



Planning & Zoning Commission Meeting
Tuesday, November 10, 2020 - 6:30 PM
AGENDA

1. Call to Order
2. Roll Call
3. Public Comment
4. Approval of Minutes
 - a. October 27, 2020
5. Variance Application 2020-354-Z
 - a. Application & Staff Report
6. Zoning Code Draft - Part Two
 - a. Articles 3-6 Review.
<https://johnstownoh.civicclerk.com/Web/GenFile.aspx?ad=301>
7. Accessory Dwelling Units
 - a. ADU Draft Zoning
8. Zoning Inspector
 - a. Zoning Report October 2020
9. Other Business
10. Adjourn
11. Next P&Z meetings: Tuesday, Nov. 24, 2020 and Wednesday Dec. 2, 2020 (last one of the year)



Planning & Zoning Commission
Tuesday, October 27, 2020 - 6:30 PM
MINUTES

1. Call to Order

Committee Chair Ryan Green called to order the Planning and Zoning Commission meeting for October 27, 2020 at 6:31 p.m.

2. Roll Call

Present - Ryan Green, Benjamin Lee, Ron Danne, Jesse Coppel, Jon Merriman
Absent - None

Staff present - Bailey Klimchak - Village Planner, Jim Blair - Zoning Inspector, Marvin Block - Village Council, Teresa Monroe - Clerk of Council

Public present - None

3. Pledge of Allegiance

No pledge due to virtual venue.

4. Public Comment

None

5. Approval of Minutes

- a. September 22, 2020
- b. October 15, 2020

ACTION: Ryan Green moved to Approve the September 22, 2020 and October 15, 2020 minutes en bloc; Jon Merriman seconded and the vote was as follows:

AYES: Ryan Green, Ron Danne, Jesse Coppel, Jon Merriman, Ben Lee

NOES: None

ABSTAIN: None

Passed 5 - 0

6. Zoning Ordinance Update

a. Zoning Code Draft - Part One Review

Minor edit noted; Commission indicated approval of Part One as currently written. Bailey Klimchak said she will not ask for a vote at this time; Commission to compare and review as they begin Part Two next meeting.

7. Accessory Dwelling Units

a. Accessory Dwelling Zoning document

Ms. Klimchak provided background saying there are a few resident requests each year for this type of housing; this is investigation on what this could look like within the village. Review of the draft document; discussion on what would be the context or goal of allowing Accessory Dwelling Units (ADU) in the village. Mr. Green is in favor of using for aging in place of a family member but would not want to see them used as an "Airbnb". Discussion of the Board on considerations for restriction of use, building type and need for architectural review, owner occupied main dwelling, lot coverage percentage, foundation type, utilities, parking etc.

Public Comment:

1. Mr. Block said he is in favor of allowing ADU's; his feeling is that it should be a permanent structure; tap/capacity fees should be waved or reduced; in favor of ability to rent out when no longer in use by the family member.

Discussion on possibilities for Conditional Use approval and reduction of fees, Committee indicated willingness to reduce fees by half. Ben Lee suggested keeping the zoning under 1171 Supplementary District Regulations since this would be applicable to multiple districts; Bailey agreed. Discussion of square footage allowed per district, need for a minimum and maximum allowed, single story, allowing for off street parking, roof pitch, rental of the dwelling, possibility of bed tax etc. Bailey will reach out for Law Director opinion on rental regulation. Legislation draft for Commission review in two weeks.

8. Zoning Inspector

a. September 2020 Zoning Inspector Report

Jim Blair answered Board questions on items in his report.

Questions on sidewalk replacement for walks in poor condition; Ben Lee gave background on Sidewalk Replacement Program that has been discussed in Safety & Service Committee.

9. Other Business

1. Reminder that next Council meeting is on Wednesday, November 4, 2020 due to election Tuesday being held in Council Chambers.

10. Adjourn

ACTION: Ryan Green moved to Adjourn; Jesse Coppel seconded and all were in favor.

AYES: Ryan Green, Ron Danne, Jesse Coppel, Benjamin Lee, Jon Merriman

NOES: None

ABSTAIN: None

Passed 5 - 0

Meeting adjourned at 7:49 pm

VILLAGE OF JOHNSTOWN

STAFF REPORT

Application Number: 2020-354-Z
Property Address: 187 E. Jersey Street
Commission Date: 11/10/2020

Applicant: Village of Johnstown
Zoning District: LM

Project Narrative:

The applicant is in the process of building out the existing parking lot located at the Trailhead Park, 187 E. Jersey Street. It is a popular location and the current parking lot does not accommodate all the visitors to the park. The new parking lot will result in approximately 63 total spaces, an addition of 41 spaces.

The applicant requests a variance to Section 1175.02 of the Johnstown Codified Ordinances to allow the Village to wait on paving the parking lot. The parking lot is currently gravel and it is in the plans to pave the lot. However, the Village does not have the funds this year to pave the lot. Gravel also needs time to compact. A variance would allow the Village to save funds for the paving of the lot while still allowing visitors to the trailhead to use the gravel lot as parking.

