

A G E N D A
MASSILLON PLANNING COMMISSION
FEBRUARY 14, 2001 7:30 P.M.
MASSILLON CITY COUNCIL CHAMBERS

1. *Approval of the Minutes for the Commission Meeting of January 10, 2001.*
2. *Petitions and Requests*

Rezoning Request – 6.74 acre parcel between 8th and 9th Streets SW

Location and Description: Part of Out Lot 291, a 6.74 acre parcel located between 8th and 9th Streets SW, south of Webb Avenue SW.

Zone Change Requested: From R-1 Single Family Residential to RM-1 Multiple Family Residential.

Proposed Use: The property will be used for the construction of 12 one-story one-bedroom handicapped accessible rental units for disabled persons who have mental or emotional disorders.

Applicant: Stark County Community Support Consortium aka ICAN

Rezoning Request – Sterilite Annexation

Location and Description: Out Lot 873, a 6.984 acre parcel, located on the west side of Sterilite Street SE, south of Navarre Road.

Zone Change Requested: Perry Township Zoning to I-1 Light Industrial.

Proposed Use: Existing Industrial Use.

Rezoning Request – Grove Annexation

Location and Description: Out Lot 874, a 4.92 acre parcel, located at 849 Earl Road NW.

Zone Change Requested: Perry Township Zoning to R-2 Single Family Residential.

Proposed Use: Existing Residence.

Rezoning Request – West Warmington Area Annexation

Location and Description: Out Lots 875 - 880, an 81.43 acre area, located south of U.S. 30 on the west side of the Tuscarawas River.

Zone Change Requested: Perry Township Zoning to I-2 General Industrial.

Proposed Use: Existing Industrial and Other Uses.

Re-Plat – Kaylynn Estates

Location and Description: Part of Out Lot 324, a 1.655 acre parcel located on the north end of Kaylynn Street, SE on the north side of Harsh Avenue SE west of 25th

Street SE; the request is to replat this property into five lots. *Present Zoning:* R-T Two Family Residential. *Owner/Developer:* Flek Stoehr.

Re-Plat – 921 Duncan Street SW

Location and Description: Lots No. 3391 and 3392 located on the west side of Duncan Street, SW north of Anthony Avenue SW; the request is to replat these two lots into one new parcel. *Present Zoning:* R-1 Single Family Residential. *Owner:* Karen Cecil.

Re-Plat – The Woods at Millcreek

Location and Description: Part of Out Lot 591, located on the north side of 27th Street NE, along Millcreek NE (a private street); the request is to replat this property into four lots. *Present Zoning:* R-3 Single Family Residential. *Owner:* Karl Schmidt. *Engineer:* Cooper & Associates

Re-Plat – 3060 17th Street SW

Location and Description: Out Lot 671, a 5.94 acre parcel located on the east side of 17th Street, SW south of Albrecht Avenue SW; the request is to replat this property into three lots. *Present Zoning:* R-3 Single Family Residential and A-1 Agricultural. *Owner:* James and Marita Hauenstein.

Re-Plat – 414 Wales Road NE & 1215 Rodman Avenue NE

Location and Description: Lot No. 1170 (414 Wales Rd NE) and Lot No. 1173 (1215 Rodman Ave. NE); the request is to replat this property into two lots, increasing the size of Lot No. 1170 and decreasing the size of Lot No. 1173. *Present Zoning:* R-1 Single Family Residential. *Owners:* Jolene Corder (1170) and Tim Nulph (1173). *Surveyor:* Ronald C. Hinton

Re-Plat – Filters, Inc.

Location and Description: Out Lot 768 (5.008 acres) and Part of Out Lot 767 (1.622 acres) located on the north side of Nave Street SE, east of Richville Drive SE; the request is to replat these parcels into one lot. *Present Zoning:* I-1 Light Industrial. *Owner:* Filters, Inc.

Request for Variance – Residential Setback from Oil/Gas Well

Location and Description: Lots No. 16020 and 16021 located on the east side of 27th Street NE south of Elmbreeze Street; the owner is requesting a variance from Massillon City Code Chapter 741.05 d requiring all future residential buildings to be constructed in the vicinity of an oil or gas well to be located at least 200 feet from any existing well. *Present Zoning:* R-T Two Family Residential. *Owner:* Simon Warstler.

3. Other Business

The Massillon Planning Commission met in regular session on January 10, 2001, at 7:30 P.M., in Massillon City Council Chamber. The following were present:

Members

Vice Chairman Rev. David Dodson
James Johnson
Paul Manson
Vincent Pedro
Sheila Lloyd
Thomas Seesan

Staff

Aane Aaby
Marilyn Frazier
Jason Haines

The first item of business was the minutes of the December 13, 2000, meeting. Mr. Johnson moved for approval, seconded by Mr. Manson, motion carried.

Rev. Dodson then welcomed new member, Vincent Pedro, to the Commission.

The next item on the agenda was the election of officers for 2001. Mr. Aaby presided over the election. Mr. Johnson nominated Rev. Dodson as Chairman, seconded by Mr. Manson, motion carried. Mr. Manson then nominated Mr. Johnson as Vice Chairman, seconded by Mr. Seesan, motion carried.

The next item under Petitions and Requests was a re-plat.

Re-Plat – 2623 Harold Avenue, S.E.

Location and Description: Lot No. 6909 and Part of Lots No. 6908, 6910, and 6920, located north of Harsh Avenue S.E., between 26th and 27th Streets S.E.; the request is to re-plat these four parcels into one lot. *Present Zoning:* R-1 Single Family Residential. *Owner:* Michael Hartmann.

Mr. Aaby presented the request. This property is located on the south side of Harold Avenue, S.E., and will increase the lot size. Mr. Hartmann was present. He added that presently he has no back yard. The reason for the request is so he will be able to increase his lot size. Mr. Manson moved for approval, seconded by Mr. Seesan, motion carried.

The next item was also a re-plat.

Re-Plat – 927 Third Street, N.E.

Location and Description: Lots No. 7705 and 7706, located on the west side of 3rd Street, N.E., north of Mader Court N.E.; the request is to re-plat these two parcels into one lot. *Present Zoning:* R-1 Single Family Residential. *Applicant:* Charles and Cynthia Bratton.

