



Planning & Zoning Commission Meeting
Tuesday, July 13, 2021 - 6:30 PM
AGENDA

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
4. Public Comment
5. Approval of Minutes
 - a. June 8, 2021
 - b. June 10, 2021
 - c. June 22, 2021
6. Adoption of Decision and Order on Nonconforming Use 120/140 Track Street
 - a. Decision and Order
7. Work Session: Zoning Code Ordinance
 - a. Articles 28, 30 and 31
8. Zoning Inspector
 - a. Zoning Report June 2021
9. Other Business
10. Adjourn



Planning & Zoning Commission
Tuesday, June 8, 2021 - 6:30 PM
MINUTES

1. Call to Order

Chairman Ryan Green called to order the Planning and Zoning Commission meeting for June 8, 2021 at 6:31 p.m.

2. Roll Call

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

Staff present - Bailey Klimchak - Village Planner, Jim Blair - Zoning Inspector, Marvin Block - Village Council, Mayor Chip Dutcher - Village Council, Yazan Ashrawi - Village Law Director, Teresa Monroe - Clerk of Council

Public present - Tom Zigo, Eric and Wendi Zigo, John, Kevin Adams, Patrick Boggs, Ron McCarty, Mary Queen Cool, David Cool, Chyrel Cool, James Estep, Bonnie Estep

3. Pledge of Allegiance

4. Approval of Minutes

a. May 25, 2021

ACTION: Ryan Green moved to Approve; Ben Lee seconded and all were in favor.

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

NOES: None

ABSTAIN: None

Passed 5 - 0

5. Public Comment

No comments

6. Application Z-21-67

a. Certificate of Appropriateness 670 Coshocton Street

The application is for an addition onto an existing building; Wendi and Eric Zigo own Flying Iron Axe Throwing and would like to plan a fourteen hundred foot addition on to the back of the building enlarging their area for seating and entertainment. Commissioners reviewed the application, Eric Zigo provided color samples; some discussion on insulation for sound and parking and maintaining access for emergency vehicles to the back of the building.

Public Hearing: No comments

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

ACTION: Ben Lee moved to Approve Application Z-21-67 with no conditions; Ryan Green seconded and the vote was as follows:
AYES: Chairman Green, Ron Danne, Jesse Coppel, Jon Merriman Ben Lee
NOES: None
ABSTAIN: None

Passed 5 - 0

7. Application 2021-216-Z

a. Nonconforming Use Permit 120/140 Track Street
Village Law Director Yaz Ashrawi said this is a quasi-judicial administrative and evidentiary hearing and provided a brief overview of process.

Due to a brief power outage the Commission took a five minute recess to allow recording and streaming equipment to reconnect.

Village Planner Bailey Klimchak provided background and overview of the [application](#); the non-conforming use permit is for two parcels totaling 2.1 acres, the use of the property is non-conforming because it is not listed under permitted uses in Light Manufacturing, the applicant has not gotten a non-conforming use application approved yet through Planning and Zoning so a fence has been built around the property so the use is shielded and buffered from surrounding properties, a business is operating on the parcels it is just not an approved business yet.

Law Director Ashrawi provided a summary of the pending zoning enforcement action noted in the [staff report](#) and legal action going on behind the scenes.

Those planning to give testimony were sworn in by Chairman Green.

Patrick Boggs, representing applicant Johnstown Leasing LLC / Ron McCarty reviewed the applicants business use described as primarily (ninety percent) rental and storage of dumpsters with some (five to ten percent) storage and repair of trucks and equipment. Said the applicant made a lot of improvements to the property when he first moved in, also installed an eight foot fence in the primary work area. Mr. Boggs addressed their position on matters for review in Chapter 1181.11 as follows:

- a) The application conforms to Light Manufacturing's conditional use under codified Ordinance 1159.04 (i) which allows for commercial storage units. Said 1157.02 (c),(d) permits uses in GCC-2 for equipment and auto service repairs.
- b) Duration will be perpetual, as long as Johnstown Leasing LLC is in business
- c) Have taken steps to conform, put up fencing to hide storage; the non-conforming use

complies with the conditional use in 1159.04 (i). Two surrounding properties are being used in a similar manner

d) They believe they have an operational and profitable business in the district, they have employees and pay taxes and provide a beneficial service to the community

e) From their position this is not applicable, operation is quiet and confined to the fenced in area of the property

