

Jackson Township Board of Zoning Appeals

Meeting Minutes

July 23, 2015

Members present: Leon Vitale  
Edward McDonnell  
Patrick Snyder  
Richard Lutz

Members absent: Daniel Creighton  
Charles Rohr

5:30 PM Appeal #2303 – RD Williams Land Corporation, 80 Waterloo Road, Akron, OH 44319 requests a variance for a zero (0) ft. west (side) and north (rear) parking setback where 5 ft. is required per Art. IV Sect. 411.8 of the zoning resolution. Property located at 4041 Batton NW, N. Canton, OH 44720, Sect. 12NE Jackson Twp. Zoned I-1.

Mr. Vitale read the file application and reason for the appeal.

The file contained an aerial view of the property in question and surrounding properties from the Stark County GIS, an existing site plan dated 6/22/15 and a proposed site plan dated 6/22/15 by Cooper & Associates. The file also contained a letter from Tom Grisez, Westgate Management Inc. dated June 17, 2015.

Those in favor were sworn in.

Bryan Ashman, 1359 Market Ave. north, Canton Ohio explained the site plan per the survey and stated that along the north side the existing pavement is on the property line. On the west side it is also on the property line. The aerial view shows the existing property. The property to the north also has their pavement up to their south property line.

The conditions have existed for a long time and they would like to maintain the existing situation. There is currently some cross flow of traffic. They created a concept site plan that was submitted to RPC that has basically the edge of pavement up to the north property line. There will be an office use in the front of the building and the back will have some storage for materials. They will maintain a certain distance between the building and parking for deliveries.

On the west side the intent is to have the asphalt pavement remain and put an overlay of pavement on top of it to resurface it and maintain the existing setback. The property frontage is curved at the road. A letter was submitted from the owner to the west and they are not opposed. There is some grass along the northwest portion of the property that will remain and there is grass along the west on the adjoining property.

Mr. Ashman asked to have the requested variances voted on separately.

Mr. Ashman stated the grass will remain on the property to the west and there would be no interconnection. There will be a grass buffer but it will be on the property to the west.

Mr. McDonnell asked if there were any existing variance on the property.

Mr. Ashman stated no.

Mr. McDonnell asked how much new asphalt would be added to the west of the property.

Mr. Ashman stated that they are putting new over the old and aren't going any further west then what is there.

Mr. McDonnell asked if there are no changes other then resurfacing.

Mr. Ashman stated yes.

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

Mr. Vitale closed the hearing to public input.

Mr. Vitale stated it appears everything basically is the same. The property line and parking area is going to remain the same with additional parking to the north. The parking will stop the cross over traffic and he has no problem with the variances.

Mr. Snyder stated that he agreed with Mr. Vitale's comments.

Mr. McDonnell reviewed the practical difficulty requirements and stated that he thinks the practical difficulty requirement has been met.

Mr. McDonnell made a motion to approve the variance for the west parking setback.

Mr. Snyder seconded the motion

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

Mr. McDonnell made a motion to approve the variance for the north parking setback.

Mr. Snyder seconded the motion.

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

5:45 PM Appeal #2304 – Old World Classics, LLC, 7056 Mears Gate Dr. NW, North Canton, Ohio 44720 agent for Kenneth Troyer and Stacie Scheurer, property owner, 5610 Lilly's Ln, NW, Canton, Ohio requests a variance for a 5 ft. east and west side yard setback where 10 ft. is required per Art. IV Sect. 401.5 of the zoning resolution. Property located at 5610 Lilly's Ln, Sect. 14SE Jackson Twp. Zoned R-1.

Mr. Vitale read the file application and reason for the appeal.

The file contained an aerial view of the property in question and surrounding properties from the Stark County GIS and a site plan of lot #896 Lake Cable Section "B-3".

Those in favor were sworn in.

Phillip Eggeman, 7056 Mears Gate NW, stated that they are builder and they are looking for a 5 ft. setback which is not uncommon in Lake Cable. They tore down the existing home and have combined two lots to build a new home.

Mr. Vitale asked how wide the house would be.

