



Planning & Zoning Commission
Tuesday, January 12, 2021 - 6:30 PM
MINUTES

1. Call to Order

Chairman Ryan Green called to order the Planning and Zoning Commission meeting for January 12, 2021 at 6:36 p.m.

2. Roll Call

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

Staff present - Bailey Klimchak - Village Planner, Jim Blair - Zoning Inspector, Mayor Chip Dutcher - Village Council, Marvin Block - Village Council, Sharon Hendren - Village Council, Cheryl Robertson - Village Council, Teresa Monroe - Clerk of Council

Public present - Heather Green, Michael, Kelle Nye, Mary Fee, Sean Staneart, Anne Thomes, Daniel Diyanni, Linda Chambers, Douglas Cook, Sylvia Cook, Harriet Pulley, Jerry Pulley, Jason Smith, Laura Mankins, Janet Piper, Steve Atwood, Julie Atwood, John Luke, other unidentified callers.

3. Pledge of Allegiance

4. Public Comment

1. Jerry Pulley - 11 Lewis Drive. Concerned that a neighbor plans to construct a mini-home in his driveway; asks if this is being allowed and on what basis is it being allowed or considered.

Mr. Coppel asked if there were any permits issued for the property. Zoning Inspector Jim Blair said there are no permits to be issued, nothing in current zoning prevents this; interpretation is this is not a permanent structure.

Discussion of the Board on various zoning codes to include construction trailer. Chairman Green said this is large and is a living structure being built, it is different from an RV or other trailer; he thinks this is worth a second look.

Mr. Pulley said the homeowner has also run a business building planter boxes, unsure if he had an Home Occupation Permit for that. Mr. Blair said there was nothing to prevent that either, there was no sign in his yard for selling them, he did not advertise in any way he knows of. He said he did tell the resident they had to be built inside or in a part of his yard they could not be seen by the public.

2. Harriet Pulley - 11 Lewis Drive. Says she took pictures of everything the neighbor posted on facebook, it advertised the planters, also offered employment. Mr. Green asked her to email that info to the village.

3. Marvin Block, Council member - 225 Edwards Road. Said definitions not in the zoning code should defer to Webster's dictionary and there is no definition of a mini-home in the village code. Read the dictionary definition of construction trailer; says a mobile home shall not be considered a construction trailer. Read the duties of the Planning and Zoning Commission and the Zoning Inspector. Said there should be a zoning permit to build a structure.

4. John Luke - 6 Westview Drive. Said he is the resident who is building the tiny house in his driveway; said he is hearing the issues but is not hearing actual documentation of ordinances that would stop him from doing this. Said he has talked to Mr. Blair, who has talked to the planner who has copied who appears to be a legal entity on the email conversations and has been given the OK to build this.

Chairman Green asked for the dimensions of the project and the timeframe. Mr. Luke said the project is a twenty four foot long fifth wheel or goose neck trailer, they are looking to build it to about thirteen foot three so they stay within the road-worthiness of a tiny home, the trailer is a fourteen thousand pound trailer, he does not have exact weight of what it will be when finished but will need to be under that. Said he has agreed to some parameters set by Mr. Blair; to agree that the project be completed within one year, that they follow contractors hours, that they keep it away from the sidewalks and that they cover and clean up each night when finished and he has no issue agreeing to those things. States his intention is to build the home and immediately upon completion list their home for sale and move the tiny home outside of Johnstown to live in it.

Mr. Danne said that answered his questions, the Board is in a difficult position, is there something that says he cannot do this on the property.

Ben Lee said it feels like there is a lot of gray space because there isn't anything specific to permit or deny and with that, the ambiguity typically favors the resident; his opinion is that since an agreement has already been made, he doesn't know if there is anything that the Board can or should do.

John Merriman said technically this is going to be a mobile vehicle at some point but at the moment, during the construction phase, it is going to be a stationary building on a premises and will be constructed un-permitted until it is completed and then registered to be moved; and that is why it needs to be looked at further, feels this is skirting permitting of a living dwelling.

