage and the pool deck were
14 in violation and did not meet the required setbacks
15 and no permit was obtained.

16 Upon receiving the letter, Mrs. Burns
17 contacted our office. She asked what her options
18 were. I spoke to her and explained that they could
19 remove the structures or apply for a variance, with
20 the understanding there was no guarantee for
21 approval. She opted to apply for a variance, so
22 Mr. Ash - again, the zoning investigator - and I
23 met with Ms. Burns out at the property some time
24 between when the letter was received, but prior to
25 November 9th, and it was determined that the actual

1 setbacks -- we determined what the actual setbacks
2 were for the garage and the deck that was there.

3 Mr. Ash measured the setbacks from the
4 property lines, which is also the right-of-way of
5 Amherst and also the setback from the garage to the
6 dwelling. There was no issue with the front
7 setback at all. It was determined that three
8 variances would be required. It was discussed
9 about attaching the garage to eliminate one
10 variance, but they would still need a variance for
11 the side yard setback for the garage and the deck.
12 The garage and pool deck are actually about 30 feet
13 from the edge of pavement of Amherst, but the
14 setbacks are measured from the road right-of-way,
15 which is also the property line, which the
16 structures are only about 7 feet from the east
17 property line, where 25 feet is required, and the
18 distance between the detached garage and the
19 dwelling is 6 feet at one point and 10 feet at
20 another point.

21 So this brings us to the point where she
22 then applied for the variance on November 10th.

23 MR. SINGER: Okay. Thank you.

24 MS. POINDEXTER: Uh-huh.

25 MR. SINGER: Does anyone from the Board

1 have any questions for the zoning inspector?

2 MR. MCARTHUR: No.

3 MR. SNYDER: No.

4 MR. SINGER: Deb, do you have anything?

5 MS. BUSBY: I have no questions.

6 MR. YOUNG: No.

7 MR. SINGER: Okay. we'll continue. who is
8 here to speak in favor of the appeal? Do you all
9 want to speak together or do you want to speak
10 individually or in pairs? Feel free to come up.

11 MR. SNYDER: Want to swear them all in at
12 once?

13 MR. SINGER: Yeah, maybe if you all three
14 want to approach, we can actually swear you in.
15 Thank you. So could you make sure, one of you,
16 that the blue light is on there. Perfect. would
17 you raise your right hand.

18 WHEREUPON,

19 ALL WITNESSES

20 who, after being first duly sworn,
21 proceeded as follows:

22 - - - - -

23
24 MR. SINGER: Thank you. Could you state
25 your name and address individually, and then we can

1 have you take a seat if you'd like or you can all
2 stay standing. Thank you. Go ahead.

3 MRS. BURNS: Okay. Starlet Isles Burns,
4 address 8633 Eastlynn Avenue, N.W., Massillon,
5 Ohio, 44646.

6 MR. SINGER: Thank you.

7 MR. BURNS: Chezaraye Burns. Same address,
8 8633 Eastlynn, Avenue, N.W., Massillon, 44646.

9 MR. SINGER: Thank you.

10 MR. SLABACH: Jared Slabach, 8634 Eastlynn
11 Avenue, Massillon, Ohio, 44646.

12 MR. SINGER: All right. Thank you.

13 All right. If you'd like to speak individually or
14 together, whatever you guys would prefer, but if
15 you'd like to have a seat and then we can call you
16 up, if you'd like, that's perfect. So if you don't
17 mind, feel free to step up to the mike and sort of
18 just share with us first why you're here. I think,
19 of course, we understand the majority of what we
20 see in the packet, but if you'd like to tell us a
21 little bit about why you're here, I guess, please.
22 And please step up to the mike, if you don't mind.

23 MRS. BURNS: All right. We are here, of
24 course, for the variance request. Some of the
25 things that we kind of were speaking of, I kind of

1 want to offer a point that our intention was not
2 malicious. We had talked to Joni and Ed about
3 other things that didn't have to do with the
4 garage, just as well, and I think we kind of got
5 confused in reference to what was a yes and what we
6 didn't need a permit for. We were talking to them
7 about our lot line and all this other stuff, and we
8 had concerns with the neighbor in back of us. We
9 were going to move the swing-set in the back, and I
10 think Ed was just kind of helping us, like, well,
11 you know, your lot line is this and so if you have
12 any issue, you know, you don't need to -- so it was
13 about the swing-set, and I think we just kind of
14 got confused about what we needed a permit for and
15 what we did not need a permit for. So I just want
16 to state for the record it wasn't a malicious
17 intent like, you know, she said do it. And they
18 did say at one point like, it's not going to fit,
19 and then we kind of looked at okay, well, the
20 setbacks are this and that, and I just want you
21 guys to know that it wasn't a malicious intent. It
22 was just really a misunderstanding of what we were
23 okay to do and what we weren't okay to do. I just
24 want to state that for the record.

25 MR. SINGER: That's fine.

1 MRS. BURNS: Okay. So at this point, I
2 really just want to say like the garage being where
3 it is at this point, it's been up since what,
4 October? Maybe October, November, whatever. There
5 hasn't been any safety concerns. All the public
6 vehicles and stuff have been able to get their
7 access, you know.

8 MR. BURNS: Not block the view.

9 MRS. BURNS: Yeah, not blocking views.
10 Neighbors have come by and they ask about it. It's
11 nice and, you know, that type of stuff. So I don't
12 think or feel that the neighborhood think it's a
13 nuisance. I don't see anybody here that's kind of
14 opposing it. So that's just kind of where I am
15 with it in reference to, you know, the variance
16 request. I mean, if we can kind of look at what
17 you guys would consider, you know, approval or not
18 or, you know, suggestions or what we need to do, I
19 just would be appreciative of that.

20 MR. SINGER: Okay. Anything else from
21 either of you?

22 MR. BURNS: No.

23 MR. SINGER: We'll have probably some
24 questions, if you don't mind.

25 MRS. BURNS: Okay.

1 MR. SINGER: Just so it's clear we
2 understand, so you're here for maybe two separate
3 variance requests, one to allow the 7 foot east
4 side yard setback for the pool deck, where 25 feet
5 is required, correct?

