

A G E N D A
MASSILLON PLANNING COMMISSION
JUNE 9, 1993 4:30 P.M.
MASSILLON CITY COUNCIL CHAMBERS

Note the Time Change

1. Approval of the Minutes for the Commission meeting of May 12, 1993.
2. Petitions and Requests

Alley Vacation

Location: An unnamed 20 foot alley lying between South Avenue, S.E., and Oak Avenue, S.E., and running in a north-south direction between 1st Street, S.E., and 3rd Street, S.E. The request is to vacate that portion of the alley from the south property line of Lot No. 14771 northerly a distance of approximately 161 feet. This request has been submitted by The St. George Greek Orthodox Church of Massillon.

3. New Business

The Massillon Planning Commission met in regular session on May 12, 1993, in Massillon City Council Chambers. The following were present:

Members

Chairman Fred Wilson
Mayor Francis H. Cicchinelli, Jr.
James Johnson
Jeannette Holloway
Rev. David Dodson
Thomas Wilson
Al Climer
Dr. Dale E. Hart

Staff

Robert Wagoner
Aane Aaby
Marilyn Frazier

The first item of business for the evening was the minutes of the April 14, Commission Meeting. Jeannette Holloway moved for approval, seconded by Mayor Cicchinelli, motion carried.

Request to Operate Family Home in R-3 Single Family Residential District

Location: 615 Lori Avenue, N.E. St. Christopher Family Home is proposing to provide assisted living for a maximum of five (5) adults over the age of sixty-five (65). The facility will be licensed by the State of Ohio. Elderly residents residing at the facility will be ambulatory and not mentally impaired. The property is zoned R-3 Single Family Residential. This proposal has been submitted by Eileen Aukerman, the property owner.

Family Homes providing room and board, personal care, habitation, and supervision for not more than eight (8) persons are permitted in single family residential districts, subject to the review and approval of the Planning Commission in accordance with Section 1153.03(i) of the City Zoning Code.

Mr. Wilson opened the discussion by reading Article 1187.12 of the Zoning Code Residential Social Service Facilities which states the following:

1187.12 RESIDENTIAL SOCIAL SERVICE FACILITIES.

In order to promote a greater choice of noninstitutional housing, to provide opportunities for potential facility residents, to avoid over-concentration of Residential Social Service Facilities, and to establish the suitability of the requested use at the proposed location, all Residential Social Service Facilities shall be subject to the following regulations:

- (a) Such a facility shall be architecturally compatible with other residential dwellings in the immediate neighborhood and shall maintain the same degree of compatibility in the future. An improvement required by Building Codes for access to or exit from the building shall not be deemed incompatible merely because surrounding buildings lack such facilities.
- (b) Such a facility shall require no special off-street parking facilities.
- (c) Such a facility shall generate no traffic unreasonably greater in volume or different in nature than would otherwise normally occur in the neighborhood in which it is located.
- (d) Such a facility shall be occupied by no more than sixteen residents, exclusive of staff, limited by the size of the existing or proposed building and its allocation of space for sleeping quarters.
- (e) Such a facility shall utilize for resident sleeping no more than thirty-five percent (35%) of the minimum net floor area for sleeping quarters.
- (f) No identification sign other than required house numbers shall be erected on such a facility.
- (g) Such a facility shall be located no closer to another Residential Social Service Facility; to any institution similar in nature but occupied by more than sixteen residents; or to a nursing home, rest home, or home for the aging; than 2,500 feet measured on a straight line radius from the building so used to the building proposed to be used.
- (h) Such a facility shall be located in an eligible census tract. A census tract shall be eligible for such location if it contains less than two Residential Social Service Facilities, or if the proportion of the number of Residential Social Service Facilities to the number of households in that census tract is less than the City-wide proportion of the total number of Residential Social Services Facilities to the total number of households. The number of households shall be as most recently reported by the U.S. Census Bureau.
- (i) Such a facility, prior to occupancy and continuously thereafter, shall:
 - (1) Be licensed or certified by a Federal, State or local agency which requires screening potential applicants.
 - (2) Be licensed as a rooming house in accordance with Section 1357.02 et seq.
 - (3) Comply with all applicable City Code requirements.
(Ord. 163-1984. Passed 12-17-84.)

The owners, Don and Eileen Aukerman, were present and Mr. Aukerman spoke regarding the request. He stated that his wife is a nurse and he is employed by the Human Service Department. He said they don't want to cause any problems. They have been in contact with the State and thought they were following the proper procedures to establish this facility. This will be an alternative to an institution or nursing home. He further stated it would be a professionally run facility to allow elderly people to live in a home environment.

He added there wouldn't be any people who can't take care of themselves. He said they have a staff lined up to be sure that the people are properly taken care of. He said they would only house four or five people in the home with two in two bedrooms and one in the other. The residents would be supervised at all times. The home will not be a medicaid facility. There would be no subsidy involved.

Aane Aaby then stated the State Law regulating Family Homes and Group Homes changed around 1984. Family Homes are for up to eight residents and Group Homes are for eight to sixteen residents. The Ohio Revised Code states that Family Homes may be operated in Single Family Residential Districts and Group Homes could be operated in Multiple Family Residential Districts. The City amended the zoning code to make them principle,permitted use but made the Group Homes and Family Homes subject to special conditions and review and approval by the Planning Commission. The City's goal was not to become inundated with group homes, therefore, the density requirements were made. Mr. Aaby made a map which showed all of the family homes in the City. Jeannette Holloway asked if the Aukerman's would be violating the Fair Housing Laws. Mr. Aaby replied that it depended on the license they receive from the State.

