

Jackson Township Board of Zoning Appeals

Meeting Minutes

February 25, 2016

Members present: Daniel Creighton
Edward McDonnell
Charles Rohr
Patrick Snyder
Jared Singer-Alternate

Zoning Inspector: Joni Poindexter

Absent Member: Leon Vitale
Richard Lutz-Alternate

5:30 PM Appeal #2313 – Scott Swaldo & Jeffery Hicks, property owner, 4809 Lantern Hill Cir. NW, Canton, OH 44718 requests a variance for a 19 ft. 3 in. rear (west) yard setback for principal dwelling where 25 ft. is required per Art. IV Sect. 401.6 of the zoning resolution. Property located at 4809 Lantern Hill Cir. NW, Sect. 22SW Jackson Twp, Zoned R-R.

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

Mr. Creighton swore in those in favor:

Scott Swaldo, 4809 Lantern Hill Circle NW stated he would highlight some of the points that were in the summary in the file. They need a variance to enclose a swimming pool. It would be mostly glass. The addition would not be obtrusive to anyone in the neighborhood. They own the property to the rear also that has a lot of trees and they plan to retain the lot. They looked at other options to locate the pool but the proposed location was the most practical because it is in between three existing walls. They don't plan to but if they ever sold the second lot it is large enough that the proposed addition would not impact the adjoining lot.

Mr. Swaldo presented exhibit #1 which was an elevation drawing of the proposed addition and stated that they are putting a current system in the pool to utilize for swimming.

Mr. McDonnell asked if the pool is 13-1/2 x 22 plus the hot tub.

Mr. Swaldo stated yes.

Mr. McDonnell asked if the pool and hot tub would be totally enclosed.

Mr. Swaldo stated yes. There are three existing walls so they would be adding another wall. It is an addition to the house.

Mr. McDonnell stated since they own the lot to the west also there is no opposition from the adjoining property.

Mr. Creighton asked why they can't back things up 5 ft.

Mr. Swaldo stated that they would have to make the pool smaller and the electrical has to be at least 6 ft. from the pool. The home is appraised at 1.7 million dollars so they have a nice home.

Mr. Creighton asked why not combine lots.

Mr. Swaldo stated they are pursuing that option but with the timing they need the variance so it doesn't put them behind.

Mr. Steve Swinhart, 4833 Lantern Hill Circle, stated that his property is to the north of Mr. Swaldo's. He is in attendance for the home owners association and is on the board. The drawings were submitted to the association and they have no problem with the addition.

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

Mr. Creighton closed the appeal to public input.

Mr. Rohr stated he thinks the best route is to combine the two lots together but as far as the appeal is concerned they own all the property behind them so he doesn't see a problem with the appeal.

Mr. Creighton stated he doesn't have a problem.

Mr. McDonnell reviewed the criteria for the practical difficulty and stated that he thinks the practical difficulty has been met and there is not going to be any objection from the adjoining property owner because it is them. He has no problem with the variance.

Mr. McDonnell made a motion to approve appeal #2313 as requested.

Mr. Snyder seconded the motion.

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

5:45 PM Appeal #2314 – Archer Sign Corp, Don Groom, 1917 Henry Ave. SW, Canton, OH 44706 agent for Courtyard of Belden Condominium, property owner, c/o Michael Taylor Enterprises, 4465 Fulton Rd. NW, Canton, OH 44718 requests a variance to allow a freestanding sign to be a height of 11 ft. 1 in. where the maximum height permitted is 10 ft. per Art. V Sect. 502.4 of the zoning resolution. Property located at 4465 Fulton NW, Sect. 25NE Jackson Twp. Zoned B-1.

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

Mr. Creighton swore in those in favor of the appeal.

Mr. Don Groom, 7735 Angle Dr. NW, Canton stated the office complex had a sign but it was hit by a driver and was destroyed. They are putting the sign back at the original location, not the location that was originally shown on the plan submitted.

Mr. Creighton marked the new location plan as exhibit #1.

Mr. Groom stated the sign will give ample space for the tenants but it exceeds the code by one foot one inch. The sign was almost finished and then they discovered that it didn't meet the code. He asks that the variance be granted because there is a small rise in the hill and it would allow for the sign to be seen.

Mr. Snyder asked what the height of the previous sign was.

Mr. Grooms stated that it was seven feet.

Mr. Creighton asked if the problem is that the sign is already made.

Mr. Groom stated yes, but if they knew ahead of time they would have applied for a variance. The top part of the sign has been constructed and the holes for the tenant panels have been made but the base has not been made.

Mr. McDonnell asked why not reduce the base.

Mr. Groom stated because if reduced then the sign would not have a base.

Mr. Groom presented exhibit #2 that shows a new drawing of the sign itself.

