

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 1012

Etna Township Board of Zoning Appeals

Held

July 28th,

2009

ADJUDICATORY HEARING

The adjudicatory hearing was called to order by Chairman Goll at 6:01 p.m. on July 28th, 2009 at the Etna Township Community Center. The meeting was recorded for township records. Michele Weber, Rick Cox, David Goll, Claudette VanDyne, Roger Digel-Barrett and clerk Laura Brown were present.

The purpose of the hearing was to consider an area variance VA09-01 for front yard setbacks for 839 Pike Street, Etna, submitted by Matthew Bauer and Dustin Rhoades. The nature of the variance is to decrease the front yard setback requirement from 15 feet to 2.5'.

David Goll explained the process.

Rick Cox moved to table the meeting/hearing until later tonight. Roger Digel-Barrett seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Claudette VanDyne, yes, and Roger Digel-Barrett, yes.

David Goll re-opened the adjudicatory hearing at approximately 8:15 p.m. for variance VA09-01 for 839 Pike Street, Etna submitted by Matthew Bauer and Dustin Rhoades. David Goll swore in Dustin Rhoades of 839 Pike Street, Matthew Bauer of 2913 Scottwood Road, and Chris Harkness.

Chris Harkness provided a case overview. The original Zoning Permit applied for on June 17, 2009. (Addition located within front yard setback). Applicant re-applied for permit on July 2, 2009 and obtained permit with addition located in side yard. (Permit #4449) On July 8, 2009: Applicant and Property Owner came to Town Hall and explained the problems/situations they had incurred and applied for a Variance the next day (July 9, 2009). Existing Land Use and Zoning: Single-Family Residential; RS (Single-Family Residential District) Surrounding Land Use and Zoning: North: Single-Family Residential; RS (Single-Family Residential) South: Single-Family Residential; RS (Single-Family Residential) East: Single-Family Residential; RS (Single-Family Residential) West: Single-Family Residential; LB (Local Business) Proposed Structure: 216 sq. ft. (18' x 12') addition to single-family dwelling. Variance Information: RS District (Within Etna Proper) requires a min. of 15' for front yard setback. Proposed location has the proposed addition only 2.5' from property line and 12.5' within the required front yard setback. Addition would be even/flush with existing porch (Permit #0224). Pike Street road right-of-way is 82.5'; most township roads are 60' or 66'; The road right-of-way was never decreased from National Road designation. Applicants attempted to comply with zoning code; location would require a relocation of gas and electric lines at a cost of \$3350 alone.

Staff recommends that the Board of Zoning Appeals approve the requested variance because the standards for a variance can be met.

Dustin Rhoades agrees with the presentation made by Chris Harkness.

David Goll swore in Paul George 6877 Palmer Road stated Pike Street is now a township road and most roads in the township are 66 feet wide.

Rick Cox moved to close the hearing at 8:35 p.m. Claudette VanDyne seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Claudette VanDyne, yes, and Roger Digel-Barrett, yes.

Claudette VanDyne moved to approve case VA-09-01 based on Section 513: the applicant encountered practical difficulties in the use of his property. Rick Cox seconded. Roll call: Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Claudette VanDyne, yes; and Roger Digel-Barrett, yes.

Rick Cox moved to close the public hearing at 8:37 p.m. Claudette VanDyne seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Claudette VanDyne, yes; and Roger Digel-Barrett, yes.

Approved as read

Aug. 25, 2009

Laura Brown
Laura Brown, Clerk

Approved as corrected/amended

David Goll
David Goll, Chairman

Mailed the final order.

RECORD OF PROCEEDINGS

Minutes of

Etna Township Board of Zoning Appeals

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held July 28th, 19 2009

ADJUDICATORY HEARING

The adjudicatory hearing was called to order by Chairman Goll at 6:05 p.m. on July 28th, 2009 at the Etna Township Community Center. The meeting was recorded for township records. Michele Weber, Rick Cox, David Goll, Claudette VanDyne, Roger Digel-Barrett and clerk Laura Brown were present.

The purpose of the hearing was to consider conditional use CU09-02 for 10991 National Road submitted by Nate Jones. Joseph Mercurio owns the property. The nature of the conditional use permit is to allow for a U-Haul Dealership on the property.

