

Location and Description: Part of Out Lot 555 (zoned R-3 One Family Residential), located on the west side of Valerie Avenue NE, north of Hankins Road; the request is to replat this property into one new out lot 28.502 acres in size in order to facilitate the sale of this property.

Owner: Morelli Estate

Engineer/Surveyor: Hoover & Associates

Lot Split – 602 Standish Street NW

Location and Description: Out Lot 396 (zoned R-2 One Family Residential), a 1.06 acre parcel located on the east side of Standish Street NW, south of Priscilla; the request is to split this property into two lots and sell the northernmost parcel.

Owner: Robert Neff

3. *Other Business*

The Massillon Planning Commission met in regular session on June 12, 2002, at 7:50 P.M. in Massillon City Council Chambers. The meeting was delayed due to a lack of a quorum. The following were present:

Members

Vice Chairman James Johnson
Thomas Seesan
Moe Rickett
Vincent Pedro
Paul Manson

Staff

Aane Aaby
Marilyn Frazier
Steve Hamit

The first item of business on the agenda was the minutes for the Commission meeting of May 8, 2002. Mr. Rickett moved for approval, seconded by Mr. Pedro, motion carried unanimously.

The next item under Petitions and Requests was a final plat presented by Mr. Aaby.

Final Plat – Centennial Village

Location and Description: Out Lots 291 and 797 and Lot No. 10365, a total 15.53 acre parcel located in the block bounded by 8th and 9th Streets SW, Webb and Finefrock Avenues SW.
Proposed No. of Lots: 52 lots zoned R-U One Family Residential, Multiple Family Areas A (1.37 acres) and B (2.97 acres), and 1 2.0 acre parcel zoned B-1 Local Business.
Owner/Developer: Capital Reserve Mortgage, Ltd., and Massland Development LLC.
Engineer: Karl R. Rohrer Associates, Inc.

A revised preliminary plat for the development was presented and approved at the last meeting of the Planning Commission. Centennial Village is a multi-use allotment consisting of single family, multi family, and business zoning. After a brief discussion, Mr. Seesan moved for approval, seconded by Mr. Manson, motion carried unanimously.

The next item was a preliminary/final plat presented by Mr. Aaby.

Preliminary/Final Plat – Park View Estates

Location and Description: Part of Out Lot 498, a total of 4.47 acre parcel located south of Margilee Drive SW
Proposed No. of Lots: 7 lots zoned R-3 One Family Residential
Streets to be Dedicated: An extension of Bethann Avenue SW
Owner/Developer: PBR Development *Engineer:* Hettler Engineering Services.

This was a combined preliminary and final plat. The allotment will consist of seven residential lots with a cul-de-sac. This is in the area of the new community park. Paul Lambert of 577 23rd Street, NW, was present. Mr. Lambert explained that his daughter and son-in-law had moved back to Massillon. His son-in-law's parents own this property and they are interested in building seven homes, one of which will be for his daughter and son-in-law. Mr. Rickett moved for approval, seconded by Mr. Pedro, motion carried unanimously.

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

Re-Plat – 1600 Block First Street, NE

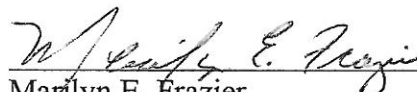
Location and Description: Out Lot 867 and Part of Out Lot 518 (zoned RM-1 Multiple Family Residential), located on the east side of First Street NE, north of Gail Avenue NE; the request is to re-plat these two parcels into one new out lot in order to construct the new Amherst Meadows Extended Care Facility. *Applicant:* Amherst Alliance Partners LLC.

This development is associated with the elderly housing complex known as Amherst Meadows Apartments, formerly Golden Villa. The property was recently rezoned Multi Family. The private drive will be relocated along with the storm and sanitary sewers. Keith Edwards of Withers Design Group was present and added that this development will consist of a fifty-bed nursing home and twenty-four units of assisted living apartments. Mr. Pedro moved for approval, seconded by Mr. Manson, motion carried unanimously.