6 MRS. BURNS: Yes.

7 MR. SINGER: Yes, correct, technically.
8 Okay. And again, then technically, 6 feet between
9 buildings, where 15 feet is required?

10 MRS. BURNS: Yes.

11 MR. SINGER: Correct? Yeah.

12 MRS. BURNS: And/or be attached. Is that a
13 other component?

14 MR. SNYDER: The garage right now, what's
15 the setback from the right-of-way?

16 MS. POINDEXTER: It's 7 feet also.

17 MR. SINGER: 7, yeah.

18 MR. SNYDER: So they're, equal

19 MR. SINGER: Yeah, equal.

20 MR. SNYDER: So there's three separate.

21 MR. SINGER: There's three different rather
22 than two, yeah. So 6 feet between the principal
23 and the new garage, then it's 7 feet from the
24 garage to the right-of-way, it's 7 feet for the
25 pool deck to the right-of-way. Does that sound

1 correct?

2 MR. BURNS: Right-of-way to the fence.

3 MR. SINGER: The right-of-way is to the
4 edge of the platted portion of the road. Not
5 necessarily the edge of the pavement per se.

6 MR. BURNS: See, I think that's what we was
7 confused with. The 27 feet from the edge of the
8 road, from the road to the fence is 27 feet, and
9 then from the fence to the house was 30 feet.

10 MR. SINGER: Uh-huh.

11 MR. BURNS: I think that's where our
12 confusion is.

13 MR. SINGER: Yeah, understood. Okay. Just
14 want to make sure we had it right from the Board's
15 standpoint, there's truly like three different
16 requests is how we're sort of looking at it here,
17 just so we understand. Okay. So based off your
18 testimony, Mrs. Burns, you indicated that -- well,
19 I'll ask you, I guess. Were you specifically aware
20 of these requirements prior to construction of the
21 deck - Mr. or Mrs. Burns, however you'd like to
22 answer - of the deck or the location of the garage
23 being noncompliant with the zoning resolution at
24 the time it was constructed?

25 MRS. BURNS: I won't say --

1 MR. SINGER: If you could just step up so
2 we can capture it, thank you.

3 MRS. BURNS: Okay. As I previously stated,
4 we did talk to Joni, we did talk to Ed. We talked
5 to Ed and Joni about several things, okay. So I
6 won't say that, I'm not going to say that they
7 didn't say that it's not.

8 MR. SINGER: Sure.

9 MRS. BURNS: I'm saying that we were
10 confused. We were talking about other things and
11 they had gave us a go on something else, and so it
12 was in our mind of minds like, oh, we don't need a
13 permit for that like, or, you know, that type of
14 thing. And so when she came out and it was up, I'm
15 like, okay, you know, I did it. It wasn't that
16 they didn't tell me. It just was a lot that we
17 were talking with them about.

18 MR. SINGER: Sure. Okay. That's good.
19 Thank you.

20 MR. BURNS: And then as far as like the
21 deck.

22 MR. SINGER: Yes, sir.

23 MR. BURNS: I mean, zoning rules for the
24 pool has to be enclosed with a fence, right, for
25 safety?

1 MR. SINGER: Yes.

2 MR. BURNS: That's part of keeping of the
3 pool in the fence.

4 MR. SINGER: Correct.

5 MR. SNYDER: Yes.

6 MR. SINGER: That's correct, yeah.

7 MR. BURNS: All right.

8 MR. SINGER: Okay. Any other questions
9 from the Board for Mr. or Mrs. Burns?

10 MR. SNYDER: Yes.

11 MR. SINGER: Go ahead.

12 MR. SNYDER: So how long have you lived at
13 the house?

14 MRS. BURNS: Since '01. 2001. We've been
15 in the house since 2001.

16 MR. SNYDER: And you had the pool built in
17 2019; is that correct?

18 MRS. BURNS: Yeah, 2019.

19 MR. SNYDER: And then you had the deck
20 built separately later?

21 MRS. BURNS: It was right after.

22 MR. SNYDER: So maybe 2020?

23 MRS. BURNS: Yeah.

24 MR. SNYDER: Okay. And then this garage
25 was built, you say it was completed in October of

1 2025?

2 MRS. BURNS: Correct.

3 MR. SNYDER: You had different builders, I
4 assume, for the deck and the garage?

5 MRS. BURNS: Correct.

6 MR. SNYDER: Did either one of those
7 builders suggest that they would get permits or
8 talk to you about permits?

9 MRS. BURNS: So with the deck, when we got
10 the permit for the pool, that was one thing, and
11 then we had just like a private person do the deck.
12 So that was that piece, okay. And I can help with
13 the deck. If you want me to take the extra feet
14 out to the right, I can maybe put the fence on the
15 edge of the pool. If that is like a concern, I can
16 do that. I would be willing to do that.

17 The garage, it was a company that did the
18 garage, of course, and they basically said, you
19 know, Oh, you have to do that, you know, you have
20 to do the permit piece or whatever, you know, if
21 your township require it or whatever. And once
22 again, we spoke with him about other things and
23 thought that it was good because we talked to him
24 about a lot of things, and so that's kind of how
25 that went.

1 MR. SNYDER: Okay. Thank you.

2 MR. SINGER: Anything else from the Board?

3 MR. SNYDER: So the garage, is it an option
4 to connect that to the house or not?

5 MR. BURNS: Yes.

6 MR. SNYDER: In which case if that was
7 done, then you wouldn't need a variance if it was
8 connected to the house, right?

9 MS. POINDEXTER: No. They would still need
10 a variance for the east side because it's not 25
11 feet from the property line.

12 MS. BUSBY: Joni, can you repeat that.

13 MS. POINDEXTER: If they connected the
14 garage to the house, that would eliminate the 6
15 foot setback between the two structures, but the
16 east side setback of 7 feet would still remain
17 because it's still required to be 25 feet.

18 MS. BUSBY: Okay.

19 MRS. BURNS: And so I just am curious, if
20 we end up connecting, how much feet would we need?
21 Because I know, Jared's my neighbor, he has it
22 across the street, his is connected. Is this kind
23 of what we're speaking of?

