Village of Johnstown
Planning & Zoning Meeting Minutes
Wednesday, September 7, 2016

CALL TO ORDER AND ROLL CALL: Chairman Block called to Order the Village of Johnstown Planning & Zoning Meeting for Wednesday, September 7, 2016 at 6:30 p.m.

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

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

IN ATTENDANCE – PUBLIC: David and Barbara Penhorwood

PUBLIC COMMENT: None

APPROVAL OF MINUTES

Motion: To approve **August 17, 2016** minutes as written

Joe Ethier moved to approve, Elizabeth Schwartz seconded. All were in favor; none opposed. Motion passed 5-0

VARIANCE APPLICATION #082116077: 110 Grassy Knoll Way

The applicant wishes to add a sunroom to the rear of the home. The minimum requirement for rear setback is 25 feet which is what the house currently has; the variance is being requested to reduce the rear setback to 9 feet. Village Staff report and application are attached to these minutes.

Public Hearing: Chairman Block opened the floor for public hearing, there were no comments for or against and Mr. Block closed the floor.

Board Discussion: Mr. Danne said if they do approve this, it should be noted that one reason is because there is no way anyone could build behind them; the property behind them belongs to the HOA and is non-buildable. Mr. Lenner agreed and said the condition of the pond and the slope is very unique to this property. Mayor Staneart reviewed the list of conditions in existence necessary for variance approval; 1.) Special conditions which exist particular to this lot are unusual topography and triangular shape. 2.) Literal interpretation of the provisions of the Zoning Ordinance on rear setback would deprive the applicant of rights commonly enjoyed by others as most properties in the same area have a similar feature. 3.) The circumstances that created the need for this variance are not a result of the actions of the applicant; they did not choose to put the lot like that. 4.) Granting this variance would not be a special privilege to this

applicant; the same approval would apply to other property owners that have similar circumstances and location to the HOA property.

It was noted that there is an easement that extends around the rear of the properties giving access to the HOA's storm water pond; the room addition would not prevent this access.

MOTION: To approve Variance application #082116077

Moved: Sean Staneart
Second: Joe Ethier

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

Pass 5-0

ZONING INSPECTOR REPORT: August 2016

Mr. Blair reviewed his report with the board; the report is attached to these minutes.

OTHER BUSINESS

1. Complaints have been received on the amount of Poker Run events taking place in the downtown area. Review of events and policies will be done by the Safety and Service Committee at their next meeting on September 21st.

ADJOURNMENT

There being no further business, Ms. Schwartz moved to adjourn. Chairman Block seconded and all were in favor **motion passed 5-0**. Thereupon, the meeting adjourned at 7:20 p.m.

Respectfully submitted

Teresa Monroe, Clerk of Council

APPROVED AS PRESENTED

Marvin Block, Chairman

VILLAGE OF JOHNSTOWN
STAFF REPORT

Application Number: 082116077
Property Address: 106 Grassy Knoll Way
Subdivision: Leafy Dell
Commission Date: 09.07.2016

Applicant: David & Barbara Penhorwood
Zoning District: UR2

Background:
The applicants currently own the property and had the house built in 2002. The Leafy Dell HOA owns the property behind their home and the bordering area is part of the pond owned and managed by the HOA. The house now meets the minimum rear setback requirement of 25'.
The applicants want to add a 15'6" x 16' Three Season Room to the rear of the home reducing the setback from 25' to 9'. The Leafy Dell HOA has approved the proposed addition.

Planning Considerations (Section 1147) Additional District Development Standards):

- Minimum Lot Size: the lot exceeds the minimum lot size.
- The front and side set backs are in compliance with UR2 zoning requirements.

Any new building or new use must conform to all sections of 1147 and other applicable standards set forth in the zoning ordinance.

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.

Recommendation: The staff recommendation is to APPROVE the application to allow the addition.

