

A G E N D A
MASSILLON PLANNING COMMISSION
MAY 10, 2006 **7:30 P.M.**
MASSILLON CITY COUNCIL CHAMBERS

1. *Approval of the Minutes for the Commission Meeting of April 12, 2006.*
2. *Old Business*

Request for Conditional Land Use- 2629 Lincoln Way West

Property Description: Out Lot 245, a 1.76 acre parcel, 2629 Lincoln Way West

Existing Zoning: The front portion of the lot (109 feet wide and 172 feet is zoned B-1 Local Business and is occupied by an ice cream stand. The rear portion of the property (109 feet wide and 543 feet deep) is zoned R-1 Single Family Residential.

Conditional Land Use Request: To utilize the R-1 portion of the property for construction of a miniature golf course, pursuant to Chapter 1153.03(f), which permits golf courses as a conditional use within single family residential districts.

Applicant: Louie and Ketj Gorgievski

Note: This request was originally brought before the Planning Commission in 2005 and denied, based on the opinion of the Law Director that a miniature golf course was not a "golf course". However, the Stark County Court of Common Pleas has issued a ruling that, under the City zoning code, a miniature golf course may be a conditional use allowed in a residential district, subject to the conditions under Section 1153.03(f). In addition, the Court remanded the request back to the Planning Commission for a determination whether the proposed use meets the conditions specified under Section 1153.03(f).

3. *New Business*

Rezoning Request – 4th Street SW

Property Description: Lots No. 4099, 4132, and 4135, located on 4th Street SW, south of Isabella Avenue SW.

Zone Change From: I-1 Light Industrial

Zone Change To: R-1 Single Family Residential

Applicant: Evergreen Homes LLC

Proposed Use: The applicant proposes to construct new single family homes on these three lots.

Replat / Dedication - Pebble Chase Condominiums

Property Description: Out Lots 855 and 933, located on the east side of Wales Road NE, north of Hankins Road. The proposal is to combine the two parcels into (1) out lot containing 9.1 Acres, with frontage on Wales Road. This plat also includes the dedication of right-of-way for Wales Road. The parcels are zoned R-CRD Condominium.

Applicant: WD Development / Mark Smith

Sanitary Easement Plat - Pebble Chase Condominiums

Property Description: Out Lots 855 and 933, located on the east side of Wales Road NE, north of Hankins Road. The proposal is to dedicate a 20 and 50 -foot wide sanitary sewer easement to serve the Pebble Chase Development. The parcels are zoned R-CRD Condominium.

This item was tabled at the April 12, 2006 meeting.

Applicant: WD Development / Mark Smith

Replat – Tremont Avenue SE

Description: Part of Out Lot 62, located on the north side of Tremont Avenue SE, east of 3rd Street SE. The proposal would create 4 new lots with frontage on Tremont Ave. SE. The property is zoned R-1 Single Family.

Variance Request: The owner is requesting a variance of Section 1177.01; minimum lot frontage for R-1 zoning

This item was tabled at the April 12, 2006 meeting.

Applicant: Andrew Myers / Barry Henning

Massillon Planning Commission
April 12, 2006

The Massillon Planning Commission met in regular session on April 12, 2006, at 7:30 P.M. in Massillon City Council Chambers. The following were present:

Members

Vice Chairman James Johnson
Todd Locke
Susan Saracina
David Hersher
Sheila Lloyd

Staff

Aane Aaby
Marilyn Frazier
Jason Haines

The first item of business was the minutes of the March 8, 2006, meeting. Mr. Hersher moved for approval, seconded by Mr. Locke, motion unanimously carried.

The next item under Petitions and Requests was a rezoning request presented by Mr. Aaby.

Rezoning Request – 521 Elizabeth Avenue SE

Property Description: The eastern portion (54.3 feet) of Lots No. 17096 and 17097, located on the northwest corner of Elizabeth Avenue SE and Harsh Avenue SE.

Zone change from: Perry Township Zoning

Zone change to: R-1 Single Family Residential

Applicant: City of Massillon/Dale Alpeter (property owner)

Proposed use: This property has recently been annexed to the City from Perry Township and must be given a city zoning district classification.

The majority of this property was in Perry Township, and a portion in Massillon. In January, 2005, prior to consideration of the annexation, a lot split was completed. The request is to rezone the recently annexed portion to conform with proper Massillon zoning. Mr. Alpeter was present and agreed with Mr. Aaby's remarks. Mrs. Saracina moved for approval, seconded by Mr. Locke, motion unanimously carried.

The next item was a final plat presented by Mr. Haines.

Final Plat – Cherry Springs Phase 2

Description: Parts of Out Lots 91, 93, and 94, located on the south side of Cherry Road NW, east of 17th Street NW. The proposal would create 1 new lot and 2 new out lots with frontage on Cherry Road and includes the dedication of a portion of the existing street. The property is zoned R-1 Single Family Residential, RM-1 Multi Family and R-CRD Condominium. Total acreage is 36.32 acres.

