



Planning & Zoning Commission Meeting
Tuesday, February 14, 2023 - 6:30 PM
AGENDA

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Public Comment
5. Application # Z-23-9 Zoning Use Permit; 57 S. Main Street
 - a. Application and Staff Report
6. Zoning Inspector
 - a. January 2023 Zoning Report
7. Other Business
8. Adjourn



Public Notice

The City of Johnstown Ohio Planning and Zoning Commission will consider an application request for 51C South Main St. for a Conditional Use Permit to allow a 2nd floor short term residence over a business located at 57 S. Main St. Johnstown, Ohio 43031 as required in Chapter 1131.09 and 1155.03 (d).

The Conditional Use Permit application will be heard on Tuesday February 14, 2023 at 6:30 p.m. at 599 S. Main Street. (Auditors Pin# 053-177588-00.000)

For more information contact:

Jim Blair

Johnstown Zoning Inspector

740.967.3177 x5

jblair@johnstownohio.org

1155.03 CONDITIONAL USES.

The following uses shall be permitted in the GCC-1 District, subject to approval by the Planning and Zoning Commission in accordance with Chapter 1131:

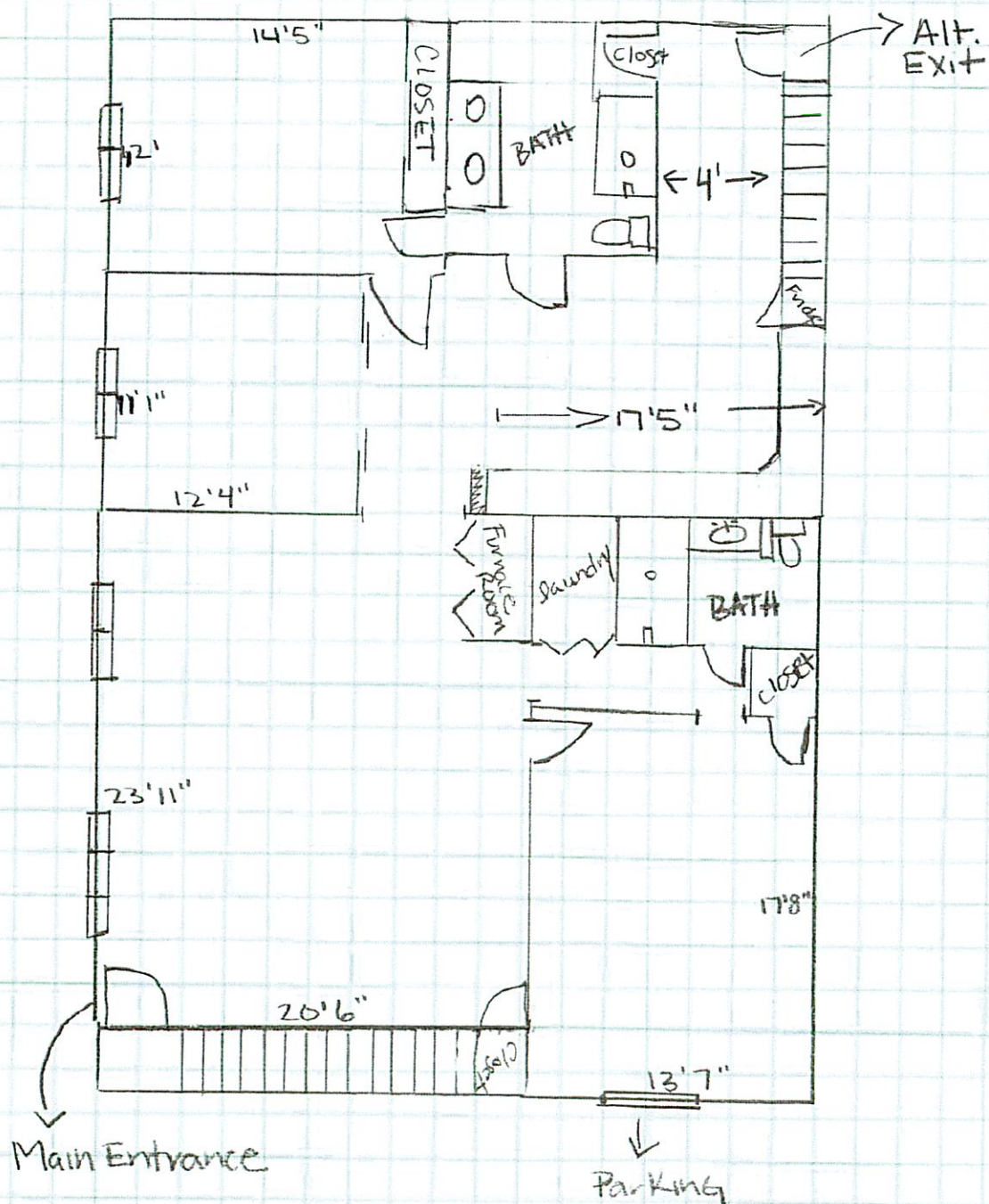
- (a) Fast food and carry-out operations, providing that such uses are in association with and in conjunction with eating establishments with on-site, sit-down dining facilities.
- (b) Second story and multi-family and single family dwelling units located in commercial structures.
- (c) Retail motor vehicle fuel sales.
- (d) Hotels and Transient Accommodations. (Ord. 44-2021. Passed 11-3-21.)

