

DAYTON LEGAL BLANK CO. FORM NO. 10148

Etna Township Board of Zoning Appeals

Held _____ November 15, _____ 2007

Regular Meeting

The meeting was called to order by Chairman Goll at 6:20 p.m. on November 15, 2007 at the Etna Township Hall. The meeting was audio and video taped for township records.

Roll Call: Mrs. Weber, Mr. Goll, Mrs. Rogers, Mr. Johnson, and Laura Brown present.

The purpose of this meeting was to approve minutes and sign the final orders from the meeting on October 23, 2007 regarding Variance VA07-9 and Appeal L07-16 for Rodger Kessler and Appeal L07-15 for Kristine Clark Morris.

Jeff Johnson moved to waive the public reading, approve the minutes and sign the final order from the adjudicatory hearings on October 25, 2007. Michelle Weber seconded. Roll Call: Mrs. Weber, yes; Mr. Goll, yes; Mrs. Rogers, abstain, and Mr. Johnson, yes. Passed 3 yes 1 abstain.

Cheri Rogers moved to adjourn the meeting. Jeff Johnson seconded. Roll Call: Mrs. Weber, yes; Mr. Goll, yes; Mrs. Rogers, and Mr. Jeff Johnson, yes. Motion passed 4-0.

David Goll adjourned the meeting at 6:22 p.m.

Approved as read November 27, 07 Approved as corrected/amended _____

Laura Brown

Laura Brown, Clerk

David D. Goll
David Goll, Chairman

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Etna Township Board of Zoning Appeals

Held _____ November 15,

2009

ADJUDICATORY HEARING

The adjudicatory hearing was called to order by Chairman Goll at 6:26 p.m. on November 15, 2007 at the Etna Township Hall. The meeting was audio and video taped for township records. Mrs. Weber, Mr. Cox, Mr. Goll, Mrs. Rogers, Mr. Johnson, and clerk Laura Brown were present.

The purpose of this hearing is to consider appeal number 07-17 concerning a sign permit submitted by Jacquelyn A Phillips for 10741 Hazelton-Etna Road. The nature of the appeal is the zoning inspector's interpretation regarding a sign permit being needed for real estate signs.

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. Stephen Karales PO Box 104 Reynoldsburg, OH is representing Jacquelyn Phillips of 10741 Hazelton-Etna Road was sworn in along with Stan Robinson, Zoning Inspector.

There are two signs one is at the North end of the property and one on the South end of the property. Mr. Karales stated on August 20 he was at a Board of Zoning Appeals hearing similar to this. At that time he stated several signs were erected in 2004 on 310 and Route 40. Recently the posts were painted and the signs were updated to maintain the signs. Mr. Karales feels the hearing on August 20 set a precedent and he read from a portion of the minutes. Mr. Karales stated the ruling was the prior zoning inspector never told them or the sign company they needed permits. Cheri Rogers noted that in the prior hearing Mr. Karales stated the previous zoning inspector told the sign company that they did not require permits, however he could not verify whether the zoning inspector had actually told the sign company whether they would need permits because the sign company was no longer in business. Mr. Karales stated "he said he could not find it because the sign company was out of business." Those signs were put up in accordance of Etna Township's requirements at the time by the sign company. He was not notified that there was a problem with the signs prior to July of 2007. The signs were installed over 3 years ago. Mr. Karales felt Stan Robinson threatened to go after other clients regarding his signs. These signs are not in the setbacks. Mr. Karales stated Etna Township's policy is very aggressive and expensive. The Board of Zoning Appeals does not control the fees and policies.

Stan Robinson submitted a list of sign permits from 2000 to 2007 as Exhibit 1. Stan stated that there were seventy three permits issued from 2002 to 2006. Stan Robinson asked for evidence of the threat. Mr. Karales stated it was a verbal statement in front of two witnesses. Stan stated it was a written letter and was not threatening. Stan would like the statement stricken. Stan can produce the letter. Mr. Karales explained he contracts with the sign company and they are responsible for the sign permit. Stan Robinson stated there is no evidence of permits for any of the signs in Etna Township for Mr. Karales. Stan Robinson read the letter dated August 1, 2007 and the letter was submitted as Exhibit 2. David Goll stated the letter is explaining that the violation has to be filed with the property owner regarding the signs.

Cheri Rogers asked how many more signs are in the township that will fall under this circumstance. Stan Robinson stated there are two that are being discussed tonight, one down by Kirkersville, one or two on National Road by Tollgate, and one off of Interstate 70 on the same property. Mr. Karales stated all of these signs have been up for over three and half years. Any future signs he will apply for a permit. David Goll asked why Dallas Maynard would tell you a permit was not needed when he issued all the other sign permits. Mr. Karales does not know why but stated Dallas was on one of the properties.

Cheri Rogers moved to close the testimony at 6:50 p.m. Jeff Johnson seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, yes; motion passed 5-0.