Applicant: Marion, Francis, Thomas Company.

Last month Phase 1 was approved, and this represents the final phase of the allotment. The southern portion will consist of condominiums, the northern portion will be multiple family and one lot of this phase will be single family. Street dedication and easements are included in the final plat. Mr. Grizek was present and commented that a model for the condominiums will be construction. Mr. Locke moved for approval, seconded by Mrs. Saracina, motion unanimously carried.

The next item was a replat and easement plat presented by Mr. Haines.

Replat and Easement Plat – Cherry Road NW

Description: Out Lot 1012, located on the south side of Cherry Road NW, east of Route 21. The proposal would create 4 new out lots with frontage on Cherry Road and Tommy Henrich Blvd. and includes the dedication of several utility easements. This split will require a driveway easement to be granted from the City of Massillon. The property is zoned B-3 General Business.

Applicant: Ragains Enterprises.

This is the site of The Great Escapes Movie Theater which was developed last year. Originally the lots were to be leased, but now the owner wishes to make them separate parcels. Several utility easements are required. Additionally, the Engineer's office is requesting the City provide an easement to the property owner for access. Steve Hamit of McCoy and Associates was present representing Ragains Enterprises. He commented that the owner is willing to provide necessary easements as required by the City. After a brief discussion, Mr. Locke moved for approval, seconded by Mrs. Saracina, motion unanimously carried.

The next item was a replat presented by Mr. Haines.

Replat – Tremont Avenue SE

Description: Part of Out Lot 62, located on the north side of Tremont Avenue SE, east of Third Street SE. The proposal would create 4 new lots with frontage on Tremont Avenue SE. The property is zoned R-1 Single Family.

Variance Request: The owner is requesting a variance of Section 1177.01; minimum lot frontage for R-1 Zoning.

Applicant: Andrew Myers/Barry Henning

Since no one was present to represent the owner, Mrs. Saracina moved to table the request, seconded by Mr. Locke, motion unanimously carried.

The next item was a vacation/dedication plat presented by Mr. Haines.

Vacation/Dedication Plat-Wright State Drive SE

Description: Lots 16028 and 16029, located on the south end of Wright State Drive SE. The proposal is to vacate the existing temporary turn-around easement and dedicate a new temporary turn-around easement only on the east side of the street. This is a revision to the original University Village Phase 3 plat, and therefore requires a separate approval. The property is zoned R-T Two Family Residential.

Applicant: PRMDC/Fred Tobin

This item was tabled at last month's meeting. The original University Village Phase 3 plat required a temporary turn-around which wasn't constructed. This revision would allow a temporary turn-around only on the east side of the street. Mayor Cicchinelli met with the owners, developers, condominium representative and others, and came up with an agreeable compromise solution.

Mr. Tobin was present and referred to not previously constructing the temporary turn-around as an "oversight."

Kevin and Jean McDonald of 2460 Wright State Drive SE were present and commented they were satisfied with the solution. Mr. Locke moved for approval, seconded by Mr. Hersher, motion unanimously carried.

The next item was a sanitary easement presented by Mr. Haines.

Sanitary Easement Plat – Pebble Chase Condominiums

Property description: Out Lots 855 and 933, located on the east side of Wales Road NE, north of Hankins Road. The proposal is to dedicate a 20 and 50-foot wide sanitary sewer easement to serve the Pebble Chase Development. The parcels are zoned R-CRD Condominium.

Applicant: WD Development/Mark Smith

Since no one was present to represent the request, Mrs. Saracina moved to table the request, seconded by Mr. Locke, motion unanimously carried.

The next item was a replat presented by Mr. Haines.

Replat – 13th Street SW

Property description: Lots 2468, 2469, and 2470, located on the west side of 13th Street SW, south of Main Avenue. The proposal is to create 2 new lots, one with the existing house and garage and the other with a pool and 40 X 60 storage building. The parcels are zoned R-1 Single Family. This situation will also require approval of the Building Department.

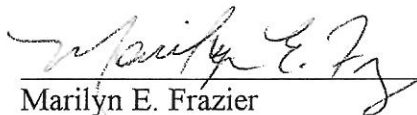
Applicant: Jason and Julie Saal

This was formerly the site of a plumbing business (which was in a large garage building) and a large house along with a pool and storage building. The request is to separate the three lots into two, one with the house and garage and one with the pool and storage building.

Mr. Saal was present and stated he wishes to re-configure the lots so the buildings are on the proper parcels. He will be constructing driveways also. Mrs. Saracina asked about the zoning requirement concerning accessory building not being on lots without a house. Mr. Aaby replied the building is already on its own lot. A discussion about zoning ensued. Mr. Locke moved for approval, seconded by Ms. Lloyd, motion unanimously carried.

There being no further business before the Commission, the meeting adjourned at 8:10 P.M.

