

Action Requested/Required:
Vote/Action Requested
Discussion or Presentation Only
✓ Public Hearing
Report Date: <u>10/29/24</u>
Hearing Date: <u>11/7/24</u>
Voting Date: <u>11/21/24</u>

Department: Community Development Presenter(s)	& Title:
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Agenda Item Title:

CUP2407-011 - 570 East Main Street - Request to convert existing structure into a three unit living facility

Summary:

The applicant seeks to convert and existing building into a three living unit structure. Currently the first floor is used as office space and the lower level contains two separate living units. The CUP is required due to the proposed use having three separate units
Budget Implications:
Budgeted? ☐Yes ☐ No ☑ N/A Total Cost of Project: Check if Estimated ☐ Fund Source: General Fund ☐ Water & Sewer ☐ Sales Tax ☐ Other:
Staff Recommendations:
Staff recommendation(s) will be presented after the public hearing.
Reviews: Has this been reviewed by Management and Legal Counsel, if required? Yes No
Attachments:

Application	
Staff Report	



Land Use Petition: CUP2407-011 Date of Staff Report Preparation: 10/28/24 Mayor and City Council Public Hearing Date: 11/7/24

Project Name/Applicant: Jamie Foreman

Property Location: 570 East Main Street

Parcel ID: 91N22 037

District/Land Lot: LL 195, 14th District

Acreage: .41 acres

Existing Zoning District: CBD

Existing Land Use: Office on top floor, 2 apartments on the bottom floor

Future Development Map Designation: Historic/Traditional Neighborhood - Stable Proposed Development: A three unit residential structure

District Standards:

Z	oning Distri	ct Standards (Primary Street)	
Impervious Surface (max.)	N/A	Front Yard Setback (min.)	N/A
Open Space (min.)	N/A	Side Yard Setback (min.)	N/A
Building Height (max.)	N/A	Rear Yard Setback (min.)	N/A
Building Height (min.)	N/A	Buffer Planting (min.)	N/A
Zoning Buffer	N/A	Overlay Zone	N/A

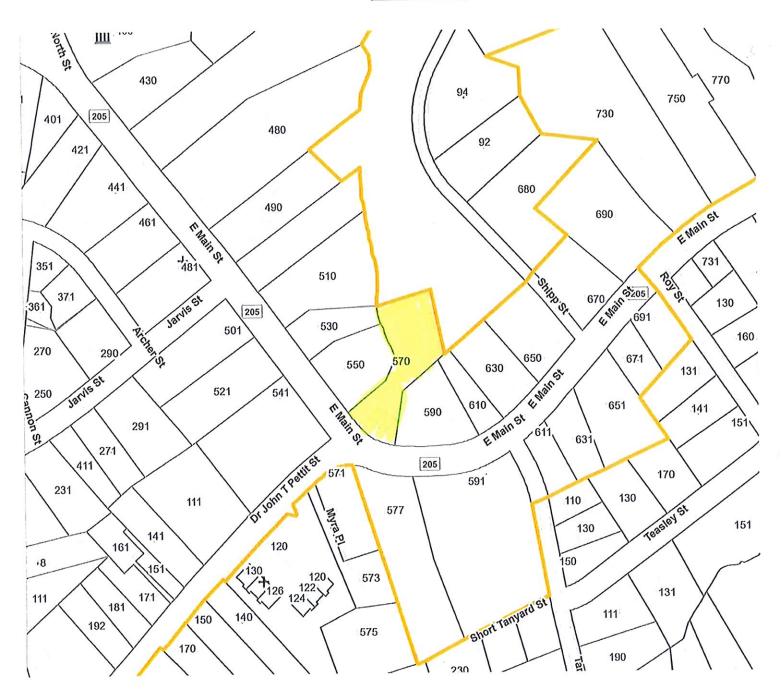
Surrounding Land Uses and Zoning:

North – Vacant/wooded, SU South – Commercial/Office, CBD East – Office, CBD West – Single family home, CBD