This request was presented by Mr. Aaby. The property is at Third and Mader Court N.E., near Amherst. Cindy Balos-Bratton was present and commented that they wish to build a garage. Mr. Johnson moved for approval, seconded by Mr. Pedro, motion carried.

The final item for the evening under Other Business was a proposed amendment to City Subdivision Regulations.

Proposed Amendment to City Subdivision Regulations

Councilman Glenn Gamber, Chairman of the Council Community Development and Annexation Committee, is requesting the Commission to consider an amendment to the Subdivision Regulations requiring the developer to install underground utilities in all new allotments.

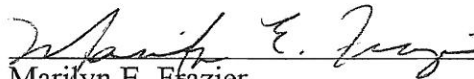
The proposed amendment was presented by Mr. Aaby. The proposed change consists of a change in the language that would make it mandatory for developers to install utility lines underground.

Councilman Michael Loudiana, who is a member of Community Development Committee and Chairman of the Public Utilities Committee, was present and presented Council's position. He gave an example of a development that didn't install the lines underground and its negative visual impact.

After a brief discussion, Mr. Seesan moved for approval, seconded by Mr. Manson, motion carried.

There being no further business before the Commission, the meeting adjourned at 7:55 P.M.

Respectfully submitted,

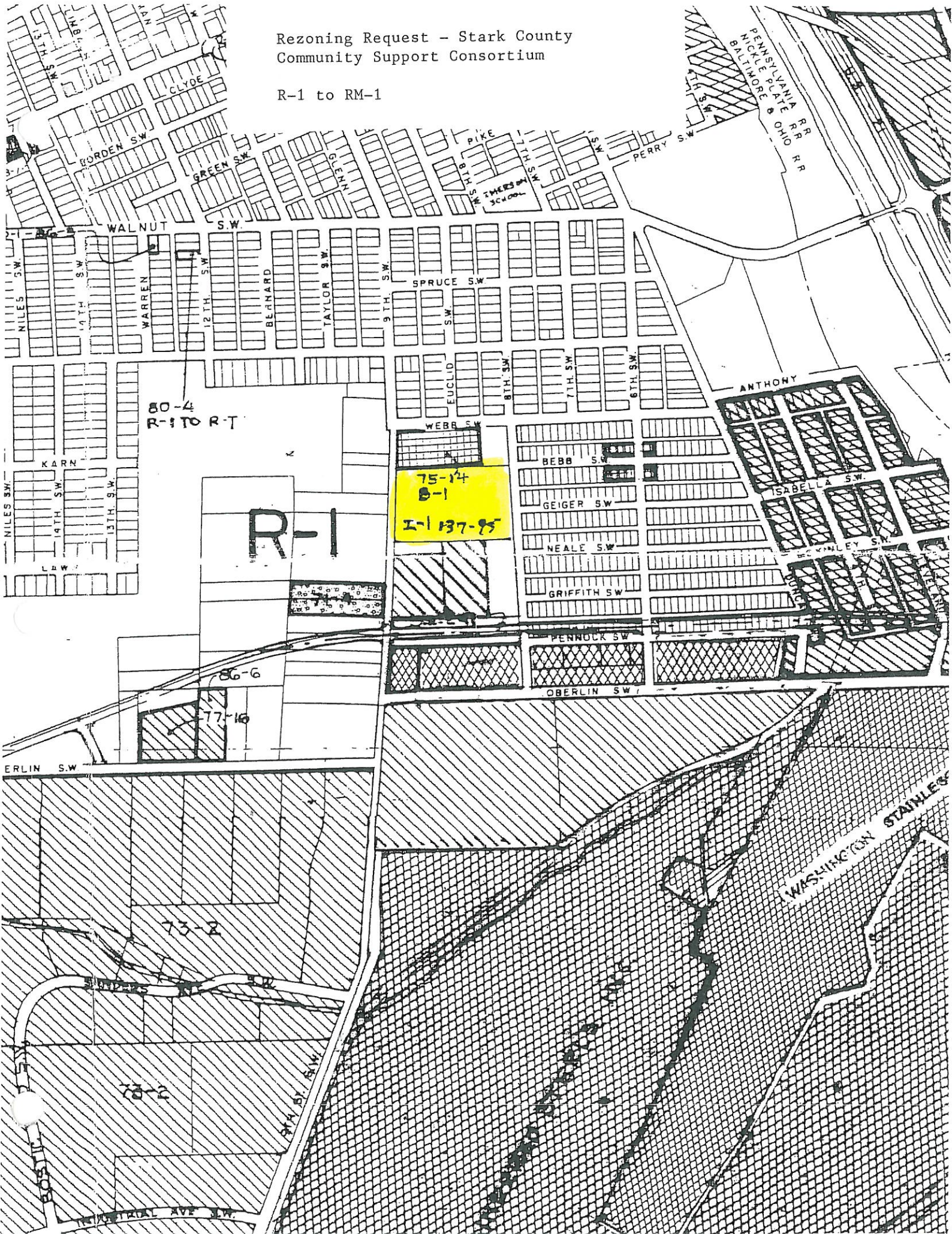

Marilyn E. Frazier
Commission Clerk

Approval:

MEF/ky

Rezoning Request - Stark County
Community Support Consortium

R-1 to RM-1



ICAN

(established 1988 as Stark County Community Support Consortium)

500 CLEVELAND AVE. NW, CANTON, OH 44702

Phone 330-455-9100 Fax 330-455-4702

ICAN requests a zoning change from R-1 to multifamily for the property located between 8th and 9th SW on the south side of the Abby Road Restaurant. ICAN, a Stark County not-for-profit housing development corporation, has a mission to increase affordable housing opportunities for disabled persons. In addition to housing, ICAN provides transportation, work and supportive services for persons living in the community who have mental or emotional disorders.

ICAN tenants are generally unable to afford the high cost of renting or purchasing single family homes. A HUD grant conditionally awarded to ICAN will permit only the relative affordability of building multi-family units for this project. ICAN will not build large multi-family complexes, but 12 units in smaller buildings such as duplexes. ICAN's experience since 1988 has been that our tenants' health and stability often improve when they have secure, affordable homes.