Respectfully submitted,



Marilyn E. Frazier
Commission Clerk

Approval:

MEF/ky

Request for Conditional Land Use- 2629 Lincoln Way West

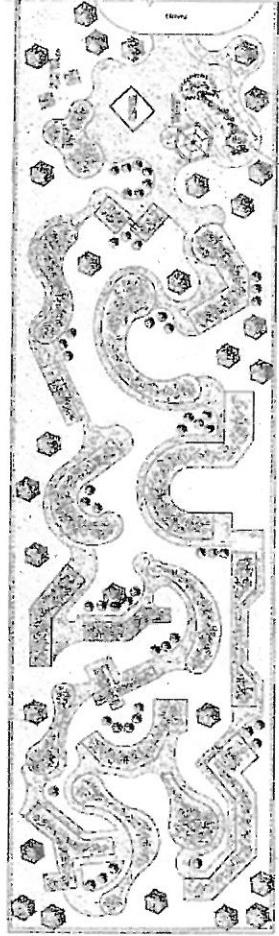
Property Description:

Out Lot 245, a 1.76 acre parcel, 2629 Lincoln Way West

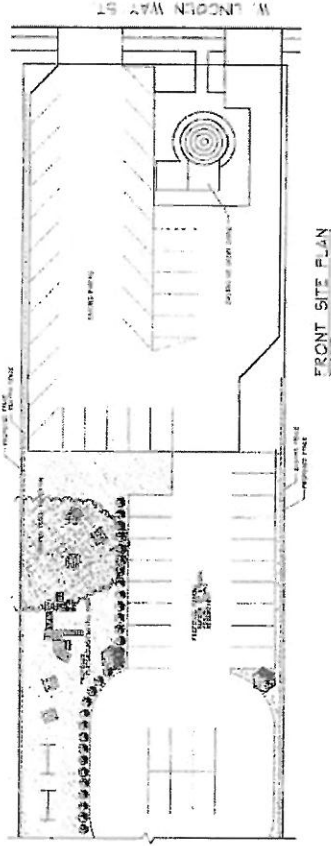
Existing Zoning: The front portion of the lot (109 feet wide and 172 feet is zoned B-1 Local Business and is occupied by an ice cream stand. The rear portion of the property (109 feet wide and 543 feet deep) is zoned R-1 Single Family Residential.

Conditional Land Use Request: To utilize the R-1 portion of the property for construction of a miniature golf course, pursuant to Chapter 1153.03(f), which permits golf courses as a conditional use within single family residential districts.

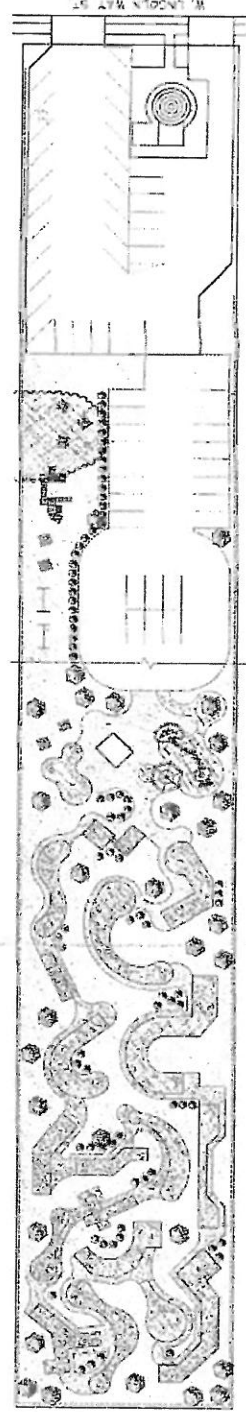
Applicant: Louie and Ketj Gorgievski



REAR SITE PLAN
2/27/18



FRONT SITE PLAN
2/27/18



SITE PLAN
2/27/18

CRAIG T. CONLEY CO., L.P.A.

ATTORNEY AND COUNSELOR AT LAW

CRAIG T. CONLEY, ESQ.

ADMITTED IN FLORIDA,
OHIO, PENNSYLVANIA AND
WEST VIRGINIA

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TELEPHONE (330) 453-1900
TELECOPIER (330) 453-2170

January 6, 2005

MASSILLON PLANNING COMMISSION
Municipal Government Annex
151 Lincoln Way East
Massillon, Ohio 44646

Re: *Conditional Use Zoning Permit Application*

Dear Sir or Madam:

I represent Louie and Keti Gorgievski, who own real property located at 2629 Lincoln Way West, Massillon City Out Lot 245, consisting of 1.76 acres and known as Stark County Tax Parcel Number 0615132.

The front portion of the subject tract, approximately 109 feet wide and approximately 172 feet deep, is zoned B-1, and the rear portion, approximately 109 feet wide and approximately 543 feet deep, is zoned R-1.