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. Nate Jones of 5439 Beaver Run, Ronald Cooper U-Haul Area Field Manager, Cheryl Wood of 4279 Colby Ave, and Chris Harkness were sworn in. The applicant Nate Jones explained that he wants to operate the U-Haul Dealership along with Hopper Electronics.

Chris Harkness provided an overview of the case. The applicant, Nate Jones, began the U-Haul business before obtaining the appropriate permits from Etna Township. Therefore, a zoning violation letter was given to the applicant on June 22, 2009 for the operation of a business use without a Certificate of Occupancy. It was explained to the applicant that the U-Haul business would be considered "Fleet Storage" within the General Business district and that "Fleet Storage" was a Conditional Use within that district. The applicant followed up and applied for a Conditional Use permit on July 6, 2009. The applicant has been allowed to continue operation of the U-Haul business in the meantime until a final decision is made by the Etna Township Board of Zoning Appeals (July 28, 2009). The Existing Land Use and Zoning: The western side used for commercial business; eastern side is vacant. The property is Zoned GB-1 (General Business). The surrounding Land Use and Zoning: North: Commercial Strip Center; PUD-Commercial zoned (Cumberland Trail PUD) South: Single-Family Residential; PUD-Residential zoned (Orchard Glen PUD). East: Single-Family Residential; PUD-residential (Orchard Glen PUD) West: Commercial Business (Maverick Motors & Old School Gym); GB-1 zoned (General Business). The Proposed Use: Fleet Storage (U-Haul Dealership): U-Haul Dealership for rental and sales of U-Haul trucks and trailers (Applicant has requested up to 15 vehicles for storage on property). The location: Great location for proposed use: On U.S. 40; close to S.R. 310 & I-70. Close to Cumberland Links Apartment Complex & Pebble Creek Condominiums and several other single-family developments. Proposed Site: Plenty of space for expansion; not enough space for 15 U-Haul vehicles; Plenty of customer parking spaces; and existing storage area screened well from Residential areas.

The staff recommends that the Board of Zoning Appeals approve the requested Conditional Use with the following conditions concerning the use and future use of the facility. 1.) A maximum of 6 U-Haul vehicles (Trucks and Trailers) will be stored on the property and only in the location indicated on the site plan (east of the existing building). 2.) All Trucks and Trailers shall be parked on the pavement and not in the grassed areas. 3.) The applicant may expand the number of vehicles stored to 15 (Trucks and Trailers) if the storage area is expanded to the east of the existing area (Expansion Map). If the applicant expands the parking area, the area shall be paved and screened on the south and east sides. The screening shall provide 70% opacity within 3 years of planting from 0' - 6' from grade. The screening material may be comprised of any combination of trees, shrubs, fencing, or walls.

Roger Digel-Barrett asked if the screen could be a groundcover growing on a fence. Chris Harkness felt this would be acceptable. Roger stated the trees will drop leaves in the winter. Chris stated there is a 70% opacity requirement.

Cheryl Wood stated that they are currently using the area that was shown in orange. There is customer parking available on either side of the sign. The business turns over the U-Hauls trucks, the stock is constantly changing. They do not ever park in the grass. Most of the business is done over the internet.

Ron Cooper stated the trucks are there on a rotating basis. The trucks are not repaired at this location.

They offer trucks/trailers in four sizes 26 foot, 17 foot, 14 foot and 10 foot.

The sign in the front lights up, there are canopy lights on the overhang, one security vapor light. There are no lights going to the south of the property.

They will only be using the one sign.

If they would chose to expand it would be at their expense to pave the parking area.

The resident that lives on the property does not have any issues with this use.

RECORD OF PROCEEDINGS

Minutes of

Etna Township Board of Zoning Appeals

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held July 28th, 19 2009

David Goll swore in Michelle Douridas of 10 Orchard Glen Drive. She has concerns with the parking for two businesses, buffering around the trucks, and concerns with the traffic.

A discussion regarding how many trucks could be parked in the area where they are currently parking vehicles. Ron Copper stated they could store ten vehicles in this area now. Chris Harkness stated there is adequate parking for this building. Chris suggested limiting them to the orange area for the storage and not a set number.

