

Jackson Township Zoning Commission Meeting Minutes  
September 15, 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 627-16 - Kimm Hannan, 213 Market Ave. Suite 100, Canton, Ohio 44708 agent for Hannan Cleaner Properties, LLC, property owner, 6525 Hills & Dales NW, Canton, Ohio 44708 propose to rezone R-R Rural Residential District to B-2 Neighborhood Business District parcel #1630431 & 1630433 Hills and Dales located approx. 400 ft. west of Abbotsford Blvd. Sect. 27SE Jackson Twp.

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

Those that spoke in favor of the amendment:

Mr. Kimm Hannan, 213 Market Ave. Canton, Ohio stated he has been a resident of Stark County for 45 years and a customer of the cleaners for 25 years. Part of the dilemma is a catch 22. On one hand there is a part that wants to keep the dry cleaners going and the other part is the building, waterlines and electrical system needs updated. The ceilings are falling in and when you combine the electrical, the steam system, waterlines, and infrastructure it is in need for renovation. There is only one restroom. Even if he wanted to sub divide the building and put a dry cleaner in the front and sublease the back end into multi units he couldn't because there is only one bathroom. In his view the ideal thing is to tear it all down. His original concept is to put a bank branch on the property. He has 3 banks that are interested in it but he is not at liberty to say who they are. He applied for B-2 to get some flexibility but if they could get B-1 it would be a quieter commercial. They were never interested in a drug store or fast food because it doesn't fit the area. On the other hand he thinks the antiquation of the dry cleaning plant, school house and garage has to be an eyesore for everyone and the neighbors. Because of the antiquation of the facility they have constant difficulty with the electrical system and its setting off fire alarms and so the Jackson Township Fire department doesn't particularly care for them much. They have done some things to appease that but it is still a difficulty. The zoning regulations are very specific as to what would be permitted in the B-2 and B-1 and his intent is to follow the guidelines.

He asked for a B-2 but if he could get B-1 he would be happy with that. He went with B-2 because the location offers some possibility for an upscale restaurant because it is surrounded by Glenmoor, Nobles Pond and Hills & Dales. He thinks it would be a beautiful place for a restaurant but on the other hand there would be problems with that. He hasn't consulted with an architect or anyone because until you get the zoning there is no point in talking to anybody. But, at the same time if it were denied and he got B-1 that would be fine because B-1 would allow a bank branch, medical facility or something that fits the area.

No one else spoke in favor of the amendment.

Those that spoke in opposition to the amendment:

Mr. Chuck Bruce. 5885 Heather NW stated he doesn't live close to the dry cleaners but he is down the street. He sympathizes with Mr. Hannan because he made an investment that has run its course and it isn't worth as much as he had hoped. This is the same predicament he was in with the proposed apartments behind his home. It sounds to him that once it is rezoned he can put anything in there that he wants within limits. Right now he may have great intensions but who knows what would happen and it is a horrible mess out there with the traffic.

Mr. Troy Julian, Harris Rd. stated his point is a cell tower. His farm is at the bottom of Stuhldreher and they wanted to put up a cell tower but they weren't permitted to do so. But, once a property is zoned commercial a cell tower could go in there. Any commercial business could put up a cell tower and they don't have to ask for permission.

Mr. Mike Warren. 5919 Heather NW stated he agrees with Stark County Regional Planning's recommendation. If you know the area it is the only commercial building in the area within a mile, except for Easterday's. The only reason there is commercial there is because it was pre-zoning. He thinks it is pretty clear that Jackson Township has designated this area as a residential area and the neighbors would prefer it remain the same. He agrees with Chuck and sympathizes with what he is trying to do but he doesn't think putting an additional business into that area, especially with the parcel the way it is, makes sense based on the fact that this is a very residential area.

No one else spoke in opposition to the amendment.

Mr. Conley closed the hearing to public input.

Mr. Thiel stated he is opposed to it. The cost of demolishing the building isn't listed but the cost of renovation is listed.

Mr. Sandrock stated that the cost of demolishing the buildings is \$73,000. He thinks it is spot zoning and the area is residential.

Mr. Everhard stated he drove the neighborhood and agrees with Mr. Thiel that the area has progressed to residential and the area has supported residential. He know you have to start somewhere with zoning and there are businesses and activities in the township that has to be brought in but he thinks they have an opportunity to maintain the strong residential presence

in the area and not rezone it into a B-2. He doesn't know if the land could be used for residential with 5 lanes of traffic. He pulled into the facility and waiting about 12 minutes to get out because of the volume of traffic. He thinks if a business would move into the area it would bring more traffic. He didn't see a lot of cars going in and out and having a business in the area would be hard because of the pulling in and out. In looking at the whole neighborhood he is against the rezoning.

Mr. Weston stated he agreed with Mr. Everhard. There is a true understanding of the difficulty of the property for business and residential. He know their decision is just a recommendation to the Trustees but when he looks at the plans for the County and Township he wants to stay in accordance with what the future plans are. He is opposed to the rezoning.