Street View (40.15281697, -82.68390539 10/21/2012)



02/08/2023 12:21:04 PM

51 C S. Main Street





City of Johnstown, OH

01/25/2023

Z-23-9

Zoning Use Permit

Status: Active**Date Created:** Jan 24, 2023**Applicant**

Jennifer Erick
esquaredliving1@gmail.com
PO Box 711
Sunbury, OH 43074
7408172850

Primary Location

57 S MAIN ST
JOHNSTOWN, OH 43031

Owner:

Jennifer Erick
12760 Hartford Rd SUNBURY, OH, OH 43074

Document Signatures**Jim Blair Signature**☐☐**Ryan Green Signature**☐**Conditions for Approval**

--

Project InformationApplication for:**Non-Conforming Use**☐**Home Occupation**☐**Conditional Use**☒**Variance**☐**Use of Property**

Residential Non-Single Family

Description and nature of request

Requesting conditional use of upstairs apartment for short term rental in GCC1 district.

List of Contiguous Property Owners

Name

Ghosttown Property LLC

Address

55 South Main Street, Johnstown OH 43031

Authorization

I certify the information contained in this application and attachments are true and accurate.

Jennifer Gail Erick

01/24/2023

Attachments

 51C South Main Floor Plan 1.2023.pdf
Uploaded by Jennifer Erick on Jan 24, 2023 at 9:33 am

History

Date	Activity
Jan 24, 2023 at 8:16 am	Jennifer Erick started a draft of Record Z-23-9
Jan 24, 2023 at 9:21 am	Jennifer Erick altered Record Z-23-9, changed ownerCity from "SUNBURY" to "SUNBURY, OH"
Jan 24, 2023 at 9:21 am	Jennifer Erick altered Record Z-23-9, changed ownerEmail from "" to "esquaredliving1@gmail.com"
Jan 24, 2023 at 9:21 am	Jennifer Erick altered Record Z-23-9, changed ownerName from "EFLC LLC" to "Jennifer Erick"
Jan 24, 2023 at 9:21 am	Jennifer Erick altered Record Z-23-9, changed ownerPhoneNo from "" to "740-817-2850"
Jan 24, 2023 at 9:21 am	Jennifer Erick altered Record Z-23-9, changed ownerStreetName from "PO BOX 711" to "Hartford Rd"
Jan 24, 2023 at 9:21 am	Jennifer Erick altered Record Z-23-9, changed ownerStreetNo from "" to "12760"
Jan 24, 2023 at 9:30 pm	Jennifer Erick submitted Record Z-23-9
Jan 24, 2023 at 9:30 pm	approval step Internal Review was assigned to Jim Blair on Record Z-23-9

Timeline

Label	Status	Activated	Completed	Assignee	Due Date
 Internal Review	Active	Jan 24, 2023 at 9:30 pm	-	Jim Blair	-
 Application Fee	Inactive	-	-	-	-
 Planning and Zoning Approval	Inactive	-	-	-	-
 Permit Issuance	Inactive	-	-	-	-

VILLAGE OF JOHNSTOWN

STAFF REPORT

Application Number: Z-23-9

Property Address: 57 S Main St Street

Commission Date: 2/14/2023

Applicant: Jennifer Erick

Zoning District: GCC-1

Project Narrative:

The applicant is applying for a conditional use permit for transient accommodations. The current zoning on this property is GCC-1 and does allow for a conditional use permit to be issued if all criteria are met.