Commissioner comments:

Chairman Green said this has been in business for a while, so why apply now, why not at the beginning? Noted problems with the address, does not see filed with the County Auditor, Mr. Blair said he assigned addresses to everything on Track Street, he is working with county so they are reflected. Asked what cars were worked on at the property, owner said his, but is mostly dumpsters; confirmation there was no plan for a mechanic shop. Confirmed height of the fence was eight foot (mistakenly shown as twelve foot on some of the application) and asked how did we arrive at that type fencing; Mr. Blair said it is an allowed fencing. Asked what type of waste they work with, owner said construction materials; Mr. Green asked about hazardous materials, lead or asbestos, owner said EPA does not make them check. Asked if the dumpsters would be stored full, Mr. McCarty said yes fifteen or twenty of them could sit for two to three weeks, sometimes quicker. Regarding question asked on why the non-conforming use permit was not requested at the beginning, Mr. Boggs answered that his client thought he was compliant with code requirements because there was a similar business there before; until the village filed a lawsuit so now they are taking steps to address by seeking the application. Mr. Blair provided some background on the previous business (junk yard) which was not part of the village at the time and annexation of the property. Discussion on utilities, property has electric, no water or sewer.

Ben Lee stated concern that he does not see any access to 120 Track Street; Bailey Klimchak said that is accurate, Mr. Lee said that landlocked parcel should be fixed. The metal fence looks compliant to him as long as it has been inspected as eight foot. Asked staff if there had been any complaints about the business; Ms. Klimchak said one in 2019 from a neighboring resident about noise but that was before the fence was installed and before the property was cleaned up, the Zoning Inspector addressed at the time. Mr. Lee asked how long the business had been in the location, Mr. McCarty thought going on three years. Review of process for the dumpsters. Mr. Lee noted 1181.06 expansion of non-conforming use and said they way he interprets is if a non-conforming use was granted for this property that there would not be any allowable expansion; Yaz said that was correct, the application would be for the present use, the present premises and could not be expanded without further approvals. Mr. Lee called in to question Mr. Boggs previous reference to GCC-2 as it does not apply. Also asked why now, asked if there was communication between the village and the business prior to the lawsuit; Mr. McCarty said Jim (Blair) called him, Mr. Boggs said letters were sent. Mr. McCarty said he called all surrounding land owners before he bought the property and nobody had any problem with the business, other than Marvin Block (owned the trailer park) who said he could never be

there. Mr. McCarty said later when he was notified he could not have that business there, he felt he was being railroaded by Mr. Block so he got a lawyer.

Ron Danne asked how many trucks trips go in and out each day, owner said three or four per truck and he has five trucks. Mr. Danne confirmed there was no cleaning or dumping of the dumpsters on the property. Asked staff what zoning would be appropriate for this business; Mr. Blair and Ms. Klimchak said it not listed anywhere in the zoning code but maybe GCC-1. Mr. Danne referenced 1159.04 (i) and the imaginary line described and asked for background; Mr. Blair said that was established by a previous zoning board and has no idea how or why that line was created.

John Merriman asked where the closest storm sewer was to the business, Mr. Blair said behind the school bus transportation building at 145 E. Pratt, think storm drain runs underneath the building and then to the trailhead, unsure where it discharges. Asked about property topography, entrance is lowest point; said he was thinking of storm water runoff when there is potential asbestos or lead based paints or other and where it may be running in to. Mr. Blair said they think it may discharge at the end of Douglas into the field, it is a very old section of the storm drain and the village has concerns on the age.