The board discussed the buffering that is currently on the property.

David Goll swore in Diana Cunningham of 131 Gala Avenue who has concerns with noise and traffic.

David Goll swore in Shirley Neal of 84 Gala Avenue who has concerns with the age and condition of the building and recommends only 10 trucks be permitted.

Diana Cunningham asked if the fleet storage is based on building size. David Goll said it is not based on the building size.

Ron Cooper stated the trucks are 2007 and newer and the trucks do not make noise when running.

Nate Jones stated the business hours are currently 10:00 a.m. to 8:00 p.m. Monday thru Friday, 10:00 a.m. to 4:00 p.m. on Saturday and closed on Sunday.

Claudette VanDyne moved to close the hearing at 6:47 p.m. Michelle Weber seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Claudette VanDyne, yes, and Roger Digel-Barrett, yes.

This property was general business prior to the subdivision being built. The board discussed buffering requirements.

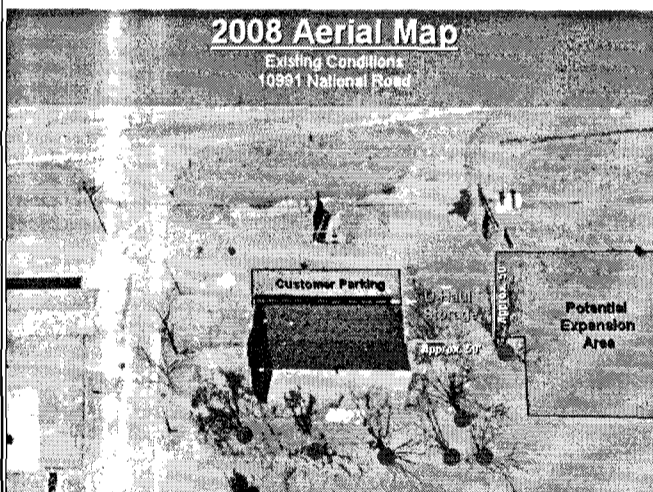


Exhibit 1 – 2008 Aerial Map

Claudette VanDyne moved to approve CU09-02 doing business as Hopper Electronics and U-Haul International with the following conditions: That as many as can fit on the existing paved parking lot in Exhibit 1, with the orange outlined area. Trucks and trailers stored on that property only in the location east of the existing building. Trucks and trailers parked on pavement only and not in grass areas. If applicant expands they are to file for an additional conditional use and bring it to the Board of Zoning Appeals. There will be a 72 hours clause that if any vehicles are parked outside the orange area that they be remove with 72 hours clause. Rick Cox seconded. Roll call: Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Claudette VanDyne, yes; and Roger Digel-Barrett, yes.

Rick Cox moved to close the public hearing at 7:02 p.m. Claudette VanDyne seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Claudette VanDyne, yes and Roger Digel-Barrett, yes.

Approved as read Aug 25, 2009

Laura Brown
Laura Brown, Clerk

Approved as corrected/amended _____

David W. Goll
David Goll, Chairman

Exhibit #1

10991 National Road
Fleet Storage (U-Haul Company)



Customer Parking

U-Haul
Storage

Approx. 50'

Approx. 50'

RECORD OF PROCEEDINGS

Minutes of

Etna Township Board of Zoning Appeals

Meeting

DAYTON LEGAL BLANK CO. FORM NO 10148

Held

July 28th,

19 2009

The public hearing was called to order by Chairman Goll at 7:04 p.m. on July 28th, 2009 at the Etna Township Community Center. The meeting was recorded for township records. Michele Weber, Rick Cox, David Goll, Claudette VanDyne, Roger Digel-Barrett and clerk Laura Brown were present.

The purpose of the hearing was to consider conditional use CU09-03, 10991 National Road, submitted by Teri Paxson. Joseph Mercurio owns the property. The nature of the conditional use permit is to allow for skilled based amusement game room for individuals 18 and older. Machines are electronic video in nature and merchandise prizes will be awarded.

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. Teri Paxson of 12629 Marne Road and Chris Harkness were sworn in.