24 MS. POINDEXTER: Yeah, that's considered --
25 with a solid roof or a shared party wall is what

1 connects it.

2 MR. BURNS: So a breezeway.

3 MS. POINDEXTER: Correct.

4 MR. SINGER: So to be clear, that would --
5 so if there's three distinctly different
6 noncompliance issues here, if you connected it,
7 that would get rid of one of those three.

8 MS. POINDEXTER: Correct.

9 MR. SINGER: Is what I'm understanding,
10 yeah, just so you're aware.

11 MR. MCARTHUR: The 15 between.

12 MR. SINGER: Yeah, the 15 between, correct.

13 MR. YOUNG: And then just to clarify, are
14 they held to a little bit of a higher standard just
15 because of Amherst being this corner lot, where if
16 it's on an inward lot, the other properties don't
17 appear to have to meet quite as far of a setback
18 as, you know, the 30 feet, where you can see the
19 garage right next-door, that overhead.

20 MS. POINDEXTER: Yes. When you abut
21 another lot, your side yard is 10 feet. When you
22 abut a secondary road right-of-way, which is their
23 main street is Eastlynn, so they have a 40 foot
24 front setback, they're okay there, but Amherst is
25 considered a secondary road right-of-way. Any time

1 you're next to a secondary road right-of-way,
2 you're required to have 25 feet from the road
3 right-of-way. It says in there from the property
4 line, but a lot of times the road right-of-way goes
5 in farther than the pavement. In this case, the
6 road right-of-way line is their property line. So
7 they're required 25 feet from the road
8 right-of-way, I guess and property line.

9 MR. SINGER: Mr. and Mrs. Burns, can you
10 tell me why you needed a garage of this size, we'll
11 say. And you don't have to get too specific. Just
12 understanding the reason that it needs to be,
13 because could it have been constructed smaller such
14 that it met let's say the setback, so I'm just
15 wondering.

16 MRS. BURNS: We have a two-car attached.
17 We can only put one car in there at this time. We
18 have a bigger car. I have electric, so I have to
19 do the plug and, you know, all that stuff. He
20 occasionally works on cars and he needed space.

21 MR. BURNS: Personal cars. Not working on
22 other people's cars.

23 MRS. BURNS: Yeah. And so right now he
24 parks in the driveway, I park in the garage. We
25 have a large family. I have grandchildren. When

1 people come over, it's a slew of cars in our
2 driveway.

3 MR. SNYDER: Okay. Thank you.

4 MRS. BURNS: And my neighbor got a new
5 garage, so, you know, you try to keep up with your
6 neighbors, too.

7 MR. SINGER: No, that's good. Thank you.

8 MRS. BURNS: Yeah.

9 MR. SINGER: Any other questions? No?
10 Anything else you'd like to add or say right now?

11 MRS. BURNS: No, not really. I mean, I
12 think technically it aligns with the neighborhood.
13 Like I said, most people have the two-car and then
14 they have, you know, another garage. I don't think
15 that it's offsetting in the neighborhood. No one
16 has said anything. I mean, no one is complaining,
17 I mean, to me or anything. I mean, people have
18 drove by and they'll pull in and, you know, ask
19 questions and whatnot. So I don't feel like it's a
20 nuisance per se.

21 MR. SINGER: Okay. would you consider if
22 we split this, because if we vote on this as
23 submitted, we'd be voting on all of it as
24 submitted. would you be accepting, and yes or no
25 is fine, either way is fine, of us splitting this

1 into maybe the three distinctly different requests?
2 Or do you want us to vote on this altogether as a
3 single packet? So what I mean by that is, do you
4 want us to separate out the pool deck, the
5 separation between buildings and the actual edge of
6 the garage? So the main arterial road. Do you
7 want this to be three individual votes by us or
8 would you like us to keep that altogether?

9 MRS. BURNS: I guess I kind of would want
10 you guys to kind of think of it in a manner of what
11 would be most advantageous and fair to us.

12 MR. SINGER: Yeah.

13 MRS. BURNS: You know, it seems like
14 everybody in here, you're a homeowner and you would
15 be compassionate. So I guess whatever you feel
16 that you would be able to help us as much as you
17 would, which would be better.

18 MR. SINGER: I would say it's probably
19 best, like whenever we see submissions, like
20 requests for variances that have multi parts, we
21 typically break them apart, but I can't guide you.
22 I can only suggest. So you would have to tell us
23 if you'd like us to break it apart.

24 MRS. BURNS: Sure, break it apart.

25 MR. SINGER: Okay. Anything else you'd

1 like to add?

2 MRS. BURNS: No.

3 MR. SINGER: Okay. You can go ahead and
4 have a seat. Thank you. All right. Anyone else
5 here to speak in favor of the appeal?

6 MR. SLABACH: Yeah.

7 MR. SINGER: Come on up. I know we already
8 swore you in, Mr. Slabach. You did give us your
9 address, correct?

10 MR. SLABACH: Yes.

11 MR. SINGER: So go ahead and tell us why
12 you're here and why you're in support.

13 MR. SLABACH: Yeah, so they put the garage
14 up in October like we talked about, and I can
15 confidently say that I look at their property more
16 than anyone else in the neighborhood because I'm
17 right across the street from them.

18 MR. SINGER: You're directly across
19 Eastlynn; is that correct?

20 MR. SLABACH: I'm on Eastlynn. I'm on the
21 opposite side.

22 MR. SINGER: To the corner?

23 MR. SLABACH: Yes, and I can say that it is
24 definitely not that it looked great before, but it
25 has brought up the curb appeal for sure. It looks

1 great to us. I think it has increased the overall
2 aesthetic of our neighborhood, because they're one
3 of the first houses that people see when they drive
4 in. And like she said, the pool and everything,
5 they're very family-oriented type of people and I,
6 we love that. We love seeing a thousand cars in
7 the street, down in their driveway and kids running
8 everywhere. And the pool is a big part of that,
9 and so I would request that the Board approve that
10 variance. It's selfishly, because I've talked with
11 them and they had brought up the option of having
12 to possibly move because they're looking for more
13 space because of the garage and Mr. Burns wanting
14 to work on his vehicles and having a place to park
15 in the winter, and selfishly, I like my neighbors.
16 I don't want them to move. So that is another
17 reason I would request the approval of that
18 variance.