Chairman Green said he thinks the gun was jumped with a "handshake" deal which should not be permissible; he knows the resident has subjected themselves to village "semi-approval" with offering terms and terms being negotiated and his recommendation is to stop progress of this project until it can be looked at further by zoning and staff.

5. Douglas Cook - 25 Westview Drive. Said his only concern was that this was going to be an ongoing process that would continue after the first one was made to establish

precedent and this would become an ongoing manufacturing site; that would have been his only objection.

6. Marvin Block, Council member - 225 Edwards Road. Read section 1125.06 Appeals; regarding the appeals process for Zoning Inspector actions on interpreting the zoning code. Mr. Green said he doesn't know if something that does not have a permit can be appealed that is why he suggested stopping progress until research can be done.

Jesse Coppel said he believes the appeal process would be appropriate and there does not necessarily need to be a permit; "that where there is an error in an order, a decision or determination made by the Zoning Inspector". Mr. Lee said he agreed and would not support a recommendation by this Board to the stop building process without an appeal process with further deliberation from others because again, the "gray space" favors the resident.

Jim Blair shared some thoughts on things allowable in a driveway and said there is not an ordinance that says Mr. Luke can or cannot do this so he cannot deny him the opportunity based on current zoning ordinances.

There was further deliberation by the Board on the structure category this could fall under.

Planner Bailey Klimchak said the Planning and Zoning Commission does have the ultimate say on this decision and Mr. Luke has been informed that permission could be revoked at any time. Board decision to table discussion temporarily and resume in two weeks.

Chairman Green closed public comment. Committee tabled discussion on this until Jan 26

5. Approval of Minutes

a. December 2, 2020

ACTION: Ryan Green moved to Approve; 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. Variance Application #2020-427-Z Sidewalk

a. 411, 412, 413 Buena Vista Drive

Jim Blair provided background on three lots that border Edwards Road and said there will be sidewalk along Buena Vista but if the village required these property owners to put in sidewalk along Edwards Road, it would be a sidewalk to nowhere; another issue is the

coming construction of Edwards Road that would include curb, gutter and storm sewer so sidewalk would likely have to be removed.

Linda Chambers and Daniel Diyanni were present for the application; Ms. Chambers added that a sidewalk west on Edwards Road would end up in the creek.

Ben Lee asked if the property owner who recently purchased lot 412 was in favor of this variance, Dan Diyanni stated that they were in favor of the request to waive sidewalks running down Edwards Road. Mr. Lee reviewed the practical difficulty questions in the variance application and said he would be in favor of approving the variance. Mr. Coppel inquired on three other lots in the subdivision without sidewalks; Mr. Blair explained the impracticality of sidewalks on particular lots and added they were there before the requirement. Mr. Danne asked if the Edwards Road project could include sidewalk engineering to avoid gaps for future development of Edwards Road; discussion noted that sidewalks were not part of the planned project, just curb and gutter.

Public Hearing

1. Marvin Block, Council member - 225 Edwards Road. Said the village joined the Western Licking County Accord which calls for rural development which would mean open ditches and curbs, those lots are two acre lots and he recommends approval.

ACTION:	Jesse Coppel moved to Approve the variance; Jon Merriman seconded and the vote was as follows:
AYES:	Ron Danne, Jesse Coppel, Jon Merriman, Benjamin Lee, Ryan Green
NOES:	None
ABSTAIN:	None

Passed 5 - 0

7. Zoning Map Amendment Application # 2020-429-Z

a. 361, 373 W. Coshocton St.

Bailey Klimchak said this is a map amendment request to change properties from UR-1 to Village Commercial; previously the adjacent nursing home property was changed from UR-1 to Village Commercial so these two properties being rezoned would just continue that trend. Ms. Klimchak asked zoning members to think about the Future Land Use map in which US 62 was identified as a central business/village commercial corridor so approving this map change would follow along with the Future Land Use map and while these parcels are currently being used as single family homes, they do follow along with the setbacks and lot requirements put forth in Village Commercial.