This Application is submitted, under Zoning Ordinance Chapter 1153, Section 1153.03(f), for a golf course. (See enclosed copy of Site Plan, noting the existing use of the front portion of the subject tract is for the business known as Twistee Treat, which use will continue.)

In that regard, I note the term "golf course" is not defined in the Ordinance. It therefore is appropriate, pursuant to O.R.C. 1.42, to utilize the dictionary definition of that term.

Merriam-Webster's Collegiate Dictionary, Eleventh Edition, defines "golf course" (at page 538) as "an area of land laid out for golf with a series of 9 or 18 holes each including tee, fairway, and putting green and often one or more natural or artificial hazards".

As you are presumably aware, it is well established that zoning restrictions are to be strictly construed against the government and liberally in favor of the property owner; and that zoning

Massillon Planning Commission
January 6, 2005
Page 2 of 2

regulations cannot be extended to include limitations not clearly prescribed. (See, e.g., *Saunders, et al. v. Clark County Zoning Department* (1981), 66 Ohio St.2d 259; and see *Essroc Materials, Inc. v. Poland Township Bd. of Zoning Appeals* (1997), 117 Ohio App.3d 456.)

Accordingly, although my clients' proposed golf course is diminutive (compared to, for instance, The Legends of Massillon), it is in fact a "golf course" under the Ordinance; and, I believe the enclosed Site Plan meets all of the applicable requirements.

Please promptly advise as to any further information or documentation you may lawfully require to process this Application and please advise as to whether or not there is an application fee for same.

Thank you.

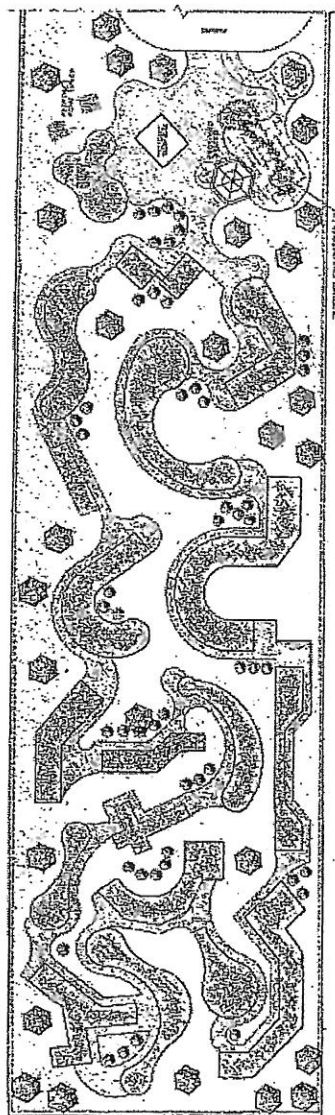
Sincerely,

A handwritten signature in black ink, appearing to read 'Craig T. Conley', with a stylized flourish at the end.