CHAPTER 1155

General Community Commercial GCC-1 District

[1155.01](#) Purpose.

[1155.02](#) Permitted uses.

[1155.03](#) Conditional uses.

[1155.04](#) Additional district development standards.

CROSS REFERENCES

Purpose of commercial districts - see P. & Z. [1141.02\(b\)](#)

Supplementary district regulations - see P. & Z. Ch. [1171](#)

Location of off-street parking facilities - see P. & Z. [1171.24](#)

Parking space requirements - see P. & Z. [1175.10\(b\)](#)

1155.01 PURPOSE.

The purpose of the GCC-1 District is to designate appropriate areas for the establishment and development of commercial activities to service regional needs. Such areas shall be located on or at the intersection of arterial streets.

1155.02 PERMITTED USES.

In a GCC-1 District, the following uses are permitted:

(a) General merchandise sales including:

- (1) Department stores;
- (2) Limited price or discount variety stores;
- (3) Mail-order and miscellaneous general merchandise stores;
- (4) Drug stores;
- (5) Pet stores;

(b) Food sales including:

- (1) Grocery, meat, fish, fruit or vegetable markets or any combination thereof;
- (2) Dairy or bakery products;
- (3) Specialty good stores;

(c) Apparel sales including:

- (1) Clothing, furnishings and accessory items for men, women and/or children;
- (2) Custom tailor shops, furriers, alterations and dry cleaning shops;

(d) Home furnishings sales including:

- (1) Furniture, home furnishings and equipment stores;
- (2) Household appliance stores;

- (3) Radio, stereo, television and music stores;
 - (e) Food or beverage sales and consumption including:
 - (1) Package liquor stores;
 - (2) Eating and drinking establishments excluding fast food and carry-out operations, but including those that sell alcoholic beverages or liquor by the glass;
 - (3) Cafe seating secondary to primary business; excluding outdoor alcohol consumption.
 - (f) Miscellaneous retail sales and services including:
 - (1) Book, stationary, jewelry and antique stores;
 - (2) Gift, novelty and souvenir shops;
 - (3) Camera, photographic supply and optical goods stores;
 - (4) Tobacco, newspaper and magazine stores;
 - (5) Auto service;
 - (6) Shops for custom work whose articles or products are to be sold on the premises;
 - (g) Miscellaneous uses:
 - (1) Post office;
 - (2) Newspaper or job printing;
 - (3) Funeral parlor;
 - (4) Theaters, assembly halls, billiard or pool parlors and bowling alleys;
 - (5) Telegraph office, express office and electrical substation;
 - (6) Laundries and laundromats;
 - (7) Banks, savings and loans, or other money investment or management businesses;
 - (h) Service station:
 - (1) Motor vehicle repair.
- (Ord. 18-2021. Passed 6-1-21.)

1155.03 CONDITIONAL USES.

The following uses shall be permitted in the GCC-1 District, subject to approval by the Planning and Zoning Commission in accordance with Chapter [1131](#):

- (a) Fast food and carry-out operations, providing that such uses are in association with and in conjunction with eating establishments with on-site, sit-down dining facilities.
- (b) Second story and multi-family and single family dwelling units located in commercial structures.
- (c) Retail motor vehicle fuel sales.
- (d) Hotels and Transient Accommodations. (Ord. 44-2021. Passed 11-3-21.)

1155.04 ADDITIONAL DISTRICT DEVELOPMENT STANDARDS.

In addition to the provisions of Title Seven of this Part Eleven, the following standards for arrangement and development of the land and building are applicable in the GCC-1 District. (Ord. 1983-20. Passed 8-16-83.)

