Jackson Township Board of Zoning Appeals
Meeting Minutes
April 23, 2015

Members present: Leon Vitale-recused from appeal #2297
Daniel Creighton
Edward McDonnell
Patrick Snyder
Charles Rohr
Richard Lutz
Zoning Inspector: Joni Poindexter

5:30 PM Appeal #2295 – Paul Lepp, property owner, 6484 Amblewood NW, Canton, OH 44718 requests a variance to allow an accessory building on a parcel of land without a principal dwelling unit where a principal dwelling unit is required prior to the construction of an accessory building per Art. IV Sect. 401.12(A)(7) of the zoning resolution. Property located at parcel #1630426 Lafayette NW, Sect. 19SE Jackson Twp. Zoned R-R.

Mr. Vitale read the file application, content of the file and reason for the appeal.

Mr. Vitale swore in Paul Lepp, 6484 Amblewood NW, Canton, Ohio 44718.

Mr. Lepp stated he bought a buildable lot and put up a 16 x 32 ft. shed. Eventually he was going to build on it or sell it to someone else to build on. He talked to the neighbors and they don't have any objection to it. The structure is not a commercial structure. He was confused because it talks about accessory and principal buildings and he didn't know the principal building had to go up before the accessory building

The pictures show how it looks and that it has very low visibility and the setbacks are greater than what is required. He is asking for a variance based on the ignorance of the law and he is not interfering with anything else on others property. There is no opposition to it. He learned that he paid a lot more than what a permit would have cost.

The property was purchased in October, 2014. The building construction was started on November 10th. He is not sure when a house will be built on the property.

Mr. Rohr stated he believes the building requires a building permit as well.

Mr. Lepp stated he did not obtain a building permit.

Mr. Snyder asked what is being stored in the building.

Mr. Lepp stated it is the same stuff that is stored in someone's garage such as tools and lawn equipment.

Mr. Creighton stated the building almost looks like a house.

Mr. Lepp stated it is a presentable structure and it is well over 100 ft. from the property lines.

Mr. McDonnell confirmed that a building permit was not obtained.

Mr. Vitale swore in Dave Orin, 9350 Lafayette NW. Mr. Orin stated that he sent in one of the letters in favor of the variance. His property is the North East and the driveway is next to his property.

Mr. Lepp asked the board to consider that no one is opposed.

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

Mr. Vitale closed the appeal to public input.

Mr. McDonnell stated when reading through the regulations it says an accessory shall not be placed on a lot without a principal dwelling unit and if there are two lots in common ownership the accessory building shall be placed on the lot with the principal structure. The lot meets the width, setback and also size. It is an odd shaped lot but there is nothing substandard about the lot. In order to grant a variance the board has to determine a practical difficulty exists. There are no special circumstances to justify the variance. The property will yield a reasonable return without the variance. With a little bit of wiggle room he can't seem to wiggle it in. It is prohibited and doesn't meet the requirements of a practical difficulty and the whole thing could have been avoided if a permit were requested.

Mr. Rohr asked since he doesn't have a building permit and it hasn't been inspected does it meet the code.

Ms. Poindexter explained that any requirements per the building department would be enforced through the building department and if there were issues the building department could require him to remove it even if the board granted the variance.

Mr. Vitale stated when he first read this and he went to the property he looked at it and thought it would be a nice get away place but the bad thing is that they have to follow the resolution. Mr. McDonnell explained it very well where it says it shall not be allowed. The last thing they want to do is make someone tear something down but he should have made a phone call to zoning or someone. It is a big building. They have to uphold the rules. With that being said he is not in favor of the appeal.

Mr. McDonnell made a motion to approve appeal #2295 and Mr. Creighton seconded the motion.

The vote was: Rohr-no, Mr. Snyder-no, Mr. Creighton-no, Mr. McDonnell-no, and Mr. Vitale-no.

<u>5:45 PM Appeal #2296</u> – Ben Grisez, applicant for Juliana Grisez, property owner, 5014 East Blvd. NW, Canton, OH 44718 requests a variance for a 5 ft. north side yard setback where 10 ft. is required for principal structure per Art. IV Sect. 401.6 of the zoning resolution. Property located at 5014 East Blvd. Sect. 23NE Jackson Twp. Zoned R-1.

Mr. Vitale read the file application, contents of the file and reason for the appeal.

Mr. Vitale swore in Ben Grisez, 5014 East Blvd. NW, Canton, Ohio 44718.

Mr. Grisez stated he wanted to add a two car garage off the side of the house. The house was built in 1957 and he can't get his car in the existing garage because it is small. He tried following the 10 ft. setback but the garage would be small and a tree would have to be taken out. He spoke to the neighbors and the neighbor doesn't have a problem with it. There are a lot of setbacks in Lake Cable that are less than 10 ft. and a lot of variances have been granted in the area. He would be able to put things away and it would be better for the community.

Mr. Vitale stated he thinks there are a lot of 5 ft. setbacks in Lake Cable and it is common because of the lots.

Mr. Grisez stated he wants to keep the man door to the garage and he can't keep a car in there so they use it for storage. He wants to be able to put his cars in the garage. They garage will have a family room above the new garage.

Mr. Grisez showed the board two different options of how the addition would look and a side view.