Village of Johnstown
Administrative Offices
www.johnstownohio.org

VILLAGE OF JOHNSTOWN, OHIO

599 S. Main Street
PO Box 457
Johnstown, Ohio 43031
Telephone: 740-967-3177
Fax: 740-967-3519

JOHNSTOWN, OHIO
JUL 29 2016
PAID

Pd ck. 8045 $330.00

Variance Application

Application Number: 080216077

Fees:
Number of Certified letters to contiguous property owners: 3 @ $6.70 = $20.10
Newspaper advertising, for two weeks: Fee: 110.00
Circle one:
Base fee Single Family Residence: $200
Base fee All Other Uses: $500

Total fee amount: $330.10 Paid: $330.10 Check/cash: 8045

The undersigned is applying for a Variance for the following use; said permit to be issued on the basis of the information contained within this application. The applicant hereby certifies that all information and attachments to this application are true and correct and agrees to follow all applicable regulations, refer to **Ordinance 1181.**

Applicant Name: David & Barbara PenHorwood Phone: 740-967-1877

Mailing Address 106 Grassy Knoll Way City: Johnstown

Email address: davidpenhorwood@yahoo.com

Property address: 106 Grassy Knoll Way Johnstown, Ohio

Zoning District: UR.2

Ordinance(s) the Variance Applies to: 1149.04 (4) Lot requirements

Description and nature of Variance request: Back yard set-back of 25 feet. Yard borders Leafy Dell pond and park.

In addition, the following items must accompany this application:

✓ 1. A set of to scale plans and plat showing all dimensions of lot, building and improvements.

2. Attach a list of property owner's names and addresses contiguous to and directly across the streets(s) from the property for which the Variance is proposed or desired and the mailing addresses of all such persons.

3. Attach a separate narrative statement demonstrating that the requested variance conforms to those conditions answering the following, bullet points.

   - Special conditions and circumstance exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures in the same district in question.
   - That is literal interpretation of the provisions of the Zoning Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Ordinance.
   - Special conditions and circumstances, which create the need for a variance, do not result from the action of the applicant.
   - Granting the variance requested will not confer on the applicant any special privileges that is denied by the Zoning Ordinance, to other lands or buildings in the same district.

I certify the information contained in this application and attachments is true and accurate.

Applicant's signature: David S. Penhorwood Date: 07/29/2016

NEWSPAPER: August 20 & 27

Office use only

Date received in office: 7/29/16 by: T. Monroe

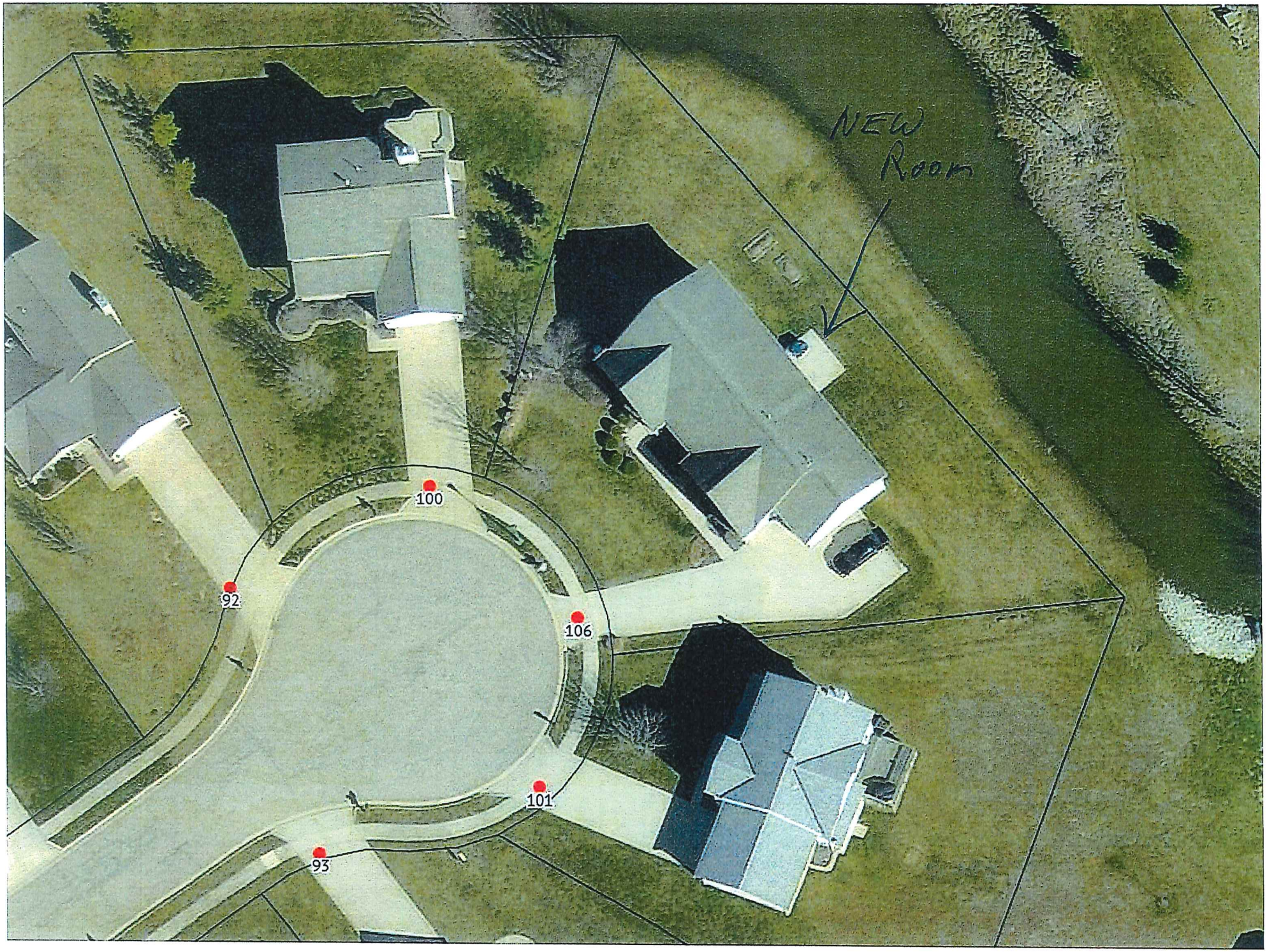
Planning and Zoning Commissioners hearing date: 9/7/2016