Mr. Creighton stated according to the drawing it is only 10 ft. tall.

Mr. McDonnell stated it shows the base went from 2 ft. to 1 ft. so it is possible to meet the requirements.

Mr. Groom stated yes, if they reduce the base.

Mr. Singer asked how the original sign was illuminated.

Mr. Groom stated it was external.

Mr. John Schnettler, 4425 Fulton stated he is an officer of the condo association and stated it is important to them because they have 4 buildings with about 9,000 sq. ft. so they need the higher sign so people can see them and get into the property adequately.

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

Mr. Creighton closed the appeal to public input.

Mr. Creighton stated he thinks it could be 10 ft. due to the drawing submitted.

Mr. Snyder stated he looked at the property and he thinks it shouldn't be approved.

Mr. McDonnell stated the testimony was that the manufacture didn't check the regulations. When he looks at 803.5(B)(6) special conditions as a result of the owner, the manufacture, he thinks the answer is yes so that is a negative in his mind. He thinks even if the applicant didn't show reducing the base it would have been his suggestion. He agrees with the other members and doesn't think a practical difficulty has been met.

Mr. Snyder made a motion to approve appeal #2314 as requested.

Mr. McDonnell seconded the motion.

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

6:00 PM Appeal #2315 – Neilsons Property LTD, 4000 Columbus Ave, Sandusky, Ohio 44870 agent for Carlo Gulia, property owner, 3217 Whipple NW, Canton, OH 44718 requests a variance for a 3 ft. north and south side yard parking setback where 5 ft. is required per Art. IV Sect. 411.8 of the zoning resolution. Property located at 3217 Whipple NW, Sect. 25SE Jackson Twp. Zoned B-3.

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

Mr. Creighton swore in those in favor of the appeal.

Mr. Bryan Ashman, 1359 Market Ave. N., Canton stated that Wendy's is going over a corporate makeover and they are upgrading the restaurant. The new restaurant across the street will be abandoned. This site was chosen because it is close to the existing restaurant. They made modifications to the site to try to meet the requirements but in order to get the proper access into and out of the parking spaces it has become difficult if they lose two feet on each side from a safety standpoint. Both the north and south side of the parking lot will have curb so a vehicle will not encroach over the property line. The north isle is 27-1/2 ft. and if they made it 25-1/2 he thinks it is a safety issue for cars backing up.

Mr. Snyder asked if there was any wiggle room looked at to reduce the building.

Mr. Ashman stated this is the thinnest building that they have. On the north side of the building is a side walk for safety issues.

Mr. McDonnell asked how the width of the lot compares to the current Wendy's.

Mr. Ashman stated he did not know. The width of the proposed lot is 150 ft. from north to south.

Mr. McDonnell asked how the width of the proposed building compares to the existing restaurant.

Mr. Ashman stated he did not know. If there are cars in the drive thru lane to the south it would take off about 9 ft. of the 26 ft. drive thru lane. The south side will mostly be employee parking so there isn't much traffic pulling out.

Mr. Snyder asked if the fire department had any issues with the plan.

Ms. Poindexter stated that she received their comments today and don't believe they have any issues.

Mr. McDonnell asked if the recommended minimum drive isle is what is shown.

Mr. Ashman stated yes. There is a slightly wider drive on the north side because they were trying to align the existing drive entrance with what is there.

Mr. Sean Sanford, 7912 Greenwich Blvd. stated an email was sent from the adjoining property owner that stated they would like to see the variance approved. They are to the north.

Mr. Sanford stated this is a good location and hoped that they could get the restaurant on the property.

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

Mr. Creighton closed the appeal to public input.

Mr. Snyder stated he thinks the practical difficulty is that the lot is a little small for what they need. They choose a smaller building and the variance is small with requesting two feet and it's not a big deal. He has no problem with the request.

Mr. Creighton stated considering the area he would tend to approve the appeal.

Mr. McDonnell stated in looking at 803.5(B)(3) the variance is not really substantial at 2 ft. and the character of the neighborhood will not be altered. He believes the fire department looked at it and doesn't have any problems with it. The spirit and intent of the zoning resolution will be observed by granting the variance.

Mr. Rohr made a motion to approve appeal #2315 as requested.

Mr. Creighton seconded the motion.

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

Mr. Creighton made a motion to approve the meeting minutes from the September 10, 2015 meeting in which Mr. Snyder, Mr. Creighton and Mr. McDonnell were present.

Mr. Snyder seconded the motion.

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

Mr. Creighton made a motion to approve the meeting minutes from the January 14, 2016 meeting and Mr. Rohr seconded the motion.

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

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

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

Respectfully submitted,

Joni Poindexter
Jackson Township
Zoning Inspector