Mr. Aaby informed the Commission that an issue regarding swimming pools had come up at a Council Committee meeting that required action by the Planning Commission. Mr. Manson moved to add this item under Other Business, seconded by Mr. Rickett, motion carried unanimously. Mrs. Claudette Istnick, who is Chairperson of the Health, Welfare and Building Committee of Council, said that her committee had several discussions about the height of fencing around swimming pools. Presently the required height of fencing is six feet, and they are proposing to reduce it to four feet. She also gave examples of requirements from other communities. After a brief discussion, Mr. Rickett moved to approve the proposed revisions (included) to the ordinance, seconded by Mr. Manson, motion carried 4 – 1. Mr. Pedro voted against the ordinance.

There being no further business before the Commission, the meeting adjourned at 8:20 P.M.

Respectfully submitted,


Marilyn E. Frazier
Housing Director

Approval:

Swimming Pool Ordinance

1187.14 PRINCIPLE USES PERMITTED SUBJECT TO SPECIAL CONDITIONS

(a) Private pools shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements.

- (1) There shall be a minimum distance of not less than ten feet, between the adjoining property line, or alley right of way and the outside of the pool wall. Side yard setbacks shall apply to side yards if greater than ten feet.
- (2) There shall be a distance of not less than four feet between the outside pool wall and any building located on the same lot.
- (3) Swimming pools shall be located no less than thirty-five feet from any front lot line.
- (4) No swimming pool shall be located in an easement.
- (5) (A) For the protection of the general public, in-ground swimming pools shall be completely enclosed by a fence not less than four feet in height. The gates shall be a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Building Inspector upon inspection and approval.
(B) Above ground swimming pools with a wall height of four feet or greater measured from the surrounding grade and having a fold-up or removable ladder, shall not require fencing.
- (6) A pool shall not be located less than twenty feet vertically, horizontally or diagonally to any overhead power lines or poles

1187.13 SOLID WASTE DISPOSAL AND TREATMENT FACILITIES.

(a) For purposes of this section, the language "solid waste disposal facility" includes, but is not necessarily limited to: a solid waste, medical waste or toxic waste disposal facility, a solid waste, medical waste or toxic waste treatment facility; or similar facilities, and including but not limited to contaminated soils disposal sites and incinerators. Notwithstanding any language "solid waste disposal facility" does not include: any solid waste transfer station, or similar facility, to be constructed by, and operated by, a political subdivision of the State of Ohio; any medical waste disposal facility which will dispose of only medical waste generated on the same premises as the disposal facility; or any medical waste treatment facility which will treat only medical waste generated on the same premises as the treatment facility.

(b) Notwithstanding any provisions within these Codified Ordinances to the contrary no solid waste disposal facility shall be constructed within the corporate limits of the City, and any such construction is hereby expressly prohibited.

(c) The lawful use of any building, structure, land or premises as a solid waste disposal facility at the time of the effective date of this section constitutes a non-conforming use and may be continued as a nonconforming use. No solid waste disposal facility lawfully existing at the time of the effective date of this section shall be expanded, and any such expansion is hereby expressly prohibited.
(Ord. 216. Passed 12-7-92.)

1187.14 PRINCIPLE USES PERMITTED SUBJECT TO SPECIAL CONDITIONS.

(a) Private pools shall be permitted as an accessory use within the rear yard only, provided they meet the following requirements:

- (1) There shall be a minimum distance of not less than ten feet, between the adjoining property line, or alley right of way and the outside of the pool wall. Side yard setbacks shall apply to side yards if greater than ten feet.
- (2) There shall be a distance of not less than four feet between the outside pool wall and any building located on the same lot.
- (3) Swimming pools shall be located no less than thirty-five feet from any front lot line.
- (4) No swimming pool shall be located in an easement.
- (5) For the protection of the general public, swimming pools shall be completely enclosed by a fence not less than six feet in height. The gates shall be of a self-closing and latching type, with the latch on the inside of the gate not readily available for children to open. Gates shall be capable of being securely locked when the pool is not in use for extended periods. Provided, however, that if the entire premises of the residence is enclosed, then this provision may be waived by the Building Inspector upon inspection and approval.
(Ord. 103-99. Passed 6-7-99.)
- (6) A pool shall not be located less than twenty feet vertically, horizontally or diagonally to any overhead power lines or poles.
(Ord. 218-2000. Passed 11-20-00.)

