

**PLAIN TOWNSHIP BOARD OF ZONING APPEALS  
PLAIN TOWNSHIP HALL  
2600 EASTON STREET NE, CANTON, OHIO 44721  
MINUTES OF REGULAR MEETING  
MARCH 2, 2005**

The meeting was called to order by Chairman Bob Soles, with Timothy Reichel, James McVay, Bob Stewart, Ginger Ferencz and Stephanie Metzger present.

Motion made by Mr. Stewart to approve the minutes of January 5, 2005. Mr. Reichel seconded the motion. All members were in favor.

Mr. Reichel read the statement of duties. Mr. Soles expressed the fire department comments into the record.

The following Appeals were heard:

**APPEAL #1152-05-A**

Applicant & Owner/ Michael Meyers, 4523 Harmont Avenue NE, Canton, Ohio 44705; Request a variance of 578 square feet for the total square footage of all accessory structures which shall not exceed the square foot area of the foundation of the principal building (1,072 sq. ft. permitted– 1,650 sq. ft. requested) to construct a 36 ft. x 24 ft. (864 sq. ft.) detached residential accessory structure (garage) in addition to the existing 20.4 ft. x 24.4 ft. (498 sq. ft.) detached garage and a 24 ft. x 12 ft. (288 sq. ft.) carport on the property at 4523 Harmont Avenue NE.

Article VI, Section 602.5, Accessory Uses, Buildings and Structures.

The property is zoned R-R, Rural Residential District and is located in the Southeast Quarter of Section 23.

There were no attendees for or against the Appeal.

Mr. Soles administered the oath.

Mr. Michael Meyers, 4523 Harmont Avenue NE, stated that he would like to build the detached garage that size because he needs a place to store his boat, truck, camper and car. He is currently storing everything at his dads.

Mr. Soles asked what he currently kept in his garage and carport.

Mr. Meyers said that he stores his lawn mower, his fiancé's vehicle and his vehicle in the existing garage and carport.

Mr. Soles asked what all he has at his fathers place right now.

Mr. Meyers said 2 boats, a camper and a car.

Mr. Soles asked if the garage would match the home.

Mr. Meyers said yes it will be sided and have shingles.

Mr. Stewart asked if he owns a double lot.  
Mr. Meyers said no, it is all one lot, almost an acre.

Mr. Stewart asked if he would be placing the garage on the other side of the trees.

Mr. Meyers said yes.

Mr. Stewart asked if he would be putting in another driveway.

Mr. Meyers said yes.

Mr. Meyers asked why he was placing the garage so far behind his home.

Mr. Meyers said that he owns almost an acre, and his uncle lives behind him so he did not want to obstruct his view.

Mr. Soles asked if he looked at placing his vehicles and boats at alternative locations.

Mr. Meyers said that storage units are expensive and inconvenient.

Mr. McVay asked if he does repair work.

Mr. Meyers said no, he only fixes his own items.

Mr. Soles asked where he works.

Mr. Meyers said SARTA.

Mr. Soles asked if he repair buses.

Mr. Meyers said no.

Motion by Mr. Stewart,

WHEREAS, Applicant & Owner/ Michael Meyers, 4523 Harmont Avenue NE, Canton, Ohio 44705; Request the following to construct a 36 ft. x 24 ft. (864 sq. ft.) detached residential accessory structure (garage) in addition to the existing 20.4 ft. x 24.4 ft. (498 sq. ft.) detached garage and a 24 ft. x 12 ft. (288 sq. ft.) carport:

- **578 square feet variance (1,072 sq. ft. permitted– 1,650 sq. ft. requested).**

WHEREAS, the applicant or a representative has appeared in person before this Board at an adjudication hearing on said application and the Plain Township Board of Zoning Appeals has duly considered this application pursuant to Ohio Revised Code 519.14; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Plain Township Board of Zoning Appeals to:

  X   grant the following:

- **578 square feet variance (1,072 sq. ft. permitted– 1,650 sq. ft. requested).**

Seconded by Mrs. Ferencz,

**DISCUSSION:**

Mr. McVay said that Mr. Meyers has an acre of land and he knows that the township is working on revising the accessory structure sizes, so in a year from now Mr. Meyers wouldn't even have to be here asking the Board for this variance.

Mr. Reichel said that he feels some people have way too many toys, but he echo's what Mr. McVay said. This is a big lot and the garage will be far away from the house and there will still be plenty of green space. He doesn't have a problem with this.