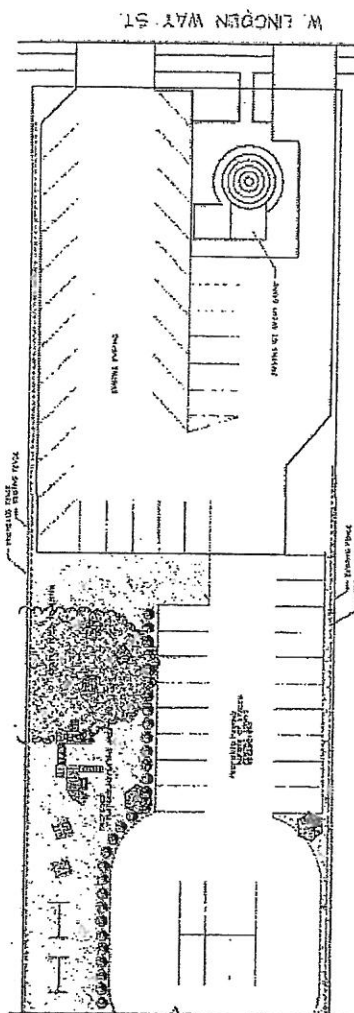
Craig T. Conley

CTC/mps

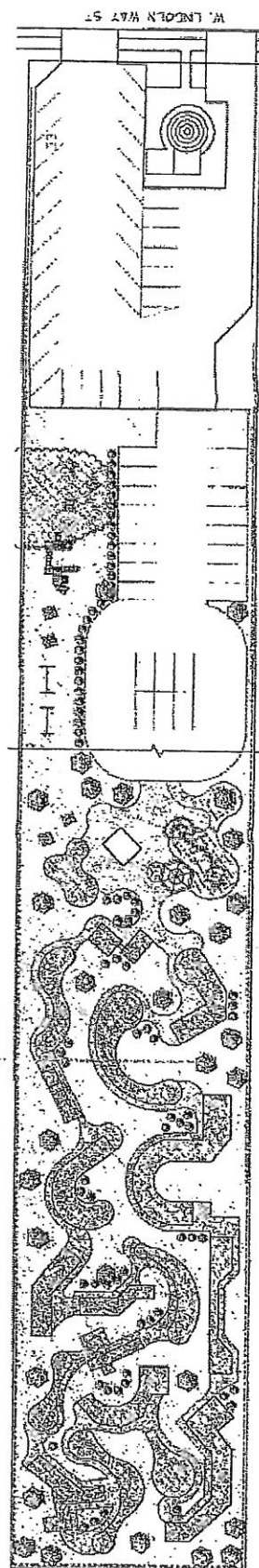
Enclosure



REAR SITE PLAN
1/24/14

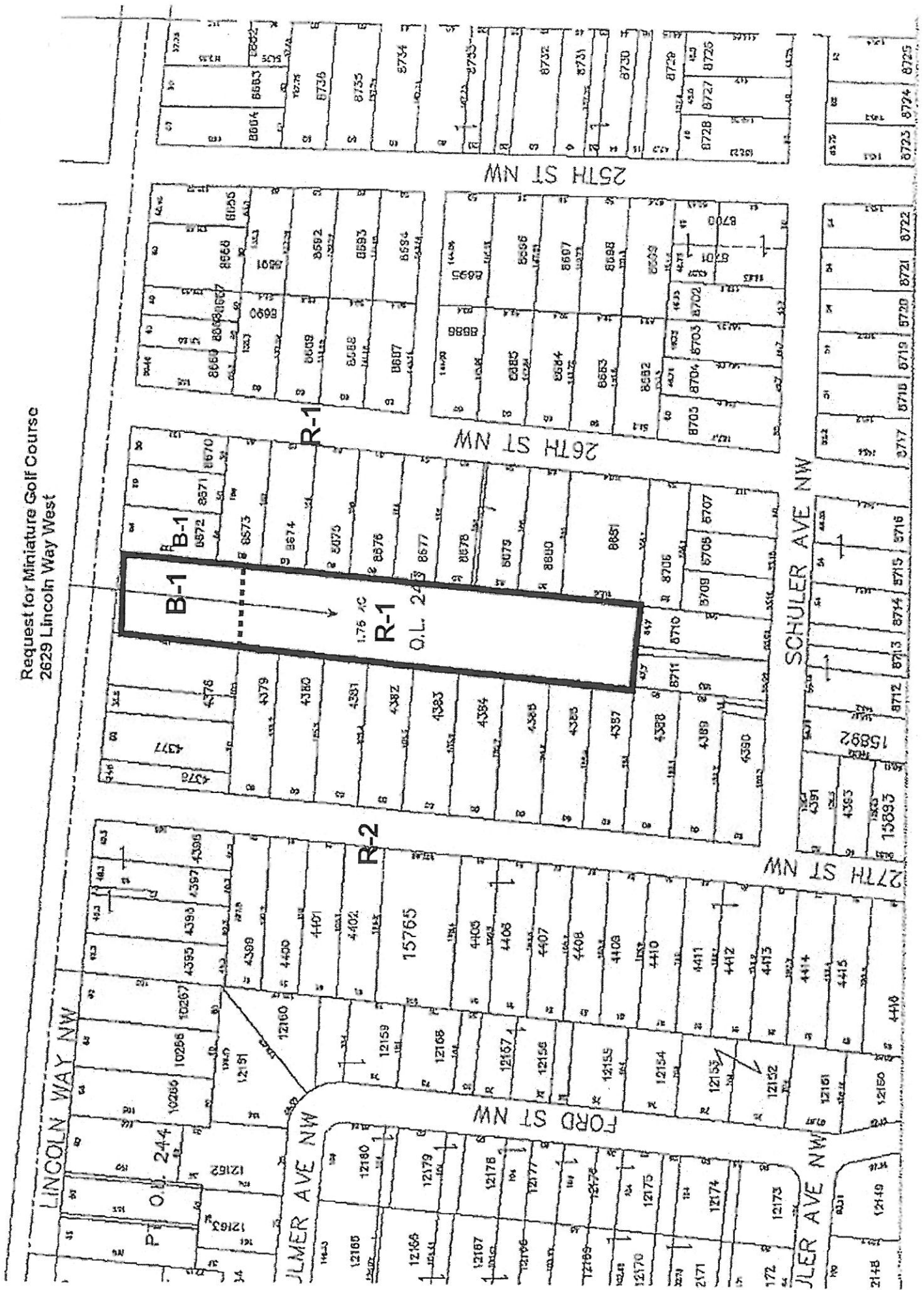


FRONT SITE PLAN
1/24/14



SITE PLAN
1/24/14

Request for Miniature Golf Course
2629 Lincoln Way West



Conditional Use Permit Zoning Application

Location: 2629 Lincoln Way West, Out Lot 245, 1.76 Acres, Tax Parcel 0615132

Zoning: Front portion of lot 109 ft x 172 ft, zoned B-l; Rear portion of lot 109 ft x 543 ft zoned R-1 (See attached Maps).