19 MR. SINGER: Okay.

20 MR. SLABACH: And I don't have anything
21 else, I guess.

22 MR. SINGER: Any questions?

23 MR. SLABACH: And my wife says the same
24 thing.

25 MR. SINGER: Any questions from the Board?

1 MR. SNYDER: No.

2 MR. YOUNG: No.

3 MR. SINGER: All right. Thank you.

4 MRS. BURNS: Thank you.

5 MR. SINGER: All right. Anyone else here
6 to speak in favor of the appeal? By the silence, I
7 take that as a no. Anyone here to speak in
8 opposition to the appeal? By your silence, I take
9 that as a no. Mr. and Mrs. Burns, you have the
10 last bite of the apple. If you'd like to say
11 anything else, you can feel free to come up, but
12 after this part we'll close the public input, so
13 you won't be able to have any additional input. So
14 if there's anything else you'd like to say, feel
15 free, but if not, you can go ahead and rest.

16 MRS. BURNS: We're good.

17 MR. SINGER: Good?

18 MRS. BURNS: Good.

19 MR. SINGER: All right. Thank you. With
20 that, we'll close the public input. With that, I
21 guess we'll -- do we have any I guess from the
22 Board standpoint, any additional questions for the
23 zoning inspector, for Joni?

24 MR. SNYDER: Joni, is there any other
25 similar properties in the area that make up a

1 variance like this, whether it be for a pool or --

2 MS. POINDEXTER: In that area?

3 MR. SNYDER: Yeah. Detached structure.

4 MS. POINDEXTER: I really can't answer
5 that. I really don't know if there is or not.

6 MR. SNYDER: Okay.

7 MR. SINGER: Anything else from the Board
8 for the zoning inspector?

9 MR. MCARTHUR: No.

10 MR. SINGER: Okay. All right. With that,
11 we'll go ahead and we'll discuss amongst ourselves
12 and see what everybody's thoughts are, so go from
13 there. I'll just start by saying I think based off
14 of Mrs. Burns' indication that we should clearly
15 separate this into three requests, we would have
16 one of them be the side yard to Amherst setback for
17 garage, we have a side yard Amherst setback to the
18 pool deck, and then we have the distance between
19 the buildings, for the garage to the primary
20 structure. So thoughts on that? Does anybody have
21 any issues with breaking them apart?

22 MR. MCARTHUR: No.

23 MR. YOUNG: No.

24 MR. SNYDER: No.

25 MR. SINGER: Okay. I'll say additionally,

1 you know, we as the Board members here are
2 appointed by the Jackson Township Trustees, like I
3 mentioned earlier on during the opening, and we
4 have to listen to testimony for applications for
5 variance and applications for conditional use
6 permits, and with that, we do strictly follow the
7 zoning resolution. However, there is a part here
8 that we must listen to variances as a type of
9 appeal to understand a little bit more about if
10 there are specific circumstances that are appealing
11 to the lot or appealing to I guess the zoning
12 resolution itself that makes the application for
13 variance or conditional use permit in some
14 instances applicable for a potential improvement.

15 So this is a tough one, because it's very
16 outlined clearly in the zoning resolution, but
17 based on the testimony we heard this evening,
18 Mr. and Mrs. Burns did indicate that they felt as
19 they were doing everything correctly, from what we
20 heard. But that doesn't really absolve us from
21 needing to follow the zoning resolution, because
22 there wasn't anything specific that I guess I heard
23 that aligned with section 803.5 variances of the
24 type of appeal B subset 1 through nonspecific.

25 MR. SNYDER: Practically.

1 MR. SINGER: Practically, yes. Does anyone
2 have thoughts on the distance between the pool or
3 the distance from the garage to Amherst?

4 MS. BUSBY: would the practical difficulty
5 be that the structures are already built?

6 MR. SINGER: I guess that would be -- I
7 guess that's a good question, Debi.

8 MS. BUSBY: We can request the one, like
9 you may have mentioned, the one variance can be
10 fixed by just putting the breezeway in.

11 MR. SINGER: Correct. Yeah.

12 MS. BUSBY: The deck can come off of the
13 pool, but that still doesn't fix, you can't move
14 the garage.

15 MR. SNYDER: So the distance between the
16 two structures is 6 feet. It's supposed to be 15.
17 If we vote no on that, deny it, they could
18 potentially build, connect it, a breezeway or
19 whatever, to absolve that.

20 MS. POINDEXTER: Can I say something?

21 MR. SNYDER: Yeah, please.

22 MR. SINGER: Please.

23 MS. POINDEXTER: So if you would deny the
24 setback between the two structures.

25 MR. SNYDER: Right.

1 MS. POINDEXTER: And they would attach it,
2 it puts it in a whole other realm, because now it's
3 part of the principal structure.

4 MR. SNYDER: Right.

5 MS. POINDEXTER: So it's the principal
6 structure that needs the setback.

7 MR. SNYDER: Right, of course.

8 MS. POINDEXTER: Not a detached garage.

9 MR. SNYDER: From the east side.

10 MS. POINDEXTER: Correct.

11 MR. SNYDER: Yeah.

12 MS. POINDEXTER: So I don't know how much
13 that matters between the distance between the two.
14 It's not like -- it's not a fire code or anything
15 like that.

16 MR. YOUNG: So do we know if the right side
17 of the deck next to the pool, if that's removed,
18 does that take care of that issue or could that
19 create additional issues as well? Was the pool
20 permitted? I know the deck wasn't.

21 MS. POINDEXTER: Yeah, the pool had a
22 permit in 2019.

23 MR. YOUNG: Okay.

24 MR. SINGER: And then the deck was built
25 assumingly shortly after, in 2020.

1 MS. POINDEXTER: Correct. According to the
2 auditor's website.

3 MR. SINGER: Yeah. And right now we're
4 showing a 7 foot that's requested. If the deck was
5 removed, I'm assuming, because that scale's three
6 to four feet, so it would still be noncompliant,
7 where 25 feet would be required.