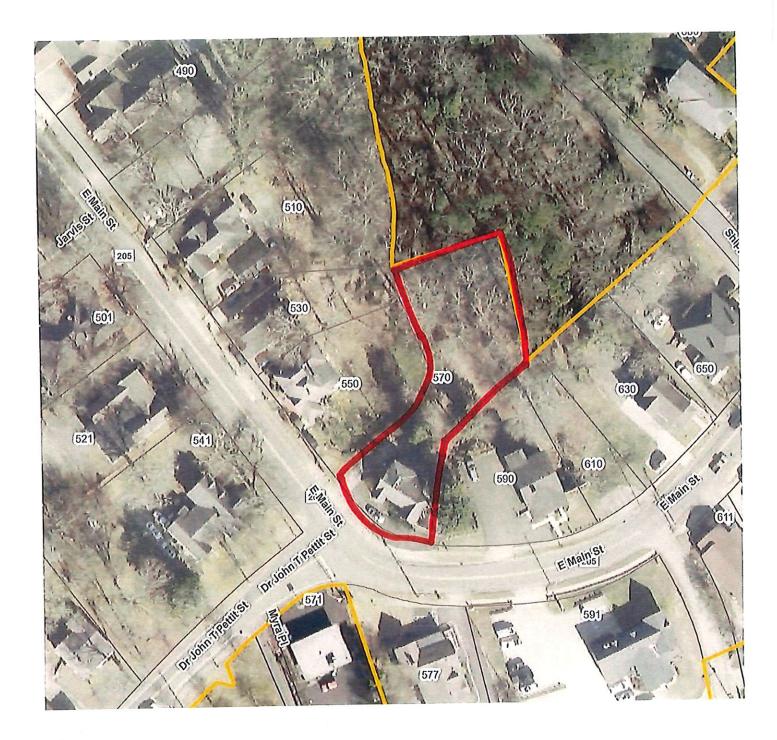
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Location Map





Existing Land Use Map





Future Development Map





Site History: The property was originally a single family home. Over the years the first floor has been used as an office and the basement level has been converted into two living units

CRITERIA TO BE APPLIED - LAND USE PETITION (REZONING)

- 1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties; N/A
- 2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; N/A
- 3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; N/A
- 4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; N/A
- 5. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan and Future Development Map;
- 6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal. N/A
- 7. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources. N/A
- 8. Whether the aesthetic and architectural design of the site is compatible with the intent and requirements of the Comprehensive Plan, the Character Areas, and any Overlay Districts. N/A

CRITERIA TO BE APPLIED - CONDITIONAL USE PERMIT



- a. Whether the proposed use is consistent with the comprehensive plan and other adopted policies of the City; The proposed use is consistent with the comprehensive plan.
- b. Whether the proposed use complies with the requirements of this zoning ordinance; The proposed use is allowed in the CBD zoning district with a Conditional Use Permit.
- c. Whether public services, public facilities and utilities are adequate to serve the proposed use; Public services, facilities and utilities are adequate to the structure.
- d. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of:
 - 1. Noise, smoke, order, dust or vibration generated by the proposed use; No
 - 2. Hours or manner of operation of the proposed use; No and
 - 3. Traffic volumes generated by the proposed use; No
- e. Whether the proposed use would result in an over-concentration of the subject use type within the area of the proposed use; There are currently numerous residential structures in the immediate area.
- f. Whether the aesthetic and architectural design of the site is compatible with the intent and requirements of the comprehensive plan, the character areas, and all applicable zoning ordinance regulations; Yes and
- g. Whether the proposed use is compatible with adjacent properties and land uses, based on consideration of the size, scale and massing of proposed buildings and the overall site design. Yes



DEPARTMENT COMMENTS

BUILDING AND SAFETY SERVICES

- BUILDING SERVICES:
- SAFETY SERVICES:
- International Building Code, 2018 Edition, with Georgia Amendments (2020), (2022), (2024)
- International Residential Code, 2018 Edition, with Georgia Amendments (2020), (2024)
- International Fire Code, 2018 Edition (Contact State Fire Marshal Below)
- International Plumbing Code, 2018 Edition, with Georgia Amendments (2020), (2022), (2023), (2024)
- International Mechanical Code, 2018 Edition, with Georgia Amendments (2020), (2024)
- International Fuel Gas Code, 2018 Edition, with Georgia Amendments (2020), (2022)
- National Electrical Code, 2020 Edition, with Georgia Amendments (2021)
- International Energy Conservation Code, 2015 Edition, with Georgia Supplements and Amendments (2020), (2022), (2023)
- International Swimming Pool and Spa Code, 2018 Edition, with Georgia Amendments (2020)

The City of Canton has an automatic sprinkler system ordinance. All multifamily residential construction (three family dwellings or more) requires an NFPA 13R automatic sprinkler system. For commercial development, any structure over 3,500 square feet shall require an NFPA 13 automatic sprinkler system.