Conditional Request: Pursuant to Section 1153.03(f) of City Zoning Code, the request is to utilize the R-1 portion of subject property for a golf course.

Planning Department Review and Comments

Section 1153.03 states that the following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission:

(f) Golf courses, which may or not be operated for profit, subject to the following conditions:

- (1) The site shall be so planned as to provide all access in accordance with Section 1187.11.

Planning Department Comments: Section 1187.11 requires that the proposed use have access to a major thoroughfare or collector street. The site plan submitted with the request indicates that access to the site will be from Lincoln Way West. The proposal complies with Section 1153.03(f)(1) of the zoning code.

- (2) The site shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular safety.

Planning Department Comments: The proposed golf course will be accessed by traveling through the parking lot of the existing ice cream stand. There does not appear to be any dedicated walkway for pedestrian traffic to access the golf course. The lack of such walkways could prove hazardous for pedestrians, including children, attempting to access the golf course from Lincoln Way West through the ice cream stand parking lot. The proposal does not appear to comply with Section 1153.03(f)(2) of the zoning code.

- (3) Development features including the principal and accessory buildings and structures shall be so located and related to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall not be less than 200 feet from any property line abutting residentially zoned lands provided that where topographic conditions

are such that buildings would be screened from view, the Planning Commission may modify this request.

Planning Department Comments: The adjacent properties east and west of the proposed development are zoned R-1 and R-2 One Family Residential. The proposed site plan indicates both a clubhouse and a gazebo. The subject property is only 109 feet wide. Therefore, the proposed use does not comply with Section 1153.03(f)(3) of the zoning code because the buildings shown on the site plan would be located less than 200 feet from the property line where that line abuts residentially zoned property.

In addition, the zoning code defines "structure" as "anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. By this definition, anything such a light pole, windmill or other course obstacle, bumper block, etc., that is constructed and located on the ground could qualify as a "structure", and the Planning Commission would have the power to determine whether or not such structures would have any adverse affects upon adjacent property. The proposed site plan indicates that a fence would be erected around the property but no details are provided for this fence – i.e., height, materials, etc., to determine the extent to which the proposed development would be screened from view by abutting properties. Currently, a solid wood fence screens the existing ice cream stand from the abutting residential property to the west. If such a fence were to be extended around the perimeter of the proposed golf course development, the Planning Commission would have to determine whether this type of screening would serve to minimize the impact of the development on surrounding properties,

Conclusion

The proposed conditional land use request does not comply with the conditions set forth in Section 1153.03(f) for the following reasons:

1. The site plan makes no provision for safe pedestrian access as required under 1153.03(f)(2); and
2. Proposed buildings as shown on the site plan are not set back a minimum of 200 feet from abutting residential property as required under 1153.03(f)(3).

CHAPTER 1153
R-1 Through R-4 One-Family Residential Districts

1153.01 Intent.

1153.02 Principal uses permitted.

1153.03 Principal uses permitted
subject to special
conditions.

1153.04 Area and bulk requirements.

CROSS REFERENCES

Nonconforming uses - see P. & Z. Ch. 1179

Accessory buildings - see P. & Z. Ch. 1181

Off-street parking and loading - see P. & Z. Ch. 1183

Signs - see P. & Z. 1187.03

Residential entranceway - see P. & Z. 1187.05

Residential fences - see P. & Z. 1187.08

1153.01 INTENT.

The R-1 through R-4 One-Family Residential Districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density, one-family detached dwellings along with other residentially related facilities which serve the residents in the district. (Ord. 114-1991. Passed 8-5-91.)

1153.02 PRINCIPAL USES PERMITTED.

In a One-Family Residential District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in the Zoning Ordinance.

(a) One-family detached dwellings.

(b) Farms on those parcels of land separately owned outside the boundaries of either a proprietary or supervisor's plat, having an area of not less than five acres, all subject to the health and sanitation provisions of the City and provided further that no farms shall be operated as piggeries, or for the disposal of garbage, sewage, rubbish, offal or rendering plants, or for the slaughtering of animals except such animals as have been raised on the premises or have been maintained on the premises for at least a period of one year immediately prior thereto and for the use and consumption by persons residing on the premises.

- (c) Publicly owned and operated libraries, parks, parkways and recreational facilities.
- (d) Cemeteries which lawfully occupied land at the time of adoption of the Zoning Ordinance.
- (e) Public, parochial and other private elementary schools offering courses in general education, and not operated for profit.
- (f) Accessory buildings and uses, customarily incident to any of the above permitted uses. (Ord. 82-1970. Passed 11-2-70.)