8 MR. SNYDER: If we denied it, they can
9 remove that, but they'd have to come back for
10 another request and say well, now it really
11 wouldn't have to be 7 foot, versus a 10 foot
12 setback, where 25 foot is required.

13 MR. SINGER: Uh-huh.

14 MR. SNYDER: It's a little more palatable,
15 but --

16 MR. SINGER: Joni, I have a question for
17 you.

18 MS. POINDEXTER: Uh-huh.

19 MR. SINGER: And you may or may not know
20 the answer, but why does Amherst have such a
21 substantial setback; is it simply because it's a
22 secondary road?

23 MS. POINDEXTER: It's because the road
24 right-of-way is very large, even though the
25 pavement itself is not.

1 MR. SINGER: So the road right-of-way is
2 larger, so the Trustees wrote the resolution to
3 then in turn have a larger setback; would that be
4 fair?

5 MS. POINDEXTER: No. The setback is 25
6 feet for a secondary road right-of-way, so normally
7 it doesn't block a view, people aren't built right
8 up to the street itself. In this case, you have
9 like 23 feet of green space that's road
10 right-of-way, but the pavement is way back. So
11 that's why it's technically 30 feet from the edge
12 of pavement, but it's 7 feet from the property line
13 and road right-of-way.

14 MR. SINGER: Uh-huh. So from what I heard
15 then, it's a visibility for secondary road, I'm
16 hearing it's a visibility concern?

17 MS. POINDEXTER: Correct, because you have
18 some roads that the road right-of-way, the pavement
19 goes right up on it.

20 MR. SINGER: Right on it.

21 MS. POINDEXTER: Yes.

22 MS. BUSBY: So question, Joni. If the pool
23 was permitted in 2019, is it in the correct
24 location it was permitted?

25 MS. POINDEXTER: The pool?

1 MS. BUSBY: Uh-huh.

2 MS. POINDEXTER: Well, that's a whole
3 other story. When the pool had a permit, it was
4 put up, the investigator at that time went out and
5 checked it. He signed off on it and said it was
6 okay, because he measured from the edge of pavement
7 and not the road right-of-way. So we're not even
8 going to worry about that. That was his mistake
9 back then.

10 MS. BUSBY: So that answers that question
11 with regards to the right-of-way from that
12 particular case.

13 MS. POINDEXTER: Correct.

14 MS. BUSBY: Okay.

15 MR. SINGER: Okay.

16 MS. BUSBY: That helps. So when we vote,
17 can we -- okay, like the deck and the area between
18 the garage and the house, can we request those
19 items be, let's say we can request the deck can
20 come off, or do we just say no to the variance
21 altogether?

22 MS. POINDEXTER: Well, if the variance is
23 denied, then it's denied. Then it would have to
24 be --

25 MS. BUSBY: Fixed.

1 MS. POINDEXTER: Correct. It would have to
2 be made to come into compliance.

3 MS. BUSBY: Okay.

4 MR. SINGER: So, Joni, what you indicated
5 was, realistically, if the garage is connected to
6 the house, it becomes part of the primary
7 structure, which then still yields the same issue
8 and concern of the setback with Amherst for the
9 primary structure, which we're sitting there in the
10 same boat again for a similar type of request for
11 an additional variance; would that be correct?

12 MS. POINDEXTER: Well, even if they attach
13 it, it's not going to change the 7 foot variance.

14 MR. SINGER: Yes, correct.

15 MS. POINDEXTER: Yeah.

16 MR. SINGER: The request. So the 6 foot
17 delta, the 6 foot distance between the primary and
18 secondary structure, are almost a moot point
19 because it's not going to change the 7 foot off
20 Amherst.

21 MS. POINDEXTER: Correct.

22 MR. SNYDER: And if we deny the 7 foot
23 setback for the garage, they can't come back after
24 they've attached the garage to the house and make
25 it one structure and say, Hey, can we get a 7 foot

1 setback, that's the only difference.

2 MR. SINGER: Yeah, correct.

3 MS. POINDEXTER: See, and the reason it was
4 worded the way it is, is because if they -- if you
5 denied the setback between the two and they
6 connected it, it's not going to really affect the 7
7 foot setback.

8 MR. SINGER: Yeah, correct.

9 MS. BUSBY: Is it a problem to deny one at
10 7 foot, but not the other at 7 foot?

11 MS. POINDEXTER: Not if you're splitting
12 them in three different.

13 MR. SNYDER: So three different ways.

14 MS. POINDEXTER: You can vote on between
15 structures, you can vote for the 7 foot for the
16 garage and 7 foot for the deck.

17 MS. BUSBY: Yeah, I understand that. It
18 just seems like if we're okay with one 7 foot let's
19 say, how are we not okay with the other 7 foot?

20 MR. SNYDER: Yeah.

21 MR. SINGER: Yeah.

22 MR. SNYDER: That's why we discuss this.

23 MS. BUSBY: Yeah.

24 MR. YOUNG: The only thing different to me
25 with a pool is that if it was approved, they almost

1 received bad information it sounds like. So that
2 is more a reason to me.

3 MR. MCARTHUR: Since we approved the permit
4 in the first place incorrectly and now they're
5 stuck in this position.

6 MS. POINDEXTER: Well, they're not asking
7 for a variance for the pool.

8 MR. MCARTHUR: No, I understand.

9 MS. BUSBY: With the variance for the pool
10 being in the wrong spot puts them --

11 MR. MCARTHUR: There is a fence as well
12 that runs along the side of the property. You can
13 see it on the maps here. There is a fence as well,
14 a linked fence that runs along the property line of
15 which all these structures are within that fence
16 line as well along what's Amherst.

17 MR. SINGER: I feel as if the Township
18 accepted and signed off on the pool location with
19 the fence present. I don't feel it's an
20 unreasonable ask to build the width of deck that
21 they put around it. It's already within a fence
22 that can be positioned. If the fence is positioned
23 on the edge of the right-of-way and let's say
24 there's visibility concerns for a secondary road
25 for Amherst, but if we allow fence to be on the

1 edge of the right-of-way, and all they did after
2 installing a pool, let's say, let's strictly talk
3 about that, was put a deck around it on the
4 property inside the fence, and we signed off on the
5 pool in the first place, let's say, that the
6 Township, I personally don't have an issue with
7 that being a reasonable ask would be my stance on
8 that.