The zoning change will not be detrimental to the public welfare. ICAN operates a responsive and capable maintenance department which can assist our tenants 24 hours a day. ICAN's maintenance staff and Housing Support Specialist will ensure well kept properties, which are an asset to any neighborhood. For an example of ICAN's work, drive past the duplex we built last year at 321 Woodlawn NW in Perry Township.

Property of other persons located in the vicinity is likely to rise in value when this land is improved by the construction of attractive residential dwellings. This development will complement the current residential and commercial nature of the area. Implementing this proposal will prevent commercial or industrial development of the site with its accompanying signage and traffic congestion. Abby Road Restaurant may benefit from the new customers. Neighbors have told us that mosquitoes breed in the standing water on the property. This nuisance should abate when the property is developed.

HUD NOTIFICATION
U.S. Department of Housing and Urban Development
Washington, D.C. 20410-8000

MEMORANDUM FOR: Assistant Secretary for Congressional and Intergovernmental Relations

FROM: Preston A. Pace, Director, Columbus Multifamily Hub

HUD OFFICE: Cleveland

ACTION: Section 811 Supportive Housing for Persons with Disabilities Funding Award:
An assistance program that provides capital advance financing and project rental assistance to nonprofit sponsors for the development and operation of supportive housing to enable persons with disabilities to live as independently as possible in the community.

PROJECT DESCRIPTION

An allocation of funding has been approved to develop housing for persons with disabilities as follows:

Sponsor Name/Address:	Stark County Community Support Consortium Inc. 500 Cleveland Avenue Canton, OH 44702
Project Name/Number:	ICAN Gardens Apts 042HD090 / OH12Q001004
Project Address:	Between 8th, 9th Bebb & Geiger Massillon, OH 44702
Number of Units:	12
Capital Advance Authority:	\$861,000
PRAC Contract Authority:	\$37,800
PRAC Budget Authority:	\$189,000
Total Award (Cap. Adv. + PRAC BA):	\$1,050,000
Project Contact/Phone Number:	Maryellen R. Hess (330) 455-9100

PROJECT HIGHLIGHTS

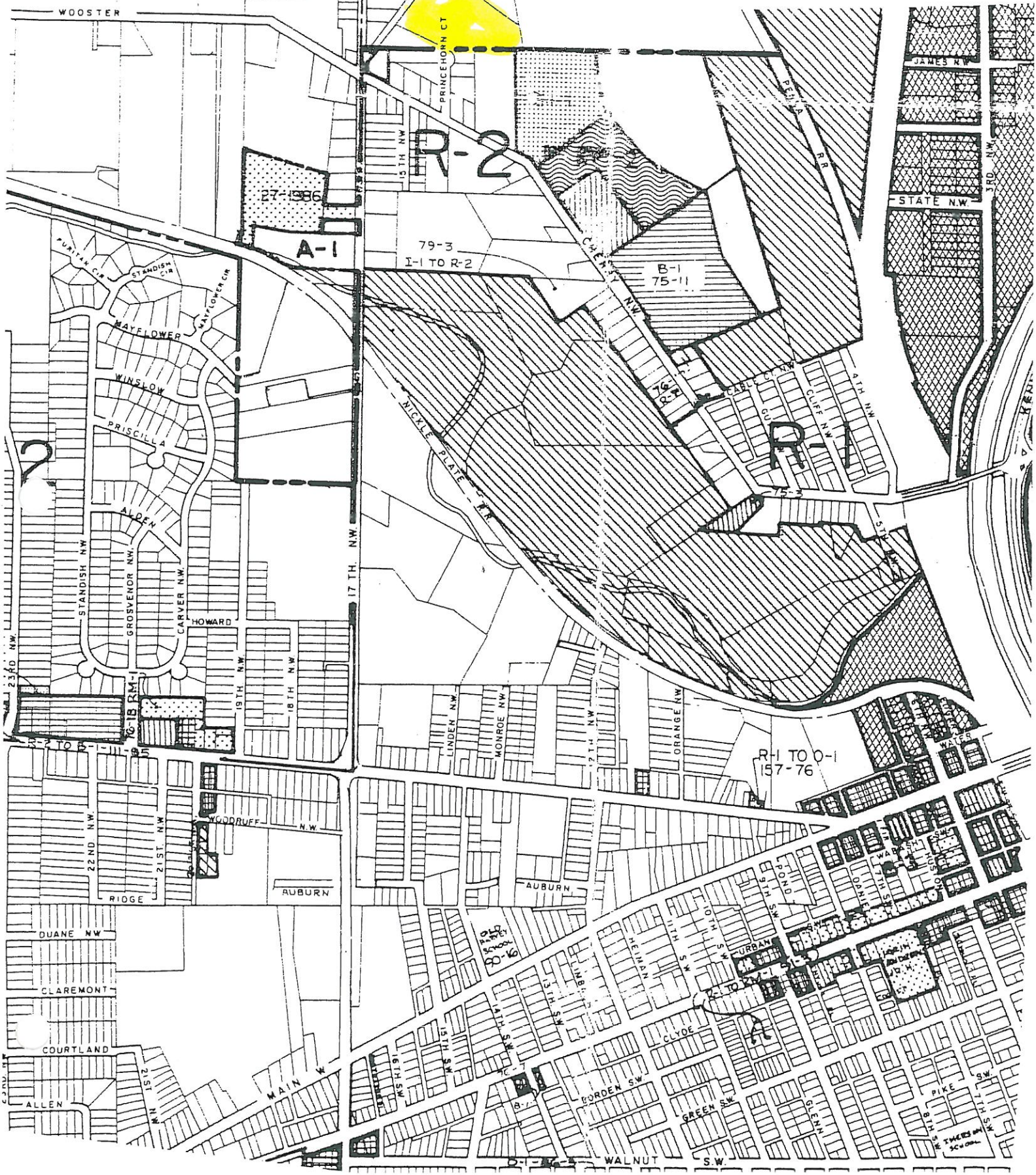
The funds will be used for the new construction of twelve units of housing in six duplexes for persons with chronic mental illness. The planned duplexes will be wheelchair accessible and are located in a single family residential neighborhood. The project will be in close proximity to medical facilities, shopping, places of worship, and recreational activities.