Jesse Coppel asked if current operation of the business is taking place on the back parcel, address 120; Mr. McCarty said he rents that out for someone to put equipment on, he also has equipment there and some tree timbers. Mr. Coppel confirmed the fence goes the length of both parcels behind the trailer park. Asked how parcels are accessed; Mr. McCarty said there is a front entrance and gate as well as a back side entrance, pointed out on the overhead map, said they use the front primarily. Mr. Coppel also expressed concern for the landlocked parcel.

Law Director Ashrawi offered legal perspective on ways to extend easement or access rights through platting, any easement that crosses property owned by same owner is worthless.

Jesse Coppel said he tends to agree the business fits in with contiguous property but concern that trucks drive through a residential area to get to it; Mr. McCarty said their trucks are small, the semis parked around them are not.

Public Hearing: Chairman Green opened the floor to public comments.

1. Kevin Adams; Owner of Tara Park Estates

- Has two million dollars invested into his property, should not be dismissed as just a trailer park, the business is adjacent to his property and affects ten or eleven residential homes.
- No one has ever approached his LLC about the business going in

- Does not see where that type of fencing is allowed
- Should have a fifteen foot setback for fence as it is next to residential. Mr. Blair said the fence is allowed to be on the property line, the setback refers to the building only
- Said his property is devalued by the dumpster business
- Concerned about noise from commercial vehicle backing in dumpsters, his residents deserve peace. Mr. Coppel asked if he has had complaints from the residents; Mr. Adams said yes he has.
- Has safety concerns, there are no fire hydrants, no utilities other than electric; does not know what is in the dumpsters, there is no water and cannot clean them, concern for where rain water runoff would go.

Mr. Ashrawi clarified ownership of the home park and asked if any residents have moved out because of this property, Mr. Adams said not to his knowledge but they would not typically tell him that.

Mr. Lee referenced 1185.05 (b) sidewalk, fencing can go on the property line; noted cross-reference 1183.05 (c) landscaping, buffering and screening requirement between zoning districts requires a twenty five foot buffer of natural vegetation.

2. Marvin Block - Edwards Road resident, Village Council member

- Provided history of change in zoning for the mobile home park
- Clarification on fence being a part of the application
- Clarified that what he said to Mr. McCarty was that his business would have to go to zoning and that he did not think it would ever get approved for dumpsters
- Staff reported one complaint; said he complained previously also; tried to get applicant to go the legal channel and he chose not to; asks this to be thrown out on the grounds that he misinformed the board on the application and falsified information (Application #10 page 17-30); gave some history, said in 2018 it was not a dump site; [provided pictures](#).
- Said there is an access easement and has a copy; Mr. Danne said he has the survey from 2017 that does show
- Said surrounding properties do not do the same thing; reviewed uses of neighboring business.
- No dust prevention for trucks in and out of the neighborhood, barriers removed at John and College Street at the property line and need to be put back up
- Asked how a fence permit was approved without a variance. Ben referenced 1185.03 (a)(1) fence and said material used fits the definition of a fence.
- The village operates under the Charter and the Zoning Code; can't see letting someone come in and void all the ordinances, why didn't they come before hand and try to get what they wanted.

Ron Danne asked Mr. Block if when he owned the mobile home park, had the condition in his opinion improved or worsened on the property we are talking about; Mr. Block said he

has improved it since he bought it, has added trailers and has over a two million dollar investment.

There were no further public comments. Chairman Green asked the applicant to come back up for any rebuttal or questions.

Mr. Boggs commented that the mobile home park was purchased a year and a half ago, bought it after their client was already operating and knew the condition; the property has been improved. Added they did not make any reference in section ten they had been using dumpsters since 2000, only reference was the length, duration and time of which the non-conforming use had existed, did not reference it was dumpsters, was primarily storage which the statute allows.

Some further discussion on the operation of the business.

Chairman Green said he thinks there are a number of issues on this; easements and landlocked property, road frontage, EPA issues are major with unofficial waste types that cannot be verified, there is no water, no hydrant for potential fire, runoff has not been addressed, should be a buffer for fencing and noise from trucks loading and unloading.

