

SPONSOR: Heath E. Brown

## ORDINANCE NO. 147-07

AN ORDINANCE ADOPTING THE RECOMMENDATION OF THE JACKSON CITY PLANNING COMMISSION AS TO THE REZONING OF CERTAIN REAL ESTATE, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF JACKSON, STATE OF OHIO, as follows:

**Section One.** The Jackson City Council adopts the recommendations of the Jackson City Planning Commission wherein the Planning Commission recommends the change of zoning classification proposed by the applicant. A copy of the recommendation is attached hereto as Exhibit "A".

**Section Two.** The official zoning map of the City of Jackson shall be modified to reflect the rezoning of the real estate described in Exhibit "B" attached hereto.

**Section Three.** This Ordinance is hereby declared to be an emergency Ordinance, necessary for the immediate preservation of the public peace, health or safety of the City of Jackson, in that it is necessary to rezone this real property as soon as possible. Therefore, this Ordinance shall go into effect upon passage and approval by the Mayor, as provided in Ohio Revised Code Section 731.30.

**Section Four.** It is hereby found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that the deliberations of this Council that resulted in such formal actions were in a meeting open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Date: 11/26/07

Brett E. Reed  
PRESIDENT OF COUNCIL

Heath E. Brown  
CLERK OF COUNCIL

Date: 11/26/07

Approved:  
Paul J. Hummer  
MAYOR  
act

## Exhibit “A”

**JACKSON CITY PLANNING  
COMMISSION  
CITY OF JACKSON, OHIO**

**IN THE MATTER OF:**

\*

\*

**REQUEST BY WENDELL CROSIER  
FOR ZONING CHANGE OF  
PROPERTY ON FAIRMOUNT STREET\***

\*

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\*

**RECOMMENDATION**

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This matter came on for consideration before the Jackson City Planning Commission on the 24<sup>th</sup> day of September, 2007, upon the request of Mr. Wendell Crosier to have property located on Fairmount Street be rezoned from R-2, Residential, to B-3.

Present at the hearing was Marva Colby, Chairman of the Jackson City Planning Commission, Brian McPeherson, Planning Commission member, and Mayor Shane Goodman, Planning Commission member. Also present was Steve Benson, Zoning Enforcement Officer; John L. “Jack” Detty, City Law Director; and Cary Brown, City Council member.

The City Planning Commission commenced with a public hearing on the issue and permitted all those present to address the issue. After careful and complete consideration the Jackson City Zoning Regulations, taking into consideration all of the criteria set forth in Section B 2. a. – d. of Chapter VI, the Planning Commission recommends that the request for rezoning be APPROVED.

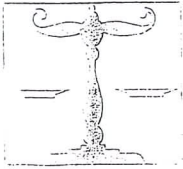
It is therefore the **ORDER** of the Jackson City Planning Commission as follows:

- The request for rezoning as presented by Mr. Wendell Crosier to rezone property on Fairmount Street from R-2, Residential, to a B-3, is APPROVED, and it is the recommendation of the Jackson City Planning Commission that this request for rezoning be APPROVED. This recommendation shall be presented to Jackson City Council for appropriate proceedings and action.

Dated: \_\_\_\_\_

\_\_\_\_\_  
MARVA COLBY, Chairman  
Jackson City Planning Commission

## Exhibit “B”



The Law Firm of  
**Richard M. Lewis, LLC**  
190 Pearl Street • P.O. Office Box 664 • Jackson, Ohio 45640

Richard M. Lewis  
Sheryl Anne Black

June 1, 2007

Steve Benson  
Service Director, City of Jackson  
145 Broadway St.  
Jackson, OH 45640

Re: Application to re-zone 0.275 acre tract  
Lick Township, City of Jackson  
Owned by Wendell L. and Nola M. Crosier

Dear Mr. Benson:

Please consider this application to re-zone the real estate described in the deed, a copy of which is enclosed and which is recorded in Deed Record 305, Pages 323 and 324 of the Jackson County Recorder's records. The owners are Wendell L. and Nola M. Crosier. A list of all owners of property within 200 feet of any point along the boundary of the property, together with the street addresses of each of the properties is enclosed.

Also enclosed is a certificate that the description of the property to be re-zoned contained in the Crosiers' deed is a complete, proper and legal description of the property.

This request for re-zoning meets the conditions for re-zoning set forth in the City's Procedure for Zoning Text Amendments and Zoning Map Changes.

Please let me know how the City intends to proceed with respect to this application.  
Thank you.

