

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

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

Preliminary Plat –Orchard Hill

Location and Description: Out Lot 426, located on the south side of Hankins Road NE, east of Carnation Street. *Total Area:* 6.9964 Acres
Proposed No. of Lots: 12 *Zoning:* R-3 Single Family Residential
Owner/Developer: Lepp Construction.
Engineer: Spagnuolo & Associates.

Re-Plat –929 Reservoir Drive, N.E.

Location and Description: Part of Out Lot 66, consisting of two parcels, one located at 929 Reservoir Drive NE, the other with frontage along Wales Road NE; the request is to replat this property to shift the boundary line between these parcels.
Applicant: Joseph and Nancy Natoli.
Surveyor: Constitution Land Surveying, Ltd.

Re-Plat –1123 Borden Avenue, S.W.

Location and Description: Lot Nos. 2993 and 2994, located at 1123 Borden Ave. SW; the request is to replat this property into one new lot.
Applicant: Richard A. Wilson

Re-Plat – 822 Windsong Circle, N.E.

Location and Description: Lot Nos. 13010 and 13686, located at 822 Windsong Circle NE; the request is to replat these parcels into one new lot.
Applicant: Janet Maier.

Re-Plat – 721 27th Street, N.E.

Location and Description: Lot Nos. 14549, 14548, 14103, and 14102 located at 721 27th Street NE; the request is to replat these parcels into one new lot.
Applicant: Tyke Bixler.
Surveyor: Ronald C. Hinton Surveying Company.

Re-Plat – 2500 Southway S.E.

Location and Description: Out Lot 474, a 5.3 acre parcel located at 2500 Southway SE; the request is to replat this property into three new out lots.

Applicant: Arthur Rhodes.

Surveyor: Ronald C. Hinton Surveying Company.

Re-Plat – 8th Street S.W.

Location and Description: Lots No. 3268 and 3269 located at the southwest corner of 8th Street and Walnut Road SW; the request is to replat this property into one new lot.

Applicant: Albert Glick.

Lot Split – 320 1st Street, N.W.

Location and Description: Lot No. 2571, located at 320 1st Street NW; the request is to split off the front portion of this lot, which is being acquired by the City of Massillon.

Applicant: City of Massillon.

3. Other Business

Amendment to City Zoning Code – Home Occupations

The proposed zoning code amendment would establish a new Chapter 1180 “Home Occupations and Incidental Residential Uses”. As defined by the amendment, incidental residential uses would include such activities as home offices, baby sitting, addresses of convenience, lemonade stands, and newspaper delivery. Under the proposed regulations, these incidental uses would be permitted as accessory uses in all residential districts and would require no special application, permit, or approval process.

Home Occupations would be defined as any occupation or profession conducted entirely within a dwelling unit by the inhabitants of that dwelling and which is clearly incidental to the use of the premises as a dwelling. Persons desiring to conduct a home occupation shall be required to apply to the Board of Zoning Appeals for a home occupation permit. The requirements for operating a home occupation, including the types of permitted uses, are spelled out in detail in the ordinance.

The Massillon Planning Commission met in regular session on October 10, 2001, at 4:30 P.M. in the Mayor's conference room. The following were present:

MEMBERS

James Johnson, Vice Chairman
Mayor Francis H. Cicchinelli, Jr.
Alan W. Climer, Safety Service Director
Thomas Seesan
Vincent Pedro

STAFF

Marilyn E. Frazier
Jason Haines
Steve Hamit

The first item of business before the Commission was the minutes of the September 12, 2001, meeting. Mr. Seesan moved for approval, seconded by Mr. Pedro, motion carried.

The next item under Petitions and Requests was a re-plat presented by Mr. Haines.

Re-Plat – Saint Barbara's Catholic Church

Location and Description: Out Lot 243 and Lot No. 12139, located at 2809, 2813, 2825 Lincoln Way NW; the request is to re-plat this property into three new parcels to split off the rectory and the apartment building from the balance of the property.

Applicant: Saint Barbara's Catholic Church

Surveyor: Campbell & Associates

This re-plat is needed for tax purposes. Attorney Joel Fichter was present representing St. Barbara's Catholic Church. He explained that when St. Barbara's expanded, all church grounds became taxable. A portion of the property should be taxed, but the school and church should not be taxed. Once the lot split is approved, the portion that should have tax exempt status will be properly designated. Mayor Cicchinelli moved for approval, seconded by Mr. Seesan, motion carried unanimously.

The next item before the Commission was another re-plat presented by Mr. Haines.

Re-Plat - Abbey Glen Condominiums

Location and Description: Out lot 857, located on the northeast corner of Hankins Road and Wales Road, NE; the request is to re-plat this property into two new parcels to split off the condominium allotment from the undeveloped balance of the property.

Applicant: Springhill Condominiums, Inc.

Surveyor: Hoover & Associates

The applicant withdrew this request prior to the meeting.

The next item was also a re-plat presented by Mr. Haines.

Re-Plat – American Legion Club

Location and Description: Lot Nos. 276 – 280, 283, 16306 – 16311, located at 413 Lincoln Way East; the request is to plat these parcels into two new lots.

Applicant: Massillon Legion Club Co. Inc.

