

Jackson Township Zoning Commission Meeting Minutes

March 24, 2016

Members Present: James Conley
Scott Sandrock
David Thiel
Larry Everhard
John Weston
Chylece Head-Alternate
Fredrick Monsell-Alternate

Zoning Inspector: Joni Poindexter

5:00 PM Amendment 625-16 – Tony Antonelli, 3601 Whipple Ave. NW, Canton, Ohio 44718 proposes to rezone B-1 Suburban Office & Limited Business District to B-2 Neighborhood Business District, 3601 (parcel #1700245) and 3611 (parcel #1700227) Whipple NW consisting of approximately .84 acres, located on the west side of Whipple Ave. NW, 680 ft., more or less, south of 38th St., Sect. 25SE Jackson Twp.

Mr. Conley read the file application and Stark County Regional Planning recommendation for denial and the facts considered in their recommendation.

Those in favor:

Mr. Andy Ginella, 4096 Holiday St. NW stated that he represent the owner of the two parcels in question. The property at 3611 was occupied by a doctor who vacated the space and it is difficult to get another tenant in there for office space. Someone is interested in the property for a beauty salon. The property at 3601 is occupied by the owner, Mr. Antonelli, and he has his home office on the property. What is proposed to move in the building is a small beauty shop. The buildings and property are small so they would not generate a lot of traffic and it would be economic feasible to have it rezoned. There is an existing beauty shop that is attached to Mr. Antonelli's residents that has been there over 20 years as a non-conforming use.

Mr. Conley asked if there is any plan to merge the two properties.

Mr. Ginella stated no there is no plan to join the two properties to get a larger square footage.

Mr. Everhard asked why they wouldn't join them.

Mr. Ginella stated there is no reason but if the board requested it then they could join them.

Mr. Thiel asked if the residents would be maintained.

Mr. Ginella stated 3601 would be maintained as a residence.

Mr. Thiel asked if the a beauty shop would go on the other property.

Mr. Ginella stated yes, along with a nail salon.

Mr. Conley asked if the proposed tenant currently has a business already.

Mr. Ginella stated yes. They would like to move to this location.

Mr. Thiel asked why they need a B-3.

Mr. Ginella stated that they are asking for a B-2, not a B-3.

Mr. Thiel stated then why do they need a B-2.

Mr. Ginella stated because a beauty shop/nail salon is not permitted in the B-1.

No one else spoke in favor of the rezone.

Those opposed to the amendment:

Mr. Dick Warth, 4954 Darlington Ave. NW stated that he owns the property at 3619 Whipple and the traffic is bad. He would hate to see another business with more traffic. The property he owns is used as a rental property for a residence.

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

Mr. Conley closed the hearing to public input.

Mr. Thiel stated that he has a concern that the properties don't meet the 20,000 sq. ft. requirement. If you zone them both and merge the two properties that's a different story but that is his major concern.

Ms. Poindexter stated that most of the properties along there are considered non-conforming regarding the lot size.

Mr. Thiel stated that is why he is concerned.

Mr. Conley stated they are non-conforming no matter what the board does. They are non-conforming for B-1 and B-2.

Mr. Everhard stated traffic is heavy at most times. The driveway access to the properties are difficult to turn in and out and there is a four lane rd. with no turn lanes so he prefers to keep it non-conforming then go to a B-2 which would leave a lot of options open. Parking is somewhat limited and he seen the reference to the school. That area is marked as a school zone that might slow traffic down but agrees kids won't be crossing the street. There seems to be residential homes to the west and east and the electrical substation is there. There are a lot of offices that don't require a lot of parking and the way he looks at it is he would perpetuate what they have now rather than change the zoning.

Mr. Weston stated in looking at the size of the lots and parking whatever the use is in going from a B-1 to a B-2 regarding the traffic count he doesn't see it increasing that heavily based on the customers that could be there at a single time based on the building size.

Mr. Sandrock stated that he understands about the beauty salon that can continue as non-conforming and he isn't saying that someday that the west side of Whipple may ultimately convert from B-1 to B-2, but, as you know this commission did not endorse the B-3 for the corner. This commission voted for that to be a B-2 but that was a Trustee call. When he looks at the map and the zone of B-1 all along Whipple and extending all the way up to Munson and to the west from that all being B-1 he has difficulty figuring out those parcels being B-2. But once they are B-2 anything that is allowed in the B-2 can go in there. It won't happen in the future but when he looks at the zoning of B-1 up to Munson he has difficulty how those two parcels should be B-2 because anything in the B-2 could go in there. Based on that if the Trustees look at that as a comprehensive plan for a change up and down the street that is different but he would think in looking at what is there he is disinclined to change what is there.

Mr. Conley stated he thinks it is spot zoning and there is 5 properties north and 6 properties to the south that are B-1. There is no good reason from a planning view to change to rezone the property.

Mr. Thiel made a motion to approve amendment 625-16 as requested.

Mr. Everhard seconded the motion,

The vote was: Ms. Everhard-no, Mr. Weston-yes, Mr. Thiel-no, Mr. Sandrock-no, and Mr. Conley-no.

Mr. Conley stated the recommendation would go as a denial to the Trustees.

Ms. Poindexter stated the Trustees will hear the amendment on April 12th.

Ms. Poindexter stated the meeting minutes from the February 18, 2016 meeting needed approval. Those members who participated in the meeting were Mr. Sandrock, Mr. Thiel, Mr. Weston, and Mr, Monsell and Mr. Everhard.

Mr. Thiel made a motion to approve the meeting minutes from the February 18, 2016 meeting.

Mr. Sandrock seconded the motion.

The vote was: Mr. Monsell-yes, Mr. Weston-yes, Mr. Thiel-yes, Sandrock-yes and Mr. Everhard-yes.

Mr. Conley adjourned the meeting.

Respectfully submitted,

Joni Poindexter
Jackson Township Zoning Inspector