

0234
RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Etna Township Board of Zoning Appeals

Held

May 27,

2008

ADJUDICATORY HEARING

The adjudicatory hearing was called to order by Chairman Goll at 6:48 p.m. on May 27, 2008 at the Etna Township Hall. The meeting was audio and video taped for township records. Dallas Maynard, Rick Cox, David Goll, Cheri Rogers, Claudette VanDyne, and clerk Laura Brown were present.

The purpose of the hearing was to consider Conditional Use Permit number CU-08-02 concerning a commercial entertainment field submitted by Clinton Clark and Aaron Banish. The nature of the conditional use permit was to allow a commercial entertainment field for turfed field recreational activities.

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. Clinton Clark, Aaron Banish and Chris Harkness were sworn in.

Clinton Clark stated they would like to install a turf field to be used for flag football and soccer. They would possibly offer volleyball in the future. They would also like to offer speed training and sports instruction on the field. They will not access the field from the North side of the creek on York Road. There is an existing entrance off of York Road and one off of National Road where there is enough room for sixty parking spaces on the existing concrete area. They will gain access to the field by crossing the existing culvert.

Exhibit 1 – Receipt from Licking County Planning Commission, Jim Mickey for the Flood Hazard Permit.

As of September 7th, 2007 Clinton Clark and Aaron Banish entered into a land contract to purchase the property consisting of 13.83 acres. The house on the property is occupied and being used as a rental.

Chris Harkness stated the field is on the Northern half of the property. The nearest property to this use is thirty feet from the Northern property line which is agricultural zoning being used as residential. This use would act as a good buffer from the residential to the general business use on the Southern part of this property. The board may want to consider parking, buffering, access, and additional facilities (bleachers, signs, restrooms, and lights) as part of the conditional use permit requirements. There are natural buffers on the property. Staff recommends that the Board of Zoning Appeals approves the conditional use permit.

Clinton stated half of the field is in flood plain and half of the field is not. Mr. Mickey noted the elevations and they are listed on the documents submitted as Exhibit 1. The Board reviewed information on the property and the 100 year flood plain.

The applicant felt sixty parking spaces would be enough for the amount of players per game. If they out grow sixty parking spaces there is room to add additional parking. They would like to have lights that would be directed toward the field. Clinton would like to offer the adults and youth something recreational to do in the local area.

Clinton stated port-a-johns are the only options for restroom facilities. Down the road they would like to offer a fitness center on this property. The peak time for a fitness center would be different from the peak time for the leagues. They would like to have a scoreboard but would face the lights away from the surrounding properties.

Exhibit 2 – Picture of the site tagged CU-08-02 Viewing East from York Road; proposed football field is dozed area.

The Board reviewed the map printed from the Licking County GIS Mapping system showing the location of the flood plain.

Chris Harkness discussed parking requirements. The zoning resolution does not specify requirements regarding parking for this type use. The use (Commercial Entertainment Field) would be for the entire property at 7072 National Road. The specific conditional use is for a 200 feet by 100 feet turf field as submitted in the application. If the applicant would want to expand the size of the turf field they would have to come back to the township for approval. Clinton stated at this time they do not have a specific design for the site. They would like to have approval for lights, a portable bleacher and a scoreboard. They would like to provide port-a-johns. At this point they do not have any plans to offer concession or vending. The seasons would run spring, summer, and fall. Each season would run seven to nine weeks. They would not have a season in the winter because of the weather. These are pay leagues and the fees pay for referees, t-shirts, and equipment. They would be on Saturday and Sunday mornings.

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If they are permitted to have lights they would offer Wednesday and Thursday leagues in the evenings ending by 10:30 p.m.

The main concern in regards to securing the property was to prevent vandalism. Vehicles on the turf would damage the field. Clinton stated they are going to have security cameras.

Mary Schwab 9085 York Road was sworn in. Mary owns the property north of this field. She has concerns with water. Clinton stated the synthetic turf has holes every six inches to provide drainage. She can see the property from her property. She has concerns with bathroom facilities and would like them to be monitored and cleaned. David Goll suggested a fence along her property line. Clinton stated it could be added to their list of rules regarding using the bathroom on her property in her woods. She did not want a speaker system for announcing. Clinton stated there will be no announcing or loud speaker. The security camera's can be solar powered. Mary requested the Board place conditions on the times and days of the week that the field would be permitted to be used. The lights on State Route 40 do shine in her windows when the trees do not have leaves. Mary also stated the deer cross the field. Clinton stated the turf will be cleaned and there is a raking system to clean debris off the turf.

