

**PLAIN TOWNSHIP BOARD OF ZONING APPEALS
PLAIN TOWNSHIP HALL
2600 EASTON STREET NE, CANTON, OHIO 44721
MINUTES OF REGULAR MEETING
MAY 4, 2005**

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

Motion made by Mrs. Ferencz to approve the minutes of April 6, 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 #1158-05-A

Applicant/ Jake Ramey, 10200 Moulin Avenue, Alliance, Ohio 44601; Owner/ Cross Pointe Church, 6655 Firestone Road NE, North Canton, Ohio 44721; Request a variance to construct a second freestanding sign (15 sq. ft.) on the property at 6655 Firestone Road NE

Article VIII, Section 801.6 (4); Signs Permitted in Residential Zones.

The property is zoned R-1, Single Family Residential District and is located in the Southeast Quarter of Section 10.

There was one attendee for and one against the Appeal.

Mr. Soles administered the oath.

Mr. Jake Ramey, 10200 Moulin Avenue, stated that the church would like to place a second sign on the property facing Firestone Road. They already have one sign on the other side of the property.

Mr. Soles administered the oath.

Mr. Frank Cirone, 6667 Firestone Road NE, stated that he lives right next to the church and the additional sign will not bother him at all.

Mr. Soles administered the oath.

Mr. Charles Kiko, 6467 Firestone Road NE, stated that he is concerned about the additional sign because this is a residential neighborhood. Another sign will bring down the property value and make it look like a commercial neighborhood.

Mr. Soles asked why the church needs 2 signs.

Mr. Ramey said that people pass the church by the time they see the other sign. The sign will look nice with flowers planted around it. Since traffic comes from both directions on Firestone 2 signs would help bring in people.

Mrs. Ferencz asked why the original sign is only 22.4 sq. ft. when they are permitted 50 sq. ft.

Mr. Ramey said the sign is the first thing you see at the hill and they didn't want something huge.

Mr. Soles asked if the church gets walk in members.

Mr. Ramey said yes.

Mr. Stewart asked why he doesn't put signs at the corner of Easton and Firestone and Middlebranch and Firestone.

Mrs. Stephanie Metzger said that off premise directional signs are not permitted.

Mr. Ramey said that the church has changed its name and they would like to place that other sign to let people know where they are located.

Mr. McVay asked if they could remove the old sign and place 1 new sign for both directions of Firestone.

Mr. Ramey said if they moved the sign further down, they could possibly only need one sign.

Motion by Mr. Stewart,

WHEREAS, Applicant/ Jake Ramey, 10200 Moulin Avenue, Alliance, Ohio 44601 & Owner/ Cross Pointe Church, 6655 Firestone Road NE, North Canton, Ohio 44721; requests the following:

- **15 sq. ft. variance (0 sq. ft. permitted – 15 sq. ft. requested) to construct a second freestanding sign.**

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:

- **15 sq. ft. variance (0 sq. ft. permitted – 15 sq. ft. requested) to construct a second freestanding sign.**

Seconded by Mr. Reichel,

DISCUSSION:

Mr. Reichel said that he agrees with Mr. Kiko that the area is rural. They have not shown any practical difficulties as to why they need a second sign. They have not proven any hardships.

Mr. McVay said that church is residential districts are great neighbors. This is only a 15 sq. ft. sign. He is in favor of the appeal.

Mr. Soles said that it is the Boards obligation to grant practical difficulties. He has not seen anything why the church needs the second sign. They have not shown any practical difficulties.

Vote: Mrs. Ferencz, **NO**; Mr. Stewart, **NO**; Mr. McVay, **YES**; Mr. Reichel, **NO**; Mr. Soles, **NO**.

Appeal #1158-05-A is therefore DENIED.

APPEAL #1159-05-A

Applicant & Owner/ Frank Irwin, 1936 Harmon Place NE, Canton, Ohio 44705; Request the following to construct a 22 ft. x 20 ft. (440 sq. ft.) detached residential accessory (garage) structure on the property at 1936 Harmon Place NE:

1. 19 ft. east, side yard variance (25 ft. required – 6 ft. requested).
2. 17 ft. south, rear yard variance (25 ft. required – 8 ft. requested).
3. 132 sq. ft. variance (800 sq. ft. permitted – 932 sq. ft. requested).

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

Article VII, Section 721.3; Lot Requirements.

The property is zoned I-1, Light Industrial District and is located in the Northeast Quarter of Section 34.

There were no attendees for or against the Appeal.

Mr. Soles administered the oath.

Mr. Frank Irwin, 1936 Harmon Place NE, stated that he would like to build a detached garage on his property to store his vehicles and mowers.

Mr. Soles asked where the garage would be located.

Mr. Irwin said the new garage will be on his side lot. He has begun the combination process. The existing garage overhangs the current lot line.

Mrs. Ferencz asked if it was the lot to the West.

Mr. Irwin said not the East.

Mr. Reichel asked if the lots have been combined.

Mrs. Metzger said that Mr. Irwin has begun the process.

Mr. McVay asked if the existing one care garage will stay or go.

Mr. Irwin said stay.

