Planning & Zoning Commission Meeting
Tuesday, April 11, 2023 - 6:30 PM
AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Public Comment
4. Application # Z-23-41 Conditional Use Permit; 110 S. Main Street
   a. Application & Staff report
5. Other Business
6. Adjourn

Vision Statement: The City of Johnstown is dedicated to providing a secure community environment that fosters cultural, recreational, educational and economic opportunities while preserving our unique historical character

City of Johnstown
Administrative Offices
www.johnstownohio.org

CITY OF JOHNSTOWN, OHIO

599 S. Main Street
Johnstown, Ohio 43031
Telephone: 740-967-3177

Public Notice

The City of Johnstown Planning and Zoning Commission will consider a Conditional Use application (Chapter 1131) for 110 S. Main St. to allow 2nd floor short term transient rental accommodations for groups up to eight people also using the first floor gathering space for activities such as hobbyist, family gatherings, crafting, quilt making, scrapbooking, book clubs etc. Chapter 1155.03(d) this is a GCC-1 Zoning District.

The Conditional Use application will be heard on Tuesday, April 11, at 6:30 p.m. at 599 S. Main Street. (Auditors Pin# 053-181290-00.000)

For more information contact:
Jim Blair
Johnstown Zoning Inspector
740.967.3177 x5
jblair@johnstownohio.org

Zoning Use Permit

Z-23-41

Submitted On: Mar 11, 2023

Applicant

Larry Shafer
(740) 967-5555
@ lshafer@shaferlawohio.com

Primary Location

110 S MAIN ST
JOHNSTOWN, OH 43031

Project Information

Application for:

Conditional Use
true

Non-Conforming Use
--

Variance
--

Home Occupation
--

Use of Property
Residential Single Family

Description and nature of request
Applicants wish to obtain a Conditional Use Permit for Transient Accomodation Use

List of Contiguous Property Owners

Name	Address
Daniel and Kris D Almendinger	5003 Caswell Rd, Johnstown, OH 43031
Donna Howard	111 S Kasson St., Johnstown, OH 43031
Leigh Anne & Jonathan Merriman	119 S Kasson St, Johnstown, OH 43031
Carolyn W. Bailey	118 S Main St., Johnstown, OH 43031
United Telephone of Ohio	Property Tax Dept, 1025 Eldorado Blvd., Broomfield, CO 80021

Authorization

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

true

JOHNST
2023/04/04
08:33

NARRATIVE STATEMENT IN SUPPORT OF APPLICATION

The intent for this property is to preserve the character and history, while making good use of its ample space and its downtown location in the commercial district.

The house will always be rented as a single unit and can accommodate up to 8 people. It has four bedrooms upstairs. We have a 3-car garage, two additional outdoor car port spaces as well as a long driveway that can accommodate an additional five cars. Public parking lots are also located across the street if needed. We have tall hedges that provide security and privacy to our neighbors on the north side of the house, as well as a metal gate surrounding the entire property.

RESPONSES TO SEC. 1131.03 GENERAL STANDARDS FOR CONDITIONAL USES.

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.

The property in question was formerly a single-family residence. No exterior changes will be made to change the appearance. The appearance will be harmonious with the properties on either side of this property.

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

The proposed use of the property for transient accommodations will be only be made to one rental customer and will be monitored to assure that the property will maintain its residential characteristics of use as a single unit.

(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.

The property sits on South Main Street, which is a main highway and has clear availability to police and fire protection. The property is served by refuse disposal services, storm sewers, city water and Johnstown local schools.

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

The use as transient accommodations will not be continuous but periodic. The number of people permitted to occupy the property will not be excessive, consisting of only two people per bedroom, for a total of eight occupants.

(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.

The proposed use of the property will be for residential purposes only and should not produce any of the referenced conditions.

(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.

The vehicular approach to the property consists of a driveway directly off of South Main Street for access, with the property containing room for traffic to turn around and exit the property by the same driveway. The property is located in the middle of a block on a straight, flat street. Use of the property will not interfere with traffic on any surrounding public streets.

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

See Responses to Sec. 1155.04 ADDITIONAL DISTRICT DEVELOPMENT STANDARDS on following page.