(b) Family homes licensed under Ohio R.C. 5123.19, subject to the provisions of Section 1187.12.

(c) Accessory buildings and uses customarily incident to any of the above permitted uses. (Ord. 103-1999. Passed 6-7-99.)

CITY OF MASSILLON BUILDING DEPARTMENT
MUNICIPAL GOVERNMENT ANNEX
151 LINCOLN WAY, EAST
MASSILLON, OHIO 44646
330-830-1724

SWIMMING POOL REQUIREMENTS OF DIFFERENT LOCALITIES

Yakima, WA	Completely surrounded by fence - 48" ht., 2" above grade - 1 3/4 ' diameter.
Louisville	Addresses in-ground only - fence 48" ht. - completely enclosed.
Perry Twp.	In-ground no less than 4' or more than 6'. Above-ground 4' or more with no deck and a fold-up ladder - no fence. Above ground 4' or more with deck requires 6' fence maximum; 4' minimum.
Pike Twp.	Fence not less than 4', no maximum.
Plain Twp.	In-ground - fence entire property with gate and lock 4' minimum; Above-ground swing up, lock in place steps or platform around rim with steps and locking gate.
Jackson Twp.	Pool or entire property fenced a minimum of 4' with gate. Above-ground with wall 4' or more - no fence.
North Canton	Pool enclosed with fence not less than 5' - no difference between in-ground pool and above-ground pool.
Alliance	Pool or entire property enclosed not less than 4' with gate and lock. (All pools) ?

738

E.

Rezoning Request
411 4th Street NE
RM-1 to R-1

699

698 S. CUNNINGHAM
3622: 471 1596-9947
3315: 240
3329: 53

697
A. GUMPP
3675: 218-220
480-769
788-881
917-805
1472-934
3395: C-59-CC3

696

695

694

693

692

691

690

689

688

N.E.

CHESTNUT 66'

ST.
4TH

660

671

670

662

663
66013-001
3985: 710
3035: 285-287
1738: 218 55-174
J. BENSON
2138: 537-539
1738: 218 809-762
497: 801
711: 194

664

665

17th Street S.W

26" E 248.22' Meas. (248.18 Rec.)

Oberlin Avenue S.W. (Variable Width)

632.87' Meas. (632.79' Rec.)

R/W

254.13' Rec. & Used

AREA TO BE DEDICATED AS PUBLIC RIGHT OF WAY

25.00' R & U

L.R.S.

S 89° 01' 41" E 224.56' PR. R/W

N 1° 58' 27" E 20.56' L.R.S.

30.00' R & U

New City Lot

AREA TO BE DEDICATED = 0.160 ACRES
AREA IN NEW CITY LOT = 0.439 ACRES
TOTAL AREA = 0.599 ACRES

PT. OF OUT LOT 286

59.99' R/W

L.R.S.

N 0° 58' 19" E 33.26' R/W

L.R.S.

Existing Slope Easement
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O.R. & Used

(Variable Width)

Finefrock Road

30.28' R/W L.R.S.

N 28° 04' 56" W 113.62' Rec. & Used

S 71° 32' 14" W 180.00' Rec. & Used

(683.81' Rec.)