1153.03 PRINCIPAL USES PERMITTED SUBJECT TO SPECIAL CONDITIONS.

The following uses shall be permitted, subject to the conditions hereinafter imposed for each use and subject further to the review and approval of the Planning Commission:

- (a) Churches and other facilities normally incidental thereto subject to the following conditions:
 - (1) Buildings of greater than the maximum height allowed in Section 1177.01 may be allowed provided front, side and rear yards are increased above the minimum required yards by one foot for each foot of building height that exceeds the maximum height allowed.
 - (2) All access to the site shall be in accordance with Section 1187.11.
- (b) Public, parochial and private intermediate and/or secondary schools offering courses in general education, not operated for profit. Access to the site shall be in accordance with Section 1187.11.
- (c) Utility and public service buildings and uses (without storage yards) when operating requirements necessitate the locating of such building within the district in order to serve the immediate vicinity. (Ord. 82-1970. Passed 11-2-70.)
- (d) Nursery schools, day nurseries and child care centers; (not including dormitories); provided that for each child so cared for, there shall be provided and maintained a minimum of 100 square feet of outdoor play area. Such play space shall have a total minimum area of not less than 3,500 square feet and shall be fenced and screened from any adjoining lot in any residential district. (Ord. 84-1971. Passed 9-7-71.)
- (e) Private non-commercial recreational areas; institutional or community recreation centers; non-profit swimming pool clubs, all subject to the following conditions:
 - (1) The proposed site for any of the uses permitted herein which would attract persons from, or are intended to serve, areas beyond the immediate neighborhood shall have at least one property line abutting a major thoroughfare as designated on the Major Thoroughfare Plan, and the site shall be so planned as to provide all access in accordance with Section 1187.11.

- (2) Front, side and rear yards shall be at least eight feet wide, and shall be landscaped in trees, shrubs and grass. All such landscaping shall be maintained in a healthy condition. There shall be no parking or structures permitted in these yards, except required entrance drives and those walls used to obscure the use from abutting residential districts.
- (3) Off-street parking shall be provided so as to accommodate not less than one-half of the member families and/or individual members. The Planning Commission may modify the off-street parking requirements in those instances wherein it is specifically determined that the users will originate from the immediately adjacent areas, and will therefore be pedestrian. Prior to the issuance of a building permit or zoning compliance permit, by-laws of the organization shall be provided in order to establish the membership involved for computing the off-street parking requirements. In those cases wherein the proposed use or organization does not have by-laws or formal membership, the off-street parking requirement shall be determined by the Planning Commission on the basis of usage.
- (4) Whenever a swimming pool is constructed under the Zoning Ordinance, such pool area shall be provided with a protective fence, eight feet in height, and entry shall be provided by means of a controlled gate.

(f) Golf courses, which may or may not be operated for profit, subject to the following conditions:

- (1) The site shall be so planned as to provide all access in accordance with Section 1187.11.
- (2) The site plan shall be laid out to achieve a relationship between the major thoroughfare and any proposed service roads, entrances, driveways and parking areas which will encourage pedestrian and vehicular traffic safety.
- (3) Development features including the principal and accessory buildings and structures shall be so located and related as to minimize the possibilities of any adverse affects upon adjacent property. This shall mean that all principal or accessory buildings shall not be less than 200 feet from any property line abutting residentially zoned lands provided that where topographic conditions are such that buildings would be screened from view, the Planning Commission may modify this requirement.

(g) Colleges, universities and other such institutions of higher learning, public and private, offering courses in general, technical, or religious education and not operated for profit, all subject to the following conditions:

- (1) Any use permitted herein shall be developed only on sites of at least forty acres in area, and shall not be permitted on any portion of a recorded subdivision plat.

- (2) All access to the site shall be in accordance with Section 1187.11.
- (3) No building shall be closer than eighty feet to any property line.
- (h) (EDITOR'S NOTE: Former subsection (h) hereof was repealed by Ordinance 102-1999, passed June 7, 1999.)
- (i) Family Homes licensed under Ohio R.C. 5123.19, subject to the provisions of Section 1187.12.
- (j) Accessory buildings and uses customarily incident to any of the above permitted uses. (Ord. 163-1984. Passed 12-17-84.)
- (k) Bed and Breakfast Homes subject to the provisions of Section 1187.15. (Ord. 2-2003. Passed 3-3-03.)

1153.04 AREA AND BULK REQUIREMENTS.

See Section 1177.01 limiting the height and bulk of buildings, the minimum size of lot permitted by land use, the maximum density permitted, and providing minimum yard setback requirements.

(Ord. 82-1970. Passed 11-2-70.)

CHAPTER 1133
Planning Commission

1133.01 General duties.

1133.02 Planning Commission
approval.

CROSS REFERENCES

Plat approval required - see Ohio R.C. 711.09

Established - see Ohio R.C. 713.01

Powers and duties - see Ohio R.C. 713.02, 713.06

Planning Commission shall be Platting

Commission - see Ohio R.C. 713.03

Division into districts - see Ohio R.C. 713.06, 713.10

1133.01 GENERAL DUTIES.

The Planning Commission, as specified under Ohio R.C. Chapter 713, as amended, shall perform the zoning duties provided in the statute in connection with the amendment of the Zoning Ordinance.
(Ord. 82-1970. Passed 11-2-70.)

