

**PLAIN TOWNSHIP BOARD OF ZONING APPEALS
PLAIN TOWNSHIP HALL
2600 EASTON STREET NE, CANTON, OHIO 44721
MINUTES OF REGULAR MEETING
SEPTEMBER 7, 2005**

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

Motion made by Mr. Stewart to approve the minutes of August 3, 2005. Mrs. Ferencz seconded the motion. All members were in favor. Mr. Reichel abstained.

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

The following Appeal was heard:

APPEAL #1168-05-A

Applicant & Owner/ Joel Dine, 3021 Westmoreland Street NW, Canton, Ohio 44718; Request the following to split the lot at 4071 Martindale Road NE:

1. 27 ft. lot width variance (50 ft. required – 23 ft. requested).

Article VII, Section 702.3; Minimum Lot & Yard Requirements.

The property is zoned R-1, Single Family Residential District is located in the Northeast Quarter of Section 27.

There were no attendees for or against the Appeal.

Mr. Soles administered the oath.

Mr. Joel Dine, 3021 Westmoreland Street NW, stated that he needs to get a variance to divide the property. He has sold the property on land contract, but he still needs access to get back to his property.

Mr. McVay said that the only problem that he sees is that the lot doesn't meet the minimum size requirement, which it never has, but Mr. Dine still needs a lane to get back to his building.

Mr. Dine said that he has owned the property for over 40 years and his parents owned it before him and it was always just 23 feet wide.

Mr. Soles asked if he owns the 2 houses at 4057 & 4075 Martindale.

Mr. Dine said yes.

Mr. Soles asked him when he subdivided the property.

Mr. Dine said that it has always been that way. Years ago he put up a fence and planted hedges to show the property lines.

Mrs. Ferencz asked if the metal storage building would remain.

Mr. Dine said yes.

Mr. Soles asked if 4057 Martindale was still titled in his name.

Mr. Dine said yes, but 4075 Martindale is not, it is under land contract.

Mr. Soles asked if he looked into resurveying the property and splitting it a different way.

Mr. Dine said no, the property has already been sold like this under land contract.

Mr. Reichel said that the swimming pool makes it difficult to resurvey the lot.

Mr. Stewart asked if the 23 foot frontage has a separate address.

Mr. Dine said yes, 4071 Martindale.

Mrs. Ferencz asked how close the pool is.

Mr. Dine said roughly 15 feet away and then the property on the other side has a garage and driveway.

Mr. McVay asked if 4071 Martindale is a buildable lot.

Mr. Dine said no, nothing on that property can change because it is in a flood plane.

Mr. McVay asked how the storage building got there.

Mr. Dine said it was there way before the County determined that it was a flood plane.

Motion by Mr. McVay,

WHEREAS, Applicant & Owner/ Joel Dine, 3021 Westmoreland Street NW, Canton, Ohio 44718; requests the following to split the lot at 4071 Martindale Road NE:

- **27 ft. lot width variance (50 ft. required – 23 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:

- **27 ft. lot width variance (50 ft. required – 23 ft. requested).**

Seconded by Mr. Reichel,

DISCUSSION:

Mr. Reichel said that this property has been in existence for a long time and Mr. Dine has used this lane for 40 some years, there is no one here to object this and he has a difficulty on both sides of the lane so he has no problem with this appeal.

Mrs. Ferencz said that he has shown practical difficulty.

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

Appeal #1168-05-A is therefore APPROVED.

APPEAL #1169-05-A

Applicant/ Angeleana Carson, 7724 Heatherview Street NW, Massillon, Ohio 44646; Owner/ Gust Petrakis, 4130 50th Street NW, Canton, Ohio 44718; Requests a Conditional Use Certificate for a Child Day Care Center on the property at 3110 Whipple Avenue NW.

Article VII, Section 713.2 B; Conditionally Permitted Uses.

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

There were no attendees for or against the Appeal.

Mrs. Angeleana Carson, 7724 Heatherview Street NW, stated that she needs a Conditional Use Certificate to do a Child Day Care Center at 3110 Whipple Avenue NW. They will be leasing 3 of the 9 spaces, and they have met all of the Conditional Use requirements.

Mr. Reichel asked what the prior business was.

Mrs. Carson said Protecto car wash.

Mr. Reichel asked which units she will have.

Mrs. Carson said units 6-8 on the far end of the building.

Mr. Reichel asked if there would be a grassy area inside of the fence for the kids to play.

Mrs. Carson said yes.

Mr. Reichel asked who would be in charge.

Mrs. Carson said that she would, but she will have an administrator run the center.

Mrs. Ferencz asked what the ratio of adults is.

Mrs. Carson said that they will have a maximum of 25 adults. Right now they have to have a certain number of adults per children and their ages. So far they have 6 staff members, plus her husband, mother and herself.

Motion by Mr. Stewart,

WHEREAS, Applicant/ Angeleana Carson, 7724 Heatherview Street NW, Massillon, Ohio 44646; Owner/ Gust Petrakis, 4130 50th Street NW, Canton, Ohio 44718; requests the following:

- **Conditional Use Certificate for a Child Day Care Center on the property at 3110 Whipple Avenue 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:

- **Conditional Use Certificate for a Child Day Care Center on the property at 3110 Whipple Avenue NW.**

Seconded by Mr. Reichel,

DISCUSSION:

Mr. Soles said that she has identified all of the issues and has met all of the Conditional Use requirements so he would be in favor.

Mr. Reichel said that he agrees.

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

Appeal #1169-05-A is therefore APPROVED.

No further business pending the meeting adjourned at 7:41 pm.

PLAIN TOWNSHIP BOARD OF ZONING APPEALS

STEPHANIE A. METZGER, SECRETARY