

Jackson Township Board of Zoning Appeals

Meeting Minutes

October 13, 2016

Members present: Leon Vitale
Edward McDonnell
Daniel Creighton
Patrick Snyder
Charles Rohr
Richard Lutz-Alternate
Jared Singer-Alternate
Zoning Inspector: Joni Poindexter

5:30 PM Appeal #2321 – Ian Maurer/Quentin Ott, 209 S. Canal St, Canal Fulton, Ohio 44614 agent for Larry Young, property owner, 5201 Echo Valley St. NW, North Canton, Ohio 44720 requests a conditional use permit for Landscaping and Construction Vehicle and equipment storage where a conditional use permit is required per Art. IV Sect. 411.3(4)E of the zoning resolution. Property located at 9122 Ontario NW, Sect. 31NE Jackson Twp. Zoned B-3.

Mr. Vitale recused from appeal #2321. Mr. Singer participated in the hearing and Mr. Creighton acted as Chairman.

Mr. Creighton read the file application and contents into the record.

Mr. Creighton swore in Ian Maurer, 209 S. Canal St., Canal Fulton, Ohio. Mr. Maurer stated they want to store their equipment in the building. He understands this is a residential area but they would enter off of Erie St. The entrance from Ontario will be closed.

Mr. Creighton reviewed the criteria for the conditional use permit and Mr. Maurer answered per what was submitted in the file.

Mr. McDonnell asked what the hours of operation would be.

Mr. Maurer stated about 5:30 AM to 8:30 PM.

Mr. Maurer stated the nearest collector street on Erie is about ½ mile away.

Mr. McDonnell asked what type of lighting there would be on the property.

Mr. Maurer stated floodlights and door lights. The floodlights would be near Erie St. and will be shielded from the adjacent property owners. The lights aren't really floodlights but lights that will be used so they can see if they need to unload a trailer in the dark.

Mr. Maurer stated he is aware if the lights are a nuisance they will have to be removed.

Mr. McDonnell asked what the vehicles are that are currently on the property.

Mr. Maurer stated that they are not his and would be removed.

Mr. McDonnell asked if there is a fence on the property

Mr. Maurer stated no. They will not store any vehicles outside of the building on the property but if they decided to they would install a fence.

Mr. Maurer stated one building will be removed because it is unsafe but the main building is where they will store their vehicles.

Mr. Creighton swore in Quentin Ott, 209 S. Canal St. NW.

Mr. Ott stated they are going to fix up the property and make it better than what it is. He understands the lighting and it will be down lighting. The access will be off of Erie St. They are going to change the building somewhat to make it look better and will use the existing driveway off of Erie St.

Mr. Ott stated they don't want any equipment going onto Ontario so they will use Erie St. They might use the Ontario access for small cars so they don't want to block it off. People can use it for cars but they will not use it for equipment.

Mr. McDonnell asked what Mr. Ott's business is.

Mr. Ott stated his business is concrete and they do ADA compliance work such as handicapped ramps. They do not mix anything on the property and will be storing vehicles.

Mr. Ott stated they have F250 trucks and a C6500 tool trucks with 6 wheels and a couple skid steers and trailers. The building is 100 x 150 so they will keep the equipment inside. They have an easement for the property for access onto Erie St.

Mr. McDonnell asked if there would be any issue if the board put a condition that no commercial vehicles enter from Ontario.

Mr. Ott stated that would not be an issue because he doesn't want construction vehicles using Ontario.

Mr. Creighton swore in Mark Boron, 9091 Wall St. Mr. Boron stated he has lived there for 26 years and the property has always been used for what they are requesting so he doesn't understand why they are here.

Mr. Creighton swore in James Ross, 9090 Wall St. stated he is concerned as to what other use the property can be used for.

Ms. Poindexter explained that a conditional use permit is required and there is currently no conditional use for the property so it will bring it into conformance by obtaining the conditional use permit. The property will be use for what is approved.

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

Mr. Creighton closed the appeal to public input.

Mr. Creighton stated he thinks they will comply and are sincere as to what they want to do so he would approve it.

Mr. McDonnell stated he concurred with Mr. Creighton and doesn't see a reason to deny it. He would vote for it with the condition that all access for construction vehicles use Erie St.

Mr. McDonnell made a motion to approve appeal #2321 with the condition that all access for construction vehicles will be off Erie St. and no construction vehicles will access the property from Ontario.

Mr. Rohr seconded the motion.

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

5:45 PM Appeal #2322 – Frank Nicodemo, property owner, 7421 Wales NW, North Canton, OH 44720 requests a conditional use permit for a mini storage facility to include the existing non-conforming mini-storage buildings on parcel #1600761 & 1603822, the existing and proposed mini storage buildings on parcel #1623330, also known as 7421 & 7475 Wales, where a conditional use permit is required per Art. IV, Sect. 411.3 of the zoning resolution, Sect. 9NE, Zoned B-3.

