



**Village of Johnstown
Planning & Zoning Meeting Minutes
Wednesday, October 7, 2015**

CALL TO ORDER AND ROLL CALL

Chairman Marvin Block called to Order the Village of Johnstown Planning & Zoning Meeting for Wednesday, August 19, 2015 at 6:32 p.m.

Roll Call: Ron Danne; present, Elizabeth Schwartz; present, Joseph Ethier; present, Chairman Marvin Block; present, Mayor Sean Stanearth; present

IN ATTENDANCE – STAFF: Jim Lenner-Village Manager, Carol Van Deest-Village Council, Jim Blair – Zoning Inspector, Teresa Monroe-Clerk of Council

IN ATTENDANCE – PUBLIC: Tom Stanearth, Nancy Willis, Lewie Main, Ryan Green, Heather Green, Terry Henson

PUBLIC COMMENT: Chairman Block opened the floor for Public Comment. There were no comments from the public and Mr. Block closed the floor.

APPROVAL OF MINUTES - August 19, 2015

Moved to approve as written: Elizabeth Schwartz
Second: Ron Danne

Ron Danne;	Y
Elizabeth Schwartz	Y
Joe Ethier	Y
Marvin Block;	Y
Sean Stanearth	Y

Pass 5-0

VARIANCE APPLICATION #091415107 - 36 West Jersey; the applicant has been granted a temporary zoning certificate and has rented the building at this address to open a Cross fit gym; the Staff report is attached to these minutes. A variance request has been submitted for parking requirements and signage.

Sean Stanearth excused himself from the Planning and Zoning Board and joined the audience to participate as a citizen, not a voting board member to avoid any conflict of interest.

Board discussion:

A. Parking: Applicant will be using approximately 2,000 square feet of a 4,200 square foot building for the gym and requests a reduction in the number of required parking spaces from 13 to 10. Easement and a professional engineering plan must be submitted within 45 days showing parking lot design with storm water runoff plan. By mutual agreement of the applicant and the village, other parking lot requirements must be completed before June 1, 2016.

B. Signage: Applicant requests additional wall signs where only one is allowed. Village Manager Jim Lenner said that the Board has denied variance requests by other businesses for additional wall signs, the only exceptions have been corner lots. The Board advised that an arm sign would be appropriate and would be visible from both directions of Jersey Street traffic.

Public Comment

A. Everett Christman; commented on easement

B. Sean Staneart; expressed concern that the board will make a decision on a variance that will need to incorporate further variances and set bad precedence. Sean listed concerns as follows:
1) There has been no professional engineering yet on the parking lot and believes that 14 or more parking spaces would be required, did not see handicap parking, and where is parking for house next door 2) can green space requirements be met 5) does not believe that all conditions are met for approving the variance

C. Tom Staneart; 1) Applicant never inquired with the village on business or building requirements prior to remodel to see if this location was going to fit his use. The process should be fair for all who open a business in town.

MOTION: To table the Variance application #091415107 for 36 West Jersey

Moved: Joe Ethier
Second: Ron Danne

Elizabeth Schwartz	Y
Joe Ethier	Y
Marvin Block;	Y
Sean Staneart	A
Ron Danne;	Y

Tabled; Pass 4-0 with one abstention

Sean Staneart resumed his seat on the Planning and Zoning Board.

LOT SPLIT APPLICATION #092215109 – 150/152 North Oregon

Ron Danne excused himself from the Planning and Zoning Board and joined the audience to participate as a citizen, not a voting board member to avoid any conflict of interest.

The applicant said that she owns both lots and in order to meet the zoning requirements of 9500 square feet for a buildable lot she requests to deed a property line strip from the 152 N. Oregon lot to extend the width of the 150 N. Oregon lot. Mr. Lenner asked for an additional requirement that the strip deeded from 152 N. Oregon be combined and recorded as one parcel with 150 N. Oregon. The applicant agreed. Staff agrees that requirements have been met.

