

**PLAIN TOWNSHIP BOARD OF ZONING APPEALS  
PLAIN TOWNSHIP HALL  
2600 EASTON STREET NE, CANTON, OHIO 44721  
MINUTES OF REGULAR MEETING  
MARCH 5, 2008**

The meeting was called to order by Chairman James McVay, with Dimitrios Pousoulides, Bob Stewart, Robert Soles, Tim Reichel, Jeff Sutton and Steve Peroz present.

Motion was made by Mr. Reichel to approve the minutes of February 6, 2008. Mr. Stewart seconded the motion. All members were in favor.

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

Mr. Peroz read the zoning department comments into the record.

The following Appeal was heard:

**APPEAL #1193-08-A**

Applicant & Owner/ Caneel Development, Ltd. 303 14<sup>th</sup> Street NE, Canton, Ohio 44714; Requests the following to construct a 49 ft. 4 in. x 80 ft. (3,825 sq. ft) new commercial building at 4609 Cleveland Avenue NW (Parcel #52-00655):

- 13 ft. 8 in. rear yard variance (25 ft. required – 11 ft. 4 in. requested).

Article VII, Section 713.4, Lot Requirements & Yard Requirements.

The property is zoned B-2, General Business District and is located in the Southeast Quarter of Section 20.

There were no attendees for or against the appeal.

Mr. McVay administered the oath.

Mr. David Patterson, 600 Market Avenue N, stated that he is with Motter & Meadows Architects in Canton. He said that this is a unique situation where the property owners are the same. And while it may be a good idea to combine the lots for simplification, but from his understanding they are separate ownership, even though related. And for tax purposes they would like to keep those properties separated. If need be, they could provide an easement for the original building that is one foot onto the rear of this property. This property is not a large property, just a little over a half an acre. The plan is that it will be an office building. The main focus was creating an office building with the proper layout. They could have created a building that met setbacks, but it would have been a long, narrow building more like a retail plaza. And it would not be conducive for their operations. That was the main focus on why the building was designed and the footprint is what it is. They did look at the contacts around it, some parking is in the front, some on the sides. This client wanted to be seen and viewed from Cleveland Avenue as well as having parking in front so they could monitor the parking from inside the office. Another reason is they are going to occupy both buildings, this one to run the administration aspects and the building encroaching will be the storage operations and warehousing.

Mr. Reichel said that he answered his question regarding the building in the back. It will be tied together, the same entity. It looks like a nice structure.

Mr. McVay said if this problem was created years ago, why wouldn't we want to correct this problem now by having it resurveyed and moving that lot line maybe another foot. We don't know what's going to happen another 25 to 30 years from now. Let's say they decide they want to separate those buildings and sell them as separate parcels we still have the problem. Why can't they be resurveyed so that the building on 46<sup>th</sup> Street is on its own parcel 100 percent.

Mr. Patterson said that he would have to defer to the owners for that, it can be done or there could be an easement created for that purpose as well.

Mr. McVay said that he is just looking down the road...someday there may not be the same owners, so why not take care of that problem now.

Mr. Soles asked who would be occupying the building.

Mr. Patterson said Spring Electric Company and Spring Realty.

Mr. McVay asked is Stark Security would be vacating the building behind them.

Mr. Patterson said they have been out for 6 months to a year.

Mr. Soles asked why it was important to have the parking in the front verses moving the building forward and providing parking on the side.

Mr. Stewart said that according to the diagram there in an ingress and egress out onto Cleveland Avenue, this property abuts 46<sup>th</sup> Street; will there be an entrance onto 46<sup>th</sup> Street too?

Mr. Patterson said yes it abuts 46<sup>th</sup> Street, but there will not be an entrance onto 46<sup>th</sup> Street.

Mr. Reichel asked if they could answer Mr. Soles question.

Mr. Patterson said they did initially design it that way, but in working with the Spring's, they wanted to get the parking in the front so they could see the parking from the reception area, which is at the front door. They didn't want it off to the side where they couldn't see who was coming and going. And they also wanted their parking to be seen from Cleveland Avenue, they wanted easy visibility to the front entrance from the parking area coming from Cleveland Avenue.

Mr. Pousoulides asked what the difference was from the RDM Spring Realty Company and Caneel Development LTD.

Mr. Patterson said he doesn't know.

Mr. McVay administered the oath.

Mr. Dan Spring, 303 14<sup>th</sup> Street NE, stated that the difference between the two partnerships is there are three partners in Caneel and RDM Spring Realty has the three of us plus the two other ones that are now retired.

Mr. Pousoulides asked if the plan was to build the new building on Cleveland Avenue and move the Spring Electric business into that building.

Mr. Spring said he would move both businesses into the office and the warehouse would be used for both businesses as well.

Mr. Pousoulides said that it is going to be a combination that the building the Board is looking at is going to be for both Spring Realty and Spring Electric and then the property on 46<sup>th</sup> Street is going to be used for whatever warehouse activity. And this will not be leased out to anybody; it will be used for the purposes of Spring Realty and Spring Electric. This is just going to be for Spring. Are they planning on using all of this space, they actually need all of the new building space.

Mr. Spring said that is the hope, yes. It's not designed for separate entrances; it all goes into a common reception area. The right will be Spring Realty's side and the left will be Spring Electric side and the conference room is shared.

Mr. Soles asked why can't the building be moved forward and the parking on the side.