Mr. Vitale announced that appeal #2322 will be continued until October 27, 2016 at 5:45 PM at the request of the applicant.

6:00 PM Appeal #2323 – Speed-D-Foods, Inc, PO Box 358, 918 Cleveland Ave. NW, Greentown, Ohio 44630 agent for PJ Investment Group, LLC, property owner 2030 Hankins Rd. NW, Massillon, Ohio 44646 requests a variance to allow a temporary building/trailer to be located 1 ft. from the principal structure at a 1 ft. southwest (rear) yard setback for a period of 5 years where 20 ft. is required from the principal structure and a 10 ft. southwest (rear) year setback is required per Art. IV Sect. 411.10 of the zoning resolution. Property located at 4516 Everhard, Sect. 24NW, Zoned B-3.

Mr McDonnell recused and Mr. Singer participated in the hearing.

Mr. Vitale read the file application and contents into the record.

Mr. Vitale swore in Michael Machamer, 3843 Northern St. NE, Canton, Ohio 44721 and Dan Rittenhouse, 9707 Lawndale Rd. SW, Navarre, Ohio.

Mr. Machamer stated they need to do some remediation for the property so they need a trailer on the property. The power will be on the back of the property and the trailer will be wired into the power in the store. All the wells have to loop into the trailer and there is no other place to put it. This would be temporary.

Mr. Machamer stated that remediation is when there is ground contamination that has to be removed for environmental reasons. There is an unknown source for the water contamination and they don't know how it got there but they have to clean it up. They hope it is only 2 to 3 years but could be 5.

Mr. Rittenhouse stated there will be 5 extraction wells on the property. This is being completed per the Ohio underground storage regulations. This has been going on for a while and it is mandated to be cleaned up. This is a common practice. What make this unique is the property is very tight and the majority of the property is egress and ingress.

Mr. Machamer stated that the Holiday Inn recently put up a fence so it will be hidden and out of site.

Mr. Rittenhouse stated everything has to be approved and permitted. The equipment that is in the trailer is an air compressor to run the pumps which works as a vacuum and treatment equipment to pump water through filters. This will not disrupt the store function and the contamination is 20 ft. down.

Mr. Singer asked if there are any safety concerns.

Mr. Rittenhouse stated the trailer is built for explosion proof. They test quarterly and will sample and monitor the progress while it is being cleaned up.

Mr. Singer asked if there is a noise level.

Mr. Rittenhouse stated he doesn't know what the level is but it is typically not very loud because there are mufflers on the equipment and the trailers are insulated. They have operated next to a residence before and never had a complaint.

Mr. Vitale stated the sound may amplify because it is stuck between a fence and a building.

Mr. Rittenhouse stated he has not taken a noise reading.

Mr. Vitale stated he is concerned about the Holiday Inn and asked if they looked at the western edge to sit the trailer so it wouldn't be trapped between a building and fence.

Mr. Rittenhouse stated the trailer will be 8-1/2 ft. wide and it has to be approved by the EPA. The trailer will have rear access.

Mr. Vitale asked if it could be moved by well #17.

Mr. Rittenhouse stated yes, but they would lose 3 parking spaces and there are utilities through there. There is one parking spot on the east side of the building and the air is near #14. The exit is the main thoroughfare for access from the lot so the traffic flow would be blocked. To move it by well #17 would be difficult and it would be closer to the main entrance for Holiday Inn. It is a very tight property. This is the best location they could come up with.

Mr. Machamer stated he is sure the noise would be controlled and the trailer will be insulated and mufflers will be on the equipment.

Mr. Vitale asked if the access point would be from the East.

Mr. Rittenhouse stated he would like to flip it and enter from the other side of the trailer. They are at the site twice a month and they monitor it remotely. They have spoken with the Holiday Inn about the project and there has been some litigation regarding the process.

Mr. Machamer stated they want it cleaned up and Holiday Inn has been in the loop.

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

Mr. Vitale closed the appeal to public input.

Mr. Snyder stated it is a little lot and he understands from the testimony that this needs to be done and there is not a whole lot of other places it could be put. He has no issue with it.

Mr. Vitale stated he understands the problem and it is a postage stamp lot. They have to remediate the water and soil. He addressed his concerns and think they will do what they

can regarding any noise. He would like to stipulate the variance would only be for a maximum of 5 years or the time of remediation.

Mr. Vitale made a motion to approve appeal #2323 as requested with the stipulation the variance is only good for remediation process or a maximum of 5 years.

Mr. Rohr seconded the motion.

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

Mr. Snyder made a motion to approve the meeting minutes from the September 8, 2016 meeting and Mr. Vitale seconded the motion.

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

Mr. Vitale made a motion to adjourn the meeting and Mr. Rohr seconded the motion.

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

Respectfully submitted,

Joni Poindexter
Zoning Inspector