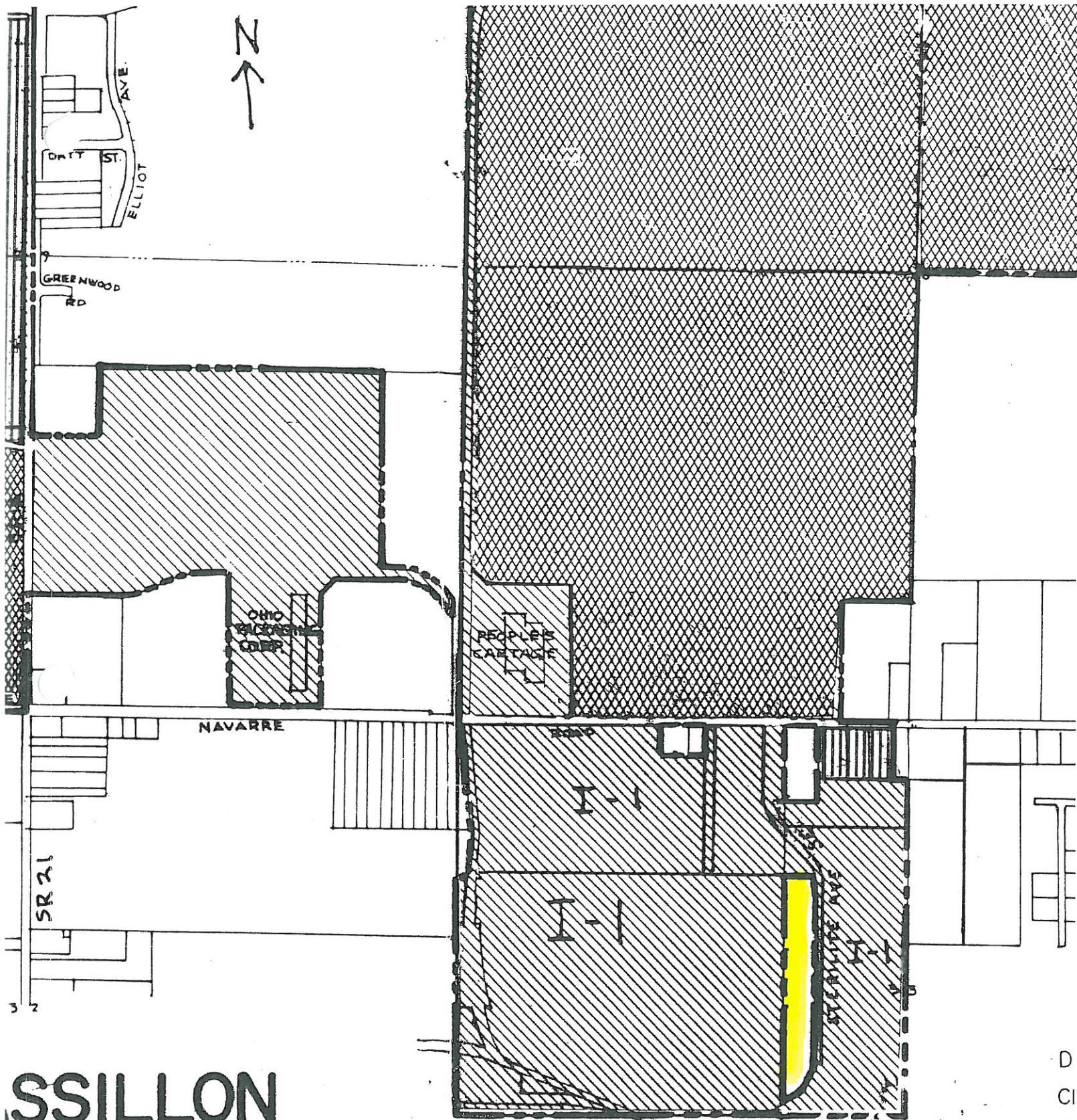
STATUS

All administrative, regulatory and statutory requirements have been met.

