

CLERK OF COURTS
STARK COUNTY, OHIO
2015 APR 22 PM 1:07

IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

CHARLES OSBORNE
307 Fairview Street NE
North Canton, Ohio 44720

and

RITA PALMER
307 Fairview Street NE
North Canton, Ohio 44720

and

MARIA HARRIS
325 Fairview Street NE
North Canton, Ohio 44720

Appellants,

vs.

CITY OF NORTH CANTON
C/O Mayor David Held
145 North Main Street
North Canton, OH 44720

and

NORTH CANTON PLANNING COMMISSION
145 North Main Street
North Canton, OH 44720

Appellees.

CASE NO: **15CV00824**

JUDGE: **Farmer**

NOTICE OF ADMINISTRATIVE
APPEAL

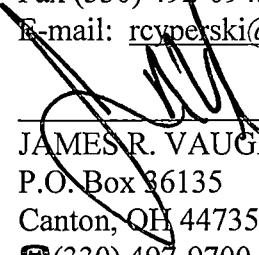
Pursuant to Ohio Revised Code Chapters 2505 and 2506, Charles Osborne, Rita Palmer and Maria Harris (Appellants), hereby give Notice of their Appeal on questions of law and fact, to the Stark County Common Pleas Court from the March 23, 2015 decision of the North Canton

ENTERED BY 12

City Council denying the appeal and upholding the decision of the North Canton Planning Commission dated March 23, 2015 to grant a conditional use and site plan application for the Maple Commerce Hoover District South Parking Lot Expansion. (A true copy of each decision is attached hereto).

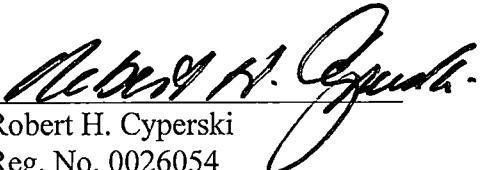
Respectfully submitted,


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Attorneys for Appellants

CERTIFICATE OF SERVICE

The forgoing Notice of Administrative Appeal was filed with the Appellees via hand-delivery on April 22, 2015 at the addresses indicated in the caption hereof.


Robert H. Cyperski
Reg. No. 0026054



City of NORTH CANTON, OHIO

145 NORTH MAIN STREET
NORTH CANTON OHIO 44720-2587
(330) 499-3465
PLANNING COMMISSION

TO: All Council Members
Mary Beth Bailey
Applicants

Re: Planning Commission Actions – Meeting of October 8, 2014

Members Present: J.D. Flechtner, Ray Shanabruch, Tom Serra, Jerry Geib, Tim Morrow
Also in Attendance: Eric Bowles, Michael Grimes, Jim Benekos, Tim Fox

Meeting called to order at 6:59 pm

The remainder of the agenda followed:

PC403-14CU East Maple St. – Hoover South Parking Expansion
Conditional Use **APPROVED** - parking in residential (R-2F) Zoning District
VOTE: 5-Yes, 0-No

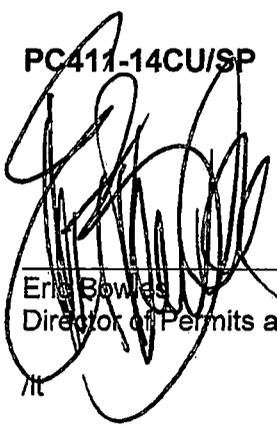
PUBLIC HEARING

PC405-14VA Vacation of part of Alley #4
Conditional **Recommendation to VACATE** as requested
VOTE: 5-Yes, 0-No

Conditions are: Review and comments needed from City Engineer

PC407-14CU/SP Pyramid Services/Verizon Wireless Tower site
431 Applegrove St NW **Conditional Use & Site Plan Approved**
VOTE: 5-Yes, 0-No

PC411-14CU/SP Proposed Restaurant site with Conditional Uses
Planning Commission **TABLED** the item.
VOTE: 5-Yes, 0-No


Eric Bowles
Director of Permits and Development

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

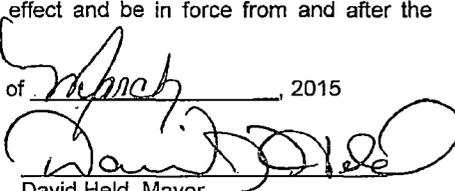
WHEREAS, upon City Council's consideration of the requirements necessary to demonstrate standing to appeal the Planning Commission's decision, as provided by the Supreme Court of Ohio and Ohio's courts of appeal, together with its analysis of the relevant Planning Commission's meeting minutes, and the 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:

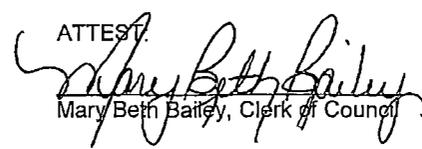
- Section 1. That upon review and careful contemplation of all of the factors described above, the Council of the City of North Canton, Ohio, hereby finds that each Applicant lacks standing to appeal the Planning Commission's October 8, 2014, approval of the Conditional Use Permit, Hoover District South 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 23rd day of March, 2015


David Held, Mayor

SIGNED: 3-25, 2015

ATTEST:


Mary Beth Bailey, Clerk of Council

IN THE COURT OF COMMON PLEAS
STARK COUNTY, OHIO

NANCY S. REIMBOLD
CLERK OF COURTS
STARK COUNTY, OHIO

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CHARLES OSBORNE)
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C/O Mayor David Held)
145 North Main Street)
North Canton, OH 44720)

and)

NORTH CANTON PLANNING COMMISSION)
145 North Main Street)
North Canton, OH 44720)

Appellees)

CASE NO.: 2015 CV 00824

JUDGE

Farmer

PRAECIPE FOR
COMPLETE TRANSCRIPT

ENTERED BY 12

TO THE NORTH CANTON PLANNING COMMISSION AND THE NORTH CANTON CITY
COUNCIL:

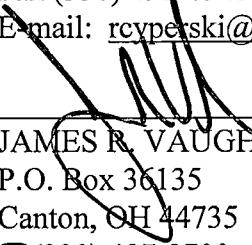
Pursuant to Ohio Revised Code §2506.02, please prepare a complete transcript of all the

original papers, testimony, and evidence offered, heard, and taken in consideration in issuing the October 8, 2014 decision of the North Canton Planning Commission in PC 403-14CU/SP held on May 7, 2014, September 3, 2014 and October 8, 2104 and the denial of the appeal by North Canton City Council dated March 23, 2015.

Respectfully submitted,



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E-mail: vaughnlaw@att.net
Attorneys for Appellants

CERTIFICATE OF SERVICE

A copy of the foregoing Praecipe for Complete Transcript was filed with Appellees via hand-delivery on April 22, 2015, at the addresses indicated in the caption hereof.


Robert H. Cyperski
Reg. #0026054
James R. Vaughn
Reg. #0036866