



**Village of Johnstown
Planning & Zoning Meeting Minutes
Wednesday, January 6, 2016**

CALL TO ORDER AND ROLL CALL

Chairman Marvin Block called to Order the Village of Johnstown Planning & Zoning Meeting for Wednesday, January 6, 2016 at 6:32 p.m.

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

IN ATTENDANCE – STAFF: Jim Lenner-Village Manager, Jim Blair – Zoning Inspector, Councilman Ben Lee, Teresa Monroe-Clerk of Council

IN ATTENDANCE – PUBLIC: Jerry Brand - Brand Homes

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

ELECTIONS: Chairman and Vice Chairman of the Planning and Zoning Commission

Chairman

Motion: Mr. Ethier nominated Marvin Block for Chairman; the motion was seconded by Mr. Danne and the votes were as follows:

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

Approved 5-0

Vice Chairman

Motion: Mr. Block nominated Joe Ethier for Vice Chairman; the motion was seconded by Ms. Schwartz and the votes were as follows:

Elizabeth Schwartz;	Y
Joe Ethier	A
Marvin Block;	Y

Sean Stanearth Y
Ron Danne; Y

Approved 4-0 with one abstention

APPROVAL OF MINUTES – December 2, 2015

Joe Ethier moved to approve the minutes as written. Elizabeth Schwartz seconded and all were in favor and none opposed. Minutes approved 5-0

VARIANCE APPLICATION: #120415149 – 211 Bottecchia

The applicant Jerry Brand was present for Brand Homes. When this property in Concord Crossing East was surveyed it was measured from an incorrectly placed rear property pin causing the side setback to be less than the minimum allowed for this zoning district. The pin was originally staked by the developer when the property was plotted in 2006 or 2007. Mr. Brand maintains that neither he as the builder nor the surveyor he used would have had any reason to believe the property pin was misplaced and asks for approval of this variance allowing the less than minimum setback. The Staff report is attached to these minutes.

Applicant and Staff discussed possible options and future prevention measures such as recommending legislation requiring an “As-Built” or foundation surveys.

Motion: To approve Variance application #120415149

Moved: Joe Ethier
Second: Elizabeth Schwartz

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

Fails 3-2 variance denied

OTHER BUSINESS

1. **Motion:** To instruct Staff to forward to Council legislation requiring As-Built surveys on foundations

Moved: Elizabeth Schwartz
Second: Sean Stanearth

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

Pass 5-0

2. Discussion on the Supreme Court ruling of seven criteria for approving variances. Possible invite to Village Law Director for tutorial and clarification of variance legalities.
3. Discussion on second story apartments in the GCC1 zoning district.
4. Mr. Blair reviewed the Zoning Inspector report for December 2015.
5. Review of the new zoning code will begin within the next thirty days.

Mr. Ethier left the meeting at 8:11 pm.

ADJOURNMENT

There being no further business, Elizabeth Schwartz moved to adjourn. Chairman Block seconded and all were in favor **motion passed 4-0**.

Thereupon, the meeting adjourned at 8:30 p.m.

Respectfully submitted



Teresa Monroe, Clerk of Council

APPROVED AS PRESENTED



Marvin Block, Chairman

VILLAGE OF JOHNSTOWN

STAFF REPORT

Variance Application Number: 120415149
Property Address: 211 Bottecchia
Auditor Pin# 053-173502-00.025
Subdivision: Concord Crossing East

Applicant: Brand Homes
Zoning District: PUD
Commission Date: January 6, 2016

Background: the Concord Crossing East zoning district is a PUD. The PUD allows a minimum side setback between a house and the property line of five feet. The original plot plan for this new home, which is located on the future southwest corner of Fondriest and Bottecchia showed a side setback of 21'.2" from the corner on Fondriest. The other side setback was planned at 5'.6" from the next property line. The house to the south at 209 Bottecchia is also still under construction.

When the 211 Bottecchia house was staked out by the surveyor for digging the basement the rear lot pen location was incorrect. The surveyor measured from the incorrect pen and the south side stakeout was off by 2' 10", the basement was dug and the walls were poured. When the lender came to inspect the poured wall foundation, to allow the builder to receive his first draw, the bank discovered the error. The bank failed to notify the builder and the house was framed before the builder was made aware of the error. The builder then had the property resurveyed and the new survey agreed with the banks findings. The new survey shows a total of 11' between the two properties when both are finished. Both of the new homes owners were notified by the builder and have signed off on the issue.