Mr. Thiel asked if there were any quotes associated with shutting the property down and auctioning it off as residential.

Mr. Hannan stated no. In order for auction to work they have to be absolute and with the cost of demolishing the structure it would not be viable compared to the cost of the property. Financially it would be a disaster.

Mr. Sandrock stated he understands Mr. Hannan is willing to consider a B-1 but the application came is as a B-2. As a B-2 he echo's the others comments and doesn't see how that would be anything other than spot zoning. As a non-conforming use it has been a business but relative to a requested change to the B-2 he reviewed the options that are available to the B-2. This is not a situation where there is a commercial business across the street from them. They are surrounded by residential and he doesn't see that it would fit. There are two parcels and each parcel would have a zoning change and he isn't a fan of rezoning two parcels. There could be two uses and a variance requested for one of the parcels. Regarding B-1, it isn't a bad idea but that is not the request that is in front of them so at least at this time he is not in favor of the rezoning.

Mr. Conley stated it pretty clear that people are not in favor of the B-2 rezoning.

Mr. Conley asked for a motion in favor of the rezone to get it on the table and then the board would vote.

Ms. Poindexter asked Mr. Conley if Mr. Hannan was asking for a vote on the B-2 or a modification to a B-1.

Mr. Conley stated what Ms. Poindexter is saying is that Mr. Hannan has the option of requesting a B-1.

Ms. Poindexter stated she only mentions this because Mr. Hannan mentioned a B-1. The board could vote on a B-1 as opposed to a B-2 because it is a lesser use if that is what Mr. Hannan requests.

Mr. Hannan asked if the process would have to start over again because they got comments on a B-2.

Ms. Poindexter stated that B-1 is a lesser use so anything that would have been permitted in the B-1 would have been permitted in the B-2.

Mr. Hannan stated he went with B-2 for flexibility but his intent was always B-1.

Mr. Conley stated he thinks he's going to echo Mr. Sandrock's comments and he doesn't get the impression that the commission is ready to approve a zone change to a B-1 or B-2. They could take a vote but if Mr. Hannan came in with a consolidated plan they would look at it but he wouldn't hold out any great optimism for him. If Mr. Hannan wants them to vote on B-1 tonight they will.

Mr Hannan stated he wants to be clear and it is his understanding if he wants to continue operating as a dry cleaner for the next 400 years he can.

Mr. Conley stated yes.

Mr. Hannan stated he also understands if he wanted to change the use of that to something else instead of a dry cleaner he could.

Ms. Poindexter stated that he could change the use if he went to the Board of Zoning Appeals and received approval to change from one non-conforming use to another that is a lesser intensive use.

Mr. Hannan stated his point is if that is the alternative for the board to consider then he could go back and do something within that same building.

Mr. Conley stated that is a different board.

Mr. Hannan stated what he is hearing is that they would really like to see residential but it doesn't mean that is what it is going to be because he could go back and do something less intensive and continue a commercial business for another 50 years if he wanted to. His point is because of that the board might be better off to approve a B-1 and get a better commercial facility rather than him going back and improving the existing buildings.

What the signal is is that under the B-2 that isn't going to happen so why go there. He is asking about comments on B-1 because if he gets a whole other set of comments he will make the effort to come back, combine the parcels together and do it right. If he going to go back and operate commercial anyway within the same facility and change some things out, keep in mind one of the major reasons for this whole adjustment of the business is because dry cleaning is less and less. He is just saying if that is the case then wouldn't the zoning commission be better off to say let's control that situation by allowing B-1 and then we can put in what should be there because it's going to be commercial anyway.

Mr. Sandrock stated he understands the statement and isn't going to be an advocate one way or the other but he will at least explain the process. They start out with the non-conforming use but the constitutional right for a property owner to use the property as it was when the law changed remains intact. They live with the exception and there are some options and as Ms. Poindexter pointed out there are some permitted changes as long as they are less intensive. These are matters for the Board of Zoning Appeals and they look at special circumstances from a planning perspective.

Mr. Joe Demangent asked if the board were to consider a B-1 if they would have to get another recommendation from Regional Planning.

Ms. Poindexter stated no because if Regional Planning thought that it should be modified to a B-1 their recommendation would have been approval of a modification to B-1 as opposed to a denial.

Mr. Sandrock explained some of the different uses between the B-1 and B-2.

Mr. Thiel made a motion to approve amendment 627-16 from R-R to B-2.

Mr. Everhard seconded the motion.

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

Ms. Poindexter stated the recommendation will be forwarded to the Township Trustees for a public hearing.

Ms. Poindexter asked for an approval of the June 16, 2016 meeting minutes and stated that Mr. Thiel was absent.

Mr. Everhard stated he did not see the minutes.

Ms. Poindexter stated that they were emailed to all board members on June 21, 2016.

Mr. Sandrock made a motion to approve the June 16, 2016 meeting minutes.

Mr. Weston seconded the motion.

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

Mr. Conley adjourned the meeting.

Respectfully submitted,

Joni Poindexter  
Jackson Township  
Zoning Inspector