Permit was approved issued on date: ____/____/____

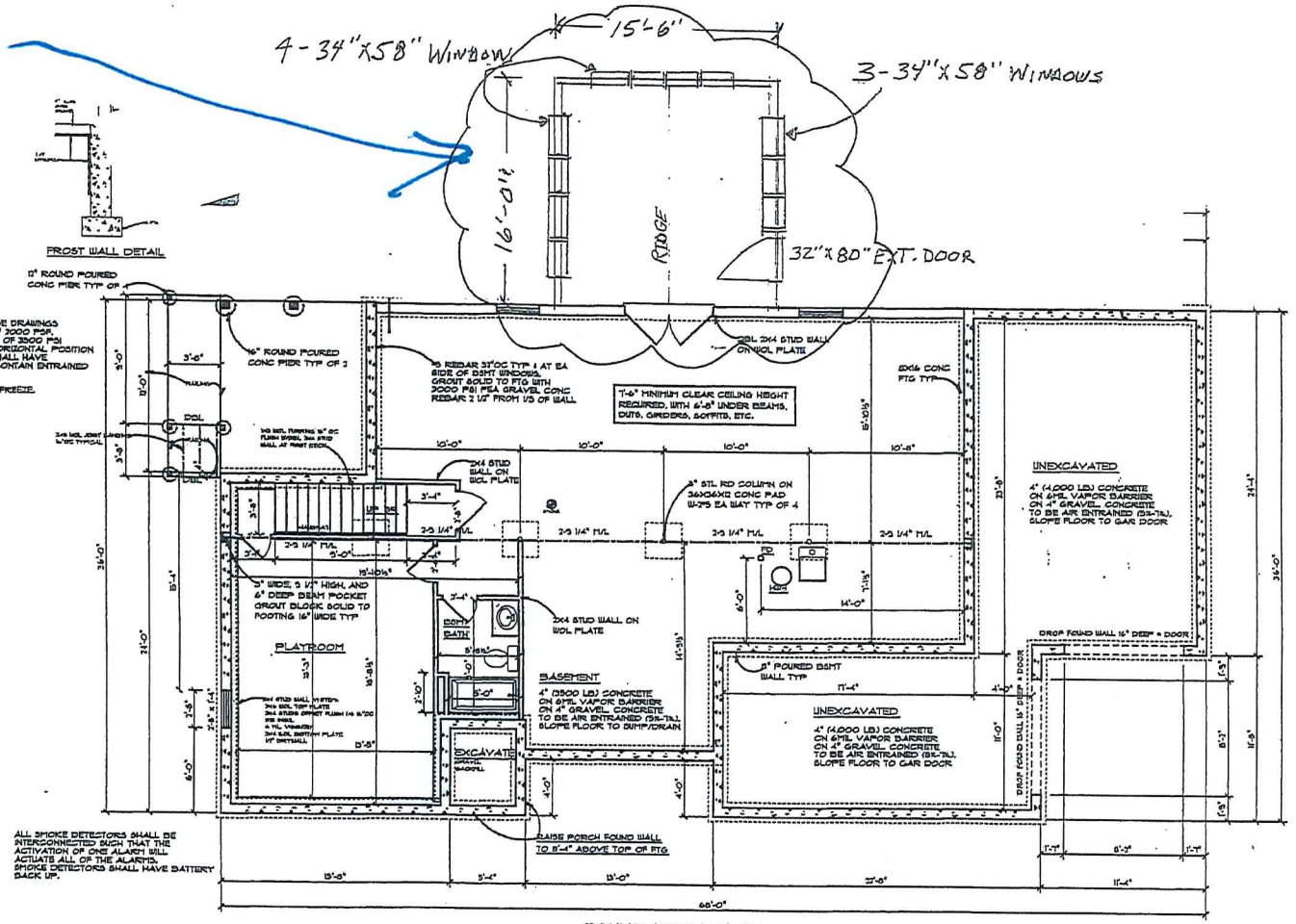
Permit was denied on date: ____/____/____

