



1. Approval of the Minutes for the Commission Meeting of November 14, 2001.

2. Petitions and Requests

Rezoning Request – 611 Andrew Avenue, N.E.

Location and Description: Lot No. 1657, a 0.053 acre parcel located at 611 Andrew Avenue, N.E.

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

Proposed Use: Purchase of existing 10 unit apartment building.

Applicant: Christine Miller

Re-Plat – Walnut Road, S.E.

Location and Description: Part of Out Lot 863, Parts of Out Lot 57, Lot Nos. 9456, 9458, and 16141, located on the north side of Walnut Road SE, east of Young Street SE; the request is to replat this property into 3 new parcels.

Applicant: BrenTom Ltd..

Surveyor: Broemsen Surveying.

3. Other Business

The Massillon Planning Commission met in regular session on November 14, 2001, at 7:30 P.M. in Massillon City Council Chambers. The following were present:

Members

Chairman Rev. David Dodson
Paul Manson
Thomas Seesan
Sheila Lloyd
Vincent Pedro
Ron Pribich

Staff

Aane Aaby
Jason Haines

The first item on the agenda was the minutes of the Commission meeting of October 10, 2001. Mr. Pedro moved to approve the minutes as prepared, Mr. Seesan seconded the motion which carried unanimously.

The next item was a Preliminary Plat.

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

Mr. Haines presented this item. The property, which is approximately 7 acres, was recently auctioned off. The new owner wishes to subdivide it and put in a new street. The subdivision would consist of twelve new lots laid out in a cul-de-sac. There is one existing home. Some of the engineering work is completed. The proposed street name is Orchard Hill Drive, which may be a problem since there is an Orchard Street, N.E. A variance will be needed because the street length exceeds the maximum length for a cul-de-sac. Peter Lepp was present representing the petitioner. He commented that there is a century home on the site and they plan to retain it and build twelve single family homes to compliment the existing home and trees. Mr. Haines commented that the length of the cul-de-sac exceeds the maximum. After a brief discussion, Mr. Manson moved for approval of the request, and the variance for the cul-de-sac length, seconded by Mr. Seesan, motion carried.

The next item was a re-plat.

Re-Plat – 929 Reservoir Drive, NE

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 re-plat this property to shift the boundary line between these parcels.

Applicant: Joseph and Nancy Natoli *Surveyor:* Constitution Land Surveying, Ltd.

Mr. Haines presented this request. The same owner owns both of these lots. There is a house on one of the lots, but the other is a vacant lot. Jackie Grave is interested in purchasing the property. Mr. Seesan moved for approval, seconded by Mr. Pribich, motion carried unanimously.

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

Re-Plat – 1123 Borden Avenue, SW

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

This was previously a lot which was split. The house that was on this lot earlier burned. As required by the Building Department, a house can't straddle two lots, therefore, since the owner wishes to build at this site, this re-plat is necessary. Mr. Wilson was present and commented that he intends to build a single family home on the site. He has discussed his intentions with the building department and they have instructed him on any requirements. Mr. Manson moved for approval, seconded by Ms. Lloyd, motion carried unanimously.

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

Re-Plat – 822 Windsong Circle NE

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

The lot which has a house on it is on Windsong, the other lot which faces Dogwood NE, is vacant. The owner, Janet Maier, would like to have a storage barn constructed, but an accessory building can't be on a lot alone. Therefore, the re-plat is needed. Ms. Maier commented that she only wants to build a storage barn and wondered if she could get a waiver to build the structure. She was told the procedure was necessary. Mr. Manson moved for approval, seconded by Mr. Pribich, motion carried unanimously.

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

Re-Plat – 721 27th Street, NE

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

This property is in the Colonial Hills area. The owner has four parcels. There is a house on one lot with the others being vacant. The owner would like to combine all of these into one large lot that will be about .75 acres in size. Mr. Bixler, the owner, was present and stated he'd like to build a storage shed also. Mr. Pedro moved for approval, seconded by Ms. Lloyd, motion carried unanimously.