Zoning Ordinance - Section 1175.02 Paving

The required number of parking and loading spaces as required in Section 1175.10 together with driveways, aisles and other circulation areas, shall be improved with six inches of asphalt or 4 inches of reinforced fiber concrete to provide a durable and dust free surface.

Planning Considerations:

The following factors shall be considered and weighed in the review and the public hearing of an application for variance.

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance;
2. Whether the variance is substantial;
3. Whether the character of the neighborhood would be adversely affected or whether adjoining properties would suffer an adverse impact as a result of the variance;
4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, garbage);
5. Whether the property owner purchased the property with knowledge of the zoning restriction;
6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance; and
7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Parking Lot

Image as of 11/4, gravel will be put down soon



Recommendation: Staff recommends **APPROVAL** of the variance application.

Chapter 1171 Supplementary District Regulations

1171.04 ACCESSORY DWELLING UNITS

For purposes of this chapter, “accessory dwelling unit” is defined as a dwelling unit for occupancy by an individual who is providing services to a principal use of the property, such as watchmen, maintenance personnel, or temporary guests, including corporate residences; or an accessory dwelling associated with a single-family dwelling, two-family dwelling, or townhouse dwelling.

Accessory dwelling units shall be conditionally permitted in residential districts, subject to Chapter 1131. Accessory dwelling units will be considered as accessory structures for the purposes of 1171.03 (b). All accessory dwelling units must follow the zoning district development standards as well as the following conditions and requirements:

- (a) An accessory dwelling unit may be located within a principal single-family detached dwelling or a detached accessory building on the same lot as a principal dwelling.
- (b) The owner of the lot must live in the primary residence.
- (c) Accessory dwellings shall be no more than;
 - a. 500 square feet in UR districts,
 - b. 800 square feet in SR districts, and
 - c. 1,000 square feet in the RR district.
- (d) A detached accessory building must be assigned a separate mailing address.
- (e) A minimum of one off-street parking space shall be provided on the lot for the accessory dwelling unit in addition to the off-street parking spaces required for the principal dwelling unit.
- (f) The accessory dwelling shall contain a living area, one bath and a kitchenette (including a refrigerator, microwave oven and/or stove, and sink) and may contain no more than one bedroom. Each unit must also have a permanent foundation.
- (g) Accessory dwelling units will be separately metered.
- (h) No more than two adults shall occupy the accessory dwelling unit.
- (i) No new access points or driveways shall be created or installed for access to the accessory dwelling unit.
- (j) The accessory dwelling shall have a roof pitch and design character that matches that of the primary dwelling and shall be no more than one story.

Commented [BK1]: Is this enforceable?

Commented [AYS2R1]: Tough call. There has been a lot of litigation around the country related to AirBNB sort of prohibitions. I would suggest a more comprehensive short-term rental ordinance if we want to address this. Happy to look at this in more detail if Council/P&Z wants to continue with a prohibition. But there is risk.

Commented [BK3]: Village administration does not support reduced tap fees for accessory dwellings. Tap fees are carefully calculated by engineers and are in place for a reason. The fees go toward the enterprise fund that is used to make improvements and increase the capacity of our water and sewer plants. If residents are using water, then they need to pay the fee.

Commented [AYS4]: This also may be challenge. We need to look at this further as there has been litigation on restriction of number of individuals living in a structure.

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VILLAGE OF JOHNSTOWN, OHIO



October 2020 Zoning Inspector Report

October 1, 2020 through October 31, 2020

Three new Pulte homes permitted

109 Bigelow value \$287,184

403 Fox Dr. value \$271,640

411 Fox Dr. value \$323,269

100 Saratoga approved a new 6' privacy fence after having the front corner moved back 20' from the corner. Inspected and approved the post holes at a later date.

112 N Main issued a fence permit.

267 N Main tried to contact the owner of the three dump trucks parked at the former Northview nursing home, with help from JPD they were able to track down the owner of the trucks and they have now been moved. A certified letter was also sent to the owner and he signed off on it.

63 Yardner the disabled truck with expired license has been moved and now has a 2020 license sticker.

Picked up numerous illegal yard signs around the Village for disposal.

100 N Main met with the homeowner as a follow up about her complaints regarding a neighbor's new fence.

Tyler Place and Central Station mailed letters to six residents as a follow up from their ongoing noise complaints from the Ohio Pack RTO machine. Ohio Pack now has a two-step plan of action for constructing a wall with an acoustical material and a concrete block wall around the RTO.

129 E Coshocton St Thrope Garage moved from this location, Dieselhead Performance moved in, they specialize in diesel repairs on pick-up trucks.

Johnstown Village Square shopping center contacted the manager of the center to report a sinkhole at the main entrance next to Advanced Auto's entrance. This is the second time in the same spot, it has been repaired again.