Ben Lee said there is a lot to take into account, the biggest hang-up is that this is being done after the fact with the business still in operation; it may not be explicitly permitted or denied in the zoning and there is interpretation as to whether or not it should be there. Review of Chapter 1181.11 as follows:

- a) 1159.04 (i) was referenced, not dis-similar
- b) Has been two to three years, if granted there will be no further expansion
- c) Light Manufacturing paints a broad stroke, biggest thing to him is the fence and buffering to the AR-1 district so if there were a condition it would be the movement of the fence to apply to the AR-1 buffering
- d) Does not think creates an undue burden, thinks buffering would help address, would suggest property improvement with regard to paving to mitigate dust
- e) The dust, the hazardous aspect and duration the trailers sitting full; would like an agreement on that of some kind

Would like to see the lots combined; conditions would be important to discuss with the board.

Ron Danne; could be a use in Light Manufacturing although not written in there, the major conflict is the residential housing beside and that it was in operation before this business went in. To the new home park owner, the business was operating before purchase. Agrees with the condition on buffering and some sit improvements with regard to surface.

Discussion of the Board on conditions, discussion on drainage. Buffer, Dust mitigation, Storm water management compliance

Law Director Ashrawi clarified process options for the application.

ACTION: Benjamin Lee moved to Approve the Nonconforming Use permit for 120 / 140 Track Street with conditions 1) Fence is moved to account for AR-1 buffer zone relative to 1183.05(c) 2) Property improvements for the space inside the fenced area to better account for storm water runoff; Ron Danne seconded and the vote was as follows:

AYES: Benjamin Lee

NOES: Ron Danne, Jesse Coppel, Jon Merriman, Chairman Green,

ABSTAIN: None

Failed 1 - 4

8. Design Review Districts and Standards Document - Commissioner review

a. [Document Draft](#)

Commissioners to review final draft and provide comments to Ms. Klimchak. There were no comments from the public. Special meeting scheduled for June 10th at 6:30 pm.

9. Zoning Inspector

a. Zoning Summary May 2021

Review of Mr. Blair's summary; questions on items within.

10. Other Business

No further business

11. Adjourn

ACTION: Ryan Green moved to Adjourn; Benjamin Lee 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 9:36 pm



Special Planning & Zoning Commission
Thursday, June 10, 2021 - 6:30 PM
MINUTES

1. Call to Order

Chairman Ryan Green called to order the Special Planning and Zoning Commission meeting for June 10, 2021 at 6:40 p.m.

2. Roll Call

Present - Chairman Ryan Green, Jesse Coppel, Benjamin Lee, Jon Merriman
Absent - Ron Danne

Staff present - Bailey Klimchak - Village Planner, Teresa Monroe - Clerk of Council

Public present - None

3. Design Review Districts and Standards Document - Commissioner review

a. Document Draft

Jesse Coppel requested more time to review, has not had time to prepare for tonight and needed to leave the meeting; signed off. Ron Danne not available to join the meeting and did not forward any comments. Ben Lee said other than the editorial changes he sent over he was good moving the document forward. Ryan Green prompted discussion on some graphics, building setbacks; would like to ensure the document is strong enough on future development that they would have to follow the guidelines. A couple other edits noted, disclaimer that graphics may not be accurate to scale and are only illustrative, would like to see some stock graphics.

b. Resolution 2021-21 Review and Recommendation to Council

ACTION: Ryan Green moved to forward to Village Council; Benjamin Lee seconded and the vote was as follows:

AYES: Ryan Green, Benjamin Lee, Jon Merriman

NOES: None

ABSTAIN: None

Passed 3 - 0

c. Ordinance 25-2021 Review and Recommendation to Council

Amendments to Chapter 1187 of the Johnstown Codified Ordinances establishing a Design Review Board for the review and enforcement of the Design Review Districts and Standards and amending the existing boundaries of the Design Review District.

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

Passed 3 - 0

4. Other Business

5. Adjourn

ACTION: Ryan Green moved to Adjourn; Benjamin Lee seconded and all were in favor.
AYES: Ryan Green, Benjamin Lee, Jon Merriman
NOES: None
ABSTAIN: None

Passed 3 - 0

Meeting adjourned at 7:14 pm



Planning & Zoning Commission
Tuesday, June 22, 2021 - 6:30 PM
MINUTES

1. Call to Order

Chairman Ryan Green called to order the Planning and Zoning Commission meeting for June 22, 2021 at 6:37 p.m.