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

Re-Plat – 2500 Southway SE

Location and Description: Out Lot 474, a 5.3 acre parcel located at 2500 Southway SE; the request is to re-plat this property into three new out lots. *Applicant:* Arthur Rhodes
Surveyor: Ronald C. Hinton Surveying Company

This parcel is in the area of Freshmark. There is an existing home in the center of the lot. The owner would like to split off an area on both sides of the home thereby creating three lots. There are plans to install sanitary sewer facilities along Southway SE. After that is done, the owner plans to build at least one home. Mr. Rhodes was present and commented that he intends to sell his home and build a smaller one if this lot split is successful. Mr. Seesan moved for approval, seconded by Mr. Manson, motion carried unanimously.

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

Re-Plat – 8th Street SW

Location and Description: Lots No. 3268 and 3269 located at the southwest corner of 8th Street and Walnut Road SW; the request is to re-plat this property into one new lot. *Applicant:* Jacob Glick

This is near Emerson School. Mr. Glick owns this property and wishes to build a home at this site. Mr. Haines noted that the agenda contained an error, the applicant is Jacob Glick. Mr. Jacob Glick was present and commented that this request is required by the Building Department. Mr. Pedro moved for approval, seconded by Mr. Manson, motion carried unanimously

The next item was a lot split presented by Mr. Haines.

Lot Split – 320 1st Street NW

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

This is part of the downtown redevelopment project in the area of the recreation center. The City has purchased the part of the lot that has a house on it to be demolished. The Buckeye Club is on the remainder of the lot that will continue to exist at the site. Mr. Manson moved for approval, seconded by Mr. Seesan, motion carried.

The final item on the agenda under Other Business, was an amendment to the City Zoning Code.

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.

Mr. Aaby made the presentation. Council has been working on this ordinance for quite some time. Councilpersons Glenn Gamber and Mike Loudiana were present. Also, Mr. Aaby reviewed the proposed amendments, a copy of which is a permanent part of these minutes.

Vince Pedro made a comment regarding the section on off-street parking. This section states that adequate off-street parking facilities shall be provided to accommodate the activities of the home occupation. Mr. Pedro commented that if a home occupation were in his area, he would not like to see a paved parking area on that property. He stated that home occupations should not be businesses that generate a need for off-street parking. He felt that sections (i) and (k) of the regulations dealing with parking should be combined into one section. Councilperson Gamber stated that both Councilperson Loudiana and he agree with Mr. Pedro and that perhaps these sections dealing with home occupations and parking should be looked at more closely for possible changes. Mr. Pedro moved for approval, seconded by Mr. Manson, motion carried unanimously.

There being no further business before the Commission, the meeting adjourned at 8:45 P.M.

Respectfully submitted,


Marilyn E. Frazier
Commission Clerk

Approval:

MEF/ky

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.