112 N Main inspected and approved post holes for a new 6' privacy fence.

114 Bigelow Dr issued a fence permit for a new Pulte home. Later in the week inspected and approved the post holes.

202 Autumn Leaves Way issued a fence permit.

468 Tyler Station the property owner attached a large political flag to his street mailbox post; the flag had an obscene message on it. I contacted his wife later he called me was extremely upset, it did not go well I finally hung up on him. He later texted me back to tell me I had no right to hang up on him. Later in the day he called an apologized, the flag was taken down and altered and put back up.

Approved sidewalks and driveway approaches at three new Pulte homes after several form adjustments.

111 Bigelow Dr
326 Raccoon Ave.
428 Fox Dr.

Shulls Hardware received a call from a family member to discuss eliminating an existing doorway that connected to another building that has an entrance from Pratt St. I approved the elimination of the doorway; they will build a new wall in the doorway space. The owner had previously connected the two spaces by adding the doorway. The plan is to use the Pratt St building for a shop by another family member. In the future they plan to sell the former S Main St space occupied by Shulls and to keep the Pratt St building. They are two separate partials.

314 Central Station Dr. issued a shed permit.

105 Bigelow issued permits for another new Pulte home valued at \$349,965.

216 Weeping Willow Run issued a Zoning permit to allow an attached third car garage to be built.

340 W Coshocton the former Dr Bright's office, this property is being converted back to a residential home, the new owner plans to completely remodel the home adding a two car garage, removing the blacktop parking lot, removing sidewalks, adding a new concrete driveway approach and new blacktop driveway. We met on site to discuss removing the parking lot and a sidewalk that was used for parking. The plan is to construct a new concrete driveway approach and tear out a small section of sidewalk on Benedict that is not connected to anything. There is already a new public sidewalk in front of property along W Coshocton. This is an unusual situation changing from a conditional use back to residential.

52 N Main a small section of fence was removed by the property owners that was blocking access to one side of their neighbor's barn/garage at 44 N Main. It is now possible to pull a vehicle into the barn/garage.

383 W Coshocton approved the new Monument sign for the Johnstown Pointe Transitional Care Facility it had to be moved several feet do to the location of a new gas line.

314 Green Acres approved a shed permit.

Concord Crossing East on Middleburn St the Neo Traditional lots: discussed with the owners of Johnstown Investments LLC. The Neo homes that have been built have 4' wide sidewalks two on each end of Middleburn. The issue is rather to continue on with 4' wide public walk versus 5' wide. The decision was made to continue on with the 4' wide front walks for the remaining lots on the eastside of Middleburn for uniformity. The east side of Middleburn will all have matching 4' walks.

Received and processed an application for a Variance to allow a temporary gravel parking lot at the Johnstown Trailhead. The variance will be heard by the Planning Commissioners on November 10, 2020. The new lot is already under construction and should be finished prior to the meeting.

CC East after the Planning Commissioners approval processed the recent Schlabach re-plat of four corner lots on Fondreist with several Conditions. Update: two of the corner lots have been planted with 3" caliper white river birch trees about 15' in height, beautiful trees. One of the lots has three trees the other has a single tree. The 3 of the four lots were also staked to show the property line between the building lots and the corners as part of the re-plat conditions. Trees will be planted on the remaining two lots after they are built on; one of them has a new house under construction the last lot is not in contract but has a hold on it waiting on a bank approval.

312 Bontrager issued a fence permit and inspected the postholes.

305 Middleburn issued a Final Occupancy permit for a Neo Traditional.

267 N Main a vacant business property, contacted the owners and notified them they need to mow again they thought they were finished for the fall season. Update: the property has been mowed.

309 Middleburn issued permits for another new Neo Traditional home valued at \$325,000.

323 Middleburn issued permits for another new Neo Traditional home valued at \$325,000.

507 Pheasant Ct a new Pulte home was missing a Certificate of Occupancy, issued and resolved.

39 Concord Ct issued a shed permit; the shed was set on a new concrete pad. There is a lot going on at this property, the new shed, a hot tub and a new above ground pool that will have a 900 square feet deck built around it. Some of the neighbors have complained, each of the items have been permitted were required.

325 Middleburn inspected and approved the forms for a new 4' public walk.

44 E Pratt received a call from a realtor they wanted to discuss the Zoning District.

663 W Coshocton approved two wall signs for two new businesses within the same building sharing the same address. Bin Mania and Pallet Stack Liquidation.

311 Mandaric St inspected and approved forms for a new sidewalk and driveway approach for new Schlabach home.

232 Weeping Willow Run issued a fence permit.

383 W Coshocton the Johnstown Pointe, Brian Bauer the contact person and project Architect contacted me to discuss street tree locations. The street trees shown on the print appear to be planted on flat ground. The actual location would be detrimental to storm water runoff. Moving them towards the front of the building puts them on a very steep slope between the storm water retention pond and the backside of the sidewalk. We determined the best location is at the top of slope and at the edge of the retention pond. I approved the location, the trees have been set in place as of 11.3.2020 they have not been planted. We plan to meet on site to confirm the best location for each tree.

Jim Blair