

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Etna Township Board of Zoning Appeals

Held

July 31,

2007

ADJUDICATORY HEARING

The adjudicatory hearing was called to order by Chairman Goll at 7:00 p.m. on July 31, 2007 at the Etna Township Hall. The meeting was audio and video taped for township records. Mrs. Weber, Mrs. VanDyne, Mr. Goll, Mrs. Rogers, Mr. Johnson, and clerk Mrs. Brown were present.

The purpose of the hearing was to consider a conditional use permit for the property located on International Drive parcel number 10-018048-00.000 submitted by Connie Klema representing David L. Smith. The nature of the conditional use permit is public garage and storage in an accommodation business district (AB). Chairman Goll explained the process and the principles who wanted to testify and present evidence were sworn in all other witnesses will be sworn in as they give their testimony. Connie Klema and Stan Robinson were sworn in.

Connie Klema presented the board a larger version of the site plan. This is a request for a conditional use. The property is at International Drive and State Route 310. The property is zoned accommodation business and designed to service the motoring public. They will not be storing any type of vehicle storage but for personal and commercial property. The colors will be green door, cream color building with white trim. Miss Klema submitted two pictures of similar storage units into the record as Exhibits 1 and 2. They have an aisle way down the center area and have overhead doors to pull up to for loading and unloading. They will not have employees. They will access with a key card type set up. The property is 2.566 acres. The building height is 10 feet. Miss. Klema is not certain if all the doors will face the center or if any of the doors will face Interstate 70. Miss. Klema stated everything that is hauled in is supposed to be hauled off. He is a local owner and Connie Klema is not sure how often he will be on the property. She assumes they will come to collect the money on a frequent basis. Jeff Johnson questioned if a buffer of trees would remain to block the view from the off ramp. The site plan does not show fencing around the property and Miss Klema was not sure what kind of buffering there would be.

Stan Robinson stated a technical review may need to be done on the property for drainage issues. Stan feels it is a perfect use for the property.

David Goll asked for any additional testimony and having none he closed the testimony portion at 7:22 p.m.

Jeff Johnson referred to Sections 522 and 523 in the Zoning Resolution. David Goll questioned how well the units would be monitored. He has heard stories of people living in them. Connie Klema read from the security systems brochure. She is not sure if the security cameras will be exactly like the brochure states using the video monitoring system. Claudette VanDyne asked how many security lights would be on the property. Connie Klema stated her client did not have the lighting completed. Claudette VanDyne was concerned with the lights obstructing the traffic coming off the highway.

Cheri Rogers stated under Section 521 contents of applications of conditional use permit item 6 is not complete. Connie Klema felt they have submitted everything that is proposed at this point. The board would like a more detailed plan with more specifics for lights, signage, and access points on the building. Connie Klema requested a list of items they would like submitted.

The board would like Item 6 of Section 521 specific to doors on both sides of the building, signage, lighting, fencing proposals, refuge or service areas, how often it will be monitored, security systems, and buffering/landscaping. In regards to the security systems if he will be using cameras. The road cuts would be addressed with the county. The board will continue this hearing on August 7, 2007 at 6:00 p.m.

Cheri Rogers moved to recess the hearing at 7:30 p.m. Johnson seconded. Roll call: Michelle Weber, yes; Claudette VanDyne, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, yes. Passed 5-0.

Approved as read _____

Approved as corrected/amended _____

Laura Brown 8/28/07

Laura Brown, Clerk

David Goll

David Goll, Chairman

Held

July 31,

2007

ADJUDICATORY HEARING

The adjudicatory hearing was called to order by Chairman Goll at 7:40 p.m. on July 31, 2007 at the Etna Township Hall. The meeting was audio and video taped for township records. Mrs. Weber, Mrs. VanDyne, Mr. Goll, Mrs. Rogers, Mr. Johnson, and clerk Mrs. Brown were present.

The purpose of the hearing was to consider a conditional use permit for the property located on 10156 Palmer Road submitted by James Cotugno. The nature of the conditional use permit is for outside storage of boats and recreational vehicles in a general business district (GB). Chairman Goll explained the process and the principles who wanted to testify and present evidence were sworn in all other witnesses will be sworn in as they give their testimony. James Cotugno and Stan Robinson were sworn in.

James Cotugno owns the five acres on 10156 Palmer Road. They currently are running a construction business out of the fenced in area. Mr. Cotugno would like to use the fenced in area for storage for additional income. He would like to get away from the construction business. The house on the front of the lot is used for storage and he plans on tearing down the house eventually. They have been cleaning up the area outside the fenced in area. The storage will all be within the 8 foot fenced in area. The fenced in area does have wire in addition to the eight foot fence. Mr. Cotugno stated he will be installing more security cameras and is considering setting up the system to where it can be monitored over the internet. Mr. Cotugno stated the fenced in area is approximately 400 feet off the road but was not exactly sure. Stan provided an aerial photo of the property. Some of the equipment will remain and the rest will be hauled off. There are five fuel tanks on the site. Three tanks are empty and are used when they need to haul fuel to off site locations. Two are being used one for road fuel and one for off road fuel. They do need a dike installed for EPA requirements. The new fuel tanks are shown on the drawing. The proposed lights are shown on the drawing. He does not have any trees on his property; the trees are on the neighbor's property.

