

**PLAIN TOWNSHIP BOARD OF ZONING APPEALS
PLAIN TOWNSHIP HALL
2600 EASTON STREET NE, CANTON, OHIO 44721
MINUTES OF REGULAR MEETING
JUNE 4, 2008**

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

Motion was made by Mr. Stewart to approve the minutes of April 2, 2008. Mr. Sutton seconded the motion. All members were in favor. Mr. Reichel, Mr. Soles, and Mr. Pousoulides abstained.

Mr. Pousoulides read the statement of duties.

Mr. McVay expressed the fire department comments into the record.

The following Appeal was heard:

APPEAL #1195-08-A

Applicant & Owner/ Rick & Susan Kmetz, 3410 Overhill Drive NW, Canton, OH 44718; Requests the following to construct a 24 ft. x 40 ft. (960 sq. ft) residential detached accessory building (garage) at 3410 Overhill Drive NW (Parcel #52-15243):

- 280 sq. ft. variance (680 sq. ft. permitted – 960 sq. ft. requested).

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

The property is zoned R-1, Single Family Residential District and is located in the Southeast Quarter of Section 30.

There were no attendees for and one against the appeal.

Mr. McVay administered the oath.

Mr. Rick Kmetz, 3410 Overhill Drive NW, stated that he needs the variance of additional garage space because he has a large family and they all have vehicles. At the house where they currently reside, they have a 24' x 40' garage and all of their vehicles, lawn equipment, go cart and atv fit in it. He likes to keep the appearance of his home in a neat order. He has an architects drawing showing what the garage will look like. It is designed to blend in with the home. He has gone to the Avondale Homeowners Association and has their approval letter.

Mr. Reichel said that he has answered his number one question, which is did the Homeowners Association approve the garage. This man has done his homework and he commends him for that.

Mr. McVay asked if he was to build the garage 12 feet shorter and have a 24' x 28' then he would not have to ask for a variance, what would he do if the Board said no tonight.

Mr. Kmetz said that he would have to park some of his vehicles outside and put some items behind his garage which would not keep the property looking nice and neat and up to Avondale standards. He has that size of garage currently and everything fits inside and the property looks nice.

Mr. Soles asked if he would have a business there.

Mr. Kmetz said no. He has a property for his small construction business.

Mr. Stewart asked if he considered attaching the garage to the home.

Mr. Kmetz said that the only way he could attach the garage to the home is by a breezeway and it would not be very attractive due to the layout of the land. The property is surrounded by trees, and by building it this way it will be more presentable.

(Mr. Daane came in the door about 7:15pm)

Mr. McVay administered the oath.

Mr. Robert Daane, 3547 Overhill Drive NW, stated that he is a member of the Board of Trustees of Avondale. He said that the Association had already approved Mr. Kmetz to build the garage, but they were unaware that he needed a zoning variance. The Association would like to ask this Board tonight to postpone their decision until there Homeowner's Association has time to review everything.

Mr. Pousoulides asked if the Association was aware that there was a zoning issue.

Mr. Daane said the Association was not told there was a zoning issue. He is not saying that the Association will not grant Mr. Kmetz plan again, they would just like to review it.

Mr. Reichel asked if he was asking for a continuance.

Mr. Daane said yes, he can call an emergency meeting with the Board of Trustees of Avondale.

Mr. Soles said that these two Boards act independently. If this Zoning Board passes the appeal tonight, Mr. Kmetz still has to get approval from the Homeowner's Association.

Mr. Daane said that they understand that, they were unaware that this structure needed a variance.

Mr. Soles asked why there are no neighbors here if they have concerns. If this was not presented in the proper way then the Homeowner's Association will have to deal with that independently. This Board is only deciding on the Zoning issues, not the Homeowner's Association regulations.

Mr. McVay asked when this was advertised.

Mrs. Metzger said it was advertised Saturday, May 24th in the newspaper.

Mr. McVay asked if Mr. Kmetz knew he needed a variance.

Mrs. Metzger said no, Mr. Kmetz had built the same size structure on his previous property a few years ago and it was permitted. The Zoning Regulations changed in April of 2006. Mr. Kmetz was unaware of the change until he came to the Zoning Department to pull his permit after he had already obtained approval from the Homeowner's Association.

Mr. McVay said that these are 2 independent Boards.

Mr. Kmetz said that he plans on moving June 28th and had put everything on hold because he was waiting for tonight's approval.

Mr. Daane said that a good compromise would be to approve Mr. Kmetz appeal tonight based upon Avondale Homeowner's Associations decision.

Mr. Soles said that we cannot do that. These Board's operate independently. If this Board approves it and then the Association denies it, then Mr. Kmetz cannot build.

Mr. Daane said the Association has already approved the dimensions and the plans.

Mr. Soles said if he is asking for an extension to allow the people to come object then that is not fair, they were all properly notified back in May via mail and publication in the local newspaper.

Mr. Daane said they are not opposed to Mr. Kmetz, they just want time to review it.

Mr. McVay said that even if the Homeowners turn this down, that doesn't mean that the Board of Appeals had to turn down this appeal.

Mr. Soles said that if the size of the garage is an issue, then that is up to the Homeowner's Association.

Mr. Daane said that the plans have been approved as submitted.

Mr. Kmetz said that those plans that were approved are the same plans he is presenting here tonight. The Avondale Homeowner's Association had his plans for 5 weeks, he has set up a build and move in date this month. He has to get this garage done so he has somewhere to put all of his items. The Association had his prints and everything for their review.

Motion by Mr. Soles,

WHEREAS, Applicant & Owner/ Rick & Susan Kmetz, 3410 Overhill Drive NW, Canton, OH 44718; Requests the following to construct a 24 ft. x 40 ft. (960 sq. ft) residential detached accessory building (garage) at 3410 Overhill Drive NW (Parcel #52-15243):

- **280 sq. ft. variance (680 sq. ft. permitted – 960 sq. 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:

- **280 sq. ft. variance (680 sq. ft. permitted – 960 sq. ft. requested).**

Seconded by Mr. Reichel,

DISCUSSION:

Mr. Stewart said that in view of the testimony, the Homeowner's Association has already okayed this structure, this is a nice addition and he doesn't see a reason to delay Mr. Kmetz from building it, if the Association wants to delay or reconsider then that is up to their independent Board not this Board.

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

Appeal #1195-08-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