Mr. McVay asked if all of the stuff piled beside the garage will be stored inside.

Mr. Irwin said yes.

Mr. Soles asked what the distance between the old and new garage will be.

Mr. Irwin said about 15 feet.

Mr. Soles asked what the size of the existing garage is.

Mr. Irwin said it is a 12 ft. x 20 ft.

Mr. Soles asked if he could move the new garage up to match the existing garage.

Mr. Irwin said yes.

Mr. Reichel said his suggestion is to make the new garage flush with the old garage.

Mr. Stewart made a motion to table the Appeal until June 1st. Mr. Reichel seconded the motion.

DISCUSSION:

Mrs. Ferencz said she would like to see the plan modified.

Mr. Soles said that the submitted diagram is not accurate. He would like to see a new diagram that shows exactly where the existing garage is located and where the new garage will be located. There is just not enough information to make a decision on the Appeal tonight. He asked if the 2 garages could be combined.

Mr. Irwin said that he never actually went out to measure it.

Mr. McVay said that normally applicants submit a drawing that is to scale.

Mr. Reichel told Mr. Irwin to bring back a site map that has exact measurements on it.

Mrs. Metzger asked the Board when they would like to receive the site plan.

Mr. Soles said by May 13 it should be submitted to the Zoning Department.

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

Appeal #1159-05-A is therefore TABLED.

APPEAL #1160-05-A

Applicant/ Butch Baur, WH Capital, L.L.C., 5986 Financial Drive, Norcross, Georgia 30071 & Owner/ Napier Ohio Development, L.L.C., 5080 Aultman Avenue NW, North Canton, Ohio 44720; Request the following to construct a 22 ft. 8 in. X 78 ft. 8 in. (1,697 sq. ft.) new commercial construction (Waffle House) on a proposed outlot with 100.27 feet of frontage on Whipple Avenue NW currently known as Parcel 55-01551 on Whipple Avenue NW:

1. 18 ft. 5 in. south, side yard variance (25 ft. required – 6 ft. 7 in. requested).

Article VII, Section 713.4; Minimum Lot and Yard Requirements.

The property is zoned B-2, General Business District is located in the Northwest Quarter of Section 19.

There was one attendee for and none against the Appeal.

Mr. Soles administered the oath.

Mr. Butch Baur, 1807 Magnolia Bluff Way, stated that the Waffle House will need a side yard setback variance. They have tried to put the building in other locations, but for safety of ingress and egress this plan works out the best. This is a 24 hour, 7 day a week business. There will be no doors on the back side of the building. The occupant next door to them is a car wash, which doesn't have combustible materials. This new business will bring in about 30 jobs.

Mr. Soles administered the oath.

Mr. Tom Jackson, 1120 Sprucewood, stated that he is the broker for Napier Development and he is here tonight to support Mr. Baur.

Mr. Reichel said that he feels Waffle House is doing the right thing by pushing the building to one side of the lot to prevent traffic concerns. This is a much safer location for everyone. He can see a practical difficulty with this appeal.

Mr. Stewart asked if they would have access from the existing parking lot to the North.

Mr. Baur said yes they have an access easement.

Mr. Reichel asked if the parking lot would have curbing.

Mr. Baur said yes, curb, gutter and landscaping.

Mr. Soles said asked if the building would only sit 6.7 feet from the property line.

Mr. Baur said yes.

Mr. Reichel asked what all would be located on the rear of the building.

Mr. Baur said only electrical stuff.

Mr. Soles asked why he cannot meet the 25 foot setback requirement.

Mr. Baur said that to meet the requirements it would put the building in the center of the lot, which would not leave any room for parking and the entrance/exit would be terrible.

Mrs. Ferencz asked if the parking spaces were at least 18 feet long.

Mr. Baur said yes.

Mrs. Ferencz asked if that was the requirement.

Mrs. Metzger said yes.

Motion by Mr. Stewart,

WHEREAS, Applicant/ Butch Baur, WH Capital, L.L.C., 5986 Financial Drive, Norcross, Georgia 30071 & Owner/ Napier Ohio Development, L.L.C., 5080 Aultman Avenue NW, North Canton, Ohio 44720; requests the following to construct a 22 ft. 8" x 78 ft. 8 in. (1,697 sq. ft.) new commercial construction (Waffle House) on a proposed outlot with 100.27 feet of frontage on Whipple Avenue NW currently known as Parcel 55-01551 on Whipple Avenue NW:

- **18 ft. 5 in. south, side yard variance (25 ft. required – 6 ft. 7 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:

- **18 ft. 5 in. south, side yard variance (25 ft. required – 6 ft. 7 in. requested).**

Seconded by Mr. McVay,

DISCUSSION:

Mr. Soles asked if this is a normal building size.

Mr. Baur said yes, there has not been one bigger or smaller in 50 years.

Mr. Soles said that he is in favor of this appeal. They have shown practical difficulty and the fire department did not make any comments.

Mr. Stewart said he agrees with Mr. Soles.

Mr. Reichel said that Waffle House is a very good neighbor and they have shown practical difficulty.