MOTION: To approve Lot Split application #091415107 for 150/152 North Oregon

Moved: Sean Stanearth
Second: Elizabeth Schwartz

Joe Ethier	Y
Marvin Block;	Y
Sean Stanearth	Y
Ron Danne;	A
Elizabeth Schwartz	Y

Pass 4-0 with one abstention

Ron Danne resumed his seat on the Planning and Zoning Board.

LOT SPLIT APPLICATION #092315110 – 168 North Main

The applicant said that she owns in excess of two acres at 168 North Main Street; it is an “L” shaped property with a house facing N. Main and she would like to split off the house and yard from the 2.377 total acreage into a separate parcel. The new lot created with the house will more than comply with the 9500 square foot requirement for a buildable lot. The driveway for the new lot will not need a curb cut, it will come off of the existing driveway and applicant says there will be an access easement but it cannot be drawn yet because it depends on who purchases the property and how they want it situated. Mr. Lenner said that the application will need to be conditional upon an access agreement being issued at a place to be determined.

MOTION: To approve Lot Split application #092315110 for 168 North Main Street with the condition that an access easement is put into place for the residential house to share a driveway

Moved: Sean Stanearth
Second: Joe Ethier

Joe Ethier	Y
Marvin Block;	Y
Sean Stanearth	Y
Ron Danne;	Y
Elizabeth Schwartz	Y

Pass 5-0

The Zoning Inspector will assign an address to the vacant lot

ZONING INSPECTOR REPORTS: August 2015 and September 2015

Mr. Blair reviewed his reports with the board; they are attached to these minutes.

OTHER BUSINESS

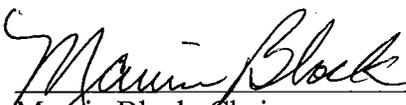
ADJOURNMENT

There being no further business, Joe Ethier moved to adjourn. Chairman Block seconded; all were in favor and the **motion passed 5-0**. Thereupon, the meeting adjourned at approximately 8:00 p.m.

Respectfully submitted


Teresa Monroe, Clerk of Council

APPROVED AS PRESENTED


Marvin Block, Chairman

VILLAGE OF JOHNSTOWN

STAFF REPORT

Application Number: 091415107
Property Addresses: 36/46 W. Jersey
Subdivision: NA
Commission Date: 10/07/15

Applicants: Storm Strout
Zoning District: GCC-1

Background:

The applicant is starting his new business in a rented block building that was a former Marathon Oil Dealership. The new business is a Crossfit Gym. The property is in a GCC-1 zoning district. The building housing the Gym is 4200 square feet. The applicant rents the entire building and is only using approximately 2000 square feet for the Gym. At this location, there are two separate properties, both owned by the same individual. The 36 W Jersey property is covered 90% by the block building and there is no official parking for the building. The 46 W Jersey property is a SFD with a detached garage and a backyard. The backyard of the 46 W Jersey property has been made into a parking lot for the Crossfit Gym. The parking area has been temporarily graveled and striped.

The applicant is also requesting additional wall signage, where only one wall sign is permitted.

A separate letter of agreement dated October 7, 2015 has allowed the applicant to open his business temporarily. The agreement lists what requirements must be completed in order to receive a Johnstown Zoning Certificate. The deadline to complete all the requirements is June 1, 2016. If the requirements are not completed the business will have to close.

Planning Considerations:

The Commission shall not grant a variance unless it finds that all of the following conditions apply to the case in question:

- (1) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same district.
- (2) That a literal interpretation of the provisions of this Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Ordinance;
- (3) That the special conditions and circumstances which create the need for a variance do not result from the actions of the applicants;
- (4) That granting the variance requested will not confer on the applicant any special privilege that is denied by this Zoning Ordinance, to other lands, structures or buildings in the same district.

Recommendations

Staff recommends approving the reduced parking spaces requirements from 13 to 10, and allowing the business to operate under the terms set forth in the signed agreement.

Staff does not recommend allowing the additional wall signs based on Ordinance 1177.13 GCC-1 (3) Maximum number is one per building.