Sincerely,

The Law Firm of  
RICHARD M. LEWIS, LLC

Richard M. Lewis  
Attorney at Law

RML:rjs  
Enclosures  
cc: Wendell and Nola Crosier

List of property owners within 200 Feet of Wetland and 100 ft Buffer

Life Ambulance Services, Inc  
1641 Offshore St.  
Portsmouth, OH 45662

Debra J. Ruggles  
Steven R. Jenkins  
David A. Jenkins  
Teresa L. Weston  
Mark A. Jenkins  
Delbert R. Jenkins  
Jean R. Jenkins  
93 Longworth St.  
Jackson, OH 45640

Michael L. Dickason  
Jeffrey R. Dickason  
Blanche E. Dickason  
1391 Horton Sisters Rd.  
Oak Hill, OH 45656

Kermit L. Sowards  
79 Longworth St.  
Jackson, OH 45640

Frank Salyers  
Stella Salyers  
1 Smith Place  
Jackson, OH 45640

Steve W. Lundy  
Penny L. Lundy  
10 Fairmount St.  
Jackson, OH 45640

Goldie Pigman  
3 Fairmount St.  
Jackson, OH 45640

Paul A. Blair  
Robin L. Blair  
5 Fairmount St.  
Jackson, OH 45640



Sharon L. Coleman  
623 S. Pennsylvania Ave.  
Wellston, OH 45692

John A. Howard  
671 Bandy Road  
Bidwell, OH 45614

Dale I. Whetsel  
John P. Whetsel  
Judy Whetsel  
1338 Rock Run Rd.  
Jackson, OH 45640

Scottie L. Ford  
P. O. Box 24  
Wellston, OH 45692

SSC Stores, Inc.  
7 S. Pennsylvania Ave.  
Wellston, OH 45692

Trustees of Lick Township  
85 Longworth St.  
Jackson, OH 45640

Wendell Crosier  
Nola Crosier  
9423 State Route 139  
Jackson, OH 45640

Helen McCain  
Monte McCain  
823 Tommy Been Rd.  
Oak Hill, OH 45656

Richard Allen Harless  
6859 Franklin Valley Rd.  
Jackson, OH 45640

Brenda Preston  
514 E. Broadway St.  
Jackson, OH 45640



Barbara L. Allison  
525 E. Broadway  
Jackson, OH 45640

Ronald Lee Evans  
11754 State Route 93  
Jackson, OH 45640

Accent Investments, Inc.  
378 E. Main St.  
Jackson, OH 45640

City of Jackson  
145 Broadway  
Jackson, OH 45640

[illegible]

I certify that the description of real estate contained in the deed recorded in Deed Volume 305, pages 323 and 324 is a proper, complete, and lawful description of the subject real estate.

Date \_\_\_\_\_

Richard M. Lewis  
Attorney at Law  
295 Pearl St.  
P.O. Box 664  
Jackson, Ohio 45640  
Tel.: 740-286-0071

TRANSFER FEE  
CONVEYANCE EXAMINED  
SFC 319-202 R.C. COMPLIANT WITH

AUG 11 1996

AMT 24.00  
EDWARD R. JARVIS  
JACKSON COUNTY AUDITOR

DAILY  
ABSTRACTED  
INDEXED

## DEED OF EXECUTOR

191276  
13 day of August  
Recorded in Book 16, Page 799  
in the Record  
Page 321-324  
114 Leda L. Pecos  
Recorder of Jackson County, Ohio  
Spilled

WILLIAM E. MORRIS, Executor of the Estate of James E. Morris, Deceased, Case No. 95-74, of the Probate Court of Jackson County, Ohio, by the power conferred by the decedent's Will, and by the authority of Ohio Revised Code Section 2113.39, for SIX THOUSAND DOLLARS (\$6,000.00) paid, grants with fiduciary covenants, to WENDELL L. CROSIER and NOLA M. CROSIER, Husband and Wife, for their joint lives, remainder to the survivor of them, whose tax-mailing address is 9423 St. Rt. 139, Jackson, Ohio 45640, the following Real Property:

FOR LEGAL DESCRIPTION SEE EXHIBIT A, ATTACHED HERETO(nte).

Subject to real property taxes and easements and restrictions of record.

Prior Instrument References: Volume 236, Page 161, and Volume 249, Page 799, Jackson County, Ohio, Deed Records.

Witness his hand this 12th day of August, 1996.

