

**PLAIN TOWNSHIP BOARD OF ZONING APPEALS
PLAIN TOWNSHIP HALL
2600 EASTON STREET NE, CANTON, OHIO 44721
MINUTES OF REGULAR MEETING
AUGUST 3, 2005**

The meeting was called to order by Chairman Bob Soles, with Jim McVay, Bob Stewart, Ginger Ferencz, Fred Rossetti, Steve Peroz and Stephanie Metzger present.

Motion made by Mr. Stewart to approve the minutes of July 6, 2005. Mrs. Ferencz seconded the motion. All members were in favor. Mr. McVay abstained.

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

The following Appeal was heard:

APPEAL #1167-05-A

Applicant/ McIlvried, Didiano & Mox, LLC, 8851 Kind Drive, Pittsburgh, Pennsylvania 15237; Owner/ Schmid Holdings, LLC, 207 North Hillcrest Drive, Wooster, Ohio 44691; Request the following to construct 94 ft. 8 in. x 72 ft. (6,827sq. ft.) new commercial construction (Auto Zone) on the property at 2217 Columbus Road NE:

1. 5 ft. north, rear yard variance (25 ft. required – 20 ft. requested).
2. 19 ft. 3 in. west, side yard variance (25 ft. required – 5 ft. 9 in requested).

Article VII, Section 713.4; Yard Requirements.

The property is zoned B-2, General Business District is located in the Southwest Quarter of Section 26.

There was one attendee against the Appeal.

Mr. Soles administered the oath.

Mr. Joshua Meyer, 8851 Kind Drive, stated that the variance is needed to build an Auto Zone. This is an irregular shaped lot, the structure will need a side and rear yard variance in order to meet all other zoning requirements such as parking.

Mr. Soles administered the oath.

Mr. Jimmie Westfall, 3228 Roosevelt Avenue NE, stated that he neighbors the property to the rear, and before that property owner passed away there was a verbal agreement made to sell the land to Mr. Westfall. The two boys own the property now and Mr. Westfall has no way of getting in contact with them.

Mr. Soles said that this Board cannot do anything about a verbal agreement and they do not have access to the phone number of the property owner.

Mr. Soles asked Mr. Meyer what attempts were made to make the building smaller.

Mr. Meyer said that in order for this type of business to be successful the building needs to be that size.

Mr. Soles asked what type of buffer there would be.

Mr. Meyer said that there will be grass all along the rear of the property and if required they can plant arborvitae.

Mr. Stewart said that he is confused, are they buying a second piece of property?

Mr. Meyer said yes.

Mr. Rossetti asked what the point to that was.

Mr. Meyer said that the house will be demolished.

Mr. Stewart asked if there would be a driveway there.

Mr. Meyer said no, the only access will be off of Columbus Road.

Mr. McVay said that it sounds like Mr. Meyer will be cleaning up that area by purchasing the house and getting rid of it.

Mr. Meyer said that they will clean up the entire mess and plant grass to make it look really nice.

Mr. McVay said that it sounds like a win – win situation for Mr. Westfall.

Mr. Westfall said that he doesn't want semi's to access the property off of Roosevelt.

Mr. Soles said that the only access will be from Columbus Road as Mr. Meyer stated.

Mr. Meyer said that no vehicles will have access onto Roosevelt.

Motion by Mr. Stewart,

WHEREAS, Applicant/ Mcllvried, Didiano & Mox, LLC, 8851 Kind Drive, Pittsburgh, Pennsylvania 15237; Owner/ Schmid Holdings, LLC, 207 North Hillcrest Drive, Wooster, Ohio 44691; requests the following to construct a 94 ft. 8 in. x 72 ft. (6,827 sq. ft.) new commercial construction (Auto Zone) on the property at 2217 Columbus Road NE:

- **5 ft. north, rear yard variance (25 ft. required – 20 ft. requested).**
- **19 ft. 3 in. west, side yard variance (25 ft. required – 5 ft. 9 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:

- **5 ft. north, rear yard variance (25 ft. required – 20 ft. requested).**
- **19 ft. 3 in. west, side yard variance (25 ft. required – 5 ft. 9 in. requested).**

Seconded by Mrs. Ferencz,

DISCUSSION:

Mrs. Ferencz said that it sounds like a good use of the land, since it is an odd shaped property.

Mr. Stewart said that the Township Trustees like to help new businesses out in the township and he agrees with Mr. McVay that this will be a win – win situation.

Mr. Soles said that according to Mr. Meyer's testimony, he has shown practical difficulty and he would be in favor of this appeal.

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

Appeal #1167-05-A is therefore APPROVED.

No further business pending the meeting adjourned at 7:20 pm.

PLAIN TOWNSHIP BOARD OF ZONING APPEALS

STEPHANIE A. METZGER, SECRETARY