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

The proposed use of the property being applied for is now a part of the provisions of the Zoning Ordinance allowing transient accommodations, per Section 1121.62 (90) of the Zoning Ordinance for TRANSIENT ACCOMMODATIONS.

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

No external changes are being made to the building or property which would cause destruction or loss of the current historic features of the property.

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

See Section1121.62 (90) of the Zoning Ordinance.

RESPONSES to SEC. 1155.04 ADDITIONAL DISTRICT DEVELOPMENT STANDARDS.

The proposed property use will meet the following standards applicable in a GCC-1 District per Section 1155.04:

a) Lot Requirements:

1 & 2. The lot is adequate to provide yard space required for the district development standards. The attached diagram shows the locations of all building structures.

3. The lot has a front setback in excess of 15 feet. Parking for 5 vehicles is provided in the garage and carports at the rear of the property as well as parking for 5 additional vehicles in the driveway along the north side of the building.

4. The residence building has a rear setback greater than 25 feet.

5. The residence building has total side setbacks in excess of 26 feet with a setback on the north side of a minimum of 15 feet. The residence was constructed in 1880, prior to the adoption of Zoning in Johnstown.

6. The permitted and conditional structures on the area cover less than 65% of the lot. The lot is landscaped on three sides with trees and landscaping as well as having a black wrought iron fence to separate it from adjoining properties.

b) Building Requirement: **The buildings on the property do not exceed 40 feet in height.**

c) Site Requirements:

1. A traffic and parking plan is shown on the attached diagram. Ingress and egress are provided by the single driveway located on the property. The driveway area contains sufficient room for vehicle to turn around to allow exiting from the property without having to back into the public street.

2. Trash is kept in containers placed at the rear of the lot next to the garage building. Trash is picked up by a city-approved carrier on a weekly basis.

3. The elevations and site using are not being changed. No drainage problems exist.

4. No cross easements are needed because there are no adjacent commercial or retail sites.

5. No new curb cut is being requested. The single curb cut for the driveway along the north side of the property will remain at its current location and width.