2. Roll Call

Present - Chairman Ryan Green, Ron Danne, Benjamin Lee, Jon Merriman (not present at roll call but joined at start of work session)

Absent - Jesse Coppel

Staff present - Bailey Klimchak - Village Planner, Teresa Monroe - Clerk of Council

Public present - John Luke, Mary Queen Cool

3. Public Comment

1. John Luke; would like to see coordination on advertising public notices, some sections say newspaper or website... etc.

2. Mary Queen Cool; asked if there had been any action or submission by Leafy Dell apartments. Bailey Klimchak said there had not been.

4. Work Session: Zoning Code Ordinance

a. Articles 24 and 28: [Ordinance Draft](#)

Commissioners began review with Article XXIV - Limited Industrial District (LI) & General Employment District (GE), Bailey Klimchak made edits as discussed; completed review of Article 24. Began discussion and edits of sections in Article XXVIII Planned Unit Development (PUD).

ACTION: Ben Lee moved to add #7 as drafted to the current zoning code (8:21 pm) for Preliminary Plats; Ryan Green seconded and the vote was as follows:

AYES: Ryan Green, Benjamin Lee, Jon Merriman

NOES: Ron Danne

ABSTAIN: None

Passed 3 - 1

Edits continued through Section 28.17

5. Other Business

1. Ability to conduct virtual meetings ends June 30th

2. Ben Lee asked if the property maintenance forms are being used by Mr. Blair; Bailey Klimchak said they are.

3. Ben noted a flow chart for new businesses;

6. Adjourn

ACTION: Ryan Green moved to Adjourn; Benjamin Lee seconded and all were in favor.

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

NOES: None

ABSTAIN: None

Passed 4 - 0

The meeting adjourned at 8:37 pm

**VILLAGE OF JOHNSTOWN, OHIO
PLANNING AND ZONING COMMISSION**

In the Matter of :

Ron McCarty
JOHNSTOWN LEASING, LLC
5515 Clover Valley Road
Johnstown, Ohio 43031
Petitioner.

Nonconforming Use Permit for
120 Track Street and
140 Track Street

DECISION AND ORDER

Petitioner, Johnstown Leasing, LLC, submitted an application for a nonconforming use permit on May 14, 2021, to the Village of Johnstown, Ohio (the “Village”).

The application seeks permission to “rent, store and repair [] dumpsters; store and repair equipment and trucks” on the properties located at 120 Track Street and 140 Track Street. Chapter 1181 of the Village’s Codified Ordinances sets out the procedures under which the Johnstown Planning and Zoning Commission (“Commission”) will consider an application for a nonconforming use permit. Specifically, Section 1811.11 sets forth the criteria that the Commission must consider when evaluating an application for a nonconforming use permit.

The matter was heard before the Commission on June 8, 2021, pursuant to a quasi-judicial evidentiary hearing. At the close of that hearing, a motion was made to approve the nonconforming use application with certain conditions. After the motion was second, a roll call vote was taken. The motion failed 4-1. No other motion was made regarding the nonconforming use application. Accordingly, and for the reasons that follow, the Commission denies the petition for a nonconforming use permit.

NATURE OF PROCEEDINGS

As stated above, Johnstown Leasing, LLC requested a nonconforming use permit to allow the operation of a dumpster rental and storage business, A1 Dumpsters & Hauling, Inc., on the properties located at 120 Track Street and 140 Track Street.

120 Track Street consists of .71 acres and 140 Track Street consists of 1.39 acres, totaling 2.1 acres. These properties are currently zoned as LM— Light Manufacturing. The proposed business use—dumpster rental and storage business—is not permitted or conditionally permitted in the Light Manufacturing zoning.