Several months ago the American Legion requested that Legion Place SE and an unnamed alley between Fourth and Fifth Streets SE be vacated, which was approved by the City. The American Legion now wishes to incorporate the property that was acquired and their other two larger parcels into two new lots. Charles Thatcher was present representing the American Legion. He commented that this would clean up their properties. Mr. Seesan moved for approval, seconded by Mayor Cicchinelli, motion carried unanimously.

The next item was another re-plat presented by Mr. Haines.

Re-Plat - 1002 Eighth Street NE / 955 Cornell Street NE

Location and Description: Lot Nos. 7551 (1002 8th St NE) and 7516 (955 Cornell St NE); the request is to split off the rear of Lot 7551 and combine it with Lot No. 7516.

Applicant: Ken and Lana Balagna

The owners would like to sell part of this as a building lot. When the property was surveyed, it was discovered that a garage was encroaching. The Balagnas and the neighbors can come to an agreement but the lot split needs to be completed. Mayor Cicchinelli moved for approval, seconded by Mr. Pedro, motion carried.

The final item for the evening was another lot split presented by Mr. Haines.

Lot Split – 619 Andrew Avenue NE

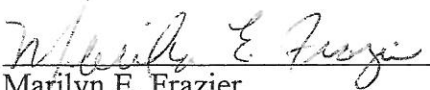
Location and Description: Lots No. 1656, located on the south side of Andrew Avenue NE, west of 7th Street NE; the request is to split off the rear portion of this lot for possible sale.

Appliant: L. H. Hacker

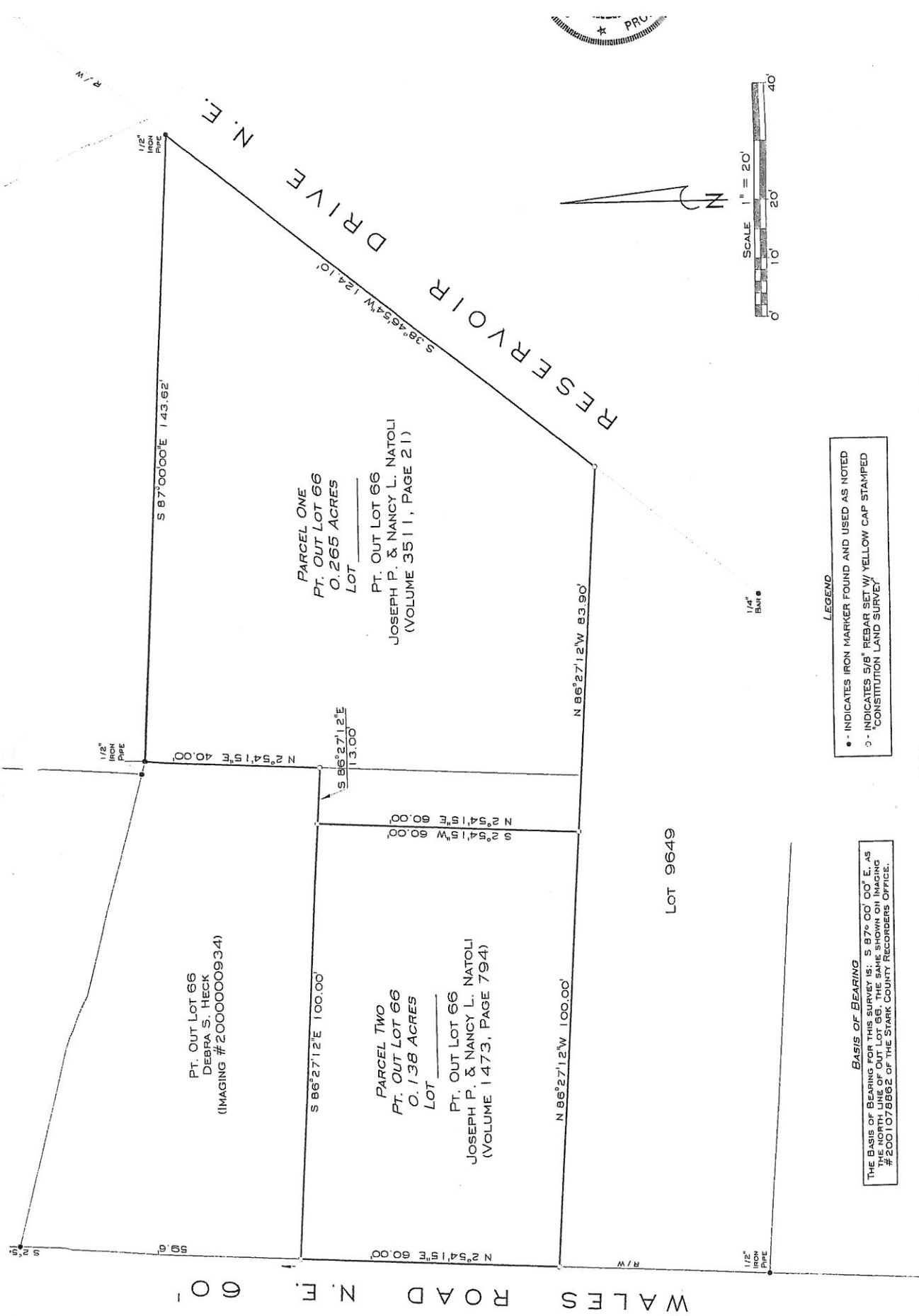
Mr. Hacker is interested in splitting the rear portion off in order to sell it. Mr. Hacker was present and commented he would like to either sell or build a house on the property. Mayor Cicchinelli added that he'd prefer the property to be owner-occupied. Mr. Hacker replied that it wouldn't be feasible to build a house to be used as a rental. Mr. Seesan moved for approval, seconded by Mayor Cicchinelli. Motion carried 4 – 1 with Mr. Climer voting "no".