- (a) Lot Requirements.
 - (1) No minimum lot size is required; however, lot size shall be adequate to provide the yard space required by these additional district development standards.
 - (2) No minimum lot width is required; however, all lots shall abut a public street and have sufficient width to provide the yard space required by these additional district development standards.
 - (3) Each lot shall have a front setback of not less than forty feet. Parking areas shall be at least fifteen feet from the street right-of-way.
 - (4) Each lot shall have a rear setback of not less than twenty-five feet. A structure to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty feet wide. A rear setback shall not be required on structures whose rear wall

is fireproof and contains no windows, doors or other openings, except that a rear setback of forty feet is always required should such GCC-1 District lots rear abut any residential lot.

(5) For permitted and conditional structures there shall be a total side setback of not less than thirty-five feet with a minimum on one side of fifteen feet. A side setback shall not be required on a structure's side wall that is fireproof and contains no windows, door or other openings, except that a side setback of fifteen feet is always required should such GCC-1 District lot's side abut any residential lot.

(6) Permitted and conditional structures, pedestrian sidewalks and parking areas shall not cover more than ninety percent (90%) of the lot. The remaining ten percent (10%) of the lot shall be landscaped with natural vegetation. (Ord. 16-11. Passed 9-20-11.)

(b) Building Requirements. No structure shall exceed forty feet in height.

(c) Site Requirements.

(1) A traffic and parking system plan shall be required that details points of ingress and egress into the property, parking areas with the number of parking spaces, access drives and pedestrian walkways, shown. The plan shall be so designed as to minimize conflict points between pedestrians and vehicular movements.

(2) Outdoor trash systems shall be sufficient to prevent any overflow and screening shall be provided to enclose such containers and hide them from view.

(3) Storm drainage and runoff collection shall be sufficient to prevent any standing water.

(4) Minimizing the number of curb cuts within the lot frontage and joint curb cuts between adjacent uses are encouraged, therefore the minimum distance between curb cuts shall be 120 feet except that each lot is permitted a minimum of one curb cut. No curb cut shall be more than thirty-five feet in distance.

(5) Lots of greater than two and one-half acres shall contain at least one fire hydrant for every additional three quarter acres over two and one-half initial acres.

(6) Outdoor storage and display of merchandise on public sidewalks shall be prohibited.

(Ord. 1983-20. Passed 8-16-83.)

194.01 DEFINITIONS.

Accommodations remarketer: means a person that reserves, arranges for, conveys, or furnishes occupancy, whether directly or indirectly, to a transient guest for a rental amount determined by the accommodations remarketer, directly or indirectly, whether pursuant to a written or other agreement, or who contracts with a vendor to market the hotel or transient accommodation and to accept payment from the transient guest for the accommodation. Examples of accommodations remarketers include, but are not limited to, online travel companies and discount travel services.

Exempted entity: means the government of the United States, the government of the State of Ohio, the governments of States other than Ohio, the governments of political subdivisions in the State of Ohio, the governments of political subdivisions of states other than Ohio, and organizations that are exempt from federal income taxation under Internal Revenue Code Section 501(c)(3).

Hotel: means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered to guest(s), in which five (5) or more rooms are used for the accommodation of such guests, whether such rooms are in one (1) or several structures. The term "Hotel" shall include "Motel".

Transient accommodations: means every establishment kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered

to guests in which four (4) or fewer rooms are used for the accommodation of such guests, whether such rooms are in one (1) or several structures.

Transient guests: means person(s) occupying a room or rooms for sleeping accommodations for less than thirty (30) consecutive days.

Vendor: means the person who is the owner or operator of the hotel or transient accommodation and who furnishes the lodging.

(Ord. 50-2021. Passed 12-14-21.)

CHAPTER 1131

Conditional Uses

1131.01 Purpose.

1131.02 Application for conditional use.

1131.03 General standards for conditional uses.

1131.04 Action by the Planning and Zoning Commission.

1131.05 Supplementary conditions.

1131.06 Expiration and revocation of zoning certificate issued under conditional use provisions.

1131.07 Benefit of permit.

1131.08 Burden of proof.

1131.09 Notice of public hearing.

CROSS REFERENCES

Zoning Inspector's duties - see P. & Z. [1125.05](#)

Planning and Zoning Commission - see CHTR. Sec. [7.03](#); P. & Z. Ch. [1129](#)

Variances - see P. & Z. Ch. [1133](#)

1131.01 PURPOSE.

Under some unusual circumstances, a proposed use which more intensely affects an area than those uses permitted in the zoning district in which it is located, may nonetheless be desirable and compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as conditional uses within the description of the respective zoning districts. The Planning and Zoning Commission may allow such a use to be established as a conditional use where these unusual circumstances exist and where the proposed use will be consistent with the general purpose and intent of this Planning and Zoning Code.