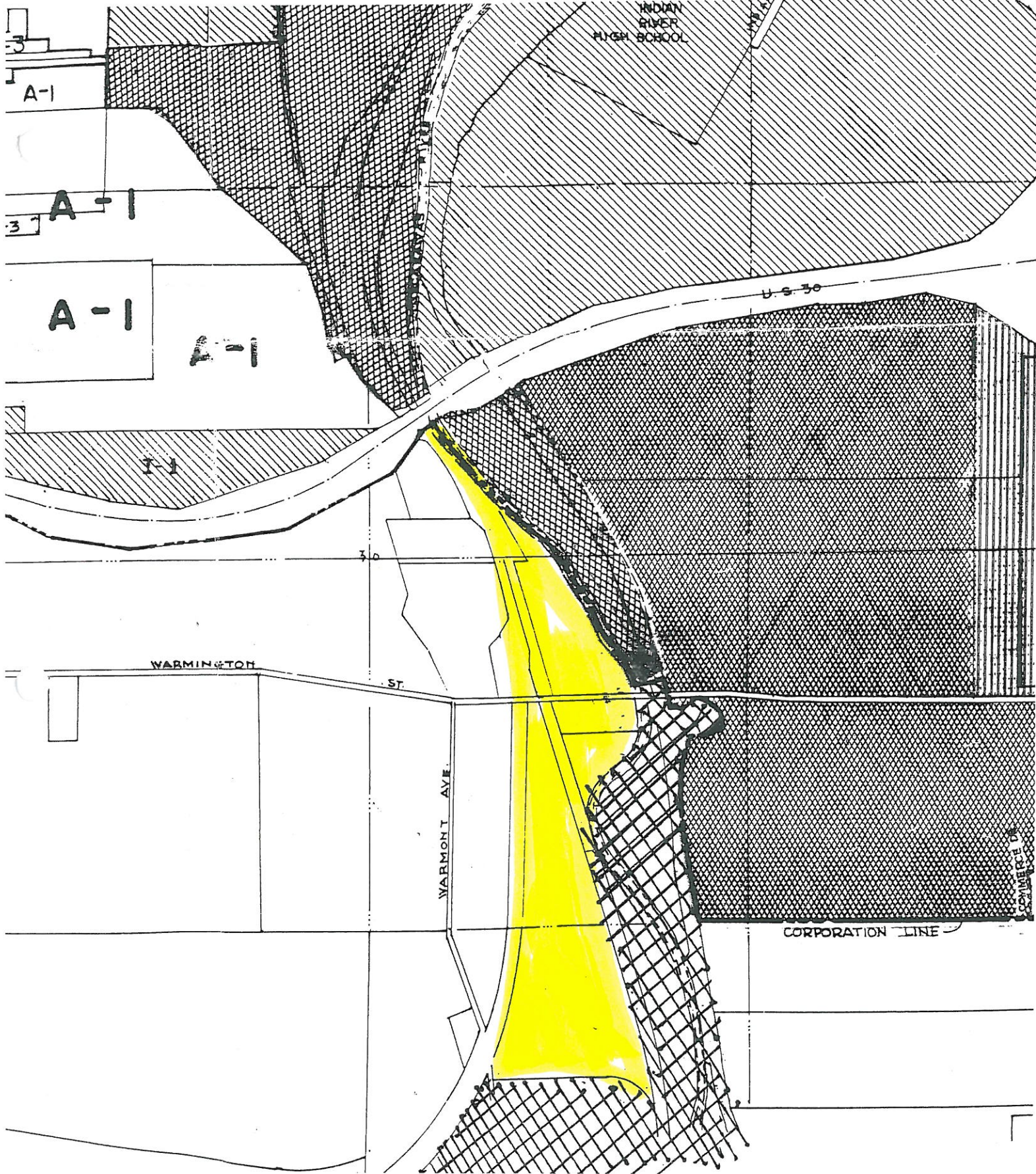
LOCAL HUD OFFICE CONTACT/PHONE NUMBER: Robert Hawthorne, 216-522-4058, ext. 7149

Rezoning Request - Grove Annexation
From Perry Township to R-2





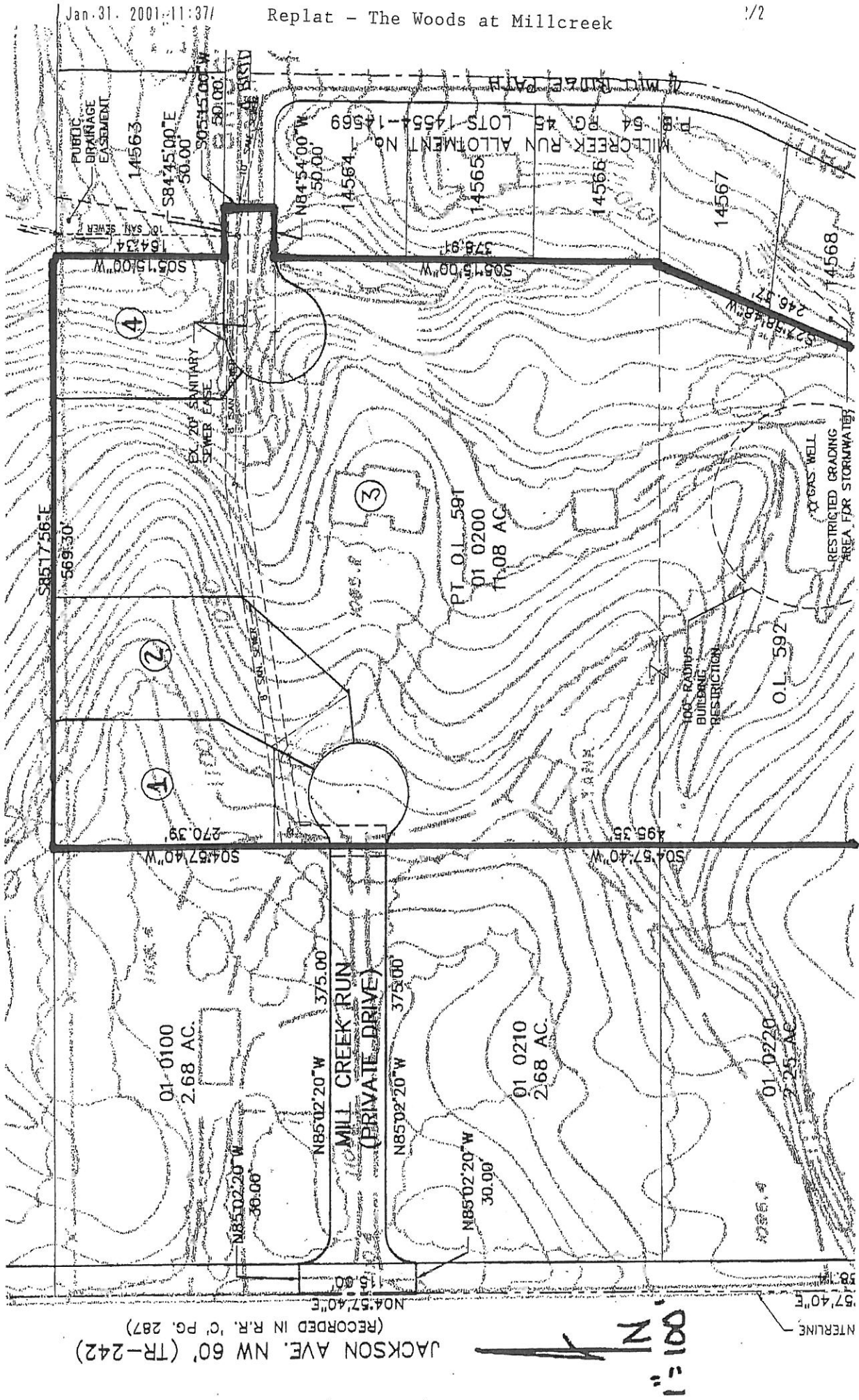
Rezoning Request - Sterilite Annexation
From Perry Township Zoning to I-1 light inudstrial



ZONING

Rezoning Request - West Warmington
Area Annexation
From Perry Township Zoning to I-2
General Industrial

ITY OF M



Replat - Lots No. 3391 and 3392

921 Duncan Street SW

3354	24.5
3355	24.5
3356	24.5
EDU HOME, INC.	
R. O. C.	
061	1976:515
208	1976:515
3357	1976:515
3358	1976:515
3359	1976:515
3360	1976:515
3361	1976:515
3362	1976:515
3363	1976:515
3364	1976:515
3365	1976:515
3366	1976:515
3367	1976:515
3368	1976:515
3369	1976:515
3370	1976:515
3371	1976:515

S.W.