9 MR. MCARTHUR: I'd agree with that.

10 MR. SINGER: Okay. Thoughts?

11 MS. BUSBY: Agree.

12 MR. SNYDER: I don't remember how many
13 years ago it was, but there was a pool, it was too
14 close to the building in the back yard.

15 MR. SINGER: I remember.

16 MS. BUSBY: They made them move it. I
17 remember that one.

18 MR. SINGER: But that was the reason for
19 the request, though, correct, because if we
20 accepted this pool back in 2019 already, and let's
21 say we made the mistake then - the Township when I
22 say we, let's say - or oversight, whatever that
23 maybe, I don't have an issue with the rest of that.
24 That deck where it's at on their property inside
25 the fence that's on the right-of-way in the first

1 place, personally, I guess.

2 MR. SNYDER: And then in regards to the
3 garage, just two years ago maybe, there was an
4 applicant, it was a neighborhood off of Frank, and
5 he's like maybe back there across from the strip,
6 he put up a garage, a covered carport you want to
7 call it. Do you remember that?

8 MS. POINDEXTER: Yes.

9 MR. SINGER: Uh-huh.

10 MR. SNYDER: And that we made him remove
11 because it was too close to the property line, but
12 I can tell you then, maybe five years ago plus,
13 there was somebody that had added a garage on or
14 added on to the garage, and that was too close to
15 the property line and we allowed that. So either
16 way, it's not setting a precedent if we were to
17 approve it. I'm just thinking of precedent.

18 MR. SINGER: Yeah.

19 MR. SNYDER: You do this and then somebody
20 has this, and comes up again five years later, you
21 know?

22 MR. SINGER: Uh-huh. Yeah, because again,
23 just to reiterate, as we know here, we have to
24 follow the zoning resolution that's in front of us
25 as well as the testimony that we hear from the

1 applicant, and then review for practical
2 difficulties, and our understanding, interpretation
3 as well, of the zoning resolution. So it's not
4 like, of course, we unilaterally say you can or
5 can't do something. We have to follow the zoning
6 resolution and the testimony, interpret the
7 testimony. So just stating for the record, yeah.

8 MR. SNYDER: I'll tell you what I'll add,
9 too. Shame on that builder of the garage who
10 didn't want to see something in writing. I think
11 he just took the word of the homeowner.

12 MR. SINGER: Joni, I'm just wondering, so
13 there's nowhere in the zoning resolution that
14 requires if a building is constructed not by the
15 homeowner, that the builder must apply for the
16 zoning permit, there's nothing that states that,
17 correct?

18 MS. POINDEXTER: No. Technically it's the
19 homeowner's responsibility to make sure the permits
20 are obtained.

21 MR. SINGER: Okay. So for the 6 foot
22 between the primary and secondary, if we drove on
23 that, and let's say that should be turned down -
24 again and I know we spoke of this earlier - if that
25 would be turned down, then the easy fix, let's say,

1 and assume the fix could be to connect it, not
2 withstanding, we still need to address the 7 foot
3 side garage yard setback. So, again, just to be
4 clear for the Board, correct?

5 MR. SNYDER: Uh-huh.

6 MR. MCARTHUR: Yeah.

7 MR. YOUNG: Yeah.

8 MR. SINGER: Does anybody have additional
9 thoughts or comments on the 7 foot side yard
10 setback for the garage against Amherst?

11 MR. MCARTHUR: I definitely understand the
12 deck. We approved the pool, they built a deck
13 around it in a reasonable fashion. Pools have to
14 be fenced in by zoning regulation. I understand
15 the deck and it's well within the fence line.
16 Garage, if we have to approve one, I don't know.
17 That's kind of where I'm at right now. It's the
18 same variance, the size at least, 7 feet, but two
19 different scenarios in my mind here, you know, the
20 pool I understand because of our approval with the
21 incorrect measurement. Garage, different story.
22 If it's connected, we still got the same problem.

23 MR. SNYDER: Right.

24 MR. SINGER: Yeah.

25 MR. MCARTHUR: So it's just kicking the can

1 to a different day almost, you know?

2 MR. SNYDER: Yeah.

3 MR. SINGER: Yeah.

4 MR. SNYDER: I'll add to that, that we've
5 discussed this in previous meetings over the years.
6 Not understanding the zoning resolution is not an
7 excuse not to follow it.

8 MS. BUSBY: With that, we do expect the
9 builder, even though the builder is putting the
10 onus of getting the permit on the homeowner, to
11 know the zoning rules, the builder should have
12 known.

13 MR. SNYDER: Yeah, right.

14 MS. BUSBY: He may have not gotten the
15 permits, but he should have known that the two-car
16 garage would not be compliant.

17 MR. SNYDER: 100%.

18 MS. BUSBY: In that location.

19 MR. SNYDER: Right.

20 MS. BUSBY: And guided the homeowner
21 accordingly.

22 MR. SINGER: So if we look at section 803.5
23 variances as a type of appeal, subsection B, number
24 7, number 7 states, whether the property's owner's
25 predicament feasibly can be obviated through some

1 method other than a variance. The only method I
2 could think of here for the garage is to not have
3 it there. I can't find another way. I haven't
4 heard testimony this evening let's say specifically
5 otherwise. Now, I will say that in our packet,
6 number 7 says, whether the property's owner's
7 predicament can be obviated through some method
8 other than a variance, the response is, A setback
9 variance would be more appropriate in the situation
10 due to the corner lot restrictions is the variable
11 factor. So that corner lot, and again, I'm not
12 specifically going a certain direction, I'm just
13 trying to think this through I guess out loud, that
14 corner lot is against the secondary road that has
15 an increased setback, and that increased setback,
16 based off of Joni, the zoning inspector's
17 statement, is for increased visibility for a
18 secondary road, and I don't see another location
19 that this could be placed on this lot, which
20 doesn't mean that it wouldn't be over building the
21 lot, let's say, because it can't be placed anywhere
22 else unless it consumed the driveway, which would
23 then consume the garage that was there.