Sean Stanearth said he does not have any intention currently to change the use of the houses, he has tenants in both but the rezoning would allow him to entertain the idea in the future.

Ms. Klimchak noted the Future Land Use map now identifies this as Central Business because there has been confusion over the wording of Village Commercial in the past and so in the Future Land Use map and the new zoning code staff tried to clarify, this is just a rewording of Village Commercial. Board discussion with staff on permitted uses of the zoning and other properties in the corridor.

Public Hearing

1. Marvin Block, Council member - 225 Edwards Road. Said he thinks the property owner is asking for the right thing based on other area properties.

Ben Lee reviewed the criteria for consideration of the application and said for him, it checks all the boxes and more importantly it is adjacent to other properties zoned Village Commercial and is in line with the Future Land Use map so he is in favor. There was no further deliberation.

ACTION:	Jesse Coppel moved to Approve; Jon Merriman seconded and the vote was as follows:
AYES:	Jesse Coppel, Benjamin Lee, Jon Merriman Ryan Green, Ron Danne
NOES:	None
ABSTAIN:	None

Passed 5 - 0

8. Zoning Map amendment Application # 2020-430-Z

a. 9571, 9629 Johnstown-Utica Rd.

Bailey Klimchak said this map amendment is a request to change property from Light Manufacturing to Commercial; the property is currently being used for storage units and a single family residence. The Future Land Use map identifies a commercial corridor along US 62 directly to the North of this and did not include this parcel; staff recommends approval of the map change.

Applicant Sean Staneart said he does not have immediate plans for the property; just trying to clean up and have a more appropriate zoning classification.

Mr. Danne said his only initial concern moving this to GCC-2 was opening up the door to multi-family but under conditional for multi-family it would not work on that side because of the setback requirements; thinks this is a good move on Mr. Staneart's part.

Ben Lee referenced the Comprehensive Plan and said commercial land use is probably the best definition for that parcel rather than manufacturing. Mr. Lee reviewed factors for consideration; he said in his opinion it meets the requirements and is in favor of approval.

Public Hearing

1. Marvin Block, Council member - 225 Edwards Road. Said he thinks the change is a wise decision.

No further comments

ACTION: Ryan Green moved to Approve; Jon Merriman seconded and the vote was as follows:

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

NOES: None

ABSTAIN: None

Passed 5 - 0

9. Zoning Inspector

a. December 2020

Jim Blair highlighted items in his Zoning Inspector report for December 2020 and answered Board member questions. Ms. Klimchak said the new nursing home should open in the spring. Some discussion on property in report; 11785 Johnstown-Utica Road, Mr. Blair said that address was actually five parcels and he is working on separating the addresses. Mr. Green discussed the fence noted at the property, he would like to review and update fence zoning for business this year, currently fences are permitted based on zoning not residential or commercial.

Ms. Klimchak gave an overview of the new online permitting software, Mr. Blair reviewed his process now and benefits of the new software.

Continued review of report, Mr. Blair answered questions on specific properties within.

10. Other Business

a. Goals 2021 discussion

Bailey Klimchak said the two biggest goals over the months are to finish Design Standards and finish the Zoning Ordinance.

Board members and Planner reviewed goals completed and worked to add and rank all Commission goals. Discussion on Incubator Space and CIC, the Design Standards draft, kicking off the Rental Registration Program, Zoning Inspector enforcement procedures. Goals discussed for 2021 as follows:

1. Design Standards and Design Review Board (Q1)

2. Accessory Dwelling Units - Edits to Ordinance currently tabled in Council (lot coverage,

- definitions, etc. (Q1)
- 3. Zoning Code (Q2)
- 4. Minimum standards for properties, enforcement
- 5. Lot Percentage Rules
- 6. Rental Registration Program (long and short term)
- 7. Review garage wording (canvas tent garages), trailers
- 8. Fencing on commercial lots
- 9. Farm animals (chickens) HB124 allowable small livestock

Staff will sub-categorize list for review at next meeting to finalize 2021 goals.

11. Adjourn

ACTION:	Ryan Green moved to Adjourn; Jon Merriman 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 9:05 pm