

Jackson Township Board of Zoning Appeals

Meeting Minutes

June 25, 2015

Members present: Leon Vitale-
Daniel Creighton
Edward McDonnell
Charles Rohr
Richard Lutz-alternate

Absent Member: Patrick Snyder

5:30 PM Appeal #2301 – Jeremy Chapman agent for Michelle Chapman, property owner, 3224 Modred Circle NW, Canton, Ohio 44708 requests a variance for a 10 ft. north side yard setback for accessory building where 25 ft. is required when abutting a secondary street per Article IV Sect. 401.11 of the zoning resolution. Property located at 3224 Modred Circle NW, Canton, Ohio 44708, Sect. 34NE.

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

Mr. Vitale swore in those is favor.

Mr. Chapman, 3224 Modred Circle NW explained he would like to put an accessory garage on the property. This would be in an area that is over the required setback. There is actually 25 ft. from the road way but 10 ft. overlaps with the yard. He would like to have a 10 ft. setback so he can turn around in the driveway. He will still be about 20 ft. from the pavement and he doesn't expect the road will ever be widened. Within the yard there are trees on the far south side of the lot and there is a steep slope on the property. The neighbor's downspout drains into the trees and makes the yard mushy so they are kind of the catch basin for the yards. The area proposed is level and is the best place for the building.

Mr. Vitale clarified the setback on the drawing.

Mr. Chapman stated the building would be about approximately 10 or 12 ft. wide by 14 or 18 ft. in length.

Mr. Vitale stated it seems like the area proposed is a little lower.

Mr. Chapman stated he had a camper previously parked there so he dug into the yard and put in gravel. He didn't grade it very well because he knew he wanted to build a building.

Mr. Vitale stated the area in which Mr. Chapman stated the water drains on seemed to be firm.

Mr. Chapman stated if they get a hard rain the area gets soggy and mushy. He put in some drains but all the people behind him have their drain spout open and he gets their water.

Mr. Creighton asked why it couldn't be turned and put the front of the building on the 25 ft. line.

Mr. Chapman stated the terrain slopes he would have to do a lot of grading.

Mr. Rohr stated that it looks like a logical place for the building.

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

Mr. Vitale closed to public input.

Mr. Vitale stated he walked the property and it looks like a practical place to put it. It is well blocked by the trees and if the street wasn't there he wouldn't be asking for a variance. There will still be 20 ft. between the building and street and he doesn't have problem with the variance.

Mr. Creighton stated it looks like a good place. He agrees with Mr. Vitale and has no problem with the variance.

Mr. McDonnell stated he has a problem with the variance. It is a residential area and he thinks the greater restriction is to ensure you don't change the character of the neighborhood. The applicant may have a practical difficulty with the drainage but his bigger concern is section 803.5 (b) (4). In his opinion putting a 12 x 18 ft. storage shed that is next to a street alters the character of the neighborhood. He has a problem with it because he thinks it will change the character of the neighborhood.

Mr. Creighton made a motion to approve appeal #2301 as requested.

Mr. Rohr seconded the motion.

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

5:45 PM Appeal #2302 – Justin Smock, 4115 Meadowview Dr. NW, Canton, Ohio 44718 agent for Eastlin Wales Company LLC, property owner, 6946 Chippewa Ave. NW, N. Canton, Ohio 44720 requests a conditional use permit for auto repair business where a conditional use permit is required per Article IV Sect. 411.3 of the zoning resolution. Property located at 7995 Hills & Dales, Parcel 1618966.

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

Mr. Vitale swore in those in favor.

Mr. Justin Smock, 4115 Meadowview Dr. NW explained they have been looking for a place to start a business. He thinks this would be a good location and would be convenient for his customers. The building is perfect. If approved, the building connected to it would be an office with a waiting room. There is not a huge overhead and they would like to be able to do automotive repair. It is setback off of the road and there is a detail shop next door and an automotive place across the street. He has a lease that is on hold until they are sure they can get the permit.

Mr. Vitale stated his major concern is to the north of the garage door there is a playground and day care area. This is a safety factor.

Mr. Smock stated it is fenced in and when they looked at the building there were some kids but they were chaperoned with the daycare. He doesn't think pulling cars in and out are a safety issues. It's no different than pulling a car out of a garage

Mr. Rohr asked if there would be enough parking.

Mr. Smock stated that they would be renting the space next door so they would have enough parking.

Ms. Poindexter stated zoning insures parking on the property.

Mr. Lutz asked what was previously located on the property.

Mr. Smock stated he believes it was a Stanly Steamer.

Ms. Poindexter stated the owner of the property is in the audience and can answer questions.

Ms. Debbie Busby, 6946 Chippewa Ave, NW explained she is in favor of the business. She is not only the owner but also a tenant. She is next to Gordy Graybill's and there are no issues and she is not

concerned or worried in any way. The previous use of the building was Stanley Steamer and Gordy Graybill's has also used it in the past. There is extra parking behind the old Bordner's store which is allowed by the tenants of the plaza.

Mr. Vitale reviewed the criteria for the conditional use permit and Mr. Smock answered per the written criteria and answers in the file.

Mr. McDonnell stated that they are moving into an existing building and aren't changing any access drives or anything in the complex.

Mr. Smock stated no. There is a sign on the building that he would change and he may put up a security camera.

No one else spoke in favor of the appeal.

No one spoke in opposition to the appeal.

Mr. Vitale closed the appeal to public input.

Mr. Vitale stated he looked at the property. It is a total commercial area. He has no problem with the request and it's a good location.

Mr. Creighton stated he has no problem with the request.

Mr. McDonnell made a motion to approve appeal #2302 as requested.

Mr. Rohr seconded the motion.

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

Mr. Rohr made a motion to approve the meeting minutes from the April 23, 2015 BZA meeting.

Mr. Creighton seconded the motion.

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

Mr. McDonnell made a motion to adjourn the meeting.

Mr. Creighton 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