Pursuant to Johnstown Codified Ordinances Section 1181.11, the Commission is required to consider: (1) whether the nonconforming use is in conformity with the general objectives and specific objectives of the zoning ordinance; (2) the duration and nature of the nonconforming use; (3) whether the nonconforming use will be constructed, operated, or maintained so as to be compatible and appropriate in appearance with the existing or intended character of the neighborhood and zoning district; (4) whether the proposed nonconforming use will create an undue burden of public facilities and services and whether it will be detrimental to the economic welfare of the community; and (5) whether the proposed use will be hazardous or disturbing to existing or future permitted uses or entail a use, structure or conditions of operation that constitute a nuisance. Section 1181.12 indicates that the Commission has the authority to deny, grant, or grant with certain conditions a nonconforming use permit.

To determine whether Johnstown Leasing, LLC should be granted a nonconforming use permit, the Commission held a quasi-judicial, evidentiary hearing on the matter on June 8, 2021. This meeting was noticed and open to the public and interested parties as required by law.

The members of the Commission—Chairman Ryan Green, Vice Chairman Ron Danne, Jesse Coppel, Benjamin Lee, and Jonathan Merriman—presided over the hearing. Bailey Klimchak, the Village Planner, and Jim Blair, the Village Zoning Inspector, presented testimony to the Commission and introduced the application. Johnstown Leasing, LLC was represented by Patrick Boggs. Also present for Johnstown Leasing, LLC was its owner, Ron McCarty. Both Mr. Boggs and Mr. McCarty presented narrative testimony. Kevin Adams, owner of Tara Park Estates, a manufactured home park adjacent to the properties at issue, provided testimony. Marvin Block, the previous owner of the manufactured home park — previously known as Kasson Manor, also provided testimony. Yazan Ashrawi of Frost Brown Todd, LLC, the Village’s Law Director, was present and advised the Commission on process and procedure.

FINDINGS OF FACT

All findings of fact herein are derived from the testimony, evidence, and exhibits admitted before the Commission at the hearing on June 8, 2021. Specifically, before the Commission is the testimony and oral evidence provided by the witnesses, which is memorialized in a recording of the hearing, as well as the application, staff report, and photos presented. The entire recording and record are incorporated by reference herein, and the pertinent findings are below.

The Commission finds that Ron McCarty, through his company Johnstown Leasing, LLC, owns the properties located at 120 Track Street and 140 Track Street. Mr. McCarty desires to continue to operate a business, A-1 Dumpsters & Hauling, Inc., on these properties.

The Commission finds that Mr. McCarty obtained these properties approximately three years ago and has since erected an eight-foot fence around the property and commenced the operation of the dumpster business. Mr. McCarty did not apply for a nonconforming use permit

prior to commencing operations of this business. Mr. McCarty testified that he thought that his use of the properties would be compliant with the Code due to the properties' prior use.

The Commission finds that when Mr. McCarty purchased the properties, Marvin Block owned the manufactured home park that is adjacent to the properties – then known as Kasson Manor. Testimony presented establishes that approximately a year and a half ago, Kevin Adams obtained the manufactured home park that is adjacent to the properties – now known as the Tara Park Estates.

The testimony presented indicates that the business requires trucks to make multiple trips into and out of the properties every day. The trucks will move the dumpsters from the properties to other locations. The dumpsters are rented out and then returned to the properties, sometimes in a full state with construction materials. At times, the dumpsters are left sitting on the properties for approximately two to three weeks while full. The dumpsters are not cleaned or sorted on the properties, but materials are occasionally removed from the dumpsters on the properties. The items in these dumpsters are not checked for hazardous materials such as lead paint, asbestos, etc. There was testimony presented as to the potential for runoff from these dumpsters and a lack of information/planning as to where it would go. Testimony was presented that the only utility on the properties is electric. There was also testimony presented that these properties do not have a parking plan, storm drainage, or a fire hydrant in close proximity.