(Ord. 15-2019. Passed 4-16-19.)

1131.02 APPLICATION FOR CONDITIONAL USE.

Any person owning or having an interest in property may file an application to use such property for a conditional use provided for by this Ordinance in the zoning district in which the property is situated. An application for a conditional use shall be filed with the Zoning Inspector, who shall forward a copy to the Planning and Zoning Commission. The application shall contain the following information:.

(a) All of the information required for a zoning certificate, pursuant to Section 41131.03.

(b) A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic circulation, open spaces, landscaping, refuse, and service areas, utilities, signs, yards, and such other information as the Commission may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance.

(c) A narrative statement evaluating the effects on adjoining property, and a discussion of the general compatibility with adjacent and other properties in the district.

(d) The names and addresses of all property owners contiguous to, and directly across the street from the property, as appearing on the Licking County Auditor's current tax list.

(e) Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Planning and Zoning Commission as determined by the Village Planner.

(Ord. 15-2019. Passed 4-16-19.)

1131.03 GENERAL STANDARDS FOR CONDITIONAL USES.

The Commission shall not approve a conditional use unless it shall, in each specific case, make specific findings of fact directly based on the particular evidence presented to it, that support conclusions that such use at the proposed location **shall meet all of the following requirements:**

(a) Will be harmonious with the existing or intended character of the general vicinity and that such use will not change the general character of such area.

(b) Seeks to maintain, and will not be hazardous to, the health, safety and welfare of the existing neighborhood, and the total community.

(c) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

(d) Will not create excessive additional requirements for public facilities and services and will not be detrimental to the economic welfare of the community.

(e) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

(f) Will have vehicular approaches to the property which shall be so designated as not to interfere with traffic on surrounding public streets or roads.

(g) Complies with any other requirements or standards that are cited under the specific zoning district regulations of this Ordinance.

(h) Will be in accord with the general objectives, or with any specific objective, of the strategic plan and the Zoning Ordinance

(i) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

(j) Is a conditional use identified for the applicable zoning district.

It shall be the duty of the applicant to present by the preponderance of evidence, sufficient proof in the application to demonstrate that the requirements cited above are met.

(Ord. 15-2019. Passed 4-16-19.)

1131.04 ACTION BY THE PLANNING AND ZONING COMMISSION.

Within sixty (60) days from the date of the application, the Commission shall approve, approve with supplementary conditions as authorized in Section [1131.05](#), or disapprove the application as presented. In rendering its decision, the Commission may contact and seek input from adjacent property owners and/or other interested parties. If the application is approved with supplementary conditions, the Commission shall direct the Zoning Inspector to issue a zoning certificate listing the specific conditions listed by the Commission for approval. If the application is disapproved, the applicant may seek relief pursuant to the Ohio Revised Code, the Johnstown Village Charter or other ordinances of the Village. If no action is taken by the Commission within the specified time frame, the application shall be considered as approved.

(Ord. 15-2019. Passed 4-16-19.)

1131.05 SUPPLEMENTARY CONDITIONS

In granting any conditional use, the Commission may prescribe appropriate conditions and safeguards in conformance with this chapter.

(Ord. 15-2019. Passed 4-16-19.)

1131.06 EXPIRATION AND REVOCATION OF ZONING CERTIFICATE ISSUED UNDER CONDITIONAL USE PROVISIONS.

The approval of the zoning certificate issued in accordance with Section [1131.04](#) above, shall become null and void if such use is not fully implemented, as evidenced by issuance of a Certificate of Zoning Compliance, within eighteen (18) months after date of approval; however, the Planning and Zoning Commission may grant an extension of a zoning certificate for a conditional use for an additional period of six (6) months upon good cause shown by the applicant. Good cause may include such factors as adverse weather or site conditions, difficulty in procurement of materials, or delay due to complexity of the project despite the applicant's diligent and good-faith efforts to comply with the eighteen-month timeframe. The Planning and Zoning Commission may revoke the zoning certificate, if it finds, based upon written evidence by any citizen or official of the Village, of violation of this Ordinance and/or written terms and conditions upon which approval was based. The Conditional Use Permit shall authorize at most only the conditional use applied for and such Conditional Use Permit shall automatically expire, if for any reason the conditional use shall cease for more than one (1) year, unless the property owner or occupant shows that such cessation is due to force majeure or other calamity or casualty outside the control of the property owner or occupant, which the property owner or occupant is working diligently and in good-faith to remedy.