6. No fire hydrant is necessary as the lot does not exceed two and one-half acres.

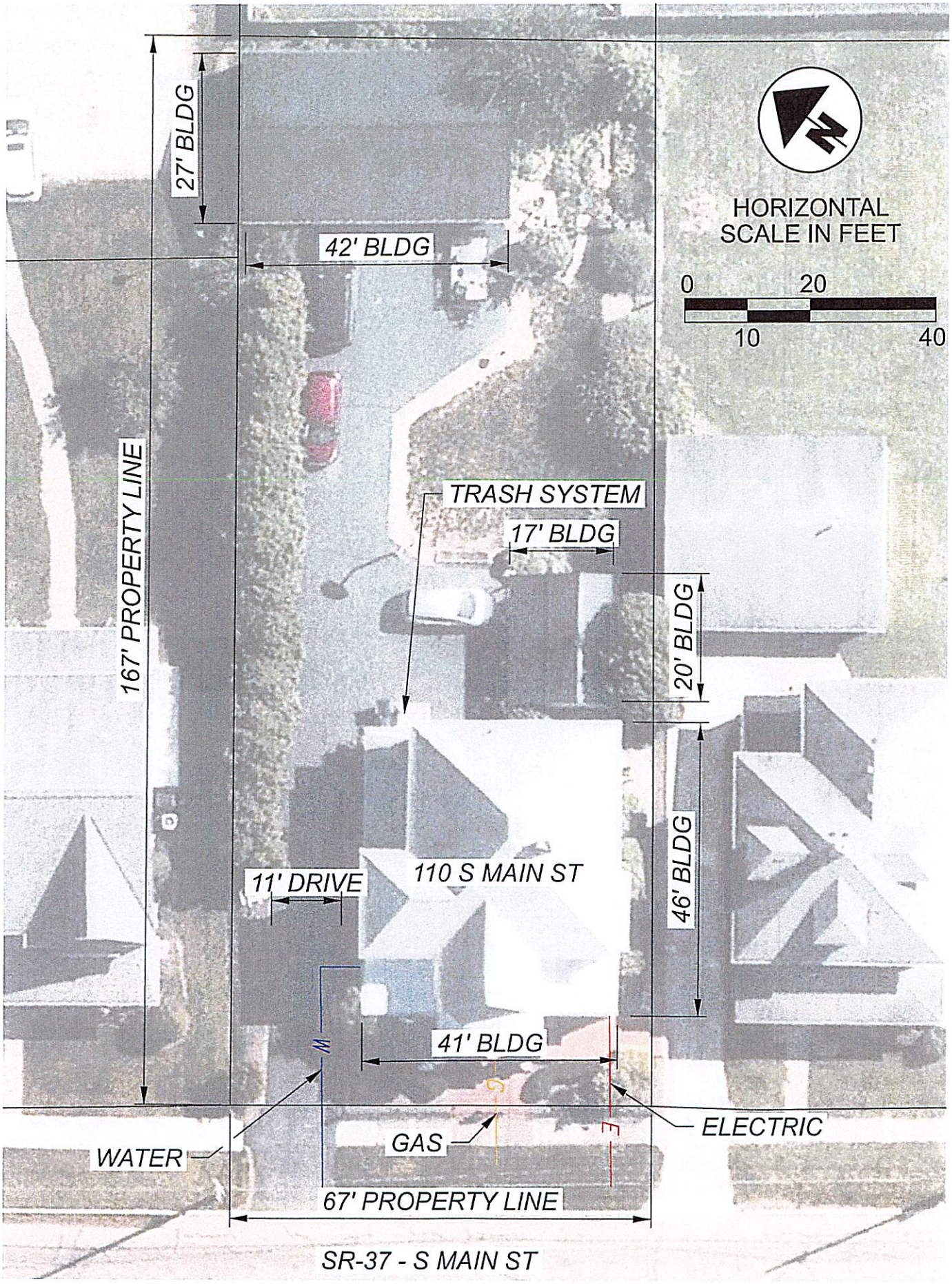
7. The three non-street boundaries of the property are landscaped and shielded by shrubs and evergreen-type trees, as well as by a black metal fence.

8. **The property will be rented with all furniture in place. No additional truck traffic will be necessary to provide or remove furniture or large objects.**