This project may require two or more entrances based on the number of dwelling units constructed. This requirement is in the City of Canton Unified Development Code (UDC), section 109.03.12 - Development access and the 2018 International Fire Code Appendix "D".

The minimum diameter fire main size is 8". Fire hydrant placement is based on both the City of Canton UDC, section 110.02.02 (f)- Design criteria and appendix B and C of the 2018 International Fire Code which has been adopted as law in the City of Canton.

Mail Kiosks shall meet the 2010 Federal ADA standard and USPS-STD-4C. A van accessible handicap parking space and access aisle is required to serve an accessible route to the mail kiosk.

Specific 2018 IFC requirements for civil plans:

1. The 2018 International Fire Code, appendix "D" requires fire apparatus access roads not exceeding 10% grade and for local Cherokee County fire apparatus requirements, access road <u>cross grades</u> may not exceed 5%.

2. Roads throughout the development must be at minimum made of asphalt or concrete capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds.

3. Turn radiuses for all streets shall be 35' minimum for development entrances and 25' for interior streets. Proof of turning radius compliance shall be demonstrated using software analysis such as "AutoTURN" or other clearance/swept path analysis software. For tire curb clearances, bumper swing clearances or inside crimp angles, contact Cherokee County Fire & Emergency Services.

4. Dead end fire apparatus access roads in excess of 150 feet in length shall be provided an approved area for turning around fire apparatus.

5. Aerial fire apparatus streets are required where the vertical distance between the grade plane and the highest roof surface exceeds 30'. The required width of an aerial apparatus road shall be 26' minimum and constructed as noted in note #2 above. One or more of the aerial access routes meeting the building height condition shall be located not less than 15' and not greater than 30' from the building and shall be positioned parallel to one entire side of the building. Overhead utilities and power lines shall not be located over the aerial apparatus road.



Conditions for Consideration

COMMUNITY DEVELOPMENT

The proposed use of the property is consistent with nearby structures. Having three separate living units in a single structure constitutes a multi-family building per our UDC (three or more attached units) and thus requires a CUP application and approval.

To date the office has had one nearby neighbor comment on the request and they were wholeheartedly in support of the application.

During the Public Input Meeting no one appeared to voice support or opposition.

Conditions for Consideration

Possible conditions and recommendations will be provided in the action meeting staff report.

DEVELOPMENT SERVICES No comments

Conditions for Consideration

POLICE DEPARTMENT

Conditions for Consideration

PUBLIC WORKS

Conditions for Consideration

UTILITY ENGINEER



Conditions for Consideration

CHEROKEE COUNTY SCHOOL SYSTEM

Conditions for Consideration

CHEROKEE COUNTY (AS NEEDED)

CHEROKEE COUNTY PLANNING AND ZONING DEPARTMENT

Conditions for Consideration

CHEROKEE COUNTY ENGINEER

Conditions for Consideration

CHEROKEE COUNTY FIRE MARSHAL

Conditions for Consideration

STAFF CONDITIONS FOR CONSIDERATION



Community Development Department

110 Academy Street, Canton, Georgia 30114 770-704-1500

Public Hearing Application

Project #_____

- 1. Please check all information supplied on the following pages to ensure that all spaces are filled out completely and accurately before signing this form. State N/A, where Not Applicable
- 2. Please make your check payable to "City of Canton."
- 3. If you have questions regarding this form please contact the Department of Planning and Zoning by calling (770) 704-1530.

This form is to be executed under oath. 1, <u>Jarvite Toremen</u>, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in the Application for Public Hearing is true and correct and contains no misleading information. I, <u>Jarvie Foremen</u>, have received and thoroughly read the Public Hearing Procedures.

Applicant: Jamie Fromon Print N	5
Applicant Information:	Owner Information:
Name: Jarnie Forenan Address: 441 Longi Lew Dr	Name: Sie Foster- Address: 113 Whitney Lake Rd
City: Can ton State: GA Zip Code: 30114 Telephone: <u>404-798-4279</u> Fax Number: Email Address: <u>menagerie on man@gmail.com</u>	City: Hawley State: PA J Zip Code: 18428 Telephone: 724-433-1438 Fax Number: Email Address: 55tephanFoster@gneul.com
This Application For (Check Only One): A Annexation B Rezoning C Master Plans D Master Plan Revisions	ary Use Permit Drdinance Text Amendment 9 : Pre-Construction 9 : Post-Construction
	ljustment ecial Exception
Fee Application Type Base Fee + (#Acres x \$25.00 = + (#Acres x Advertising Fee + (#Acres	Staff Use Only)= Amount Due: Amount Due: Total Fee:
Received By:	Date: Amount Paid:

www.cantonga.gov



Community Development Department 110 Academy Street, Canton, Georgia 30114

770-704-1500

Authorization Of Property Owner

This form is to be executed under oath. I, <u>SUSAN FOSTER</u>, do solemnly swear and attest, subject to criminal penalites for false swearing, that I am the owner of the property, which is the subject matter of the attached application, as is shown in the records of Cherokee County, Georgia. I hereby authorize the City of Canton and its representatives to inspect the property, which is the subject of this application, and post any notices required theron.

This 22nd day of JUly , 20 24. FOSTER Print Name: 5USAN Owner Signature: Jusan Josta

I, the above signed legal owner of the subject property, do hereby authorize the following application to be submitted to the City of Canton:

 A Annexation B Rezoning C Master Plans D Master Plan Revisions E Conditional Use Permit F Land Use Modification 	 G Zoning Condition Amendment II Density Transfer within Master Plan I Temporary Use Permit J Zoning Ordinance Text Amendment K Variance
Sworn To and Subscribed Before Me This	22nd Day Of July , 20 24.
Notary Signature: <u>Jee Ottoae</u>	Commonwealth of Pennsylvania - Notary Seal Zoo A: Otway, Notary Public Pike County
	My commission expires April 4-2027 Commission number 1434 179 Member, Pennsylvan a Association of National
www.cs	antonga, gov 2



Community Development Department 310 Academy Street, Canton, Georgia 30114 770-704-1500

Authorization Of Applicant

This form is to be executed under oath. 1, <u>Susan Foster</u>, do solemnly swear and attest, subject to criminal penalites for false swearing, that I am the owner of the property, which is the subject matter of the attached application, as is shown in the records of Cherokee County, Georgia. I hereby authorize the City of Canton and its representatives to inspect the property, which is the subject of this

application, and post any notices required theron. This 22^{nd} day of July, 20 2.4

Owner Signature: 🗻 Jusan

Print Name: <u>SUSAN</u> FOSTER

I, the above signed legal owner of the subject property, do hereby authorize the person named below to act as applicant in the pursuit of a request for:

G Zoning Condition Amendment
B Rezoning H Density Transfer within Master Plan
C Master Plans I Temporary Use Permit
D Master Plan Revisions D Zoning Ordinance Text Amendment
E Conditional Use Permit K Variance
F Land Use Modification
Name of Authorized Applicant: JAMIE FOREMAN
Signature: Jamie Journan
Mailing Address: 641 Longview Drive Applicant Status:
City: Canton Option to Purchase
State: GA Zip Code: 30114 Leasee
Telephone: 404-798 -4279 Area Resident
Fax Number: - X Other (Explain): 2roper & Manager
E-mail: menagerie mmaine smail.com owners doughter of
This Authorization of Applicant Form has been completed and the property owner's signature is
Sworn To and Subscribed Before Me This 2.2nd Day Of ULLY [commonweath of Pennsystanta - Notary Seal]
Zoe A. Otway, Notary Public
Notary Signature: See Otway My commission gypires April 4, 2027 Commission gypires April 4, 2027
Member, Pennsylvania Association of Notaries
www.cantonga.gov 3



Disclosure Form

O.C.G.A. § 36-67A-2 / O.C.G.A. § 36-67A-3 requires disclosure of campaign contributions to government officials by an applicant or opponent of a public hearing petition. Applicants must file this form with the Department of Community Development.

1. Name of Applicant/Opponent: Jamie Foremany triat Mi Responses

Section 1

If the answer to any of the following questions is "Yes," complete Section 2.

- A) Are you, or anyone else with a property interest in the subject property, a member of the City of Canton Planning Commission or the City of Canton Mayor and Council?
 YES
- B) Does an official of such public bodies have any financial interest in any business entity which has a property interest in the subject property? VES NO
- C) Does a member of the family of such officials have an interest in the subject property as described in (A) and (B)?
 YES
- D) Within Two (2) years of immediately preceding this application have you made campaign contributions(s) or given gifts to such public officials aggregating \$250 or more?
 YES

Section 2

- 1. Name and the official position of the Canton Official to whom the campaign contribution was made (*Please use a separate form for each official to whom a contribution has been made in the past (2) years*):
- List the dollar amount/value and description of each campaign contribution made over the past two (2) years by the Applicant/Opponent to the named Canton Official:

Description

\$
\$
\$

Note: Complete a separate form for each authorized applicant.