Carol Costlow 6940 and 7123 National Road was sworn in. She supports commercial development on State Route 40. She has concerns with the port-a-johns and stated they will draw field rats if not cleaned. She discussed the parking lot and how the parking is determined. She suggested using the square footage of the warehouse to determine the parking spaces permitted. Chris Harkness is not aware of any maximum parking space regulations. She is concerned with the noise on the weekends. She stated there are two ponds and a creek near the property. She does support the use.

Mike Beech 218 Caswell Dr. was sworn in. Mike stated parents usually provide the snacks for the youth games. The port-a-john could have a contract for cleaning and maintenance.

Rick Cox moved to close the testimony portion of the hearing at 7:52 p.m. Claudette VanDyne seconded. Roll call: Dallas Maynard, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, yes.

The board discussed the times to allow the use on the field and whether to require a fence along the property. Rick Cox stated the fence may not be permitted in the flood plain. They would like to eventually remove the cement wall along York Road to five blocks high. Permits will be needed for future expansion or structures in the future. This property is zoned general business and those uses are permitted on this property already. Clinton requested the lights to be allowed on until 11:00 p.m. to allow for the equipment to be picked up or if there is overtime.

Claudette VanDyne moved to approve the conditional use that is permitted under the General Business zoning with the stipulations that there will be a regular maintenance of the port-a-johns twice a week, lights off by 11:00 p.m. preferably earlier; it is compatible with the general business conditional uses and with the recommendation of the Zoning Administrator and any modifications or changes on the property would have to go back to the Zoning Administration. Dallas Maynard seconded. Discussion: David Goll discussed stipulations regarding a public announcement system. The board discussed if twice a week was too much. No changes to the motion were made. Roll call: Dallas Maynard, yes; Rick Cox, no; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, yes. Motion passed 4-1.

Cheri Rogers moved to close the hearing at 8:20 p.m. Rick Cox seconded. Roll call: Dallas Maynard, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, yes.

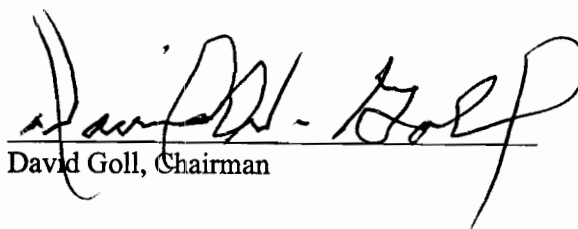
Approved as read

June 24th, 2008

Approved as corrected/amended _____



Laura Brown, Clerk



David Goll, Chairman

Held

May 27,

2008

ADJUDICATORY HEARING

The adjudicatory hearing was called to order by Chairman Goll at 6:32 p.m. on May 27, 2008 at the Etna Township Hall. The meeting was audio and video taped for township records. Dallas Maynard, Rick Cox, David Goll, Cheri Rogers, Claudette VanDyne, and clerk Laura Brown were present.

The purpose of the hearing was to consider a variance VA-08-04 concerning a fence setback for Etna Storage, LLC submitted by Connie Klema. The nature of the variance was to reduce the required setback from 30 feet to zero feet and to increase the fence height from 2 ½ feet to 6 feet.

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 Chris Harkness were sworn in.

Connie Klema explained that during the Conditional Use Permit hearing the Board of Zoning Appeals required a fence around the property for security reasons. The fence will be a chain link fence. There is an existing fence that runs along the property and the variance is only for the portion of the fence on the International (Columbus Parkway) Drive side of the property.

Chris Harkness stated the thirty foot setback for the fence would cut into the drive aisle for the storage units and would virtually abut the storage building itself. The board's original intent was to require the fence for safety reasons. The 2 ½ foot fence would not provide safety. Because of the slope of the property it allows for adequate visibility over the fence. The granting of these variances would uphold the intent behind the Zoning Resolution and the intent behind the original condition placed by the Board of Zoning Appeals to have the area of use enclosed by a fence for safety reasons. Staff recommends granting this variance.

Exhibit 1: Picture of the site tagged VA-08-04 Viewing North from Columbus Parkway towards S.R. 310.

Rick Cox moved to close the testimony portion of the hearing. Dallas Maynard seconded. Roll call: Dallas Maynard, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, yes.

Cheri Rogers moved to grant the three variance requests. Variance request for a minimum setback for the fence from 30' to 0'; Variance request #2 increasing the maximum fence height from 2.5' to 6' for this location, and Variance #3 allowing the placement of the fence within a clear sight distance triangle at a street intersection based on the staff analysis of our Zoning Administrator. Rick Cox Seconded. Roll call: Dallas Maynard, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, yes.

Rick Cox moved to close the hearing at 6:46 p.m. Claudette VanDyne seconded. Roll call: Dallas Maynard, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, yes.

Approved as read June 24th, 2008

Laura Brown

Laura Brown, Clerk

Approved as corrected/amended

David P. Goll

David Goll, Chairman