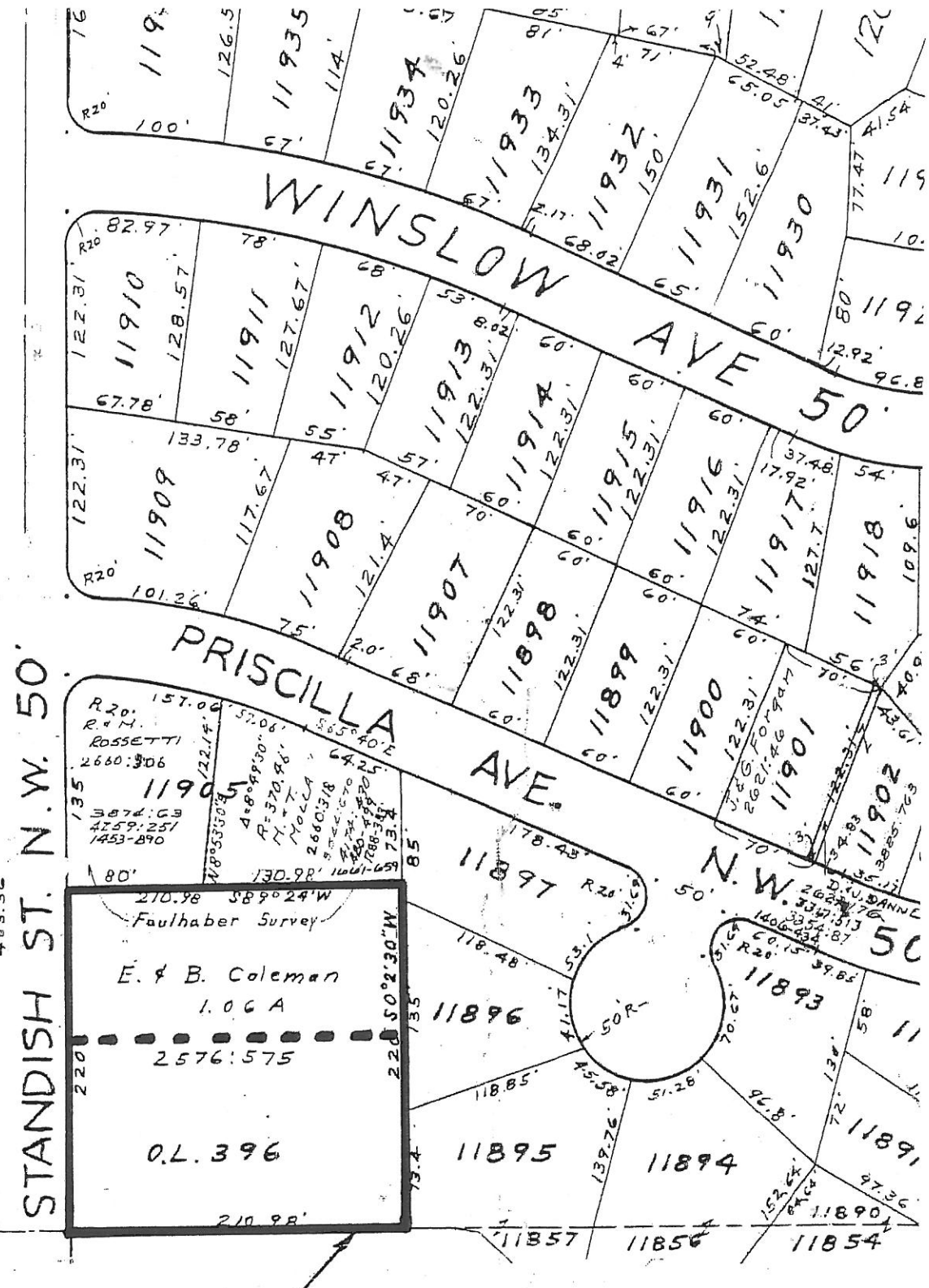
041

STADY COUNTY AUDITOR

REPLAT OF PART OF OUT LOT 286 AND THE
DEDICATION OF PART OF OBERLIN AVENUE S.W.
LOCATED IN PART OF OUT LOT 286 IN THE CITY
OF MASSILLON, STATE OF OHIO.

12129	240.35'	65'
12130	240.09'	65'
12131	239.81'	70'
12132	239.49'	80'
12133	239.21'	70'
12134	238.95'	65'
12135	188.72'	60'
12136	188.48'	60'
12137	188.24'	60'
12138	188.00'	60'
11906	237.74'	20'

0.14 A
 2762.163
 1229.62 125.77-420
 2755
 142.21'
 203.104
 237.74'
 11906
 323.04
 237.74'



ANNEXATION PLAT P.B. 33 P. 128 4
12-22-

Proposed Lot Split - 602 Standish NW

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