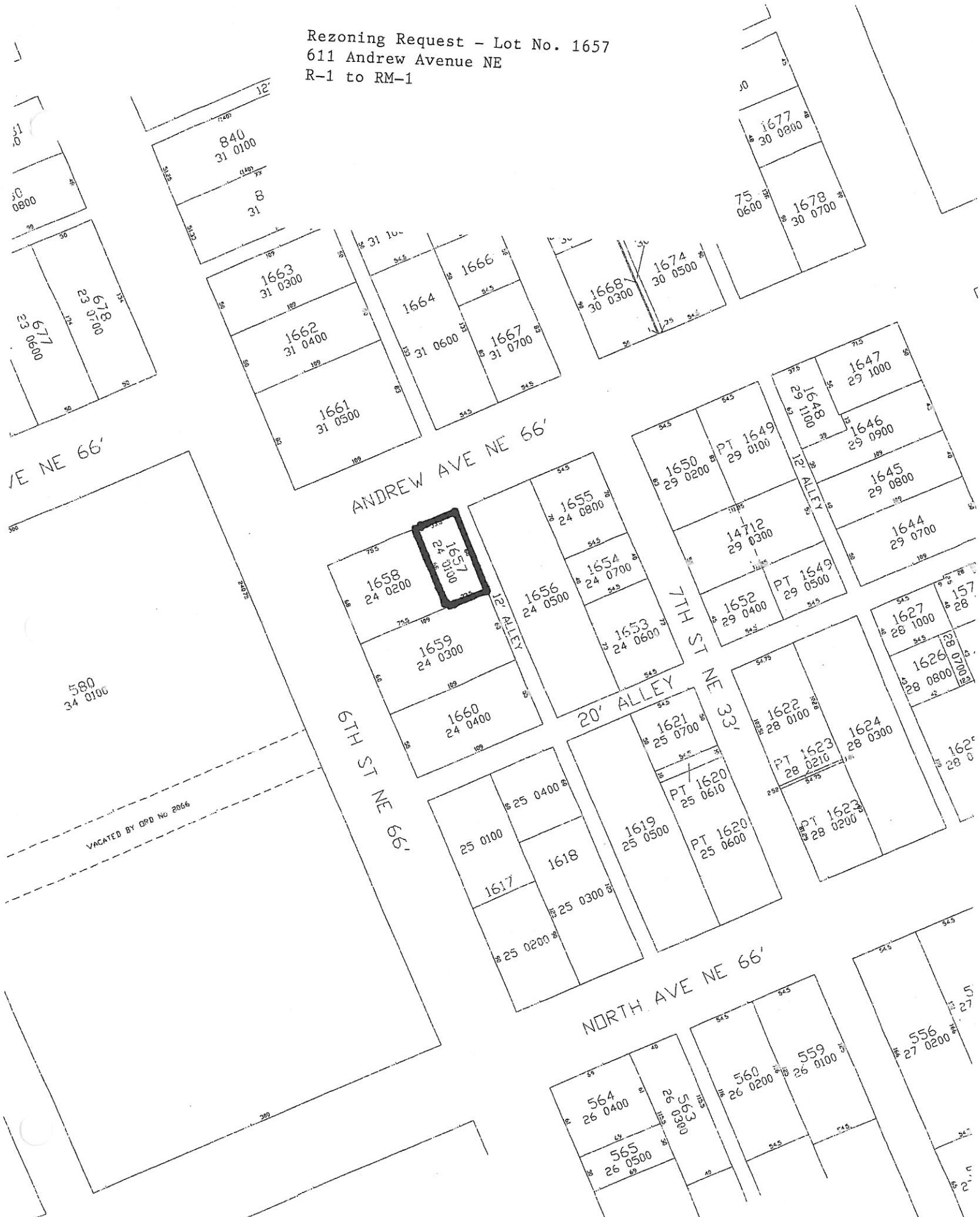
1180.03 APPLICATION AND REVIEW PROCESS

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.

Rezoning Request - Lot No. 1657
611 Andrew Avenue NE
R-1 to RM-1



2.210 AC.
(VACANT LAND)

PT. D.L. 57

Re-Plat of Part of Out Lot 863, Parts of Out Lot 57,
Lots No. 9456, 9458, and 16141

Lot No. 16141

GARAGE FROM LOT 9458
ENCROACHES

0.12

245.30'
N02°30'52"

554°21'40"W
15.69' MS.
N69°12'08"W
83.14' MS.

Out Lot 863

502°30'52"W
9458
O.L. LINE

150.00'
9456
N02°30'52"E

135.00'
502°30'52"W
9455

150.00'
N02°30'52"E
9454

114°70' MS.
12°08"W
K SET ON
CONC. CURB

N64°12'08"W
252.18'
MORNING STAR UNITED
HOLY CHURCH OF
AMERICA
PARTS OFFICE

N25°47'52"E
112.78'
N25°47'52"E
164.50'

121.32'
O.L. 57
S.W. CORN.
718°5' B @
548.18' MS.
547.65' DD.

SEE
DETAIL

2d SE

Wahant

9456 & 9458
E 0.17