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

APPEAL #1161-05-A

Applicant/ Harris Day Architects, Inc., 3722 Whipple Avenue NW, Canton, Ohio 44718 & Owner/ Advanced Storage Systems, Erik Johnson, 4051 Whipple Avenue NW, Canton, Ohio 44718; Request the following to construct a permanent ground/monument sign on the property at 4050 Whipple Avenue NW:

1. 60 degree variance (30 degrees permitted – 90 degrees requested)
2. 8 ft. back width variance (5 ft. permitted – 13 ft. requested)

Article VIII, Section 801.9; Measurement of Sign Area.

The property is zoned B-2, General Business District is located in the Northwest Quarter of Section 30.

There were no attendees for or against the Appeal.

Mr. Soles administered the oath.

Mr. Lee King, 6942 Wadsworth Road, stated that he is representing Erik Johnson tonight. They are asking the board for a 60 degree variance and an 8 foot width variance to construct a sign on their property. The sign will be recessed into the grades. This sign will be better visually. The sign will not hold up if constructed the way the regulations are stated. The sign will match the building.

Mr. Reichel asked what the practical difficulty is.

Mr. King said that a sign built at a 30 degree angle it will not hold up. If the sign is built with a 90 degree angle it will prevent water and ice from building up and splitting the sign.

Mr. McVay said that in his testimony in the application he said that the block cannot be cut at a 30 degree angle.

Mr. Reichel said that he agrees it cannot be done.

Motion by Mr. Reichel,

WHEREAS, Applicant/ Harris Day Architects, Inc., 3722 Whipple Avenue NW, Canton, Ohio 44718 & Owner/ Advanced Storage Systems, Erik Johnson, 4051 Whipple Avenue NW, Canton, Ohio 44718; requests the following to construct a permanent ground/monument sign on the property at 4050 Whipple Avenue NW:

- **60 degree variance (30 degrees permitted – 90 degrees requested).**
- **8 ft. back width variance (5 ft. permitted – 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:

- **60 degree variance (30 degrees permitted – 90 degrees requested).**
- **8 ft. back width variance (5 ft. permitted – 13 ft. requested).**

Seconded by Mrs. Ferencz,

DISCUSSION:

Mr. Soles said that he is in favor of the appeal because the block cannot be constructed at a 30 degree angle or it will collapse.

Mr. Reichel said that he agrees.

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

APPEAL #1162-05-A

Applicant & Owner/ Marty & Karla Wilson, 3381 Orion Street NW, North Canton, Ohio 44720; Request a variance to permit an existing unattached accessory (garage) structure to be located in front of the proposed new residential construction (home) on a 3.0253 acre tract of land which is currently known as 3381 Orion Street NW, which is proposed to be divided with 50 feet of frontage on Orion Street NW.

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

The property is zoned R-1, Single Family Residential District is located in the Northeast Quarter of Section 6.

There were no attendees for or against the Appeal.

Mr. Soles administered the oath.

Mr. Marty Wilson, 3381 Orion Street NW, stated that he would like to build a new home on his land, but the only way to locate his new home would be behind the existing garage. He doesn't want to tear down the existing garage because he has put a lot of money into it. His new home will meet all of the setbacks. The house will be located towards the West end of the lot, the East side is full of trees that he doesn't want to take down.

Mr. Reichel asked what will happen to the existing home.

Mr. Wilson said that if the Board approves the appeal he will split the land and sell off the other home.

Mr. Stewart asked if it will be 2 different lots.

Mr. Wilson said yes.

Mr. Soles asked if he could move the barn.

Mr. Wilson said that he doesn't think that the barn can handle the move.

Mr. Soles asked what he has in the barn.

Mr. Wilson said personal tools. He likes to tinker.

Mr. Reichel asked if he has customers.

Mr. Wilson said no it is only personal stuff.

Mr. Reichel asked if the new home will look like others in the area.

Mr. Wilson said yes.

Motion by Mr. McVay,

WHEREAS, Applicants & Owners/ Marty & Karla Wilson, 3381 Orion Street NW, North Canton, Ohio 44720; requests the following:

- **Permit an existing unattached accessory (garage) structure to be located in front of the proposed new residential construction (home) on a 3.0253 acre tract of land which is currently know as 3381 Orion Street NW, which is proposed to be divided with 50 feet of frontage on Orion Street NW.**

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:

- **Permit an existing unattached accessory (garage) structure to be located in front of the proposed new residential construction (home) on a 3.0253 acre tract of land which is currently know as 3381 Orion Street NW, which is proposed to be divided with 50 feet of frontage on Orion Street NW.**

Seconded by Mr. Reichel,

DISCUSSION:

Mr. McVay said that he has shown practical difficulties. The garage is a good usable garage and he does not want to tear it down. He is in favor of this appeal.

Mr. Soles said that the house is back off of Orion and he thinks it will look fine. He has no objections to this appeal.

Mr. Reichel said that if the Board required him to move the garage that would mean he would have to cut down timber.

Mrs. Ferencz said that she agrees.

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

No further business pending the meeting adjourned at 8:04 pm.

PLAIN TOWNSHIP BOARD OF ZONING APPEALS

STEPHANIE A. METZGER, SECRETARY