

RECEIVED

JAN 15 2003

MAYOR
NORTH CANTON, OHIO

Mr. Gene Hemminger
Superintendent of Permits and Inspection
City of North Canton
145 North Main Street
North Canton, OH 44720

Dear Mr Hemminger:

Because I am concerned about a zoning issue that I read about recently in the *Canton Repository*, I am formally requesting a clarification from the City of North Canton. Specifically, I refer to the Arrowhead Country Club property and its current zoning as a Park and Institutional (PI) District.

The President of Arrowhead was quoted in the paper as saying "The land is zoned for parks and institutions. It could be used for single-family housing." (*Canton Repository*, 1/8/2003, pg. B-4). I have read the zoning regulations and believe this interpretation is incorrect. I am concerned that this view has been published in the media and is giving the wrong impression about what the land could be used for and needs to be corrected immediately.

I formally request a legal clarification of the current zoning ordinance (Ordinance No 2940) specifically relating to Section II, Chapter A: Park and Institutional District. Furthermore, I request a public announcement on your findings before January 31, 2003.

Some issues of concern for clarification follow.

(A) In this ordinance, is the following section:

CHAPTER A. Park and Institutional District

1. Purpose:

This district is established to provide for parks, public buildings, and other similar institutional uses.

Why does this paragraph exist? Is this the principle upon which the very definition of the PI district exists? If so, this paragraph logically should serve as the basis for mediating any conflicts that occur in interpretations of permitted uses. Please clarify.

(B) It appears the PI district specifically permits uses such as cemeteries, churches, and golf courses.

Is this correct?

(C) Under Main Building or Use, item (7) notes Single family dwelling R-50 and R-70 and accessory buildings or use.

I believe this item is being misinterpreted by the Arrowhead Country Club President as allowing conceivably hundreds of homes to be built on this property. This interpretation directly conflicts with (1) Purpose noted above. Please provide a legal clarification on the consistency of the published use of this property for potentially hundreds of homes with the (1) Purpose above.

I submit to you that item (7) Single family dwelling R-50 and R-70 and accessory buildings or use is indeed a useful component of the PI zoning for a different reason than has been published in the media. This section is useful because it permits a family dwelling in support of uses consistent with (1) Purpose without necessitating a zoning variance. Consider for example:

- (i) A cemetery planned for a PI district could put a caretaker's house up without requiring a variance.
- (ii) A church planned for a PI district could build a parsonage or rectory to house its pastor without requiring a variance.
- (iii) A golf course being built in a PI district could build a house for its greens keeper without requiring a variance.

In all these examples the housing provision (7) is useful and in support of (1) Purpose.

Given the interpretation of (7) forwarded above, it is clear that the dwelling provision is indeed useful and can be in full support of (1) Purpose. However, the interpretation of (7) as permitting developing land zoned as a PI district for pure residential development is indeed contrary to (1) Purpose and would seem more suited to residential districts. Please provide a legal clarification.

When I purchased my home on Salway Avenue SW, I asked my realtor to check the zoning on the Arrowhead property. Upon learning of the PI district zoning from the agency owner, I decided to purchase my home. I believe a misinterpretation of this zoning provision will cause me and my family great loss. In addition, all the other home owners and citizens near Arrowhead Country Club would be similarly disenfranchised. I implore you to marshal the resources necessary to make the legal clarifications required, well in advance of January 31, 2003. This would indeed seem to fit City Council's definition of an emergency measure.

Respectfully yours,



Victor L. Berardi
1355 Salway Ave. SW
North Canton, OH 44720

Copies: J. Snyder, Mayor Rice, City Council Members