3372	15
3373	15
3374	15
3375	15
3376	15
3377	15
3378	15
3379	15
3380	15
3381	15
3382	15
3383	15
3384	15
3385	15
3386	15
3387	15
3388	15
3389	15
3390	15
3391	15
3392	15
3393	15
3394	15
3395	15

3358	24.5
3359	24.5
3360	24.5
3361	24.5
3362	24.5
3363	24.5

S.T.

3375	118.3
3376	137.3
3377	156
3378	175
3379	194
3380	213

S.W.

S.T.

3364	25
3365	25
3366	25
3367	25
3368	25
3369	25
3370	25
3371	25

6TH

3381	49.8
3382	50.5
3383	50.5
3384	49.8
3385	50.5
3386	50.5
3387	49.8

3395	97.4
3394	116.2
3393	135.4
3392	154.6
3391	173.5
3390	192.9
3389	211.9
3388	230.3

DUNCAN

City of Massillon
3068:549
3015:376

ANTHON

60

0.672

Replat - 3060 17th Street SW
Out Lot 671 - into 3 new lots

17

Tolene
414 W
832-28

PERTINENT DATA

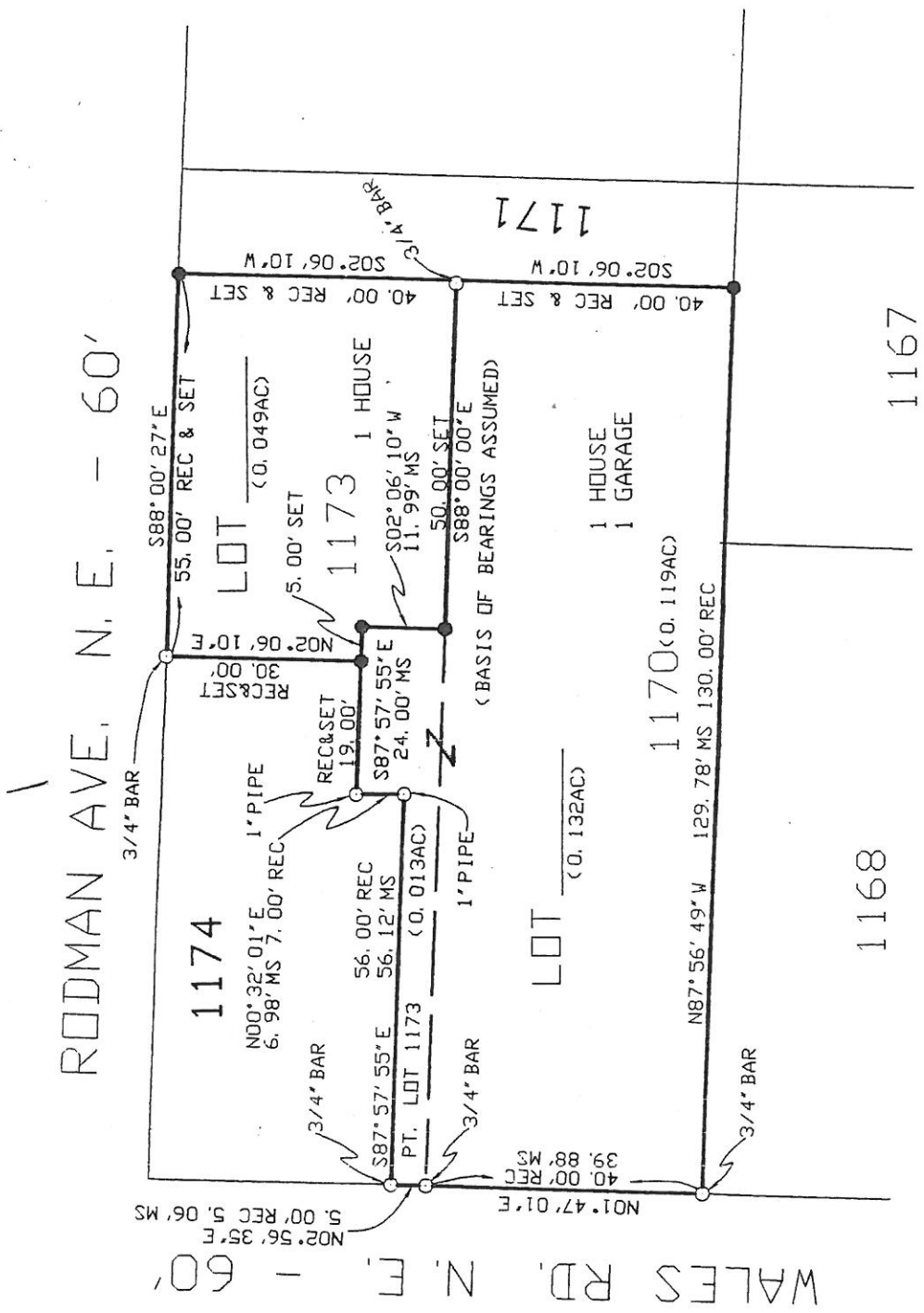
1. TAX MAP
MASSILLON 24
2. SURVEYS BY
WAGONER DATED 1880
SIKORA DATED 1880

LEGEND:

- = MONUMENT
● = 5/8" BAR
MS = MEASURED
REC = RECORD

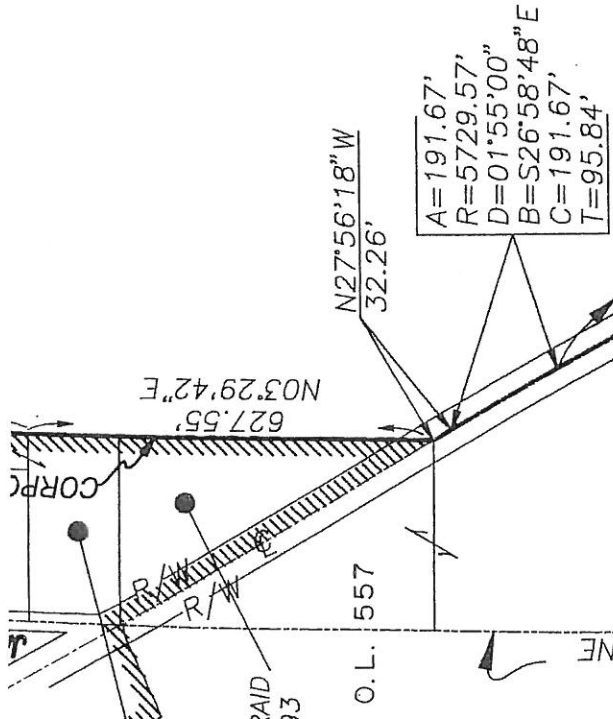
OWNERS:

Jolene M. Cordeiro



1. WHITE
2. 96039467
IC.

J. & R. BRAID
D.V. 3753:93
1.67 AC.



Replat Request - Out Lot 768 and
Part of Out Lot 767

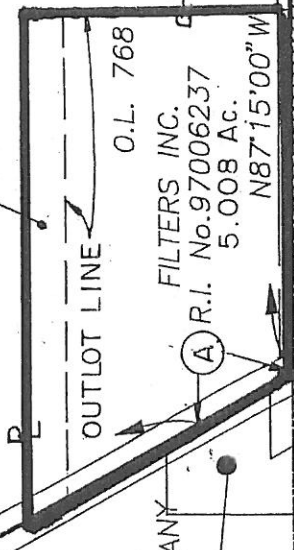
RICHVILLE DRIVE S.E.
(S.R. 627)

O.L. 766
P.R.M.D.C., LTD.
R.I. No. 97068026

PT. O.L. 767
FILTERS INC.
R.I. No. 98074313
1.622 AC.

22.
CORNER SEC. OHIO EDISON COMPANY
D.V. 2088:429
0.76 AC.

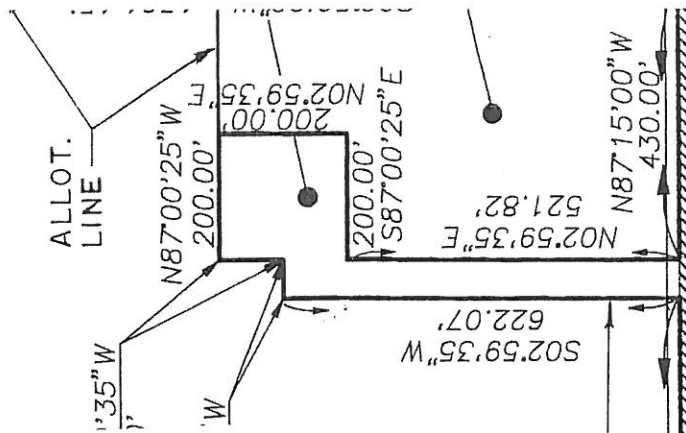
FILTERS INC.
R.I. No. 97006237
5.008 AC.



CORPORATION LINE

NAVE STREET S.E.
(T.R. - 249)

STARK COUNTY AREA JOINT VOCATIONAL SCHOOL
D.V. 3865.741



ALLOT.
LINE

ALLOT.
LINE

CENTERLINE & QUARTER SECTION LINE

REPLAT OF OUT LOT 824

CITY OF MASSILLON
STARK COUNTY OHIO

THE X HEAD MON. TO THE
NW COR
NW 1/4
SEC 10

Request for Variance - Residential Setback
Requirements from Oil/Gas Well

Lots No. 16020 and 16021

INSTRUMENT AND THAT THE SAME WAS THEIR FREE ACT AND DEED AS RE
IN WITNESS WHEREOF, THERE-UNTO SET FAITH HAND AND SEAL

NOTARY PUBLIC

MY COMMISSIO

ELMBREEZE ST.

14546

14547

3/4" BAR

14549

14550

TANGLEWOOD
DRIVE N.E.

COLDWATER HILLS ALLOT.
NO. 9B (P.B. 47, P. 34)

14551

MASSILLON CORPORATION LINE
SECTION LINE
JACKSON AVENUE N.W. 1/4 (R.R. C. 16.287)

27th STREET N.E. - 75'

P. & J. EASH
98034247

SCHRADER
SUBDIVISION
P.B. 34, P. 126

PARENT TRACT:
S. WARSLER
99018211

(PARCEL 1)

NO BUILDINGS ON THIS PARCEL

LOT # 16020

S86°51'28"E 344.20' REC SET

PARENT TRACT:
S. WARSLER
99018211

(PARCEL 2)

LOT # 16021

NO BUILDINGS ON THIS PARCEL

N86°50'15"W 347.13' MS 344.20' REC

J. SHULOK TR.
98091684

I HEREBY
SURVEY
THE AL
IN THE

3/4" BAR USED TO
ESTABLISH W.
LINE OF SEC. 10



RONALD

To: Massillon City Planning Commission
Attn: Aane Aaby
From: Simon Warstler
Re: City lots 16020/16021
01/22/01

To whom it may concern,

I am writing today to apply for a variance of city code for structures built in proximity to existing oil and gas wells and related equipment. Specifically, I am seeking an exception to Chapter 741.05, sub-point D, which states:

"All future residential buildings to be constructed in the vicinity of a well or production and processing equipment shall be located at least 200 feet from any existing wells associated equipment (excluding transmission lines)."

Complying with this existing setback on my lots, 16020/16021, makes construction of any structure impossible. Each lot measures 98.85' across and roughly 340' deep from the right of way on 27th st. Together, the two lots are just under 200' wide and have a gas well located immediately to the south on the adjacent property, owned by Joseph Shulok. Compounding this problem is the fact that my property sits in a low spot and has a county drainage basin running across it. Sitting water and saturated ground make the soil in the rear of the property unsuitable for construction, which allows me to build only in the front half (toward 27th street) of both lots. Considering that, my property becomes unusable due to the location of his gas well.