There was testimony that there are around ten residential homes adjacent to these properties. There was testimony regarding this business devaluing the manufactured home park property and at least one prior complaint regarding these properties from a resident of the manufactured home park. There was also testimony regarding a noise concern and this being a nuisance. There was testimony that the prior use of the properties was more of a junk yard, as

opposed to a dumpster site, such that the use of dumpsters on the properties is not a continuation of their prior use. There was also testimony that other properties in the area are not engaged in the same type of business as they perform other services related to underground utilities installation and school bus parking. There was testimony that this lot is gravel and that the trucks from the business cause dust to fly.

Testimony indicates that this business should be operated within a GCC1 district.

ANALYSIS

The Commission considered the conditions under the Village's Codified Ordinances for a nonconforming use permit. Based on the record before the Commission, which consisted of the above-referenced sworn testimony and the nonconforming use application, all of which is incorporated herein by reference, the Commission finds that Johnstown Leasing, LLC's permit for nonconforming use of the properties at 120 Track Street and 140 Track Street is denied for the following reasons:

1. The requested use of the properties is not in conformity with the general and specific objectives of the zoning ordinance because the general site requirements have not been met such as a parking plan, storm drainage, and a fire hydrant.
2. These properties have been used in a nonconforming fashion for approximately three years and the application, if approved, would permit the nonconforming use to continue as long as this business is operated on the properties.
3. The nonconforming use of these properties will not be constructed, operated, or maintained so as to be compatible and appropriate in appearance with the existing or intended character of the neighborhood and zoning district because the proposed uses of the properties cause dust to emanate in the area and potentially cause noise issues.

4. While the properties would not necessarily create an undue burden of public facilities and services, they would be detrimental to the economic welfare of the community because while the business provides jobs and tax dollars it would also devalue at least the neighboring residential property.
5. The proposed use of these properties would be hazardous or disturbing to existing or future permitted uses because there is the potential for runoff from these dumpsters which may contain hazardous materials and there is little to no plan or information as to where this runoff would go.

IT IS SO ORDERED, effective July 13, 2021.

Ryan Green,
Chairman of the Planning and Zoning Commission

Ron Danne,
Vice Chairman of the Planning and Zoning Commission

Jesse Coppel,
Member of the Planning and Zoning Commission

Benjamin Lee,
Member of the Planning and Zoning Commission

Jonathon Merriman,
Member of the Planning and Zoning Commission

VILLAGE OF JOHNSTOWN OHIO



June 2021 Zoning Inspector Summary

Total new homes permitted as of June 2021: YTD (63)

Total new homes permitted in June 2021: (5)

Total permit applications processed by type in June 2021: (31)

1. Zoning Certificates: 7
2. Curb cut, COO, Sidewalk 15
3. Certificate of Appropriateness: 0
4. Fence: 6
5. Decks: 2 pool decks: Village inspected
6. Shed: 1
7. Preliminary Plat Plan: 0
8. Signs: 1(Pulte renewed)
9. Variance: 0
10. Zoning Map Amendment: 0
11. Lot Split 0
12. Food Trucks 0
13. Building addition 0
14. Above ground pool 1

Complaints, Property Maintenance Code Violations, ongoing, resolved or in process.

1. Trash cans left at road ongoing issue needs defined Ordinance language for enforcement.
2. Numerous yard signs removed.
3. Two separate South Williams St. property owners appeared in Mayors Court on June 10. Pending follow up inspections prior to next Court date on July 22, 2021.
4. The owners of 267 N Main have been subpoenaed to Mayors Court on July 22 for property code violations.
5. Chickens loose on E Pratt.
6. Tent garage in front yard on Westview. Pending.
7. Grass. 2 enforcement actions by phone calls or certified letters.
8. Commercial sign upgrade. Pending.
9. Above ground pool with no fence.
10. One property on Crestview eviction in process due to property conditions.
11. Parking in yard on Westview.

Other actions:

1. Approved de-branding the Shell Station changing to Marathon BellStore. COA pending, signs and Zoning approvals.
2. 24 inspections completed sidewalks, deck framing and fence post holes.
3. Final occupancies permitted 9 issued.
4. Maronda has no remaining lots left to sell. They should be completed with all building in Johnstown by the end of this year.
5. Two new businesses opened.

Jim Blair
Johnstown Zoning and Property Code Official