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.

Staff Recommendation: Granting the Variance.



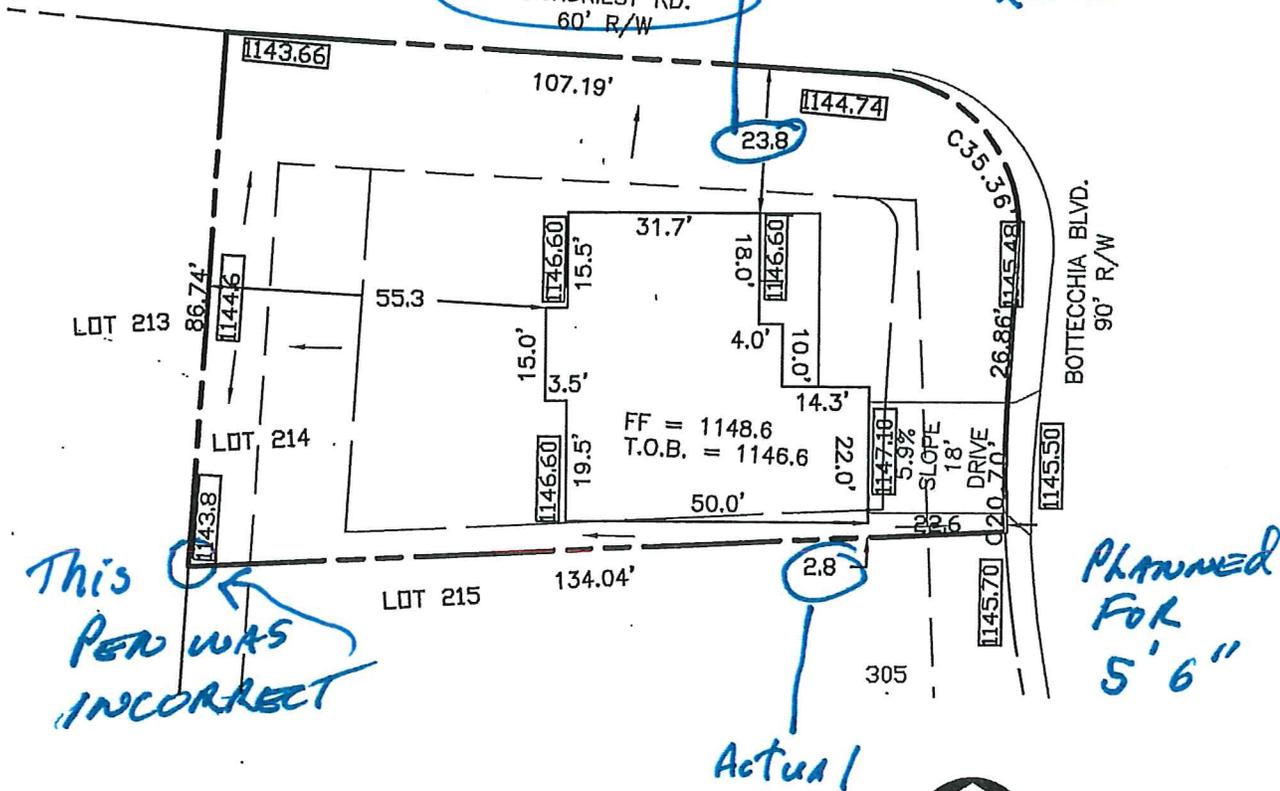
14450 St. Rt. 56 W Mt. Sterling, OH 43143
(614)774-8577 FAX(740)477-9865

AS-BUILT PLOT PLAN FOR LOT 214 - BRAND HOMES

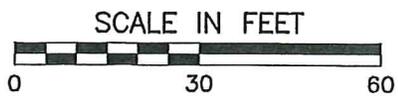
211 Bottecchia

Actual Planned For 21.2'

*FONDRIEST RD.
60' R/W*



Side setback min 5.0



SITUATE

Situate in the State of Ohio, County of Licking, Village of Johnstown, Quarter Township 4, Township 3, Range 15, United States Military District and being Lot No. 214 of the Concord Crossing East Phases I & II Subdivision, of record in Instrument Number 2004009200033835, at the Licking County Recorder's Office, Licking County, Ohio.



CERTIFICATION

I hereby certify that the forgoing Plot Plan was prepared from information provided by the Client and data obtained from Engineered Subdivision

12.15.15

