

Etna Township Board of Zoning Appeals

Held

August 4,

2008

ADJUDICATORY HEARING

The adjudicatory hearing was called to order by Chairman Goll at 6:38 p.m. on August 4, 2008 at the Etna Township Hall. The meeting was audio and video taped for township records. Michelle Weber, Rick Cox, David Goll, Cheri Rogers, Claudette VanDyne, and clerk Laura Brown were present.

The purpose of this hearing is to consider conditional use permit CU-08-04 for 14330 National Road submitted by Chris Dean of Dean Motor Freight. The nature of the conditional use permit is to allow fleet storage in general business zoning.

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. Chris Dean and Chris Harkness were sworn in.

Chris Harkness reviewed the staff analysis. The proposed use of the property is for storage for tractor-trailers used in Mr. Dean's local freight business. The applicant proposed the storage of approximately 20 containers (trailers) to be in the fenced in area in the rear of the property. The applicant proposed approximately 10 trucks to be stored in the front of the loading docks in the front of the property. The current use is the Schwan's business which is primarily a wholesale business with approximately 4 or 5 commercial trucks.

The five maps provided by Chris Harkness were submitted as Exhibits as follows: Exhibit 1 - Zoning Map, Exhibit 2 - Aerial Map, Exhibit 3 - Oblique Map, Exhibit 4 - Boundary Survey with Sketch, and Exhibit 5 -For Sale Notice.

Chris Harkness stated the board may want to consider buffering in the front of the property to completely screen the trucks from U.S. Route 40 and to set the appropriate amount of tractors or trailers for the property. Staff recommends to approve the request with the following conditions: The applicant shall provide buffering along the southern property line to screen the trucks from U.S. Route 40, shall not demolish any of the wooded area on the northern half of the property without the approval of the Board of Zoning Appeals to ensure heavy and appropriate screening from adjacent residential properties, shall store a maximum of 20 trailers/containers on the property and all trailers/containers shall be stored behind the loading docks, and shall store a maximum of 10 trucks/tractors on the property.

The Board discussed the access from U.S. 40 to the property and the parking lot being gravel. The aerial provided looks like a dirt parking area.

Chris Dean explained they are all local deliveries. The containers are owned by steam ship lines. They take the containers and drop them and when they empty them they deliver them back. When they can not return them before they close they need to be stored. He would not lease out storage. He currently owns five tractors. He currently does not plan on excavating the rear of the property. He does not haul hazardous materials.

Dick Knapp, Trustee, 108 Longwood Crossing Blvd Trustee was sworn in. He stated the township currently has several issues with Dean Freight at the current location in the township. He has asked the Board of Zoning Appeals to place stringent restrictions on the property if the conditional use is granted.

Chris Dean stated this meeting is based on the location on State Route 40 and not the current location.

Alice Beougher 13255 National Road was sworn in. She stated in the past the Schwan's trucks ran on propane and there used to be a propane tank on the property. She has concerns with the condition of the property and spoke of the improvements in the past few years in the area and would like it to continue with future developments.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

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Rick Cox moved to close the public testimony portion of the adjudicatory hearing at 7:01 p.m. Cheri Rogers seconded and the motion passed 5-0.

Chris Dean stated the propane tank is not connected and he plans on removing the tank.

Chris Dean stated the trailers are 40 foot trailers and are smaller than a regular trailer.

Chris Dean discussed the hardship on the employees if he has to move or close the business. He has six employees and one office person.

Chris Harkness stated fifty feet for a rear setback is plenty to buffer the single family home residential district.

There is currently a fence located in the rear of the property.

Rick Cox moved to grant Conditional Use CU-08-04 with the following conditions: 1. The applicant shall provide buffering along the southern property line to screen the trucks from U.S. Route 40 per Article 16 in the current Etna Zoning Resolution for the front vehicular access requirements. 2. The applicant shall not demolish any of the wooded area on the northern half of the property without the approval of the Board of Zoning Appeals to ensure heavy and appropriate screening from the adjacent residential properties. 3. The applicant shall store a maximum of 20 trailers/containers on the property and all trailers/containers shall be stored behind the loading docks. 4. The applicant shall store a maximum of 5 trucks/tractors in the front and five trucks/tractors in the rear of the property. 5. The applicant shall pave a minimum of 20' to the north of the existing edge of pavement on US Route 40 of a hard surface either asphalt or concrete. 6. Gravel lot is to be maintained to assure that the gravel is not migrating out onto Route 40 and looks decent. 7. Any violation of these conditions voted on in the Conditional Use CU-08-04 will render the Conditional Use void if the conditions are not met. 8. Proof of the propane tank removal must be submitted to the Etna Township Zoning Administrator. Cheri Rogers seconded. Discussion: Regarding guidelines on the maintenance of the gravel lot. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, yes.

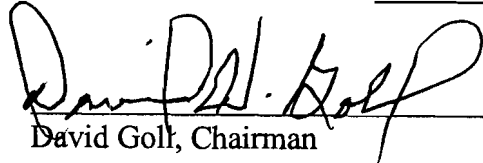
Rick Cox moved to adjourn the hearing at 7:46 p.m. Cheri Rogers seconded and the motion passed 5-0.

Approved as read Aug 26, 2008



Laura Brown, Clerk

Approved as corrected/amended _____



David Goll, Chairman

Etna Township Board of Zoning Appeals

Held

August 4,

2008

Regular Meeting

The meeting was called to order by Chairman Goll at 7:47 p.m. on August 4th, 2008 at the Etna Township Hall. The meeting was audio taped for township records.

Roll Call: Michelle Weber, Rick Cox, David Goll, Cheri Rogers, Claudette VanDyne, and Laura Brown present.

The purpose of this meeting was to approve minutes and sign the final orders from the adjudicatory hearings on July 21, 2008.

Cheri Rogers moved to waive the public reading, approve the minutes and sign the final orders from the adjudicatory hearings on July 21, 2008 for CU08-03, VA08-06, and VA08-05. Rick Cox seconded. Roll Call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, Abstain. Motion passed 4 yes and 1 abstain.

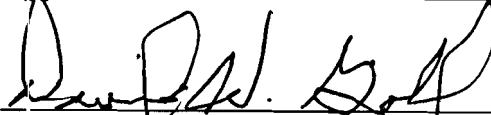
Cheri Rogers moved to adjourn the meeting at 7:50 p.m. Rick Cox seconded. Roll Call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, yes. Motion passed 5-0.

Approved as read _____

Approved as corrected/amended _____



Laura Brown, Clerk



David Goll, Chairman