Mr. Vitale marked them as exhibit 1, 2 and 3.

Mr. McDonnell stated he sees a maple tree and wall on the property.

Mr. Grisez stated the wall is only about 12 inches wide and it would be removed but he is trying to save the 24 in. maple tree.

Mr. McDonnell asked why not curve the driveway over and move the garage back to east and 5 ft. to the south so the variance wouldn't be needed.

Mr. Grisez stated that is in option but then there is an access issue and there would be a long wall and it wouldn't look nice. With the proposed location they can walk from the kitchen into the new family room area.

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

Mr. Vitale closed the appeal to public input.

Mr. Snyder stated in Lake Cable the lots are small and 5 ft. is common. He thinks it would look nice. In general 5 ft. is not uncommon in Lake Cable and it doesn't bother him.

Mr. Vitale stated he thinks there is a practical difficulty in moving it to the east and a lot of earth would have to be removed and two trees removed. He thinks the property leans toward a practical difficulty as it is set. He is not opposed to the appeal.

Mr. McDonnell stated a 5 ft. setback is not uncommon but the reason is because a lot of the lots are narrow. This lot is 79 ft. wide so the lot is a tad bit less then what is required for the R-1. When he looks at 803.5 B1 the lot is narrow but there are a lot of lots that are narrow in Lake Cable. The family room on top needs to have access and so that could be a potential difficulty. The addition could be build and not violate zoning but it is not practical so they are not overbuilding the lot. He thinks the practical difficulty has been met.

Mr. Snyder made a motion to approve appeal #2296 as requested and Mr. Rohr seconded the motion.

The vote was: Mr. Rohr-yes, Mr. Snyder-yes, Mr. McDonnell-yes, Mr. Creighton-yes, and Mr. Vitale-yes.

<u>6:00 PM Appeal #2297</u> – James Williamson, property owner, 5655 Governors NW, Canton, OH 44718 requests a variance for a7 ft. south side yard setback for accessory building where 10 ft. is required per Art. IV Sect. 401.11 of the zoning resolution. Property located at 5655 Governors NW, Sect. 22NE Jackson Twp. Zoned R-R.

Mr. Vitale recused from appeal #2297.

Mr. Creighton read the file application, contents of the file and reason for the appeal.

Mr. Creighton swore in James Williamson, 5655 Governors Ave.

Mr. Williamson stated he wanted to build a garage. As the property goes to the west it gets wider so as the property line goes further back the garage would meet the 10 ft. setback. He doesn't want to create any drainage issues by adding more concrete. He will have to remove part of the hill.

Mr. Creighton asked if the corner of the garage would be next to the retaining wall.

Mr. Williamson stated yes. The fence that is the neighbors is a little over the line. Only about ½ of the garage would need the 7 ft. variance. The yard slopes a little bit and there is grass area behind the house with some woods.

Mr. McDonnell stated the drawing is shown on a mortgage survey and asked if it is to scale.

Mr. Williamson stated it isn't to scale but it is close.

Mr. McDonnell asked about the drainage problem if moved 3 ft. to the right.

Mr. Williamson said it would have to be moved back and 8 to 10 ft. of concrete would have to be added causing more drainage. He could make it three feet narrower but would like to have a wider garage. There is a tree so if moved to the right the tree would have to be taken out or the garage would have to be moved back further. It would be easier at the proposed location. Right now they have a tight turn and to get into the one car garage door it is very tuff.

Mr. Lutz asked if the tree was an issue to move the garage and if there is anything such as deed restrictions that precludes a front load garage.

Mr. McDonnell stated he is not aware of any deed restrictions for this property but the board does not enforce or take into account deed restrictions.

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

Mr. Creighton closed the appeal to public input.

Mr. Snyder stated they are only talking about 3 ft. and it isn't the entire garage. It's not a big deal and 3 ft. doesn't bother him. It seems like more of a hindrance to add to the driveway.

Mr. Creighton stated he agreed with Mr. Snyder. The tree would have to be removed and more yard taken up. Since the setback is only for about 1/3 of the garage he would tend to approve the appeal.

Mr. McDonnell stated it is only 3 ft. but they are still required to find a practical difficulty and there is a gas line easement which required the house to be built 30 ft. from the other lot line where 10 ft. was required so there is a special condition that applies to the lot and a practical difficulty exists.

Mr. Snyder made a motion to approve appeal #2297 and Mr. McDonnell seconded the motion.

The vote was: Mr. Lutz-yes, Mr. Rohr-no, Mr. Snyder-yes, Mr. McDonnell-yes, and Mr. Creighton-yes.

Mr. Rohr made a motion to approve the meeting minutes from the March 26, 2015 meeting and Mr. Creighton seconded the motion.

The vote was: Mr. Rohr-yes, Mr. Snyder-yes, Mr. McDonnell-yes, Mr. Creighton-yes and Mr. Vitale-yes.

Mr. Snyder made a motion to adjourn the meeting and Mr. McDonnell seconded the motion.

The vote was: Mr. Rohr-yes, Mr. Snyder-yes, Mr. Creighton-yes, Mr. McDonnell-yes, and Mr. Vitale-yes.

Respectfully submitted,

Joni Poindexter
Zoning Inspector