Jim Johnson asked if the Aukermans were going to live there. Mr. Aukerman replied, "no". He also asked why this area? Mr. Aukerman stated this property, after canvassing the area, was the best suited for this purpose. He also asked about the size of the house and bedrooms. He then asked about their experience. Mr. Aukerman had a business managing nurses' aids who were caring for elderly people in their home.

Mayor Cicchinelli commented that the City became aware of the project because of an advertisement that was placed in St. Joseph's Newsletter which was noticed by a City employee. The Mayor went on to say had the Aukermans contacted the City prior to purchasing the home and starting the procedures, it would have been better. Mr. Aukerman replied that they had contacted the State and someone had come to their home and explained what they needed to do. He and his wife had followed those procedures. They were of the assumption that the State was the authority of power. They also thought if they were in compliance with the State they would be in compliance with the City. Mayor Cicchinelli added further that he, as Mayor, and this Commission should look out for the best interest of the residents of Massillon. He then asked Mr. Aukerman, "I don't want you to take this offensively, but where do you live?" Mr. Aukerman replied, "on Fulton Road in Jackson Township." The Mayor went on to say the State and Federal Legislators seem to pass laws which have impact on cities without first consulting with local officials who have the responsibility to enforce those laws.

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Massillon Planning Commission

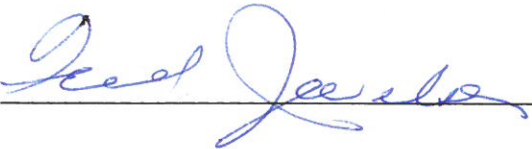
Tom Wilson moved for approval of this request, seconded by the Mayor, motion carried.

There being no further business before the Commission, the meeting adjourned at 8:30 P.M.

Respectfully submitted,


Marilyn E. Frazier - Clerk

Approved:



MEF/ky

PETITION

WE, THE FOLLOWING RESIDENTS OF LORI AVENUE NE, MASSILLON, OHIO, OBJECT TO THE BUSINESS OF ST. CHRISTOPHER FAMILY HOME INC BEING APPROVED FOR A RESIDENTIAL AREA.

Margaret Fowler
Wanda L. McFarren
Chas E. Myrona
Duagan Traversovic
Doris Hill

Robert R. Heitzen
Mrs. Robert Heitzen
Shirley Hartmann
Herald Hartmann
Rose Boyd

Kenneth W. Brown
Dorothy M. Brown
Clay Bets
Kenneth Goodnight
Margaret Goodnight
Richard Johnson

Linda Krumin
Sharon Weisbach
Wm TW Isch

Margaret R. Kirkbride
Frederick M. Kirkbride
Mary D. Case

Pete Pappas
John Jankis
Mary Mathas
Rudy Mathas
Kenneth Spring

630 Lori N.E. Mass.
625 Lorie N.E. Massillon
625 LORI NE
622 LORI NE.
614 Lorie N.E.
600 - Lori N.E.

532 Lorie Ave. N.E.
" " " "

514 Lori Ave. N.E.
424 - Lorie Ave N.E.
424 - Lori Ave. N.E.

414 Lori N.E.

406 LORI NE

406 Lori N.E.

337 Terry Ave N.E.

336 Lori Ave N.E.

324 Lori N.E.

326 Lori NE

236 Lori N.E.

236 Lori N.E.

226 Lori N.E.

330 Tappan Ave N.E. Massillon, O
648 Terry Ave N.E. Massillon, O
601 - Terry Ave NE Mass, O
601 Terry Ave NE Mass. O
605 Lori Ave N.E. Mass. O.

PETITION

WE, THE FOLLOWING RESIDENTS OF LORI AVENUE NE, MASSILLON, OHIO, OBJECT TO THE BUSINESS OF ST. CHRISTOPHER FAMILY HOME INC BEING APPROVED FOR A RESIDENTIAL AREA.

Murray Loomis	307 Lori Ave N.E.
Bob Loomis	307 Lori Ave N.E.
Janice Graw	306 Lori Ave N.E.
Richard D. Graw	306 Lori Ave N.E.
Evelyn M. Hardesty	509 Lori Ave. N.E.
Bill Hardesty	529 Lori Ave N.E.
Nada Hardesty	622 Lori Ave N.E.
Eugene A. Kracker	1917 Amherst Rd N.E.
Eugene Kracker	1917 Amherst Rd. N.E.
Trathy Hardesty	1912 Amherst Rd. N.E.
Cheryl A. Hardesty	411 Lori Ave. N.E.
Carl W. Henderson	317 Lori Ave N.E.
Mary Ann Henderson	329 Lori N.E.
James Hawthornth	329 Lori N.E.
Larry Hawksworth	531 Terry N.E.
Veda Yager	511 Terry N.E.
Mercedes Lajo	521 Terry N.E.
George Hardesty	317 LORI AVE. N.E.
Catherine J. St. Denis	235 Lori N.E.
Ernest G. Stewart	410 Terry N.E.
Helen E. Stewart	410 Terry N.E.
M. Joan Johnson	337 Terry N.E.
James F. Laussen	330 Terry ave NE
Mary Mowrer	Massillon, Ohio
Bob Mowrer	2151 Clearview Dr. NE 44646
Dennis J. Jachs	2151 Clearview Dr. NE 44648
Dale F. Ballinger	417 Terry St NE. Mass O
	420 Terry N.E. MASSILLON, OHIO

1ST

35

5.

PROPOSED ALLEY VACATION

66'

OAK AVE. SE

N

5848

SOUTH AVE S E