(Ord. 15-2019. Passed 4-16-19.)

1131.07 BENEFIT OF PERMIT.

No Conditional Use Permit shall inure to the benefit of the heirs, successors, assigns or purchasers of a Conditional Use Permit holder.

(Ord. 15-2019. Passed 4-16-19.)

1131.08 BURDEN OF PROOF.

It shall be the affirmative duty of the applicant to present by the preponderance of evidence, sufficient basis to demonstrate the propriety of a conditional permit. Mere application for the permit is not sufficient. (Ord. 15-2019. Passed 4-16-19.)

1131.09 NOTICE OF PUBLIC HEARING.

Notice shall be given at least seven days prior to the public hearing and be published on the Village of Johnstown webpage. Property owners as listed under Section [1131.02\(d\)](#) may be notified at least seven days prior to the hearing by certified mail return receipt requested. Such notice shall include the place, time, date and nature of the conditional use applied for. (Ord. 15-2019. Passed 4-16-19.)

Recommendation: Staff would advise the Board to reference [1131.03 GENERAL STANDARDS FOR CONDITIONAL USES](#). **highlighted** above. Special attention should be given to items (a) (c) (d) (f) (g) and (i). Consideration should also be given to the first floor or second floor location of the transient accommodations. Living space are currently located on the second floor. Currently no single family or multi-family is allowed on the first floor in GCC-1 zoning district.

CITY OF JOHNSTOWN OHIO



January 2023 Zoning Inspector Summary

Total new homes permitted MTD in 2023: (1)

Total new homes permitted in January 2023: (1)

Remaining approved building lots available in City: approximately 40.

Total all permit applications received for January: (12)

January property code enforcements entered into OpenGov. (5)

Applications for January by category:

1. Zoning Certificates: 1
2. Curb cut, CO, Sidewalk, 1
3. Certificate of Appropriateness 0
4. Fence: 2
5. Decks: 0
6. Shed: 1
7. Signs: 3
8. Pool: 1
9. Variance: 0
10. Zoning Map Amendment: 0
11. Lot Split 0
12. Food Trucks 0
13. Residential garages/additions: 0
14. New businesses 0
15. Conditional Use 1 (short-term rental)
16. Occupancy permits 0

Property Maintenance Code Violations, pending or corrected.

1. Williams St. property conditions, summons served court date September 22, 2022. New court date trial December 22 cancelled, new court date trial January 12, 2023, new court date trial February 9.
2. Williams St. property conditions, court ordered follow-up date December 12, 2022, painting work has not been completed due to weather conditions. Pending

3. Inspections completed: sidewalks, deck framing, fence post holes: 3
4. Parking in front yards Zoning Violation Notices: (1) commercial dump truck
5. Litter receptacle violations 3
6. Yard signs removed from the street right of ways 9
7. W. Coshocton business has 2 signs that are out of compliance, working with City attorney to resolve. Letter has been sent from City Attorney to remove the sign. Pending further legal action. The business has been listed for sale and is now closed.

New businesses applications and businesses opening. Caswell Realty on S Main. (Johnstown now has 5 real estate offices in one block)

Armstrong Ceilings Plant expansion: COA approved. Steel framing installation has started as of January 25. Engineering review in process. Major excavating work has been ongoing.

Redwood Apartments: project has been tabled status unknown.

ACE Hardware: W Coshocton their COA was approved; engineering review has been approved. The Zoning certificate is ready for approval.

Leafy Dell: Coughlin Apartment project, the engineering has been approved, Zoning certificate review completed and ready for approval. The water meter issue has been resolved and a letter has been received with the details from the project manager.

Jim Blair
Johnstown Zoning and Property Code Enforcement Official