1133.02 PLANNING COMMISSION APPROVAL.

(a) In cases where the Planning Commission is empowered to approve certain use of premises under the provisions of the Zoning Ordinance the applicant shall furnish such surveys, plans or other information as may be reasonably required by the Commission for the proper consideration of the matter.

(b) The Planning Commission shall investigate the circumstances of each such case and shall notify such parties, who may in its opinion be affected thereby, of the time and place of any hearing which may be held relative thereto as required under its rules of procedure.

(c) The Planning Commission may impose such conditions or limitations in granting approval as may in its judgment be necessary to fulfill the spirit and purpose of the Zoning Ordinance.

(d) Any approval given by the Planning Commission, under which premises are not used or work is not started within six months or when such use or work has been abandoned for a period of six months, shall lapse and cease to be in effect. (Ord. 82-1970. Passed 11-2-70.)

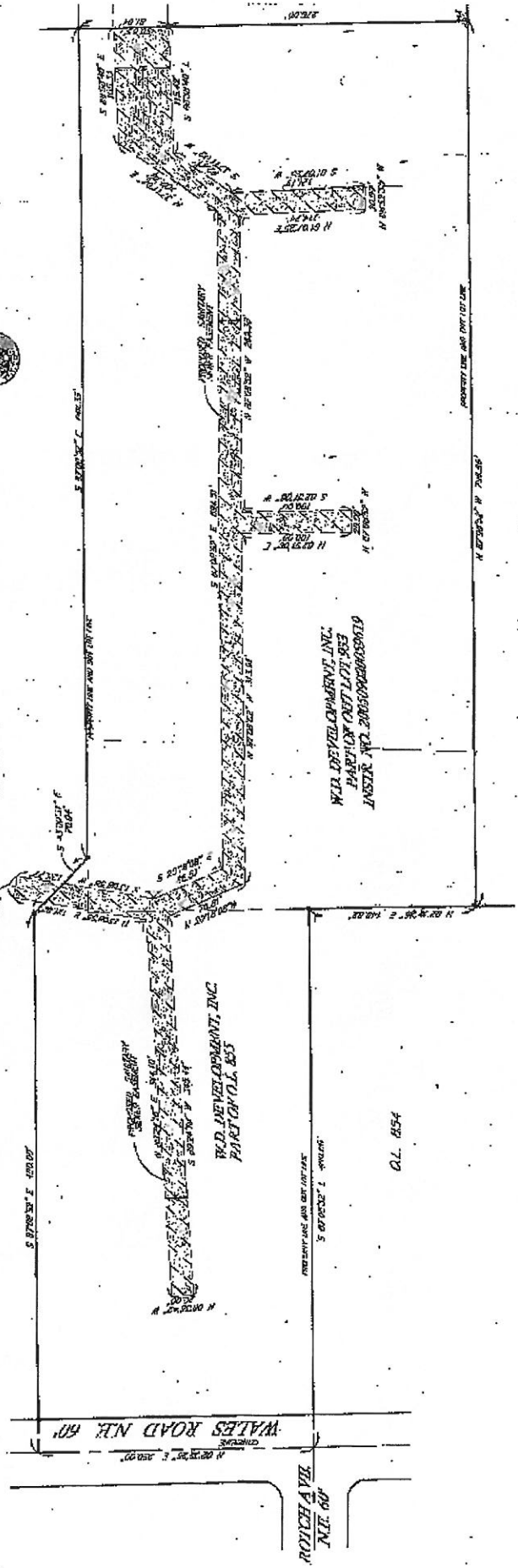
Sanitary Easement Plat - Pebble Chase Condominiums

Property Description: Out Lots 855 and 933, located on the east side of Wales Road NE, north of Hankins Road. The proposal is to dedicate a 20 and 50 -foot wide sanitary sewer easement to serve the Pebble Chase Development. The parcels are zoned R-CRD Condominium.

Applicant: WD Development / Mark Smith

MASSILLON MINERAL FOUNDATION, INC.
PART OF LOT 855
INSTR. NO. 20060128000041

BY AND FOR THE DEVELOPER
AND APPROVED BY THE BOARD OF DIRECTORS
OF THE MASSILLON MINERAL FOUNDATION, INC.
DATE: 10/10/06
BY: [Signature]
[Stamp]



Replat - Tremont Avenue SE

Description: Part of Out Lot 62, located on the north side of Tremont Avenue SE, east of 3rd Street SE. The proposal would create 4 new lots with frontage on Tremont Ave. SE. The property is zoned R-1 Single Family.

Variance Request: The owner is requesting a variance of Section 1177.01; minimum lot frontage for R-1 zoning

Applicant: Andrew Myers / Barry Henning