Mr. Eggeman stated the lot is pie shaped. The house is about 70 ft. wide at the largest part. The back of the lot is only 30 ft. The house in the rear is about 50 ft. and the back of the new house is in line with the old house.

Mr. Eggeman presented exhibit #1, which was an aerial view with the overlay of the house and stated that the 70 ft. is at the 40 ft. setback.

Mr. Eggeman presented exhibit #2, a site plan drawn to scale and stated that the property was surveyed.

Mr. McDonnell asked if it is a 5 ft. setback with the combined lots.

Mr. Eggeman stated yes.

Mr. Eggeman stated the way the lot is shaped the house doesn't work with a 10 ft. setback because the lot is narrow in the back and they are not going any closer than the 5 ft. setback that was there. The square footage of the house is 3,600 sq. ft.

Mary Anderson, 5701 Island Dr. NW, stated she is a neighbor and she bought her property in 1949. She tore down her existing house and built a new one. They aren't going to put the house out front and are protecting their neighbors by putting the house further back to not block the view.

Stacy Scheurer, 2357 Brentwood stated she is the owner and plans on staying within the rules of the Lake Cable. She understands the difference in the setback for the Lake but believes what they are doing is within the confines the lake. There are homes closer than hers and it will not be an eyesore to anyone. Some of the homes are smaller than theirs but they will have an appealing home for everyone. They will have some entertaining and wants to make sure the neighbors know they are family people.

Andrew Leach, 7056 Mears Gate Dr. stated he talked to Tom Gibbon and he said that normally they look at a 5 ft. setback as being the standard and they have no issue with the variance.

No one else spoke in favor of the appeal.

Those in opposition were sworn in.

Dave Volak, 5624 N Island Dr. NW, stated he has an extra lot so they won't be close to his house. Each lot has a deed restriction as to how far they can go toward the lot. With 10 ft. there is enough room to get to the rear but with 5 ft. you can't get equipment through. He let people go through his yard before and they tore in up so he will not let anyone go through his yard again. His property is to the west of the property in question.

Mr. Mike Chapman, Lilly's Ln. stated that he understands the 5 ft. rule but when is it going to stop. Now it is like a standard or normal thing. There is plenty of property for sale that is wide. It has to stop sometime. There were other properties they could have bought. The whole house is going to be 5 ft. and he doesn't want it. Only the corner of the old house was 5 ft.

Mr. McDonnell asked how far Mr. Chapman's house is from the lot line.

Mr. Chapman stated that the corner of his house is 5 ft. from the property line but not the whole house. He thinks the other corner is about 15 ft.

No one else in the audience spoke in opposition to the appeal.

Ms. Scheurer stated as far as Mr. Volak having concerns about his lot being torn up that is not their intention. If anything was damage they would fix it at their own cost. All of the houses are as close or closer then hers.

Mr. Eggeman stated the house on the east is close to the line and what they are doing is not uncommon.

Mr. McDonnell asked Ms. Poindexter if she was aware of any previous variances.

Ms. Poindexter stated no.

Mr. Vitale closed the hearing to public input.

Mr. Vitale stated he understands the opposition but 5 ft. is the minimum and shouldn't be considered the normal. Lake Cable has a lot of odd shaped properties. He lives at Lake Cable and his house is 5 ft. as well as his neighbor's. His problem is if they are overbuilding the property but it is not up to him to dictate what size to build. The property itself is a practical difficulty because of the shape of the lot. He doesn't have a problem with the request.

Mr. McDonnell stated Lake Cable is a different animal. It was fishing cabins that were torn down and beautiful houses were built. In looking at the practical difficulties he thinks there is a practical difficulty and it won't change the character of the neighborhood.

Mr. Snyder stated the house that was torn down was 5 ft. from the property line so he has no problem with the appeal.

Mr. McDonnell made a motion to approve appeal #2304 as requested per the site plan submitted.

Mr. Lutz seconded the motion.

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

Mr. Vitale made a motion to approve the meeting minutes from the June 25, 2015 meeting.

Mr. Lutz seconded the motion.

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

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

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

Respectfully submitted,

Joni Poindexter  
Jackson Township  
Zoning Inspector