Originally, the property in question was located in Perry Township; at my request, it was annexed into the city in late 1999. I was fully aware of the city's restrictions before I applied for annexation and in fact discussed them with Mayor Chicinelli. To my understanding, I would have sewer extended to my property and the zoning would remain the same in the city as it was in the township. In exchange, I brought my property into the municipality thereby increasing the tax base. Annexation was good for me and for

Massillon as long as I can build on these lots. Unfortunately, without a variance I will have two useless lots and the city will have paid to extend sanitary sewer to me and not reap the increased tax revenue.

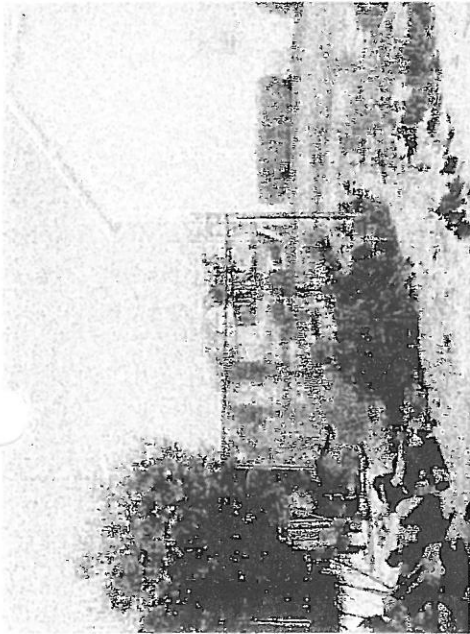
Safety is obviously the underlying reason for the prescribed setback, and is very important to maintain. However, if I had kept my lots in the township, I could build as close to the gas well as I pleased, because there are no restrictions in Perry township. This idea specifically was discussed with the mayor as the main reason that a variance should be granted and I hope you concur. In addition, there is a home in the second phase of Colonial Hills, not more than a quarter of a mile from my property, located within thirty feet of a gas well (see pictures). I know that it was built just before this policy was enacted, so it really doesn't apply, but it does show that what I am asking for exists within the city.

I would like to be able to build within 40' of the gas well described above. Preliminary site location and soil tests, of the lot located immediately next to the well, show that the house can be situated at least 60' from the well; however, I do not want to have to come ask for another variance, if this is approved, and natural parameters like water or bad soil dictate that the building be located up to 40' from the well. On the lot farthest north on 27th st., the closest a building would be to the well is 110', but according to the restrictions I need a variance for both.

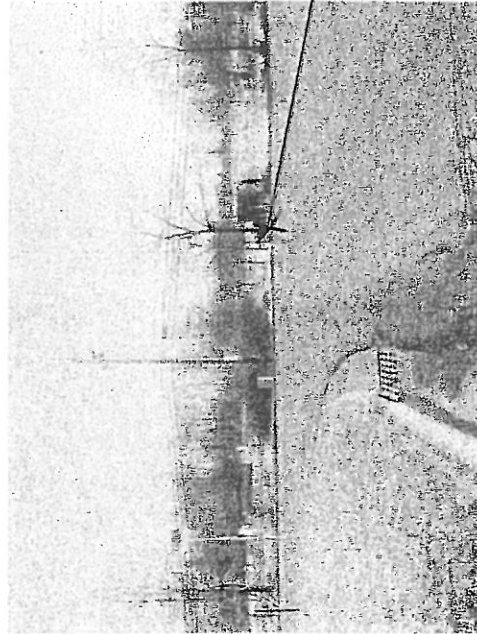
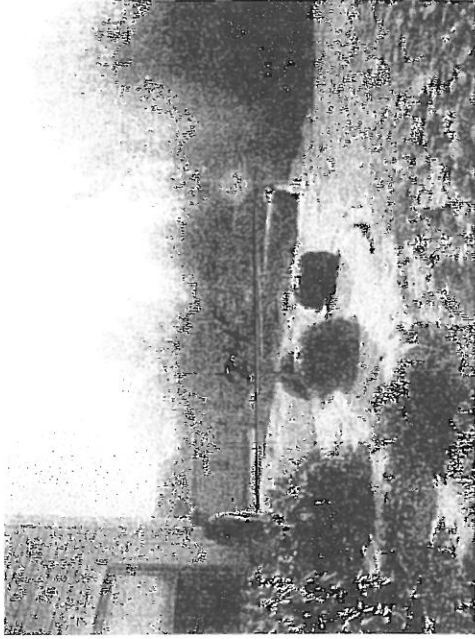
Personally, I don't want to live anywhere that I, or my family, would be in danger. I believe that the risk of building in relatively close proximity to the gas well is not something that should be prohibited, especially because it has been done before and would have been done without question if this property had remained in Perry Township.

Thank you very much for your time and consideration.


Simon Warstler

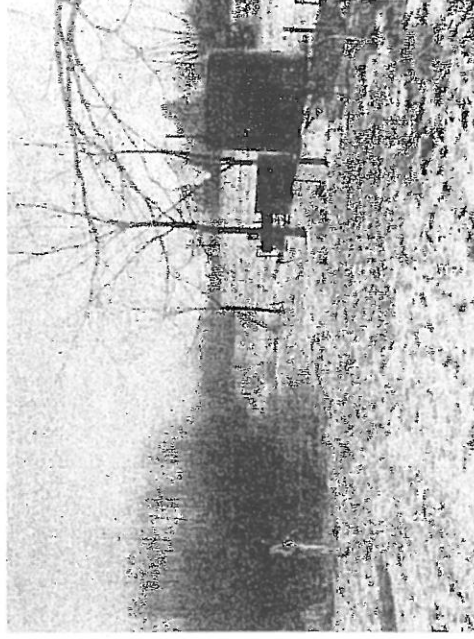


Home in Colonial Hills with gas well 24'10" from home



lots 16020/16021

*SOUTHERN
PROPERTY LINE
(16021)*



the tape is 25' from the property line and the tank is 12' on the other side