There being no further business before the Commission, the meeting adjourned at 5:00 P.M.

Respectfully submitted,


Marilyn E. Frazier
Commission Clerk

Approval:



LEGEND

- INDICATES IRON MARKER FOUND AND USED AS NOTED
- INDICATES 5/8" REBAR SET W/ YELLOW CAP STAMPED "CONSTITUTION LAND SURVEY"

BASIS OF BEARING

THE BASIS OF BEARING FOR THIS SURVEY IS: S 87° 00' 00" E AS THE NORTH LINE OF OUTLOT 66, AS SHOWN ON IMAGING #200107886 OF THE STARK COUNTY RECORDERS OFFICE.

REPLAT
 OF
 PART OF MASSILLON CITY OUT LOT 66
 FOR:
 WEST STARK TITLE
 AND / OR
 CHRISTOPHER D. SENFTEN AND JACQUELINE E. GRAFE



BORDEN

ST.

S.W.

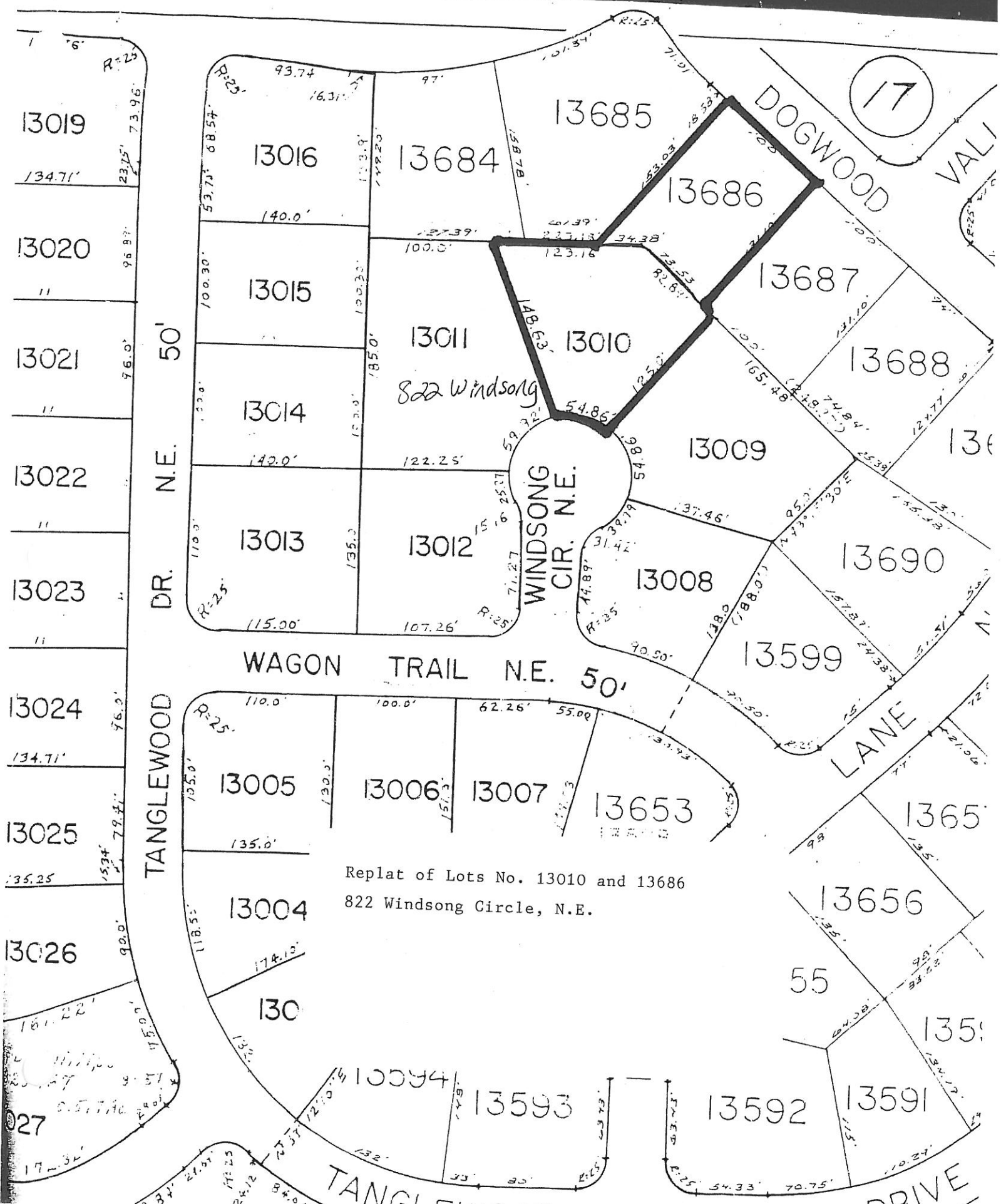
S.W.