SIGNED AND ACKNOWLEDGED IN THE PRESENCE OF:

Bonnie G. Hamer  
WITNESS  
Keith C. Mart  
WITNESS

William E. Morris, Exec.  
WILLIAM E. MORRIS, EXECUTOR

STATE OF OHIO

COUNTY OF JACKSON

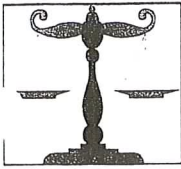
SS:

BE IT REMEMBERED, that on this 12th day of August, 1996, before me, the subscriber, a notary public in and for said county, personally came WILLIAM E. MORRIS, Executor of the Estate of James E. Morris, Deceased, the Grantor in the foregoing Deed, and acknowledged the signing thereof to be his voluntary act and deed. IN TESTIMONY THEREOF, I

EXHIBIT A

Situated in a part of Scioto Salt Reserve Lot No. 72, Township 07 North, Range 18 West, Lick Township, in the City of Jackson, Jackson County, Ohio; and being a part of the tract of land recorded in Deed Volume 208, Page 361, at the Office of the Jackson County Recorder and more particularly bounded and described as follows:

Beginning at a post on the north line of S. S. R. Lot 72, at the corner of Lots 56 and 57; thence South  $83^{\circ} 45'$  East, along the north line of S.S.R. Lot 72, 749.7 feet to a point in the centerline of Fairmount Street; thence South  $11^{\circ} 21'$  West, along the centerline of Fairmount Street, 223.97 feet to a point; thence South  $84^{\circ} 48'$  East, 15.0 feet to an iron pin at the southwest corner of a tract of land fully described in Deed Volume 223, Page 505, and the principal point of beginning of the tract of land herein described and to be conveyed herewith; thence South  $84^{\circ} 48'$  East, 150.0 feet along the south line of the tract to a point; thence South  $11^{\circ} 21'$  West, 80.00 feet to a point; thence North  $84^{\circ} 48'$  West, 150.0 feet to an iron pin in the west line of Fairmount Street; thence North  $11^{\circ} 21'$  East, 80.0 feet to the point of beginning of the tract of land herein described, containing 0.275 acre, more or less, and subject to all easements and legal rights-of-way.(pr)



The Law Firm of

**Richard M. Lewis, LLC**

295 Pearl Street • Post Office Box 664 • Jackson, Ohio 45640

Richard M. Lewis\*

Sheri Allen Black

August 1, 2007

John L. Detty  
Jackson City Law Director  
145 Broadway St.  
Jackson, OH 45640

Re: Wendell Crosier application for rezoning

Dear Jack:

Per your request I enclose a drawing of the property to be rezoned which has been prepared by surveyor Dale Exline of Appalachian Professional Associates, LLC. Please let me know if you need anything more to process Mr. Crosier's application.