Commission Chairperson Signature: _____

Additional comments or requirements: _____


NEW
Room
100
92
106
101
93

New Room



UNLESS SPECIFICALLY STATED OTHERWISE, FOUNDATIONS SHOWN ON THESE DRAWINGS HAVE BEEN DESIGNED FOR AN ALLOWABLE SOIL BEARING PRESSURE OF 2000 PSF. CONCRETE SHALL HAVE A MINIMUM OF 28 DAY COMPRESSIVE STRENGHT OF 3500 PSI EXCEPT AS NOTED. CONCRETE EXPOSED TO THE WEATHER AND IN A HORIZONTAL POSITION IN THE FINAL STRUCTURE, INCLUDING GARAGE SLABS AND SIDEWALKS, SHALL HAVE A MINIMUM 28 DAY COMPRESSIVE STRENGTH OF 4000 PSI AND SHALL CONTAIN ENTRAINED AIR IN ACCORDANCE WITH TABLE 3.4.1 ACI 301-84. FOUNDATIONS SHALL NOT BE PLACED ON FROZEN GROUND AND SHALL NOT BE ALLOWED TO FREEZE. DESIGN ASSUMES:

- 2000 PSF SOIL BEARING PRESSURE.
- ALL FOOTINGS ARE TO BE 32" (MIN.) BELOW FINISHED GRADE (36" IN DUBLIN, DELAWARE CNTY & UPPER ARLINGTON).
- MASONRY FIREPLACE FOOTINGS SHALL BE THICKENED TO 12" AND SHALL PROJECT 6" TO ALL SIDES OF WALLS.
- BEAMS SHALL HAVE MINIMUM BEARING OF 3" ON MASONRY WALLS.
- WALL DESIGN ASSUMES SC, MH, OR ML-CL SOILS.

FOUNDATION WALLS SHALL COMPLY WITH CABO TABLES 404.1.1A & 404.1.1B.

WHEN USING INTERIOR DRAINS, PROVIDE WEEPS TO DRAIN EXTERIOR SIDE OF FOUND. OR INSTALL PERIMETER DRAINS. THE CENTER OF EXTERIOR DRAINS SHALL BE LOCATED AT OR BELOW THE AREA TO BE PROTECTED SECTION 405

ALL WOOD WITHIN 8" OF GRADE TO BE TREATED TO 0.40 CCA OR EQUAL.

ALL SMOKE DETECTORS SHALL BE INTERCONNECTED SUCH THAT THE ACTIVATION OF ONE ALARM WILL ACTUATE ALL OF THE ALARMS. SMOKE DETECTORS SHALL HAVE BATTERY BACK UP.

JOHN R. FLECK
RESIDENTIAL DESIGN, INC.
3474 COPTHORNE DR.
GALENA, OH 43021
740-965-5392

SANTARELLI HOMES, INC
LOT 9 LEAFY DELL

SCALE 1/4"=1'-0"

DATE 1/02/02

SHEET # A1.0

Grassy Knoll Way Ct.