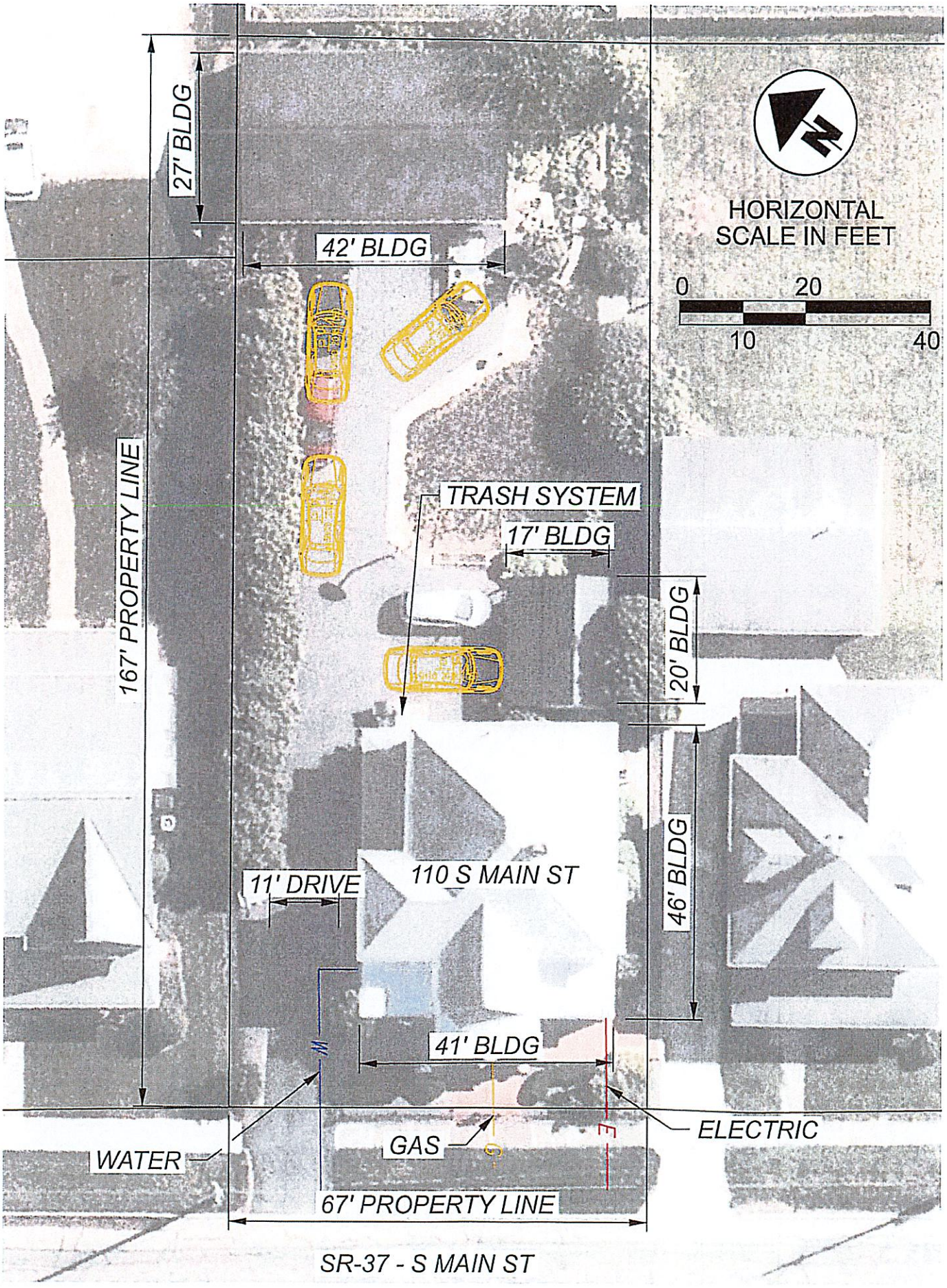
9. **The premises will be cleaned after each rental.**

10. **A water line, a natural gas line, and electric wires are located underground at the front of the property. The water line enters the building at the northeast corner; the other utilities enter at the front of the building.**