12TH

AVE.

12TH ST.

Re-plat 1123 Borden Avenue SW



Replat of Lots No. 13010 and 13686
822 Windsong Circle, N.E.

T. L. Bixler
 721 27th St N.E.
 MASSILLON OH 44646 330 873-9207

REPLAT

OF
 LOTS 14549, 14548,
 14103 AND 14102

LOCATED IN THE CITY OF MASSILLON,
 STARK COUNTY, OHIO.

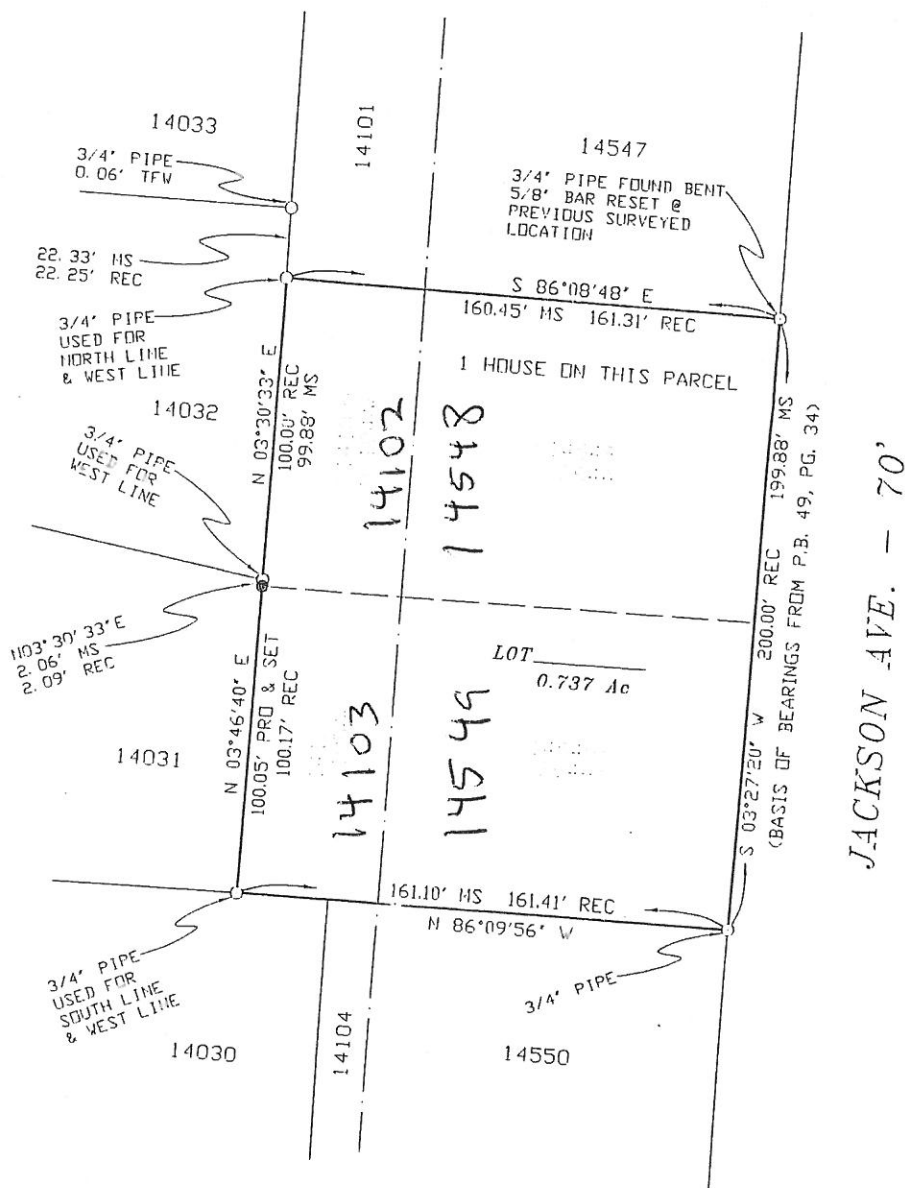
LEGEND:

- REC - RECORD
- PRO - PRORATED
- MS - MEASURED
- - 5/8" BAR SET
- - MONUMENTATION FOUND
- OLD LOT INFORMATIC

GRAPHIC SCALE



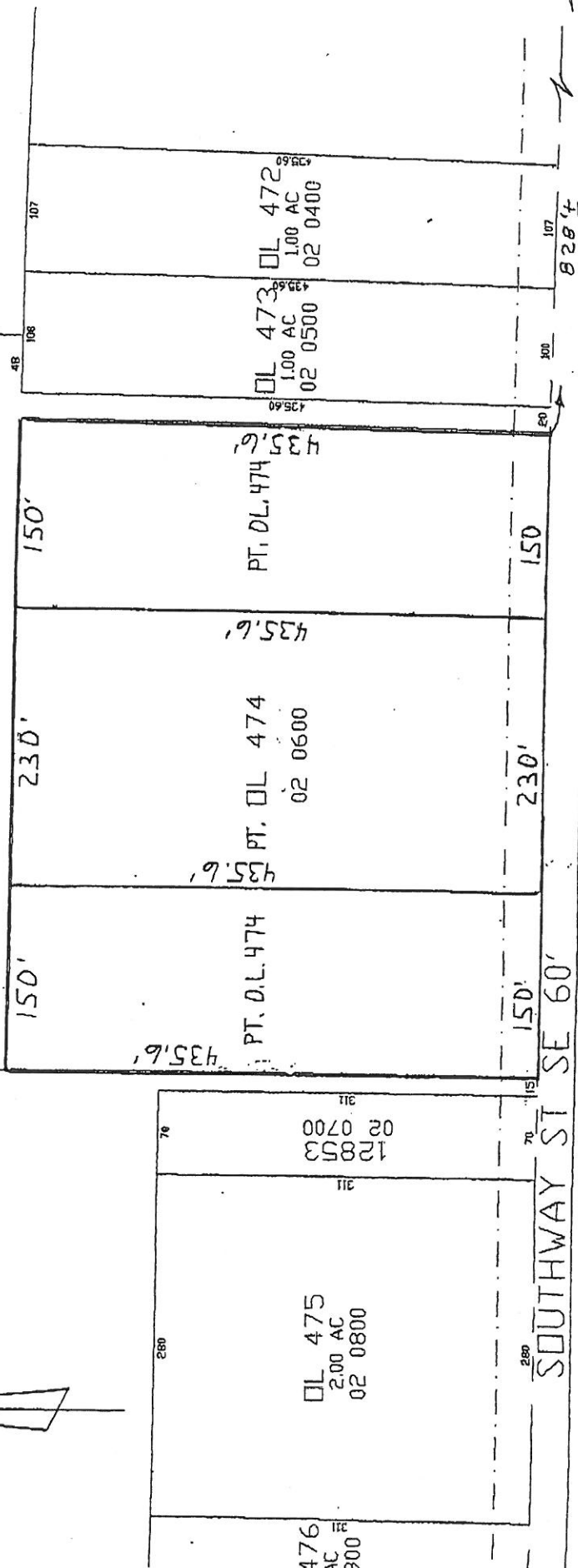
1 INCH = 40 FEET





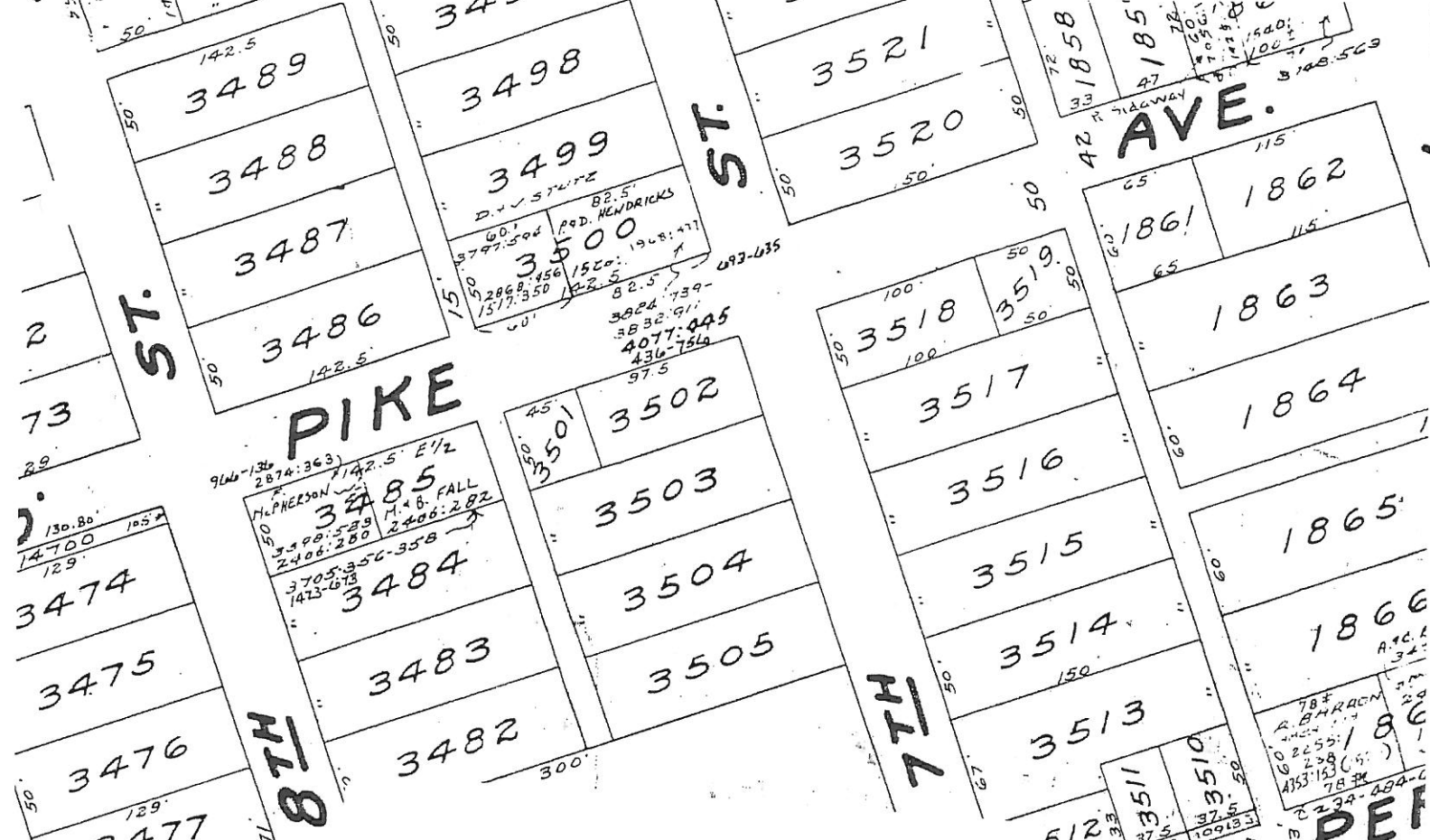
SCALE: 1" = 100'