Stan Robinson stated he is aware of other sign violations in the township and is on violation number eighty seven or eighty eight for all violations in the township. He can not do them all at once. Stan does not have any way a verifying when the signs were installed if they do not have a

Etna Township Board of Zoning Appeals

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permit. Cheri Rogers asked Mr. Karales if he could produce an invoice from the sign company of a date when the signs were installed. Mr. Karales stated he could try. Mr. Karales stated all the signs went up at the same time.

Stan Robinson explained that real estate signs that are twelve square feet for commercial and six square feet for residential do not need a permit. Jeff Johnson read from Section 1204 Signs Permitted in all districts – NO Permit Required. Item 1 signs advertising the sales, lease, or rental of the premises upon which the sign is located shall not exceed twelve square feet in area except in all residential districts where the sign shall not be more than six square feet. Rick Cox asked what the cost is for a sign permit. Stan stated one hundred plus five dollars per square feet. A four by eight sheet of plywood would cost one hundred and twenty dollars.

Cheri Rogers discussed Section 1211 Violations regarding the word maintained in this section.

David Goll asked what brought Stan's attention to the signs. Stan did the signs on Hazelton-Etna Road. The previous sign appeal that the board heard was brought to his attention by the road crew when the posts were being painted. Stan also sent violations out to Speedway, Dairy Queen, and Sunoco regarding signs.

Cheri Rogers stated that when Mr. Karales was notified of the violations previously that no attempt had been made to bring the other signs in Etna Township into compliance. Mr. Karales stated all the signs were installed at the same time and the board upheld the appeal. Cheri Rogers stated she voted no on the previous appeal and Mr. Karales is aware of the multiple violations. Cheri Rogers does not feel the board has to be held to a precedent on these signs and Mr. Karales has not done anything to bring his other signs into compliance. Cheri Rogers stated Mr. Karales does not have any proof from the sign installer regarding the sign permit. Mr. Goll feels the other signs need to come into compliance. Rick Cox asked if the Trustees have the authority to waive late fees. The Trustees can waive fees.

Rick Cox wanted to know if they could request Dallas Maynard to attend a meeting and testify. Mr. Cox would like to do something to address all the signs that need to come into compliance. David Goll stated if the sign company did not come in and inquire about obtaining a sign permit then Dallas just did not pursue requiring permits from the sign company. If the company came in then Dallas issued a permit.

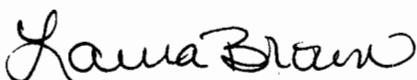
The board discussed obtaining direction from the Trustees regarding the late fees. Jeff Johnson would like to have permits for the signs without the penalties. Rick Cox would like a policy that would be consistent from this point forward.

Mr. Karales does not feel he should have to pay for a permit or a penalty and feels it should be grandfathered.

Jeff Johnson moved to table the adjudicatory hearing until November 27, 2007 at 6:30 p.m. Cheri Rogers seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, yes; motion passed 5-0.

Cheri Rogers moved to close the hearing at 7:47 p.m. Rick Cox seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, yes; motion passed 5-0.

Approved as read November 27, 07



Laura Brown, Clerk

Approved as corrected/amended



David Goll, Chairman

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Etna Township Board of Zoning Appeals

Held

November 15,

2007

ADJUDICATORY HEARING

The adjudicatory hearing was called to order by Chairman Goll at 7:51 p.m. on November 15, 2007 at the Etna Township Hall. The meeting was audio and video taped for township records. Mrs. Weber, Mr. Cox, Mr. Goll, Mrs. Rogers, Mr. Johnson, and clerk Laura Brown were present.

The purpose of this hearing is to consider appeal number 07-18 concerning signs at 9700 and 9702 Hazelton-Etna Road.

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. Charles Gang 9702 Hazelton-Etna Road in along with Stan Robinson, Zoning Inspector.

Charles Gang stated he had the no semi truck signs installed at the Dairy Queen because the semi trucks were getting stuck in the parking lot trying to turn around. He also has free standing signs for free ice cream cones and signs hanging off existing poles. In the eighteen years he has been in business he has never been told by the township of any issues with the signs. Mr. Gang stated that the election signs and the digital sign at the school also distract drivers.

Stan Robinson stated the temporary signs on wire frames or cardboard paper are not allowed. Mr. Gang has removed the signs on the poles for the energy drinks. The Dairy Queen free ice cream and the semi trucks are the only signs remaining. Stan does not have permits on file for the signs. Mr. Gang stated the free ice cream signs are to compete with Speedway.

Cheri Rogers moved to close the testimony portion of the hearing at 8:15 p.m. Michelle Weber seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, yes; motion passed 5-0.

Cheri Rogers moved to deny the appeal based on Section 1202 Item 5 (no portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1204 herein) and Item 6 (no sign or part thereof shall contain or consist of banners, posters, or pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights shall not be used for the purpose of advertising.) This would encompass the free ice cream, now hiring, and anything attached to the poles. Allow as part of this motion the no semis signs per Item 10 (signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on the property.) Michelle Weber seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, yes; motion passed 5-0.

Rick Cox moved to close the hearing. Cheri Rogers seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, yes; motion passed 5-0.

Approved as read November 27, 07

Approved as corrected/amended _____

Laura Brown
Laura Brown, Clerk

David Goll
David Goll, Chairman

Final order mailed.