Cheri Rogers questioned whether they have taken precautions for vehicles leaking fluids. Mr. Cotugno stated if it was made a requirement for an oil separator they could change out a catch basin for an oil separator. It is not shown on the drawing. It is on the center west side of the entire fenced in area and drains to that catch basin.

Mr. Cotugno is on the property five days a week and is planning on having live cameras via the internet. The maximum of 60 vehicles would fit in the fenced in area. The fenced in area is 90 by 190. To the north of the property is a creek swell that has been filled in with gravel. They bush hog the property in the front. They were dumping concrete and believe other people were also dumping on the property. He placed concrete boulders there to discourage trespassing.

Stan Robinson stated storing boats or recreation vehicles is not any more detrimental than what is there now. The concrete has been hauled off the property. Stan stated the property is not a pretty site.

Melvin Weaver of 13601 Captetown Avenue owns 13845 Etna Road (Fairfield County) and also 10964 Hazelton-Etna Road (Licking County). Mr. Weaver stated several years ago when the property was rezoned to general business that promises were made and the property is an eye sore today. The Zoning Commission would have been the board to hear the rezoning. Mr. Cotugno stated they rezoned the property along with Bill Wright three years ago. Mr. Weaver's property is zoned agriculture. Mr. Weaver asked the board if they were familiar with the appearance of the property as it is today. Claudette VanDyne has driven by the property. Mr. Weaver requested that the board view the property. Mr. Weaver has not witnessed anyone dumping on the property other than what the property owner has hauled in. Mr. Weaver has concerns with the promises that Mr. Cotugno has made to the board. Mr. Weaver would like Mr. Cotugno to have the property cleaned up prior to being permitted other privileges. Mr. Cotugno asked Mr. Weaver what he would like done on the property. Mr. Cotugno was going to tear down the house and build an office on the property but does not currently have the money now to proceed. Mr. Weaver questioned what would be required regarding landscaping.

RECORD OF PROCEEDINGS

0185

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10144

Etna Township Board of Zoning Appeals

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Mr. Weaver asked Mr. Cotugno if he would like to live by his property. Mr. Cotugno asked if he would like him to mow more often. Mr. Cotugno has cleared the property to make it a commercial property.

Stan Robinson presented the board with pictures as Exhibit 1 taken of the property in the past. The tires have been removed. The zoning inspector did take action to have the violations corrected. The board viewed the pictures to see the fence. Claudette VanDyne stated the property is an eye soar. She viewed the property yesterday. Mr. Cotugno stated he does not have the money to remove the house at this time. Stan Robinson stated the board could make the landscaping a pre-condition before storage is permitted.

Greg Boles of 10107 Palmer Road was sworn in. His property is on the east side of Mr. Weaver, south of Palmer, across the street from the property. He stated the property is a mess with the concrete. The weeds are out of control. Sixty boats would not fit in the current fenced in area. Mr. Boles has to look at this property daily. Mr. Boles has never witnessed anyone else dumping on the property. There are issues with drainage. If Mr. Cotugno would landscape the property and does not increase the size of the fenced in area it could be made to look nice. Mr. Boles stated the other commercial properties along 310 look nice. Mr. Cotugno and Mr. Weaver discussed options on the drainage. Mr. Cotugno will finish grading the property and will seed it. Mr. Cotugno stated he could mow it more. Mr. Boles stated he is aware of where Mr. Cotugno lives and does not feel he would want to live by his commercial property.

Cheri Rogers asked if the owners would be able to work on the vehicles being stored there. Mr. Cotugno stated no it is just for storage.

Cheri Rogers questioned why it took the zoning inspector to get involved for the property to be cleaned up. Mr. Cotugno explained the tires were from their construction vehicles. The tires have been removed. It took a letter from the zoning office before he cleaned the property. Mr. Cotugno stated he will start mowing the property more often. Mr. Cotugno sees the property as country. Cheri Rogers stated the property around his is residential and needs to conform.

David Goll closed the testimony portion of the hearing at 8:29 p.m.