Mrs. Ferencz said that she is concerned that the land in between the house and the garage is wetland.

Mr. Soles said the location is not the problem; it is the size of the structure he is seeking a variance on. The size of the lot is big and he doesn't have too much of a problem with this appeal.

Vote: Mrs. Ferencz, **YES**; Mr. Stewart, **YES**; Mr. McVay, **YES**; Mr. Reichel, **YES**; Mr. Soles, **YES**.

Appeal #1152-05-A is therefore APPROVED

**APPEAL #1153-05-A**

Applicant/ Arkinetics Inc, 1279 W 73<sup>rd</sup> Street, Cleveland, Ohio 44102; Owner/ Milkmart Property II LLC, 1370 Avenue of Americas, 21<sup>st</sup> Floor, New York, New York 10019; Lessee/ Mac's Convenience Stores LLC, PO Box 347, Columbus, Indiana 47202; Request a 37 ft. south, rear yard setback variance from the zoning district line where a 50 ft. setback is required from the residential district/business district boundary (50 ft. required – 13 ft. requested) for a 11 ft. 4 in.. x 30 ft. 8 in. (348 sq. ft.) commercial addition at 2640 Fulton Drive NW.

Article VII, Section 713.4, Yard Requirements.

The property is zoned R-1, Single Family Residential District and B-2, General Business District is located in the Northwest Quarter of Section 32.

There were no attendees for or against the Appeal.

Mr. Soles administered the oath.

Ms. Judi Szabo, 1279 W 73<sup>rd</sup> Street, Cleveland, stated that she works for Arkinetics Inc. whose client is Mac's Convenience stores. Mac's has an agreement with Dunkin Donuts which Mac's would need to add a storage area with a cooler unit for Dunkin Donuts. The new addition would not encroach on the setbacks any more than the existing building and the addition will look just like the existing building.

Mr. Soles asked if she spoke to the neighbors.

Ms. Szabo said she did not speak to anyone besides the couple tonight and she is not aware if anyone from Mac's spoke to the neighbors.

Mr. Soles asked if she has received any complaints.

Ms. Szabo said no.

Mr. Soles asked if it would look like the existing facility.

Ms. Szabo said yes.

Mr. Soles asked if there would be any noise.

Ms. Szabo said no it will all be inside.

Mr. Reichel said that they will just extend the wall out to encase the coolers and to add additional storage space.

Ms. Szabo said yes.

Mr. Reichel asked if there would be any outside lights.

Ms. Szabo said no.

Mr. Soles asked what would happen if this was not granted.

Ms. Szabo said she is not sure what that will do to Mac's agreement with Dunkin Donuts. She knows that Mac's has looked at other locations they own and they did not have enough room in those areas to place the Dunkin Donuts.

Mr. McVay said that a freezer/refrigerator will be on the inside. Will anything be on the outside of the addition?

Ms. Szabo said that they might put something on the roof, but they can enclose that if they have to.

Mr. McVay asked if it would make noise.

Ms. Szabo said not much it is just a compressor for the cooler.

Mrs. Ferencz asked how close the existing building is to the property line.

Ms. Szabo said roughly 17.3 feet. The exact dimension is on the drawing.

Mr. Stewart said that he would like to state into the record that he was at the Hall of Fame who owns property adjacent to Mac's and they are not opposed to the addition at all.

Motion by Mr. McVay,

WHEREAS, Applicant/ Arkinetics Inc, 1279 W 73<sup>rd</sup> Street, Cleveland, Ohio 44102; Owner/ Milkmart Property II LLC, 1370 Avenue of Americas, 21<sup>st</sup> Floor, New York, New York 10019; Lessee/ Mac's Convenience Stores LLC, PO Box 347, Columbus, Indiana 47202; Request the following to construct a 11 ft. 4 in. x 30 ft. 8 in. (348 sq. ft.) commercial addition at 2640 Fulton Drive NW:

- **37 ft. south, rear yard variance (50 ft. required – 13 ft. requested).**

WHEREAS, the applicant or a representative has appeared in person before this Board at an adjudication hearing on said application and the Plain Township Board of Zoning Appeals has duly considered this application pursuant to Ohio Revised Code 519.14; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Plain Township Board of Zoning Appeals to:

X   grant the following:

- **37 ft. south, rear yard variance (50 ft. required – 13 ft. requested).**

Seconded by Mr. Stewart,  
DISCUSSION:

Mr. McVay said that this property has an unusual situation where the commercial – residential zoning is not the property line. He doesn't have a problem with this.