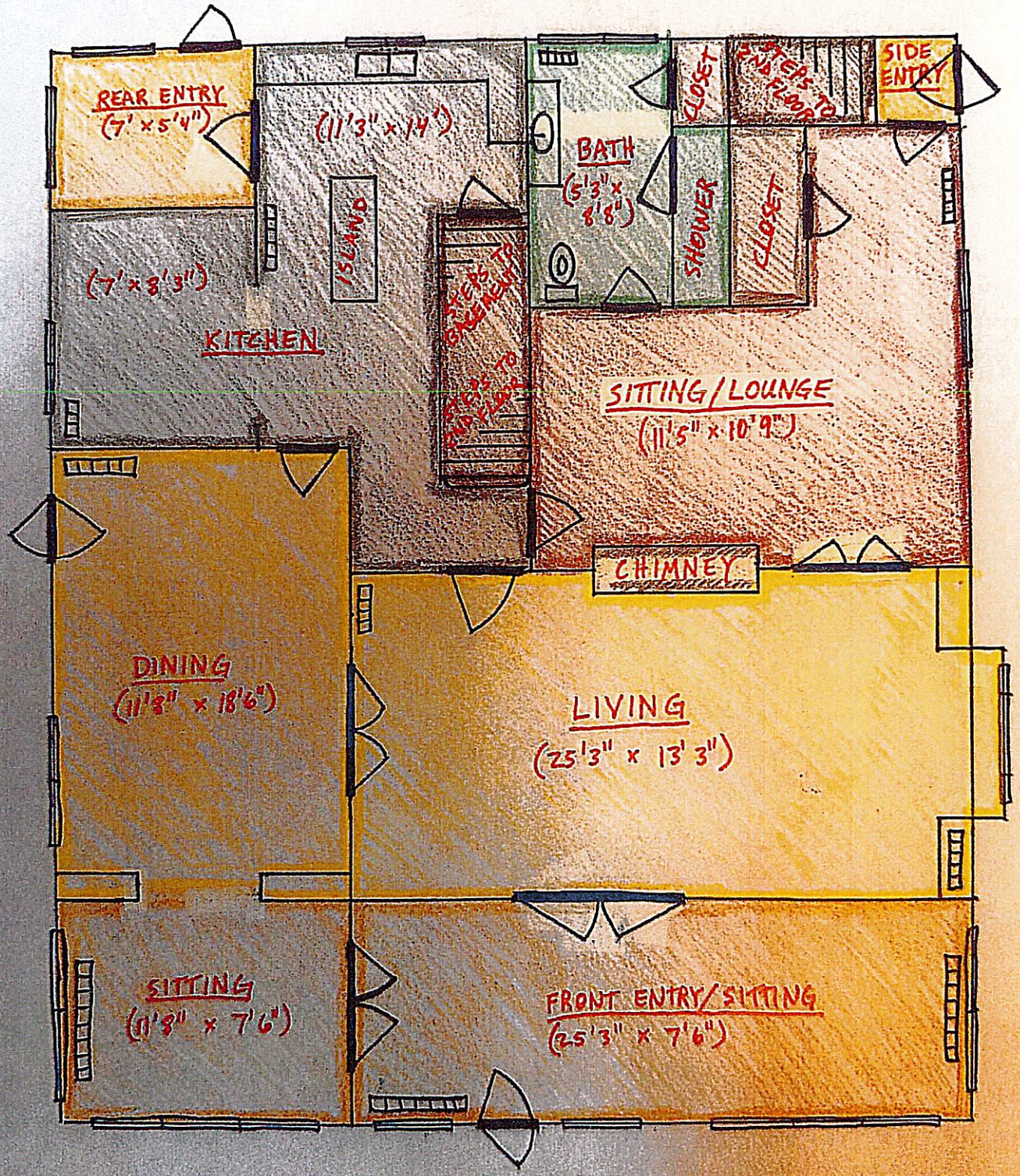
Site Plan


27' BLDG
42' BLDG
HORIZONTAL
SCALE IN FEET
0
20
10
40
167' PROPERTY LINE
TRASH SYSTEM
17' BLDG
20' BLDG
46' BLDG
11' DRIVE
110 S MAIN ST
41' BLDG
W
G
E
ELECTRIC
GAS
WATER
67' PROPERTY LINE
SR-37 - S MAIN ST