Cheri Rogers stated to approve the conditional use permit with conditions. Section 522 General Standards Applicable to All Conditional Uses numbers 3, 4, and 6. Item 3 will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the same area. Item 4 will not be hazardous or disturbing to existing or future neighboring uses. Item 6 will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive productions of traffic, noise, smoke, fumes, glare, or odor. Section 523 numbers 9, 10, 12, and 13. Item 9 site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area. Item 10 such uses should be properly landscaped to be harmonious with surrounding residential uses. Item 12 all permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general. And item 12 the area of use may be enclosed buy a fence as directed by the appeals board and shall be appropriately landscaped to be harmonious with surrounding properties. If any of these conditions are violated they are punishable by Section 311 Penalties for violation. The oil separator needs to be installed and the lighting and security as shown on the drawings. The property needs to be cleaned and the yard needs to be graded. This means there is no working on the vehicles. Leave trees and possibly plant more trees. Mow it more frequently. Landscaping to make it look nicer. The fence must remain and be kept in good condition. It was explained that if the use of outdoor storage (The conditional use) becomes in active then it will expire after one year. See section 527 of the zoning resolution. Cheri Rogers stated she has concerns with fluids leaking from the vehicles. Mr. Cotugno stated he would upgrade the fuel tanks to EPA standards and install the oil separator. The sign needs to follow the zoning regulations. Jeff Johnson feels the grading of the

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10-48

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2007

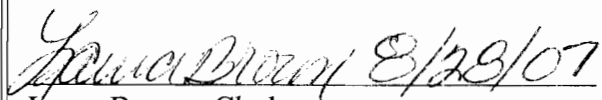
yard needs to be done prior to allowing outdoor storage. Claudette VanDyne feels it needs to meet the EPA standards also. Cheri Rogers explained that after one year the conditional use permit will expire if the property is not being used for outdoor storage within a year. It will be approximately thirteen months from today.

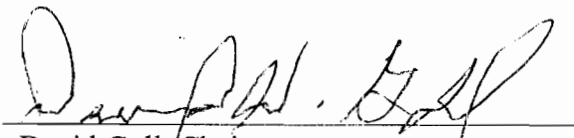
Cheri Rogers moved to grant the conditional use permit for the property as requested conditionally on section 522 items 3, 4, 6 and Section 523 items 9, 10, 12, 13 before any rentals can be obtained the site preparation on the property which consists of grating, concrete removal, mowing, and within the fenced area the fuel tanks need to be brought up to EPA standards and the run off needs to have the oil separator. Michelle Weber seconded. Cheri Rogers amended the motion to add that any violations are punishable by Section 311 penalties for violation. Michelle Weber seconded the amendment. Roll call on motion with amendment. Roll call: Michelle Weber, yes; Claudette VanDyne, no; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, yes. Motion passed 4-1.

Cheri Rogers moved to adjourn the hearing at 8:45 p.m. Jeff Johnson seconded. Roll call: Michelle Weber, yes; Claudette VanDyne, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, yes. Passed 5-0.

Approved as read _____

Approved as corrected/amended _____


Laura Brown, Clerk


David Goll, Chairman

DAYTON LEGAL BLANK CO. FORM NO. 1611B

Etna Township Board of Zoning Appeals

Held July 31, 2007 19

ADJUDICATORY HEARING

The adjudicatory hearing was called to order by Chairman Goll at 9:15 p.m. on July 31, 2007 at the Etna Township Hall. The meeting was audio and video taped for township records. Mr. Chew, Mrs. VanDyne, Mr. Goll, Mrs. Rogers, Mr. Johnson, and clerk Mrs. Brown were present.

The purpose of the meeting is to approve the minutes from the adjudicatory hearings held on July 24, 2007.

Philip Chew moved to waive the public reading and to approve the minutes from the adjudicatory hearing that began at 6:00 p.m. on July 24, 2007 for ProLogis. Cheri Rogers seconded. Discussion this was V2007-5. Roll call: Philip Chew, yes; Claudette VanDyne, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, abstained. Passed 4-0 one abstains.

Cheri Rogers moved to approve the three final orders for variance from V2007-5. Philip Chew seconded. Roll call: Philip Chew, yes; Claudette VanDyne, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, abstained. Passed 4-0 one abstains.

Cheri Rogers moved to waive the public reading and to approve the minutes from the adjudicatory hearing July 24, 2007 for variance V2007-4. Claudette VanDyne seconded. Roll call: Philip Chew, yes; Claudette VanDyne, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, abstained. Passed 4-0 one abstains.

Cheri Rogers moved to waive the public reading and to approve the minutes from the public meeting on July 24, 2007 that was called to order at 6:17 p.m. Philip Chew seconded. Roll call: Philip Chew, yes; Claudette VanDyne, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, abstained. Passed 4-0 one abstains.

Philip Chew moved to adjourn at 9:20 p.m. Claudette VanDyne seconded. Roll call: Philip Chew, yes; Claudette VanDyne, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, yes. Passed 5-0.

Approved as read _____ Approved as corrected/amended _____

Laura Brown 8/28/07
Laura Brown, Clerk

David Goll
David Goll, Chairman

final order as amended/8/28