24 MR. SNYDER: I didn't even ask the
25 question, because obviously there's no other place

1 to put that deck or that garage on the property.
2 It's not even worth asking the question.

3 MR. SINGER: Yeah.

4 MS. BUSBY: And even if the property was
5 not on a corner lot, the garage still does not meet
6 the 7 feet. It has to be 10 feet on the inside
7 lot. So builder again. Builder again.

8 MR. SNYDER: Uh-huh.

9 MR. YOUNG: So the garage could have been
10 built, like hypothetically, in the back yard kind
11 of off to the left of the pool and meet the
12 requirements had the pool deck not been there.

13 MR. SNYDER: That's true. If the pool and
14 the deck weren't there, you could have done
15 something differently.

16 MR. YOUNG: But it's not that the lot
17 couldn't accept the garage. It's that it couldn't
18 accept the pool and the garage.

19 MR. SNYDER: Right.

20 MR. SINGER: Right.

21 MS. BUSBY: Uh-huh.

22 MR. SINGER: Patrick, can you reiterate
23 what you were saying earlier with the carport,
24 there was no practical difficulty there, but tell
25 me the other one.

1 MR. SNYDER: It was a garage that got, I
2 think added onto, and they built it too close to
3 the property line.

4 MR. SINGER: And what was the practical --
5 was there --

6 MR. SNYDER: I don't recall.

7 MR. SINGER: Okay.

8 MR. SNYDER: I'd be guessing.

9 MR. SINGER: All right. Any other thoughts
10 from the Board before we maybe go for a motion on
11 let's say the pool to start, but any other thoughts
12 on the garage per se?

13 MS. BUSBY: No.

14 MR. MCARTHUR: No.

15 MR. YOUNG: No.

16 MR. SNYDER: No. We've already closed the
17 public input.

18 MR. SINGER: Joni, do we have the authority
19 to reopen the public input after we've officially
20 closed?

21 MS. POINDEXTER: I think you've done that
22 before.

23 MR. SINGER: Okay. So we'll reopen.

24 MS. POINDEXTER: To ask a question.

25 MR. SINGER: Yeah, reopen the public input.

1 Mr. Snyder.

2 MR. SNYDER: Yeah, Mr. and Mrs. Burns, have
3 you investigated at all what you could do with this
4 garage if this request is denied as far as reducing
5 the size of it and/or connecting it to the house,
6 have you investigated anything with regard --

7 MR. BURNS: Yeah.

8 MR. SNYDER: You have?

9 MR. BURNS: Yeah.

10 MR. SNYDER: Did they provide any
11 suggestions?

12 MR. BURNS: Just a breezeway to connect the
13 two doors.

14 MR. SNYDER: What about reducing the size
15 of the garage?

16 MR. BURNS: They didn't say nothing about
17 it. It was just to put a breezeway. I went back
18 to the builders and asked them about a breezeway
19 connecting them. They said they could do that.

20 MR. SNYDER: All right. That was all I
21 wanted.

22 MR. SINGER: Any other questions for
23 Mr. and Mrs. Burns? Good?

24 MR. SNYDER: Do you have any questions?

25 MS. BUSBY: No.

1 MR. SINGER: All right. Thank you.

2 MRS. BURNS: Can I have a question?

3 MR. SINGER: Oh, yes. Please do. Can you
4 approach again. Sorry. Just so we pick it up on
5 audio.

6 MRS. BURNS: Since we were speaking of
7 practical difficulty and like variances and the
8 differences and things. In this particular
9 situation, since it is a corner lot and it has
10 different requirements, and we mentioned like down
11 the line of where you guys come up against this, so
12 would you have to deal with it again or would
13 somebody hang their hat and say, Hey, you know, I
14 know you did this in the past. So where I'm going
15 with it is, the odds of that happening is very low,
16 wouldn't it be, because how many corner lots and
17 how many situations would you come up against that?
18 This probably wouldn't happen again or, you know,
19 it would be odd, because how many would be on a
20 corner lot? How many would you be up against that
21 if you did do the variance, the odds of someone
22 coming to hang their hat, it might be slim due to
23 those circumstances because, you could advocate and
24 say, well, that was a corner lot, you know, it was
25 a different situation comparable.

1 MR. SINGER: Okay.

2 MR. BURNS: Like I stated earlier, we were
3 just confused with the from the street to the fence
4 and the fence to the house, that distance with
5 being 27 feet to the fence. We thought that was
6 the right-of-way, roadway or property line.

7 MR. SNYDER: Yeah.

8 MR. BURNS: The other thing was that other
9 fence across the street was in line with our fence,
10 so we thought that was what we needed to go off of,
11 the distance between the fence over. That's all.

12 MR. SINGER: Understood. Thank you.
13 All right. We'll close the public input. So just
14 to comment on what we heard from Mrs. Burns, the
15 tough thing, so if, you know, for a secondary road,
16 25 feet is required. Typically we consider, you
17 know, and this is based off past precedent, we
18 consider up to typically half as being reasonably
19 acceptable for requests. So that half we'll say
20 would be 12 and a half feet. So we're looking at 7
21 feet versus 12 and a half, which is an additional 5
22 and a half feet, which starts to get into a
23 substantial ask, which we don't historically have
24 precedent for.

25 MR. SNYDER: Right.

1 MR. SINGER: And since we can't comment on
2 in the future what may be, we can only comment on
3 in the past what has been, it is challenging, and I
4 can't think of one in the ten years on the Board
5 where we've come across a secondary road
6 right-of-way and this large of an ask. And that's
7 all.

8 MR. SNYDER: I can add. You may remember
9 this, Debi, you may remember this, too. It was
10 three, four years ago. It was on my street, so I
11 recused myself. They were building a garage onto
12 the front of the house, right?