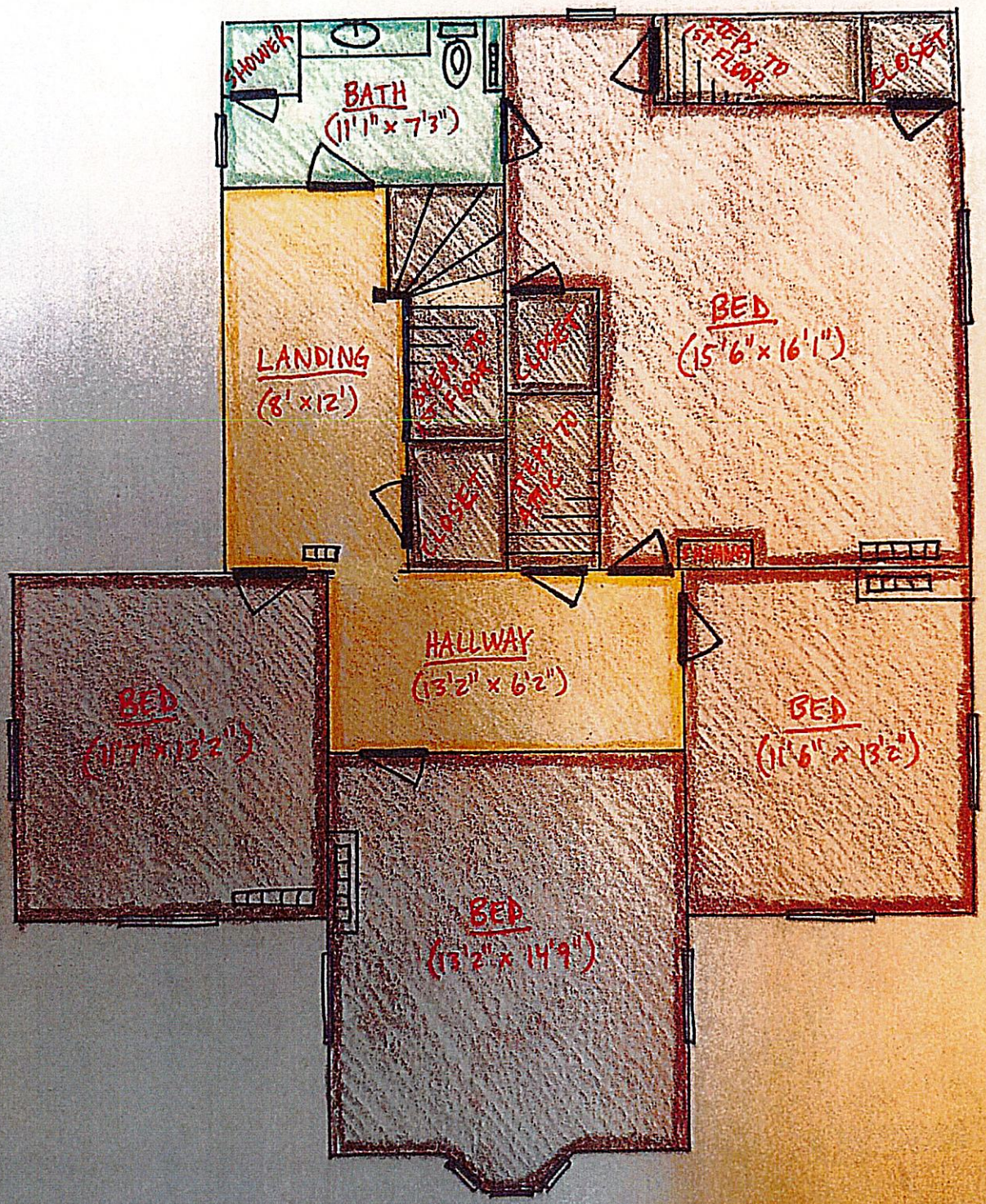
Site Plan with Parking



First Floor


N
REAR ENTRY
(7' x 5'4")
(11'3" x 14')
ISLAND
(7' x 8'3")
KITCHEN
STEPS TO GROUND FLOOR
BATH
(5'3" x 8'8")
SHOWER
CLOSET
CLOSET
STEPS TO 2nd FLOOR
SIDE ENTRY
SITTING/LOUNGE
(11'5" x 10'9")
CHIMNEY
DINING
(11'8" x 18'6")
LIVING
(25'3" x 13'3")
SITTING
(11'8" x 7'6")
FRONT ENTRY/SITTING
(25'3" x 7'6")

Second Floor



VILLAGE OF JOHNSTOWN
STAFF REPORT

Application Number: Z-23-41
Applicant: Larry Shafer
Property Address: 110 S Main St Street
Zoning District: GCC-1
Commission Date: 4/11/2023

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.)

1175.10 PARKING SPACE REQUIREMENTS.

For purposes of this Zoning Ordinance the following parking space requirements shall apply:

(a) Residential.

(1) Single-family or two-family dwelling: Two for each unit.

(2) Apartment hotels, apartments or multi-family dwellings: Two for each unit.

(3) Mobile homes: Two for each unit.

(b) Commercial.

(1) Hotels, Motels: One per each sleeping room plus one space for each employee.

1175.06 LOCATION OF PARKING SPACES.

The following regulations shall govern the location of off-street parking spaces and areas:

(a) For single- and two-family residential uses, no off-street parking space (or portion thereof) shall be located closer than five (5) feet to any established street right-of-way line.

(b) For all residential districts, parking in front or side yards is prohibited unless on asphalt or concrete driveway (see Section 1175.02).

(c) Parking spaces for commercial or industrial uses shall be located not more than 300 feet from the principal use.

(d) Parking for commercial structures should be primarily at the rear and side of the site, behind the buildings.

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 spaces 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. I have also attached section of 1175 for your review. Approximately 4 public parking spaces are within 300 ft of the northwest corner of the property.