

North Canton City Council  
Community and Economic Development Committee

Resolution No. 2 – 2015

A resolution dismissing the appeal of North Canton's Planning Commission's approval of a conditional use permit, Hoover District South Parking Lot, PC403-14CU.

WHEREAS, Rosie Angelo, Michael Angelo, Clara Draper, Paula Blane, Deborah Patterson, Lyssa Darrah, Jeffrey Darrah, Thomas Hammen, Linda Hammen, Kelly Beck-Powell, Rita Palmer, Gretchen Bencan, Melanie Roll, James Blaine, Maria Harris, Charles Osborne, and Norma Boscia, (collectively, the "Applicants"), appealed to City Council the Planning Commission's October 8, 2014, approval of a Conditional Use Permit, Hoover District South Parking Lot, PC403-14CU, (the "Permit"); and

WHEREAS, prior to undertaking a the review of the Planning Commission's decision to approve the Permit, City Council must first determine which Applicants, if any, have standing to appeal the Planning Commission's decision; and

WHEREAS, according to the Supreme Court of Ohio, each Applicant has the burden of proving standing to appeal; and

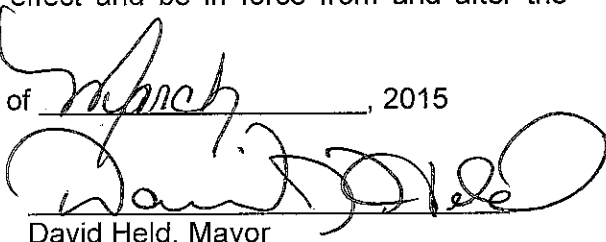
WHEREAS, upon City Council's consideration of the requirements necessary to demonstrate standing to appeal the Planning Commission's decision, as provided by the Supreme Court of Ohio and Ohio's courts of appeal, together with its analysis of the relevant Planning Commission's meeting minutes, and the Applicants' application for appeal, it determined that none of the Applicants demonstrated standing to appeal the Planning Commission's decision to approve the Permit; and

WHEREAS, given all of these factors, City Council is compelled to dismiss the Applicants' appeal of the Planning Commission's decision to approve the Permit:

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

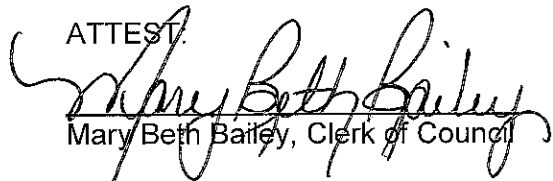
- Section 1. That upon review and careful contemplation of all of the factors described above, the Council of the City of North Canton, Ohio, hereby finds that each Applicant lacks standing to appeal the Planning Commission's October 8, 2014, approval of the Conditional Use Permit, Hoover District South Parking Lot, PC403-14CU.
- Section 2. That because each Applicant lacks standing to appeal the Planning Commission's October 8, 2014, approval of the Permit, City Council is compelled to dismiss Applicants' appeal.
- Section 3. That if a provision of this resolution is or becomes illegal, invalid, or unenforceable, that shall not affect the validity or enforceability of any other provision of this resolution.
- Section 4. That this resolution is shall take effect and be in force from and after the earliest period allowed by law.

Passed in Council this 23<sup>rd</sup> day of March, 2015



David Held, Mayor

SIGNED: 3-23, 2015

ATTEST:  
  
Mary Beth Bailey, Clerk of Council