

**PLAIN TOWNSHIP BOARD OF ZONING APPEALS
PLAIN TOWNSHIP HALL
2600 EASTON STREET NE, CANTON, OHIO 44721
MINUTES OF REGULAR MEETING
OCTOBER 5, 2005**

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

Motion made by Mrs. Ferencz to approve the minutes of September 7, 2005. Mr. Stewart seconded the motion. All members were in favor. Mr. Rossetti abstained.

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

The following Appeal was heard:

APPEAL #1170-05-A

Applicant & Owner/ Rudy Diotale, 6608 Wise Avenue NW, North Canton, Ohio 44720; Request the following to convert an existing residential dwelling into a commercial use at 1318 Terrace Road NW:

1. 7,162 sq. ft. lot area variance (20,000 sq. ft. required – 12,838 sq. ft. requested).
2. 30 ft. lot width at the building line variance (100 ft. required – 70 ft. requested).
3. 7 ft. north side yard variance (25 ft. required – 18 ft. requested).
4. 20 ft. south side yard variance (25 ft. required – 5 ft. requested).
5. 5 ft. side yard landscape strip waiver where 5 ft. of landscaping is required between the parking area and the street right-of-way line for Terrace Road NW (5 ft. required – 0 ft. requested).

Article VII, Section 713.3; Lot Requirements.

Article VII, Section 713.4; Yard Requirements.

Article IX, Section 901.2 E 3; Parking Yard Restrictions.

The property is zoned B-2, General Business District is located in the Southwest Quarter of Section 7.

There were no attendees for and one against the Appeal.

Mr. Reichel administered the oath.

Mr. Rudy Diotale, 6608 Wise Avenue NW, stated that he is the owner of the property in question. The property is currently zoned B-2, but over the years the setback requirements have changed and as the structure sits in today's regulations, it needs a variance. Eadies PDQ has been in business for over 40 years. He purchased this property about 3 years ago and has renovated it, he would like to further update it by using it as a business. With this new location, Eadies PDQ will be a year round business and will employ about 20 people. They have met all of the RPC, Health Department, and County rules and regulations.

Mr. Reichel administered the oath.

Mr. Virgil Stutler, 1308 Terrace Road, stated that he had some questions regarding the 5 foot landscape strip variance on the East side of the property. He wants to know if Mr. Diotale can extend the fence to the maximum amount that is possible. Also, will the lighting shine on his property? He is fine with the business.

Mr. Reichel asked if he could put up a wooden fence.

Mr. Diotale said he has no problem putting up a fence; he will put up a double lattice fence.

Mr. Stutler asked if the light will shine through the fence onto his property.

Mr. Diotale said no, all the lighting will be facing the business.

Mrs. Ferencz asked if the sit down area will be inside of the house.

Mr. Diotale said yes, part A on the drawing will be the indoor dining.

Mr. McVay asked if the business will be ran all year.

Mr. Diotale said yes, the ice cream will be in the summer time at the existing location and the food will be all year at the new location.

Mr. McVay asked if he owns both properties.

Mr. Diotale said no, he leases the existing location and owns the new location.

Mr. McVay said that he does not like the parking setup on Terrace where it is blacktop to blacktop.

Mr. Diotale said that he is just following RPC, Subdivision Engineer and Zoning requirements.

Mr. McVay asked if they could have a back entrance onto the property and eliminate the last few parking spaces.

Mr. Diotale said no, the delivery trucks need to get in and then it would make the vehicles headlights shine right on Mr. Stutler's property.

Mr. Stutler said that he prefers the parking the way it is set up now.

Motion by Mr. Stewart,

WHEREAS, Applicant & Owner/ Rudy Diotale, 6608 Wise Avenue NW, North Canton, Ohio 44720; requests the following:

- **7,162 sq. ft. lot area variance (20,000 sq. ft. required – 12,838 sq. ft. requested).**
- **30 ft. lot width at the building line variance (100 ft. required – 70 ft. requested).**
- **7 ft. north side yard variance (25 ft. required – 18 ft. requested).**
- **20 ft. south side yard variance (25 ft. required – 5 ft. requested).**
- **5 ft. side yard landscape strip waiver where 5 ft. of landscaping is required between the parking area and the street right-of-way line for Terrace Road NW (5 ft. required – 0 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:

- 7,162 sq. ft. lot area variance (20,000 sq. ft. required – 12,838 sq. ft. requested).
- 30 ft. lot width at the building line variance (100 ft. required – 70 ft. requested).
- 7 ft. north side yard variance (25 ft. required – 18 ft. requested).
- 20 ft. south side yard variance (25 ft. required – 5 ft. requested).
- 5 ft. side yard landscape strip waiver where 5 ft. of landscaping is required between the parking area and the street right-of-way line for Terrace Road NW (5 ft. required – 0 ft. requested).

Seconded by Mr. Reichel,

DISCUSSION:

Mr. Reichel said that as long as Mr. Diotale adds a fence down to the right-of-way to be a good neighbor he has proved a hardship with where the house is situated, so he would be in favor of this appeal.

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

Appeal #1170-05-A is therefore APPROVED.

No further business pending the meeting adjourned at 7:40 pm.

PLAIN TOWNSHIP BOARD OF ZONING APPEALS

STEPHANIE A. METZGER, SECRETARY