Sincerely,

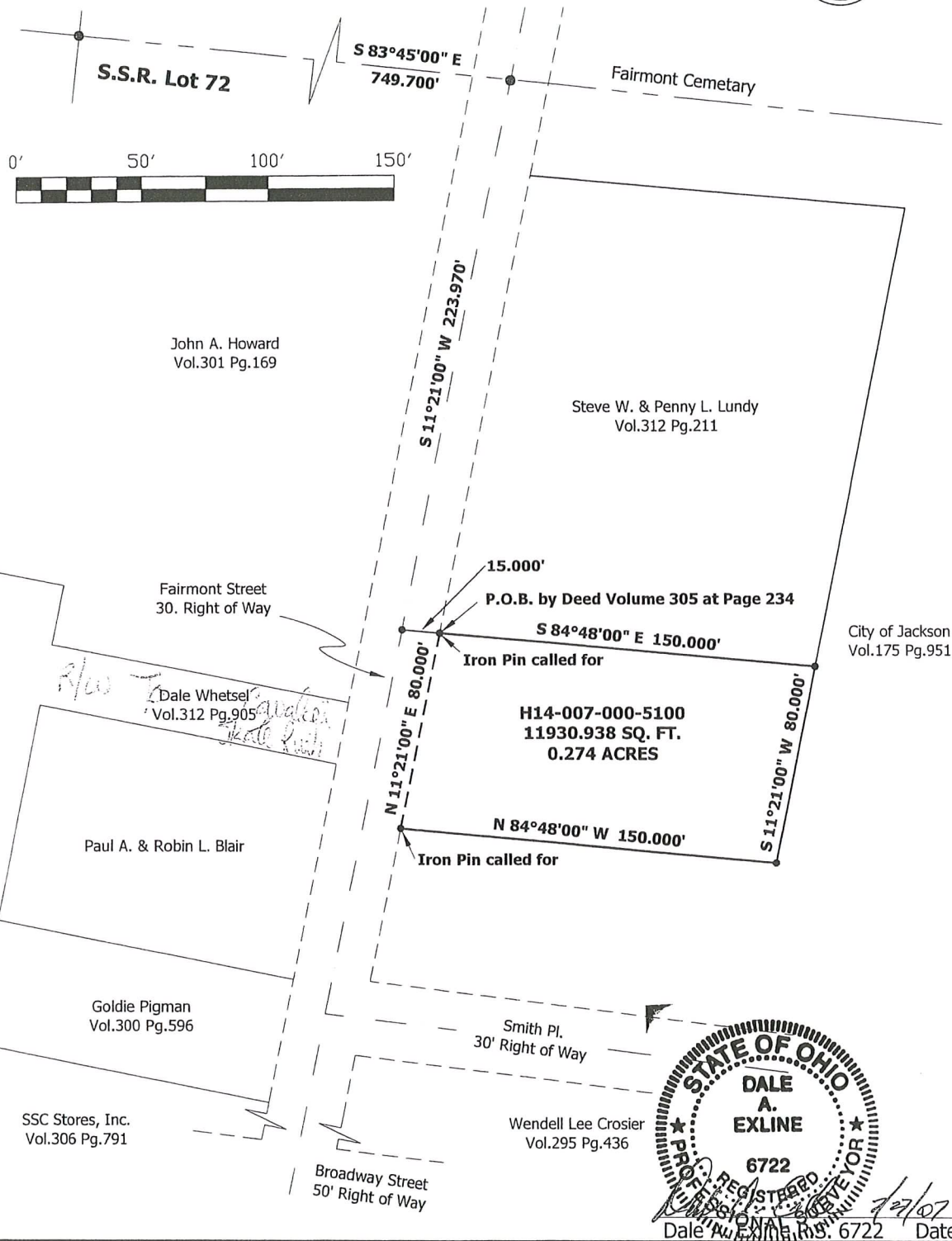
The Law Firm of  
RICHARD M. LEWIS, LLC

Richard M. Lewis,  
Attorney at Law

RML:cs  
Enclosure  
Cc: Wendell Crosier

## NOTE:

- All adjoining information taken from Jackson County G.I.S.
- All points and bearings are calculated to represent Volume 305 Page 324 and does not represent an actual survey of the land.
- All bold text represents the actual deed calls from Volume 305 Page 324.



Plat of Deed Volume 305 at Pages 323-324 for

**Wendell Crosier**

F# Name: 07057

Crd File: 07057

L ing Date(s): 7/19/2007

Scale: 1" = 50'

Parcel(s): H14-007-000-5100

Recorded in: Vol. 305 Pg. 323 and 324

Notes: Plat represents Volume 305, Pages 323 and 324

8.5" x 14"



Appalachian Professional Associates, LLC

Complete Surveying Services

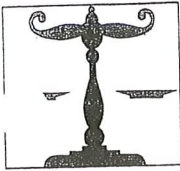
Dale A. Exline, Professional Surveyor

254 Exline Road Jackson, OH 45640

Phone: (740) 286-9966 Fax: (740) 286-9911

**Location:** Being a part of Scioto Salt Reserve Lot No. 72, T-7-N, R-18-W, Lick Township, in the City of Jackson, Jackson County, Ohio.





The Law Firm of

**Richard M. Lewis, LLC**

295 Pearl Street • Post Office Box 664 • Jackson, Ohio 45640

Richard M. Lewis\*

Sheri Allen Black

August 23, 2007

John L. Detty  
Jackson City Law Director  
145 Broadway St.  
Jackson, OH 45640

Via Fax: 286-3492 & U.S. Mail

Re: Wendell Crosier request for rezoning

Dear Jack:

The purpose of this letter is to identify the type of zoning which Wendell Crosier requests be assigned to the property about which you and I have been communicating recently. Mr. Crosier requests that the property ideally be rezoned to I or Industrial District since it is land adjacent to his building which is being used as a warehouse. A warehouse is one of the permitted uses for property zoned I as I understand the zoning regulations for the City of Jackson. If, for some reason, a rezoning of the land to I would not be permitted then the alternate request is that the land be zoned as B-3, General Business District. Thank you for your attention to this matter. I look forward to hearing from you. If there is anything else you need please advise.

Sincerely,

The Law Firm of  
RICHARD M. LEWIS, LLC

Richard M. Lewis,  
Attorney at Law

RML:cs  
Cc: Wendell Crosier