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599 S. Main Street
PO Box 457
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Fax: 740-967-3519

August 2016 Zoning Inspectors Report

08-01-2016 through 08-15-2016

501 Westview sent second certified letter about a disabled car with expired tags. Update: the car has been removed.

Commerce Blvd. Thirty One property the grass is out of control 8" tall, I contacted the Thirty-One facilities manager. Update: the grass has been mowed.

40 Stevens a disabled recreational vehicle is parked in the driveway, after receiving a Zoning Violation letter the owner called me and said the vehicle does run and he drives it.

854 W Coshocton the new Fiesta Del Rio signs were installed, I talked with the owner and he hopes to be open at the end of August.

Concord Crossing East swimming pool received several calls from a surveyor and a real estate appraiser about the property. 84 Lumber is combining the pool property with their other property. The pool has a separate deed.

292 Oregon I met with the homeowners on site to discuss building a large addition on to the rear of their home where there is now an existing deck and a very large Oak tree.

235 Weeping Willow Run an in ground pool is being installed; the pool company will dump the dirt in fill area behind the trailhead. The zoning was previously approved.

145 Edwards Rd the building now has a new metal roof, has been gutted, the exterior property has been cleaned up, brush and trees removed around both buildings. The exterior has been painted. I sent a certified letter to the property owner and the proposed new business owner. The letter listed what was required to receive a Johnstown Zoning Certificate, the application is on file. The owner has hired an architect and is engineering the parking lot drainage system.

117 E Coshocton issued a shed permit.

267 N Main I met with a commercial property realtor to discuss this property. The owner is considering selling the building. The Realtor had questions about what the property could be used for if it was put on the market.

Lewis and Westview met with a citizen about to discuss leaking trash juice from a Local Waste truck. The truck leaks as it goes up Lewis Dr if the hopper has not been compacted. This information was passed on to Local Waste.

Lash Chevrolet I emailed Eric Lash about weeds at the rear of his property bordering Ridgeview senior apartments. I have received several complaints from one individual living in the apartments. Eric was very cooperative and took care of the problem. He also thanked me for not sending him a certified letter.

733 W Coshocton Auto Zone, I received a call from the landscaper he was told by Auto Zone to replace their mulch with gravel and called to see if it was allowed. I told him per Ordinance the landscaping must match or be similar to the surrounding businesses. They will stay with mulching.

256 S Oregon approved forms for a new concrete driveway approach. The driveway is being relocated from the Southside to the Northside of the lot.

214 Weeping Willow Run approved forms for a public sidewalk and driveway approach.

301 Middleburn approved permits for new Neo Tradition home planned for this lot.

08-16-2016 through 08-31-2016

The Concord Crossing stop and street signs are in bad shape. The street signs and posts are wood and over 20 years old; some of the signs are out of compliance per new sign reflective standards. The stop signs are mounted on backer boards. The plan is to remove the old stop signs and mount new reflective stop signs directly to the wood post without using backer boards.
There is no Concord Crossing HOA, a volunteer collection among the residents collected $2600 and a master list of all signage was created by two of the residents. The plan is to replace one wood post, reset one other leaning post, remove, and replace all street signs and stop signs. Johnstown Service department will do the work and any additional costs for wood posts or signage will be paid for from the Concord Crossing sign fund.
Residents plan to repaint the posts once all the new signs are in place. The work will be done by the Service Department after the grass-cutting season is over.

Received and distributed prints for the O'Reilly Auto parts store at Clark and W Coshocton St.

W Coshocton Lash Chevrolet, I met with a Premier Fence Company representative from Dayton, they are pricing out a 6' white plastic fence for Lash Chevrolet. The fence would be similar to the Kroger fence and over 800 feet long around the rear of the Lash property.

150-152 N Oregon discussed with the builder new public sidewalks for the two new homes under construction. I recommended a combined 5' sidewalk and curb; due to the parking situation and location across from the school and sports fields.

Clark Dr. I received several phone calls about the 2.5 acres on Clark that border the CVS property. One inquiry was about building storage buildings on the property. I told the caller the idea of storage buildings would not be well received by the P&Z or the community and advised him against it. The second callers ask to meet with us to discuss his ideas for the location. A meeting date was set to discuss options for several possible projects for the 2.5 acres.

449 Lakeview a dually Ford pick-up was parked in the front yard with expired temporary tags. A ZVN was left on the windshield and the truck has been removed.

Westview Ct. There are two vehicles backed into a driveway, both have expired tags. I talked with the property owner, he explained his situation. One of the cars has been moved into the garage. I gave him 30 days do his circumstances for the second car.