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CANTON
Community Development Department 110 Academy Street, Canton, Georgia 30114 770-704-1500

Address: <u>570 East Main Street Canton GA 30114</u> Land Lot(s): <u>0195</u> District: <u>14</u> Section: <u>Map #:</u> Parcel #: <u>911/2</u> ;	Property Information:	Carta GA 30114
CC City	Land Lot(s): D/95 District: 17	Section
Existing Zoning Of Property: Proposed Zoning Of Property: Directions to property from Main Street in downtown Canton: This property 15 on East Main Street. This property 15 on East Main Street. This property 15 on East Main Street.	Existing Zoning Of Property: <u>CBB</u> Proposed Zoning Of Property: <u>R</u>	Total Acreage Of Property:, 42 acres Existing Use(s) Of Property: Vacant

Adjacent Property/Owner Information: Please provide the following information for all adjacent properties, including property connected by public rights-of-way. Attach additional sheets as necessary.

I	OT IDDENT LAND USE
	OWNER NAME/ADDRESS CURRENT ZONING CURRENT LAND USE
NORTH	City of Canton N/A R-20 Vacant
SOUTH	Douglas Williams 571 E Man St CBD business
EAST	Johnson Hostins Lawlle 590 E. Main St (BD business
WEST	Elmer Marhnez SSDE Man St CBD Misidence
OTHER	

UTILITY INFORMATION

How is scwage from this development to be manage	d? City of Canton
Proposed managing jurisdiction:	
How will water be provided to the site? C_1h_j	of Canton
Proposed managing jurisdiction:	Size Limit:

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CANTON
Community Development Department
110 Academy Street, Canton, Georgia 30114
770-704-1500

Review Criteria

(Applications Type A - J : ONLY)

How will this proposal be compatible with surrounding properties? We are proposing to here.
a have back to residential. It is located in the CBD+ there are
Many residences hearby. How will this proposal affect the use and value of surrounding properties? There will be
limited affect on the use + value of the surrounding area.
Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.
We are not developing any property. We simply want
to live in what already axists.
What would be the increase to population and traffic if the proposal were approved? No increase.
What would be the impact to schools and utilities if the proposal were approved? No impact
How is the proposal consistent witht the Comprenhensive Land Use Plan, particulary the Future Land Use Map?
More residential w/in walkable distance to DT Canton
Are there existing or changing conditions which affect the development of the property and support the proposed
request? No

Provide a Letter of Intent, which provides the necessary information to support your application.

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PUBLIC SCHOOL POLICY STATEMENT

The Mayor and Council of the City of Canton hereby recognize that growth and development can, at times, have an effect on school capacity within the county and therefore recognize the need to share information on developments that have regional impact. In an effort to cooperate with the Cherokee County School Board and share information on residential rezoning requests, master plan applications, and land use modifications to the comprehensive land use plan, the Mayor and Council hereby encourage open dialogue and meeting between the applicant and the appropriate school board representative. Therefore, developers whose projects consist of 25 or more residential units shall contact the Cherokee County School Board and communicate with a school board representative to discuss their intent. The applicant should be prepared to address such communication if requested by the Mayor and Council at the meeting in which final action is to be taken. (Section 8-8-B-37) (Amended: 12/07/00)

	County Schools serving this development: HIGH
	MIDDLE
	ELEMENTARY
Þ	TRAFFIC INFORMATION
	Road/Street providing access: East Main Street
	Width at property: (Road) (Right-of-way)
	Distance to nearest major thoroughfare: Thoroughfare Name: Main Street
	Description of Road accessing property (Classification): East Main Street
	In support of this request, I submit the following items, which are attached and made a part of this application:
	Demoter Plan / Site Plan

Boundary Survey	Master Plan / Site Plan
Legal Description	Location Map
	Hydrology Study
Letter of Intent Traffic Analysis Report	(Guidelines available from Planning & Zoning Dept.)
Board of Appeals Review Criteria Response	Elevation Plans
Petition Requesting Annexation	
Other (please explain)	

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City of Canton Map 481 Emainst Jarvis St Shipr **Atchet**st JanisSt Tanyard St E Main St briom Teeniet E Main St Dr.John Teatilist Myra.P.I-