PROPOSED REPLAT OF OUTLOT 474
LOCATED IN THE CITY OF
MASSILLON, STARK COUNTY,
OHIO

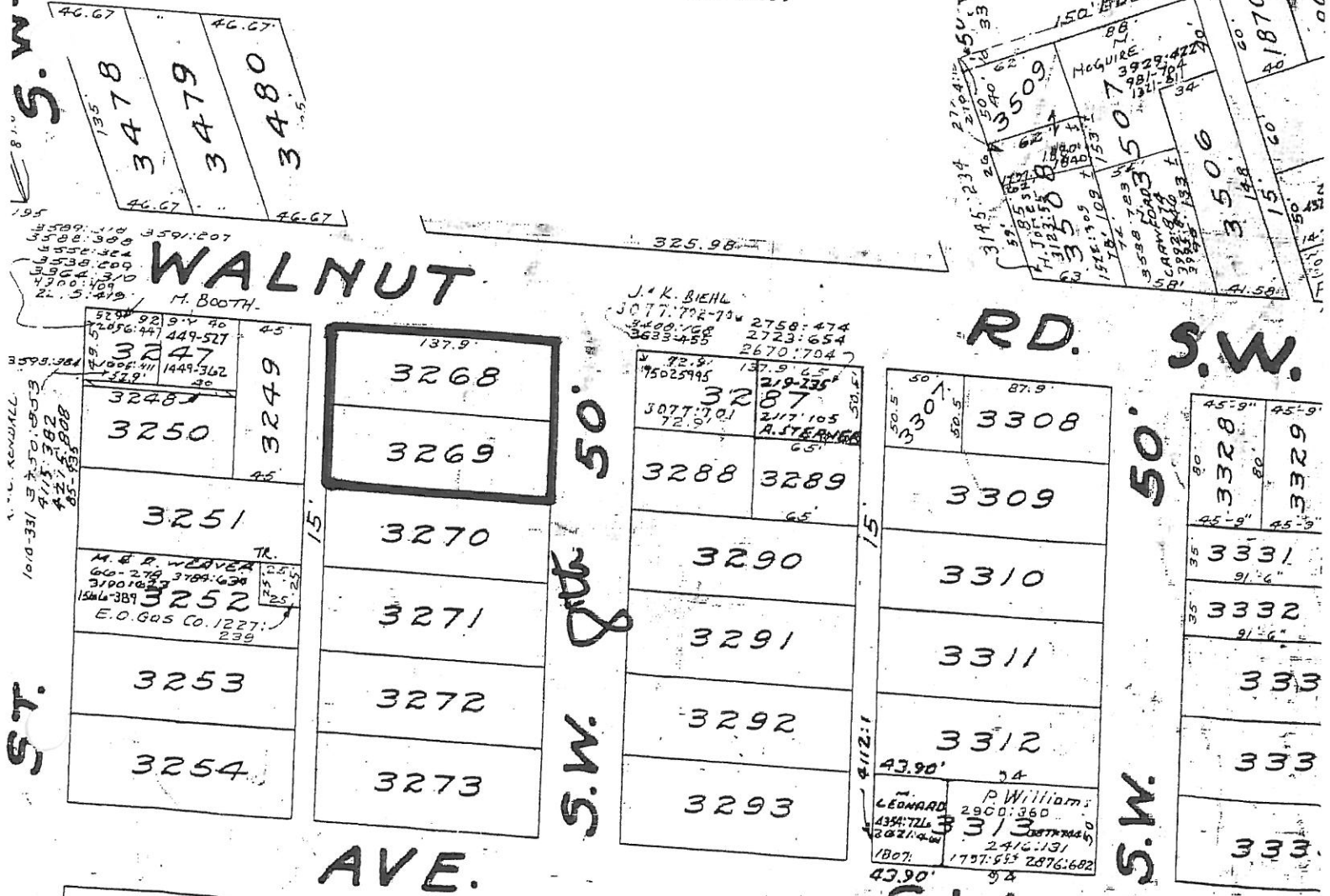


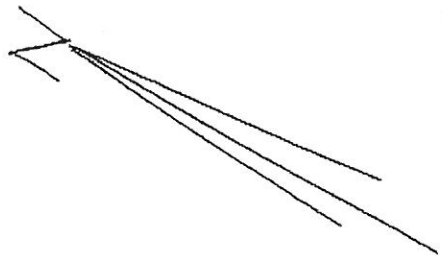
PROPERTY OWNER: ARTHUR RHODES
2500 SOUTHWAY ST. S.E.
MASSILLON OHIO 44646

MASSILLON CITY MAP #56



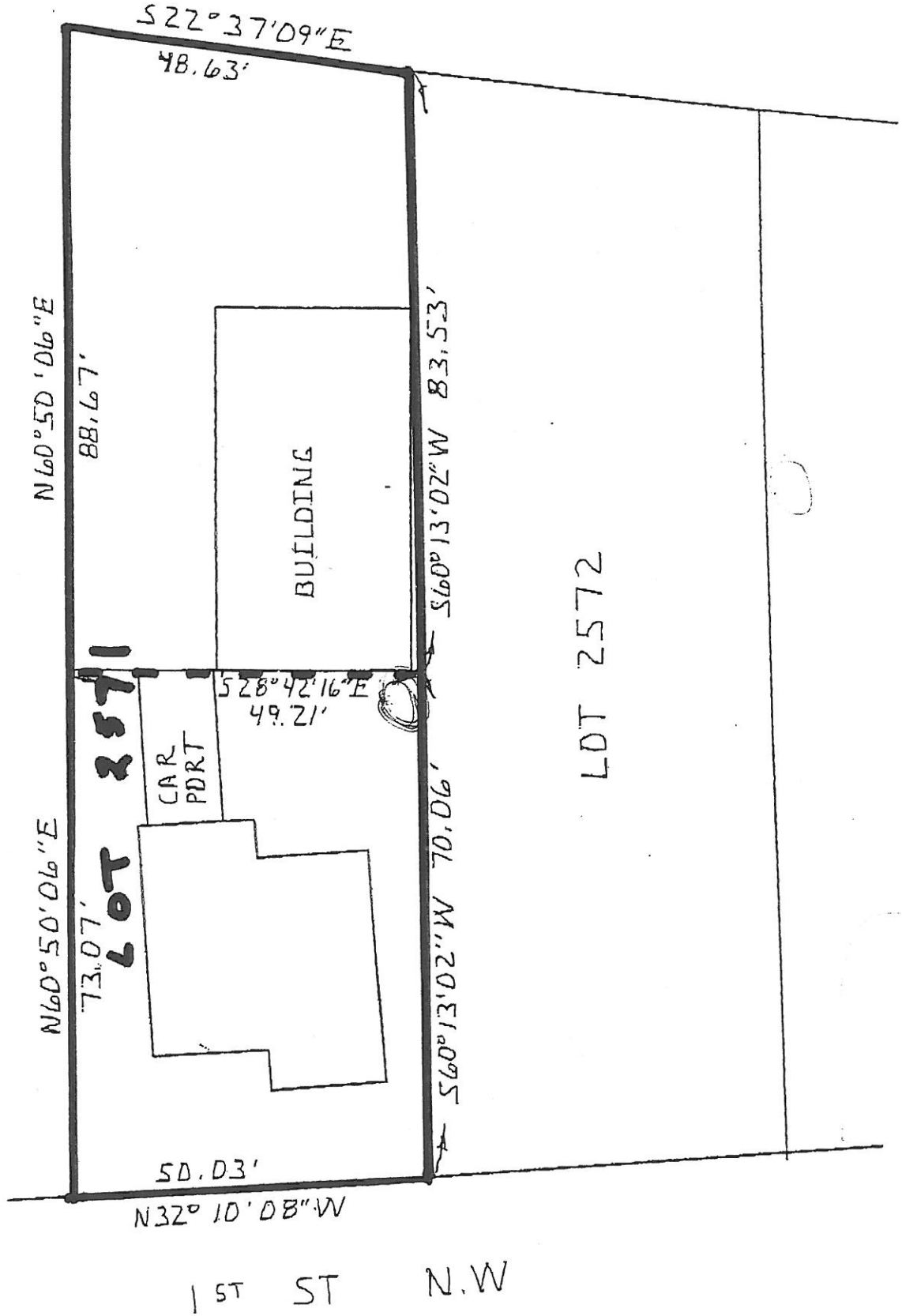
Replat - Lots No. 3268 and 3269





SCALE: 1"=20'

Lot Split - Lot No. 2571
320 1st Street, NW



Proposed Amendments to Massillon Zoning Code

CHAPTER 1180

Home Occupations and Incidental Residential Uses

1180.01 INTENT

It is the intent of this CHAPTER to establish regulations which will permit home occupations and other incidental residential uses in a manner which will preserve the peace, quiet, and tranquillity of residential neighborhoods and to ensure the compatibility of such uses permitted within the same zoning district. The need to establish regulations pertaining to home-based occupations and businesses is a result of the increased need within households for the diversity of income to help offset the rising cost of living. Home occupations and incidental residential uses will particularly benefit individuals with physical disabilities as well as those having to care for children or the elderly within their home. There are also potential benefits to the local community to be realized by those seeking services or goods supplies through home occupations and other incidental residential uses. However, these positive benefits must be weighed against the potential impacts of such uses on the residential character of the neighborhood.