455 Lakeview, this was a Sheriff Sale house, the buyer added a walk around deck on one side and across the front. He failed to get a Zoning Permit or deck permit. He also did not get a building permit for the project. After several attempts I located the owner and told him, he needed a zoning permit and an LCBC permit. He argued the fact it was not necessary. I also contacted LCBC and reported the issue. The property owner did come in and a zoning permit was issued. Inspections were required by LCBC. The criteria for deck and porch inspections are.

1. The deck/porch is attached to the structure.
2. The deck/porch is more than 200 sq. ft. in area.
3. The deck/porch is more than 30" above grade.
4. The deck/porch serves the main egress door.

70-72 S Main many issues with this property regarding trash accumulation I met with the representative from Licking County Health Department on site. On the day of the meeting, I also found out that the building was sold. The new owner has committed to getting the situation under control. Closing is set for September 12.

405 Tyler Station, the caller asked about putting up three sections of privacy fence around her raised deck. Since the property was on a corner, I told her I wanted to look at it before I determined if a fence permit was necessary. After looking at the area, I left her a phone message that the permit was required and she needed to fill out the application,

bring in a copy of her partial and thirty dollars for the permit. The next day she came in without her partial, or application, now she said she was only going to put up two-sections of privacy fence. There was some confusion with the staff about ornamental and privacy fences so she left. On Monday I drove by her house and the post were already set without any inspection or permit. I called her back and told her she still needed the permit and the post inspection was not completed she said she has pictures of the holes. I have not heard from her since the last call.

234 Weeping Willow Run received a complaint/concern about a two-story playhouse 17' in height under construction at this address. The caller was concerned about permitting, and the overall height of the structure. After inspecting the playhouse, I told the caller a permit was not necessary and there was no violation. I did contact the property owner about the stability of the building and recommended several ways to stabilize it. He said he would follow through on my recommendation.

96 Concord Crossing Place the homeowner called to discuss building an addition onto his home. He plans to add a 20x30 mother-in–law suite. We discussed his options and based on the lot size, setbacks and size of the proposed addition, he has the room to do it. He has hired an architect to draw up the plans.

152 Elm the rear yard and weeds along the alley have not been cut this year. This is a poorly run rental. I contacted the owner by phone about getting it cleaned up. It has been cut.

184 Edwards the property owner recently added a privacy fence. He contacted me to discuss adding five more sections. I inspected the postholes and the fence was installed.

201 Crestview the house is vacant and the property is in foreclosure, the Johnstown Service department is now mowing it.

83 S Kasson the homeowner plans to tear several sections of shed roof, and extend an existing front porch roof by 8'. The shed roofs will be replaced with gable roof trusses. I told him a Zoning Permit was required and a Licking County Building permits. He furnished me with architectural drawings showing both projects. The zoning permit was issued.

186 W Coshocton I received a complaint about the grass at this address. I contacted the property owner and he said he would take care of it.

12 S Main the Game Room is moving into this storefront from 62 S Main, using the same signs.

S Main, Pub and Poker Runs, I received a complaint that the motorcycles run business off by blocking parking spaces and they are drinking alcohol out of Styrofoam cups and

trashing the area with cigarette butts. I told the complainant she needs to notify JPD when she is aware of the activity and suggested she bring her concerns to the Village Council.

165 W Jersey there is very large tree at the rear of the property a limb has dropped reaching across the Alley low to the ground. The limb would be very damaging to the roof of a tall truck. There is also a car in the front driveway in weeds with expired tags. This is rental house I notified the property owner.

50 Saratoga very tall grass, a certified letter was sent to the property owner.

106 Parkdale issued a shed permit.

214 Weeping Willow Run issued a final Occupancy Permit for another new Maronda.

156 Elm sent a certified letter about the overgrown grass and weeds along the fence and Alley.

267 N Main I have tried to make contact with Dr Zhu the property owner of Champions Senior Living. He has not returned my calls. The property is a mess. I plan to send him a violation letter. The most recent lawn care company has not been paid for the last few times they cut the grass.

471 Tyler Station received an email about dead Ash trees marked with blue paint at the rear of the property. I was asked if the Village planned to remove them. I told the person I have no idea who marked the trees and that we would not be removing them.

76 Westview received an in office message about tall grass at this address. Pending.

Jim Blair