

Jackson Township Board of Zoning Appeals

Meeting Minutes

November 12, 2015

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

5:30 PM Appeal #2310 - Mission BBQ Canton, OH LLC, 7750 Ritchie Highway, Glen Burnie, MD 21061 agent for DeVille Developments, LLC, property owner, 3951 convenience Circle NW, Canton, OH 44718 requests a variance for a 6'4" east side yard setback for storage area and a 15.6 ft. east side yard setback for principal building where 16 ft. is required per Art. IV Sect. 411.12, 411.5 and to allow 52 parking spaces where 60 parking spaces are required per Art. VI Sect. 601.2 of the zoning resolution. Property located at 4490 Everhard NW, Sect. 24NE Jackson Twp. Zoned B-3. Continued from October 22, 2015.

Mr. Vitale read an email in the file from the applicant requesting a continuance of the hearing until January 14, 2015.

Mr. Vitale made a motion to continue appeal #2310 until the January 14, 2015 at 5:30 PM and Mr. McDonnell seconded the motion.

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

5:45 PM Appeal #2311 – Sean Sanford, agent for property owner, B& L Real Estate Investment, LLC, 6800 Freedom Ave NW, North Canton, Ohio 44720 requests a conditional use permit for a mini storage facility where a conditional use permit is required per Art. IV Sect. 411.3 of the zoning resolution. Property located at parcel #1629629 Portage NW, Sect. 18NE Jackson Twp. Zoned B-3. Continued from October 22, 2015.

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

Mr. Vitale swore in Sean Sanford, 6800 Freedom Ave. NW, North Canton, 44720.

Mr. Sanford stated they own two parcels. The one on the corner has an office and warehouse. They would like to build a storage facility on the other 3 acres that they own. A conditional use permit was approved approximately 8 years ago to do a storage facility and but the facility was never built. They changed the plan since it was originally approved. The facility will be fenced, gated and have camera systems. They are not asking for any variances and they meet all the requirements of the conditional use so they are asking for an approval.

Mr. Rohr asked if they will have certain hours or if it will be 24 hours.

Mr. Sanford stated there will be a key card so people can go in at anytime but for the most part people will go during normal business hours.

Mr. Lutz asked if they have been through the building department yet.

Mr. Sanford stated they have not been through the Stark County Regional Planning Commission or the building department because this is the first step.

Mr. Lutz stated they are disturbing more than one acre so they will need detention.

Mr. Vitale reviewed the conditional use requirements for the conditional use and Mr. Sanford responded. Written responds per Mr. Sanford are located in the file.

Mr. McDonnell asked where the lighting will be.

Mr. Sanford stated on the overhang underneath the garage area. Lighting will be by the entrance also by the pillars for the gate. The only lighting in the front will be in the small office area and the signage. The property abuts residential on south and east side. There are 60, 70 or 80 pines along the east side now but they are required to put their own buffering in because most of the pines are on the residential property.

Mr. McDonnell stated he wanted to make sure Mr. Sanford knows that he has to have his own buffering.

Mr. Sanford stated it is shown on the plan that it is on his property and the same buffering will be on the south side of the property.

Mr. McDonnell stated the bufferyard must be effective in winter and summer and must form a 6 ft. high screen.

Mr. Sanford stated they would comply. The trees will probably be higher and the paving would be asphalt.

Mr. McDonnell asked if all storage will be inside the facility.

Mr. Sanford stated yes. There will be no outside storage whatsoever.

No one else spoke in favor of the appeal.

Mr. Vitale swore in those in opposition.

Ms. Betty Gross, 6690 High Mill Ave. NW, Massillon, Ohio 44646 stated she owns the farm on the south side and has been there for 57 years. She wanted to know how the water would drain. They will get runoff into her barn or on the agricultural field. She is concerned about the water.

Mr. Vitale stated that that the plan has to go through Regional Planning and the drainage plans have to be approved.

Mr. Dennis Dieffenbaugher, 6636 High Mill NW stated it is a task to maintain the water on the property. There was fill dirt brought in when the other building was built and it ran into the farm field. The water flows to the south. Lighting is an issue. He heard that the requirement for landscaping is 6 ft. within three years so the lighting will shine into the houses. He is also concern about the entrance and exit onto Portage.

Mr. Vitale stated Stark Soil and Water will monitor the property to make sure everything is done right.

Ms. Poindexter explained the process of Regional Planning and how the different departments review the plan for compliance regarding setbacks, drive entrances, drainage, etc. and that the developer cannot get a final approval to build on the site until all conditions for the different department are met.

Mr. Vitale stated the lighting will be down lighting so it won't shine on the adjoining properties.

Mr. Dieffenbaugher stated he wanted to make sure the trees are high enough to block the view.

Mr. Vitale stated if this is approved it has to go through a lot of channels before they get the final approval.

Mr. Lutz stated engineering may require a right in and right out only if the feel there is an issue with the access drive.

Mr. McDonnell stated this is a B-3 property and the only reason they are before the board is because a conditional use permit is required. As a permitted use they could put in a bed and breakfast, a restaurant, a medical clinic or retail sales. What he is saying is all of those things could go in and board would have no authority over it. They are looking at down lighting and the screening must be 6 ft within three years. Nothing says the trees can't grow higher, but if they put up a fence it can't be higher than 8 ft.

No one else spoke in opposition to the appeal.

Mr. Sanford stated they want to be good neighbors and don't want to cause any issues. The lighting will be down lighting and he doesn't have a problem extending the trees on the southwest side of the property if needed. They are going to have a rod iron type fencing and the storage facility will be very nice and done with class. If the neighbors feel, once the lighting is done that it is a problem until the trees grow, they might be able to put them on a timer.

Mr. Vitale stated he would ask, if approved, that Mr. Sanford confer with the neighbors regarding the trees and lighting.

Mr. Lutz asked if he thought about limiting the hours of operation.

Mr. Sanford stated no. They are in accordance with other storage facilities. He doesn't know if there are any legal issues with people being able to have access to their stuff.

Mr. McDonnell asked Ms. Poindexter if the permit had to be renewed yearly.

Ms. Poindexter stated yes. She would administratively renew the permit on an annual basis. If there were any violations on the property they would be treated as a zoning violation.

Mr. Vitale closed the appeal to public input.

Mr. McDonnell stated with a CUP it is understood if they meet the criteria then the conditional use permit is approved. The runoff will be addressed with Stark County Regional Planning and the engineer. The lighting, taken into consideration with no action by the board, the lighting is down lighting and is the minimum allowed and the applicant has indicated the willingness to put motion detectors on them at the rear of the building if needed. The trees will 6 ft. and provide shielding in winter and summer. He thinks the requirements have been met so he will vote to allow the permit.

Mr. Rohr stated the Mr. McDonnell voiced his concerns. If there was something else being built there they would have no control. All the issues will be addressed so he doesn't see a problem with it.

Mr. Lutz asked if they are permitted to include the requirement for motion sensors on the lights and additional landscaping.

Mr. Vitale stated they have put conditions on CUP's before but from an economic standpoint they don't want to ask for more. Mr. Sanford stated that they want to be good neighbors so they should take caution when doing this. He thinks the conditional use permit requirements have been met and they heard they both want to be good neighbors and from what he heard they will be good neighbors.

Mr. McDonnell made a motion to approve appeal #2311 as requested and Mr. Lutz seconded the motion.

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

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

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

Respectfully submitted,

Joni Poindexter
Zoning Inspector