PLAIN TOWNSHIP BOARD OF ZONING APPEALS
PLAIN TOWNSHIP HALL
2600 EASTON STREET NE, CANTON, OHIO 44721
MINUTES OF REGULAR MEETING
NOVEMBER 5, 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. Reichel to approve the minutes of August 6, 2008. Mr. Stewart seconded the motion. All members were in favor, Mr. McVay abstained.

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

The following Appeal was heard:

APPEAL #1198-08-A

Applicant/ Judy Druckenbrod, 4110 Hills & Dales Road NW, Canton, Ohio 44708-1662 & Owner/ Timothy M. & Mary A. Tamek, 6465 Hawthorne Drive, Andover, OH 44003; Requests the following to construct approximately 891.4 square foot in commercial additions on the property located at 4110 Hills & Dales Road NW, Parcel #52-06411:

- 17 ft. north, front yard setback variance (40 ft. required – 23 ft. requested).
- 22 ft. south, rear yard setback variance (50 ft. required – 28 ft. requested)
- 37 ft. east, side yard setback variance (50 ft. required – 13 ft. requested)

Article VII, Section 712.4, Minimum Lot & Yard Requirements.

The property is zoned B-1, Neighborhood Business District and is located in the Northwest Quarter of Section 31.

There was one attendee for and none against the appeal.

Mr. McVay administered the oath.

Mr. Theodore Manfrass, 101 Parkway North, Ravenna, Ohio 44266, stated that he is the architect. Judy has owned the Dairy Queen for almost 3 years now. DQ Corporate has changed their corporate design and Judy would like to upgrade. He has upgraded 5 other Dairy Queen's in Ohio and all of them have seen an increase in business. The footprint of this building will now allow additional business. There is limited storage inside of the building, so they currently use an accessory building to store items in. With this variance they are proposing 3 separate additions onto the building. There will be a small one on the Northeast side, it will go out approximately 4 feet and keep in line with the East side of the building. There will be a 5 foot addition onto the West side of the building which will allow for ADA bathrooms and food prep area for expansion. There is a previous 8 foot addition on the rear of the building that will be removed. It will be replaced with an 11 foot South side addition for a pantry area, walk in cooler and freezer section. The staff will have more room with this expansion.

Mr. Theodore Manfrass (continued)
When the original building was built Fulton was a 2 lane highway, when they expanded Fulton they took an additional 30 feet for the right of way which is why they now need a front yard variance. The addition will not be any closer to the road, it will be flush with the existing building. Currently the South side of the property has a drive-thru lane and a by-pass lane. There is no need for the by-pass lane because all of the customers park on the West side of the building and the employees park on the East and South side of the building.

Mr. Reichel asked who the Timothy & Mary Tamek are.

Mr. Manfrass said they own the property, Judy owns the business.

Mr. Reichel asked if Judy lives directly South of the DQ, and if there was any noise.

Mr. Manfrass said that there is a 17 foot strip of land owned by East Ohio Gas and then Judy's house. There is also a row of hedges that provide a sound barrier. Dairy Queen closes at 10pm so there is no speaker noise late at night.

Motion by Mr. Soles,

WHEREAS, Applicant/ Judy Druckenbrod, 4110 Hills & Dales Road NW, Canton, Ohio 44708 & Owner/ Timothy M. & Mary A. Tamek, 6465 Hawthorne Drive, Andover, OH 44003; Requests the following to construct approximately 891.4 square foot in commercial additions on the property located at 4110 Hills & Dales Road NW, Parcel #52-06411:

- **17 ft. north, front yard setback variance (40 ft. required – 23 ft. requested).**
- **22 ft. south, rear yard setback variance (50 ft. required – 28 ft. requested).**
- **37 ft. east, side yard setback variance (50 ft. required – 13 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:

- **17 ft. north, front yard setback variance (40 ft. required – 23 ft. requested).**
- **22 ft. south, rear yard setback variance (50 ft. required – 28 ft. requested).**
- **37 ft. east, side yard setback variance (50 ft. required – 13 ft. requested).**

Seconded by Mr. Reichel,

DISCUSSION:

Mr. McVay said that this is a perfect example of a variance. Nothing can ever be built on the property to the South, nothing will ever be built on the property to the East because the school is there and the front setback will not change. He thinks this will be good for the neighborhood.

Mr. Reichel said that according to the drawings submitted this will be an asset to the neighborhood and the township

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

Seconded by Mr. Sutton,

Appeal #1198-08-A is therefore APPROVED.

No further business pending the meeting adjourned at 7:22 pm.

PLAIN TOWNSHIP BOARD OF ZONING APPEALS

STEPHANIE A. METZGER, SECRETARY