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Record and Return to: Thomas & Brown, LLC 241 Heritage Walk Woodstock, GA 30188 Order No.: W240270S Tax Parcel ID: 91N22 037

LIMITED WARRANTY DEED

STATE OF GEORGIA COUNTY OF CHEROKEE

THIS INDENTURE, made this 28th day of June, 2024, between

Blume Properties, LLC

as party or parties of the first part, hereinafter called Grantor, and

Susan Lee Foster

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH: That Grantor, for and in consideration of the sum of TEN AND 00/100's DOLLARS (\$10.00) and other good and valuable consideration in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, the following described property, to wit:

All that tract or parcel of land lying and being in Land Lot 195 of the 14th District, 2nd Section, Cherokee County, Georgia and being more particularly described as follows:

BEGINNING at a point on the Northern right of way of Main Street (formerly known as Gainesville Street) at the intersection of the sidewalk on the North side of Main Street and a stone and concrete wall; thence leaving the Northern right of way of Main Street North 56 degrees 34 minutes East 87.4 feet to a point, thence North 2 degrees 54 minutes East 42.0 feet to a point; thence North 14 degrees 43 minutes West 88.4 feet to a point; thence North 77 degrees 57 degrees East 96 feet to a point; thence in a Southeasterly direction a distance of 98 feet to a point, thence South 51 degrees 59 minutes West a distance of 92 feet to a point; thence South 03 degrees 30 minutes West a distance of 117.0 feet to a point located on the Northern side of the sidewalk on the Northern right of way of Main Street; thence along the Northern edge of the sidewalk along the Northern right of way of Main Street; thence along the Northern edge of 125.0 feet to its intersection with a stone and concrete wall and the Point of Beginning.

GA_Deed_LimitedWarranty

W240270S

Subject to all easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described Property unto the said Grantee against the lawful claims and demands of all persons claiming by, through or under the above named Grantor, but against none other.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this day and year first above written.

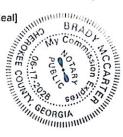
Signed, sealed and delivered in the presence of:

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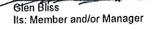
Notary Public 2 My Commission Expires: ____

[Notary Seal]



GRANTOR:

Blume Properties, LLC BY





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W240270S

(Seal)

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Online Payments - Property Tax

Cherokee County, GA - Property Tax

Back View Cart (0)
Overvlew & Pay
View Receipt
E ALERTS
Print Receipt
Print Bill
Email Bill

2023 Property Tax Statement

Denise Mastroserio Cherokee County Tax Commissioner 2780 Marietta Hwy	Bill No.	Due Date	Current Due	Prior Payment	Back Taxes	*Total Due*
Canton , GA 30114 Make Check or Money Order Payable to:	2023- 25568	11/15/2023	\$0.00	\$2 562 90	\$0.00	Paid 11/15/2023

BLUME PROPERTIES LLC

1011 E MAIN ST CANTON, GA 30114 Printed: 08/06/2024

Map: 91N22 037

Location: 570 MAIN ST

Message:

If you have sold this property, fax a copy of the settlement statement to 678-493-6423. If you have an escrow forward tax bill to your mortgage company as soon as possible. Interest will accrue at the rate prescribed by law starting November 16th and the 16th of each month until paid The penalty will accrue at the rate prescribed by law. " Pay online at www.cherokeega.com" Please note There is a 2.5 % Merchant fee for Visa, MasterCard & Discover. There is a 3% Merchant Fee charged for American Express. (These Merchant fees are not collected by Cherokee County.)

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GA_Deed_LimitedWarranty

W240270S

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Signed, sealed and delivered in the presence of:

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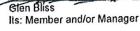
Notary Public 2 My Commission Expires: ____

[Notary Seal]



GRANTOR:

Blume Properties, LLC



[Corporate Seat CORPORATE SEAL

GA_Deed_LimitedWarranty

W240270S

(Seal)

To Whom It May Concern,

I am the applicant filing for a conditional use permit for 570 East Main Street, Canton, Ga, 30114.

570 was originally a home built in 1950, but was moved back from the road in the 1980s. At that time, two additional single apartments were added beneath the home. At some point, the main house was zoned commercial.

It is our desire to return the top original home to residential status while leaving the two apartments below. This adjustment has very little effect on traffic, congestion or utilities. It simply means there will be one more option for residence in the DT Canton area while maintaining very affordable living options in the apartments.

Sincerely,

Jami Joremon

Jamie Foreman