1180.01 INCIDENTAL RESIDENTIAL USES

“Incidental Residential Uses” means the incidental use of a residential property for one of the following purposes:

- (a) Hobbies that do not produce a profit or only occasionally or incidentally do so.
- (b) Volunteer work for non-profit organizations.
- (c) Door-to-door sales, including marketing or sales activity in a residence by a door-to-door salesperson whose business is not based therein, including sales-oriented “parties” or group product demonstrations.
- (d) A home office used only for incidental clerical, administrative, or professional work brought home from an off-premises place of work.
- (e) An “address of convenience”, meaning an activity confined to the sending and receipt of mail, phone calls, faxes, e-mail, and other forms of electronic communication, and the keeping of records in connection with any business or occupation.
- (f) Incidental low-nuisance money-making activities of household residents, other than Garage Sales as defined in Chapter 725, and including such activities as newspaper delivery, babysitting, and short-term seasonal activities such as children’s lemonade stands, or other similar activities.

Incidental Residential Uses shall be permitted within all residential zoning districts as an allowable accessory use.

1180.02 HOME OCCUPATIONS

"Home Occupation" means any occupation or profession, other than "incidental residential uses" as defined herein, conducted entirely within a dwelling unit by the inhabitants thereof which is clearly incidental and secondary to the use of the premises for dwelling purposes and which does not change the residential character thereof. Home Occupations shall be subject to the following requirements:

- (a) There shall be no display or retail sale of goods on the premises.
- (b) All persons working at the home occupation site shall be full-time residents of that dwelling unit.
- (c) There shall be no evidence from the exterior that the dwelling unit is being utilized for purposes other than a dwelling. No addition, alteration, or remodeling of a dwelling shall be permitted in connection with any home occupation.
- (d) No signs advertising the home occupation shall be permitted.
- (e) Practice of the home occupation shall be permitted in the principal dwelling only, not in any accessory buildings.
- (f) Deliveries shall not restrict traffic circulation.
- (g) Traffic generated by the home occupation shall not exceed volumes normally expected in a residential neighborhood.
- (h) A home occupation shall not produce noise, obnoxious odors, vibrations, lighting glare, smoke, or fumes detectable to normal sensory perception on any adjacent lots or streets, nor shall it produce detectable electrical interference.
- (i) Adequate off-street parking facilities shall be provided to reasonably accommodate the normal activity of the home occupation.
- (j) The outdoor storage of goods, materials, or equipment shall be prohibited. The home occupation shall not involve the storage of hazardous, flammable, or combustible liquids or materials, other than those customarily found in a dwelling (and of no greater intensity or duration than that customarily associated with a residence.)

- (k) Not more than one commercial vehicle together with equipment, tools, and stock-in-trade maintained therein where such motor vehicle is used as the owner's means of transportation, shall be permitted in any residential district; provided that such vehicle shall be parked on the premises and not on any public street, and provided further that such tools and equipment are not used for the performance of services upon the premises and stock-in-trade is not sold from the premises.
- (l) The following types of home occupations shall be prohibited: any business whose primary function is the rendering of services to customers or clients on the premises, with the exception of educational services such as tutoring or music instruction.

1180.03 APPLICATION AND REVIEW PROCESS

Any person desiring to conduct a home occupation in a residential district shall apply to the Board of Zoning Appeals for approval as follows:

- (a) The application fee for a home occupation permit shall be fifty dollars (\$50.00) and shall be paid to the Secretary of the Board of Zoning Appeals, who shall forthwith deliver said amount to the City Treasurer for deposit to the credit of the General Fund.
- (b) The Board of Zoning Appeals shall consider any application for a home occupation permit at its regularly scheduled monthly meeting.
- (c) In consideration of any application for a home occupation permit, the Board of Zoning Appeals shall determine that the proposed use will comply with the requirements of 1180.02 and further, that the proposed home occupation will not unreasonably diminish or impair established property values within the surrounding area, or in any respect impair the public health, safety, comfort, morals, or welfare of the community.
- (d) The granting of a home occupation permit by the Board of Zoning Appeals shall in no way constitute a change in the zoning classification of the property on which the home occupation is permitted.
- (e) A home occupation permit shall be valid for a period of one year and may be renewable in subsequent years, upon payment of a fee of fifty dollars (\$50.00) per year.
- (f) A home occupation permit is not transferable and shall be immediately revoked and become null and void upon the sale, lease, transfer, or other disposition of the home occupation or the property on which it is located.

- (g) If the use for which a home occupation has been granted ceases for a period of six consecutive months, all permits issued pursuant to this section shall become null and void.
- (h) Home occupation permits granted pursuant to this section may be revoked by the Building Inspector pursuant to the provisions of Chapter 1125, such revocation to be based upon the failure to comply with any of the provisions of this section and when the use of any property in a residential district as a home occupation results in an undesirable condition interfering with the health, safety, or welfare of the surrounding residential area.
- (i) Any person aggrieved or affected by a decision of the Board of Zoning Appeals regarding an application for a home occupation permit may appeal such decision, pursuant to Section 1129.09, to Council by filing with the Clerk of Council a written notice of such appeal within ten days of the decision by the Board of Zoning Appeals.