13 MS. BUSBY: Oh, yeah.

14 MR. SNYDER: And they were unsure where the
15 right-of-way existed as well, and they were
16 measuring back from the street and building out in
17 front, extending their -- they had an existing
18 garage, attached garage, on the house and they were
19 building out forward into the front yard, right,
20 and they were building out way too far. So that
21 addition was -- they came before us asking for a
22 variance, conditional right-of-way to this new
23 garage, right, and we denied it. And the garage
24 was built. So they had to stop construction.

25 MR. SINGER: Okay.

1 MR. SNYDER: So there's that.

2 MR. SINGER: All right. Any other thoughts
3 before we make a motion?

4 MS. BUSBY: No.

5 MR. SNYDER: Do you want to do the pool
6 deck first?

7 MR. SINGER: Yeah, I'd say we do the pool
8 deck first.

9 MR. SNYDER: All right. Appeal number
10 20250948, so just dealing with the pool deck,
11 there's a 7 foot east yard setback currently and 25
12 foot is required. So you're asking to approve that
13 7 foot east side yard setback.

14 MR. SINGER: Okay. Second. So the motion
15 then, Patrick, just to be clear for the record.

16 MR. SNYDER: Right.

17 MR. SINGER: Is -- go ahead.

18 MR. SNYDER: A 7 foot east side yard
19 setback where a 25 foot is required.

20 MR. SINGER: For the pool deck?

21 MR. SNYDER: Just for specifically the pool
22 deck.

23 MR. SINGER: Yeah, specific to the pool
24 deck. Okay.

25 MS. POINDEXTER: And the motion is to

1 approve it?

2 MR. SNYDER: To approve.

3 MR. SINGER: Motion to approve, yeah.

4 MS. POINDEXTER: Okay. So Mr. Snyder
5 motion, Mr. Singer second?

6 MR. SINGER: Yes.

7 MR. SNYDER: Yes.

8 MS. POINDEXTER: Okay. Mr. Snyder?

9 MR. SNYDER: Yes.

10 MS. POINDEXTER: Mr. McArthur?

11 MR. MCARTHUR: Yes.

12 MS. POINDEXTER: Ms. Busby?

13 MS. BUSBY: Yes.

14 MS. POINDEXTER: Mr. Singer?

15 MR. SINGER: Yes.

16 MS. POINDEXTER: And Mr. Young?

17 MR. YOUNG: Yes.

18 MR. SINGER: So with that, the pool, one of
19 three, the pool's approved.

20 MR. SNYDER: Pool deck.

21 MR. SINGER: The pool deck. I'm sorry. To
22 be very clear, yes, the pool deck's approved at the
23 7 foot side yard setback. So I think the second
24 motion then would be the side garage setback,
25 because really, the third is a moot point,

1 depending on where this second motion would go with
2 7 foot side yard setback for the garage.

3 MR. SNYDER: Right.

4 MR. SINGER: So do we have a motion to
5 approve 7 foot side yard setback for the garage as
6 constructed, or as submitted we'll say?

7 MR. SNYDER: Where 25 foot is required. Go
8 ahead.

9 MR. SINGER: So I'll make a motion to
10 approve the 7 foot side yard setback where 25 feet
11 is required specific to the detached garage.

12 MR. SNYDER: I'll second.

13 MS. POINDEXTER: Okay. Mr. Snyder?

14 MR. SNYDER: No.

15 MS. POINDEXTER: Mr. McArthur?

16 MR. MCARTHUR: No.

17 MS. POINDEXTER: Mr. Singer?

18 MR. SINGER: No.

19 MS. POINDEXTER: Ms. Busby?

20 MS. BUSBY: No.

21 MS. POINDEXTER: And Mr. Young?

22 MR. YOUNG: No.

23 MR. SINGER: All right. With that, the
24 second request is denied. So with that, we want to
25 make a motion for the interconnection.

1 MR. SNYDER: Okay.

2 MR. SINGER: Go ahead.

3 MR. SNYDER: Same appeal number 20250948,
4 requesting a 6 foot variance between the home,
5 primary residence, and detached garage, where 15
6 foot is required. This is specific to this
7 detached garage. It's an existing detached garage.

8 MR. MCARTHUR: I'll second.

9 MS. POINDEXTER: Okay. Mr. Snyder?

10 MR. SNYDER: No.

11 MS. POINDEXTER: Mr. McArthur?

12 MR. MCARTHUR: No.

13 MS. POINDEXTER: Mr. Singer?

14 MR. SINGER: No.

15 MS. POINDEXTER: Ms. Busby?

16 MS. BUSBY: No.

17 MS. POINDEXTER: Mr. Young?

18 MR. YOUNG: No.

19 MR. SINGER: All right. With that, the
20 third motion was denied. So with that, we had the
21 first motion was approved for the pool deck, the
22 second and third for side yard for the garage and
23 the side and the separation between the primary and
24 the garage were both denied. So if anyone impacted
25 by the decision of the Board disagrees with the

1 decision, you have the right to appeal the decision
2 within 30 days to the Court of Common Pleas.

3 MR. SNYDER: And that starts tonight.

4 MR. SINGER: That starts today.

5 MR. SNYDER: 30 days from today.

6 MR. BURNS: So I have a question for the
7 Board.

8 MR. SNYDER: No questions.

9 MR. SINGER: We can't. We're closed right
10 now, so unfortunately, no.

11 MS. POINDEXTER: Okay. So that concludes
12 the hearing for that appeal.

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(Meeting concluded at 6:04)

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C E R T I F I C A T E

STATE OF OHIO)

STARK COUNTY)

I, Deanna Gleckler, a Registered Professional Reporter, Certified Realtime Reporter, and Notary Public in and for the State of Ohio, duly commissioned and qualified, do hereby certify that the within Meeting was by me reduced to Stenotypy and afterwards transcribed upon a computer, and that the foregoing is a true and correct transcription of the Meeting so given by him as aforesaid.

I do certify that this Meeting was taken at the time and place in the foregoing caption specified. I do further certify that I am not a relative, counsel or attorney of either party, or otherwise interested in the event of this action.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Salem, Ohio on this 18th day of February, 2026.

DEANNA GLECKLER, RPR-CRR, Notary Public
My commission expires 1-6-30