Mr. Soles said that he doesn't have a problem with this appeal. The existing building is only 18 feet away right now.

Mr. Reichel said as long as there are no lights, noise or entrance he doesn't have a problem with this appeal.

Vote: Mrs. Ferencz, **YES**; Mr. Stewart, **YES**; Mr. McVay, **YES**; Mr. Reichel, **YES**; Mr. Soles, **YES**.

Appeal #1153-05-A is therefore APPROVED

#### **APPEAL #1154-05-A**

Applicant & Owner/ Michelle McCartney, 2231 44<sup>th</sup> Street NW, Canton, Ohio 44709; Request the following to construct a 64 ft. x 20 ft. 8 in. (1,380 sq. ft.) commercial addition on the property at 2231 44<sup>th</sup> Street NW also known as 2241 44<sup>th</sup> Street NW:

1. Permission to expand a nonconforming use (Chateau Michelle).
2. 10 ft. 6 in. east, front yard variance (40 ft. required - 29 ft. 6 in. requested).

Article VII, Section 712.4; Yard Requirements.  
Article X, Section 1001.1; Nonconforming Uses.

The property is zoned B-1, Neighborhood Business District is located in the Southwest Quarter of Section 20.

There were no attendees for or against the Appeal.

Mr. Soles administered the oath.

Mrs. Michelle McCartney, 2231 44<sup>th</sup> Street NW, stated that she is the property owner. The original structure was built in 1950 and is in need of some repair work. They decided that while they are repairing everything they might as well add on and improve the property.

Mr. Reichel asked if the flat roof would now be a gable roof.

Mrs. McCartney said yes.

Mrs. Ferencz asked if this would attract more customers.

Mrs. McCartney said yes, she hopes it will.

Mrs. Ferencz said that it doesn't look like there will be enough parking.

Mrs. McCartney said that they have 2 parking areas which are big enough to accommodate everyone.

Mr. Reichel asked if any of the neighbors are in opposition.

Mrs. McCartney said no, she has talked to them and the Chateau Michelle has been there longer than any of the neighbors have.

Mr. Soles said that this has been a nonconforming use for a long time.

Mrs. McCartney said yes.

Mr. Soles asked if they were asking for a 28% increase in size.

Mrs. McCartney said yes.

Mr. McVay asked if the new addition will have the same East and West side walls.

Mrs. McCartney said yes they will just be adding on 20.8 feet.

Mr. McVay asked if the road to the North is a public road.

Mrs. McCartney said no it has been vacated.

Mr. McVay asked if there was parking to the North.

Mrs. McCartney said yes to the North and West.

Motion by Mrs. Ferencz,

WHEREAS, Applicant & Owner/ Michelle McCartney, 2231 44<sup>th</sup> Street NW, Canton, Ohio 44709; Request the following to construct a 64 ft. x 20 ft. 8 in. (1,380 sq. ft.) commercial addition on the property at 2231 44<sup>th</sup> Street NW also known as 2241 44<sup>th</sup> Street NW:

- **Permission to expand a nonconforming use (Chateau Michelle).**
- **10 ft. 6 in. east, front yard variance (40 ft. required - 29 ft. 6 in. requested).**

WHEREAS, the applicant or a representative has appeared in person before this Board at an adjudication hearing on said application and the Plain Township Board of Zoning Appeals has duly considered this application pursuant to Ohio Revised Code 519.14; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Plain Township Board of Zoning Appeals to:

  X   grant the following:

- **Permission to expand a nonconforming use (Chateau Michelle).**
- **10 ft. 6 in. east, front yard variance (40 ft. required - 29 ft. 6 in. requested).**

Seconded by Mr. Reichel,

DISCUSSION:

Mr. Soles said that a nonconforming use is allowed to expand 25% they are only asking for an additional 3% expansion to equal 28%. No neighbors are here tonight in opposition so he would be in favor of this appeal.

Mr. Reichel said he agrees with Mr. Soles.

Vote: Mrs. Ferencz, **YES**; Mr. Stewart, **YES**; Mr. McVay, **YES**; Mr. Reichel, **YES**; Mr. Soles, **YES**.

Appeal #1154-05-A is therefore APPROVED

No further business pending the meeting adjourned at 7:37 pm.

**PLAIN TOWNSHIP BOARD OF ZONING APPEALS**

**STEPHANIE A. METZGER, SECRETARY**