Mr. Spring said security is the main reason. They like to be able to see who is coming and going. That is how the office is set up now.

Mr. McVay asked if it was a problem to have that parcel resurveyed where the lot line is clear cut for the building behind.

Mr. Spring said he doesn't (inaudible).

Mr. McVay administered the oath.

Mr. Fritz Spring, 303 14<sup>th</sup> Street NE, stated that in the long run those properties will probably be converged into one entity. But he doesn't have a crystal ball to say that that's the case. He has owned that property for 4 years (inaudible) there are no plans on disposing the rest of the property. Expansion they are looking for is needed, and parking is an issue mainly from requests from older people. Currently their parking is not by the front door, and they get a lot of people making that comment. It would be nice this time of year to park by the front door.

Mr. Stewart asked where the Real Estate business is located now.

Mr. Fritz Spring said is at 303 14<sup>th</sup> Street.

Mr. Soles asked if there was any concern about fire trucks getting in between the buildings in the rear given there is only 10 feet.

Mr. Fritz Spring said no traffic will only be on the south of one building and on the north of the other building, and for the warehouse people it will be on the south, west and north it already exists. There aren't that many people presently working out of that warehouse and that will not expand. The parking in the front is for the customers.

Mr. Soles said he was referring to a fire situation, a lot of times they will hear from the fire department. Sometimes they will complain that the two buildings are too close together and they can't get through. They must have felt that the access from 46<sup>th</sup> Street and Cleveland gives them enough access to both sides.

Mr. McVay said that if there is a fire back there, they may want to get the trucks as close as they can.

Mr. Steve Peroz said that zoning thinks it's a good improvement of the property. There is an old gas station building still there and Farmer Chuck's been there which isn't the most aesthetically pleasing business. We think, we like that this building fits in there and we think it's a good improvement. I don't want to give you the impression that zoning doesn't like this, because we do like the building and everything. And it is an improvement for that lot, that section there.

Mr. Reichel asked about Farmer Chuck.

Mr. Peroz said we like Farmer Chuck and he's been there a long time and he's moved a little further down, he's got a spot down there.

Mr. McVay asked Mr. Peroz if the statement he made in his letter was not a deal killer.

Mr. Peroz said no, it's something that happened before zoning so legally there's nothing, I mean it would be nice to have it, but they like you're talking about, I thought about them moving the lines, so at least it would violate setbacks on our present zoning, but at least it would be on that property. But the way we look at things is there's parcels, even if somebody owns both parcels. Because Mary Ann Donuts they wanted to do an addition and they never combined those lots and I told them they had to do that to make their condition to do that that addition. And we like that. It kind of cleans up things that happened before zoning but it's not something that we can really enforce it's not illegal or anything because it happened before zoning. It's just really a suggestion; you know that would just clean it up a little bit.

Mr. Fritz Spring (inaudible)

Mr. McVay asked if he wanted to correct that at this time. Move the line, have it resurveyed and have that line moved over and make sure 100 percent of that back building is on it's own parcel.

Mr. Fritz Spring said not at the present time. In the long run it may end up merging.

Mr. McVay said then there would be a problem because there would be two principal buildings on one parcel.

Mr. Peroz said that technically is. There could be problems like additions and things like that like we had with Mary Ann Donuts that you know you can't, you know in the future there could be some problems depending on if you wanted to add on or something and things like that.

Mr. Fritz Spring said he understands that and recognizes that issue and his comment is he will correct (inaudible).

Mr. Stewart said his only question is on the two exits, access roads, is there going to be one way in and out on that parking lot. Why is there a need for two exits there.

Mr. Spring (?) said there are two exits there presently.

Mr. Stewart said so they are just leaving it the way they are.

Motion by Mr. Reichel,

WHEREAS, Applicant & Owner/ Caneel Development, Ltd. 303 14<sup>th</sup> Street NE, Canton, Ohio 44714; Requests the following to construct a 49 ft. 4 in. x 80 ft. (3,825 sq. ft) new commercial building at 4609 Cleveland Avenue NW (Parcel #52-00655):

- **13 ft. 8 in. rear yard variance (25 ft. required – 11 ft. 4 in. requested).**

\*Please note the commercial building to the West of this property, was built over the property line by one (1) foot. Therefore, the new commercial building at 4609 Cleveland Avenue NW would actually be located 10 ft. 4 in. from the existing building located at 2125 46<sup>th</sup> 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:

- **13 ft. 8 in. rear yard variance (25 ft. required – 11 ft. 4 in. requested).**

Seconded by Mr. Stewart,

DISCUSSION:

Mr. Soles said that he would just like to say that he listened to the testimony that was provided this evening and based upon the testimony of Mr. Spring he would be in favor of granting the variance on the basis that they have met the practical difficulty standard relative to the nature of their business and how they conduct it and security reasons and issues concerning their customer base. Based upon that and the fact that they do own the building to the rear and it has ingress and egress through 46<sup>th</sup> Street he would be in favor of the appeal.

Mr. Reichel said he agrees with the Zoning Director, Mr. Peroz, they shouldn't be penalized for what happened before zoning and that this structure would be a benefit to try to clean up that area.

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

Appeal #1193-08-A is therefore APPROVED.

No further business pending the meeting adjourned at 7:35 pm.

**PLAIN TOWNSHIP BOARD OF ZONING APPEALS**

**STEPHANIE A. METZGER, SECRETARY**