David Goll stated that in regards to skilled games the Board of Zoning Appeals will base their decision on whether it will fit the conditional use and not whether skilled games are legal or not legal. The board members are not attorneys.

Teri Paxson of 12629 Marne Road, Newark explained that she is requesting to use part of the Mercurio building.

Chris Harkness presented an overview of the case. The Existing Land Use and Zoning: The western side used for commercial business; eastern side is vacant. The property is Zoned GB-1 (General Business). The surrounding Land Use and Zoning: North: Commercial Strip Center; PUD-Commercial zoned (Cumberland Trail PUD) South: Single-Family Residential; PUD-Residential zoned (Orchard Glen PUD). East: Single-Family Residential; PUD-residential (Orchard Glen PUD) West: Commercial Business (Maverick Motors & Old School Gym); GB-1 zoned (General Business). Proposed Use: Coin Operated Amusement Devices (Skilled Games): Located more than 1500 feet from nearest schools and religious buildings. Skill Based Amusement game room for individuals 18 years old and older with electronic video machines and merchandise prizes. Proposed Site: Plenty of space for customer parking; Good transportation access; Use is located entirely inside existing building. Staff recommends that the Board of Zoning Appeals approve the requested Conditional Use.

Teri Paxson stated she has three other skilled game locations. She submitted two pictures of the building.

Exhibit 1 – Picture of the back portion of the building.

Exhibit 2 – Picture of the roof needing repair.

Teri Paxson presented the Board pictures of some of the games and explained the games. They are games of skill. Teri presented a picture of Shirley Nixon and discussed the social activity. Teri provides them with food and drinks (soda pop and coffee).

Exhibit 3 – Picture of Shirley Nixon

Exhibit 4 – Newspaper Advertisement regarding Heath Council – Picture of Gladys William

Teri feels she is an asset to the community and serves the public. Teri is planning on starting the business with 24 machines/games. On a Friday night if she is lucky she will have fifteen cars. The anticipated hours are 11:00 a.m. to 11:00 p.m. Monday – Thursday, 11:00 to Midnight Friday and Saturday and 12:00 p.m. – 8:00 p.m. on Sunday. There will be one attendant to make change. Teri is open on holidays and closed Christmas and sometimes closes on Easter and 4th of July.

Teri Paxton will also be adding lights on the west side of the building for the safety of the patrons.

David Goll swore in James Neil of 84 Gala Avenue who has concerns with parking for a third business on the property. Chris Harkness stated it meets the Zoning Resolution requirement for parking. Chris feels with the use of the CB shop and U-Haul dealership there will be enough parking.

David Goll swore in Paul Ross of 358 Green Apple Place who has concerns with the building and safety. He discussed firewalls and emergency exits. David Goll explained this is not the Board of Zoning Appeals responsibility. Teri Paxton stated she is installing a fire door for safety.

Chris Harkness explained that the Licking County Building Codes and West Licking Fire District will review this business prior to the business being permitted to open.

RECORD OF PROCEEDINGS

Minutes of

Etna Township Board of Zoning Appeals

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1014R

Held

July 28th,

2009

David Goll swore in Cheryl Wood of 4279 Colby, Columbus. She explained that Hopper Electronics had to have the business inspected prior to opening the building. Cheryl explained their business is people dropping off and picking up. They do not remain at the business. She stated there is plenty of parking.

David Goll swore in Tonya Dollison of 36 Gala who is concerned with the lighting, alcoholic beverages, and clientele. Teri stated there are no alcoholic beverages, her clientele are 75% retired and the other 25% are from 25 to 90. The lighting will not affect the other properties and will shine on the parking lot.

David Goll swore in Michelle Douridas of 10 Orchard Glen who has concerns with patrons that have been drinking, concerns with the hours, and how many games will be permitted.

Teri Paxson stated the building would hold a maximum of 40 machines and 24 machines would fit comfortably. She does not foresee having more than 24 machines at one time. She can switch the computer board out of the cabinet to change the game. She will only have 24 cabinets.

Roger Digel-Barrett asked if the sheriff has ever been called. Teri stated her staff is trained to call the sheriff and not take the law into their own hands. She stated they have not really had any problems.

Michelle Douridas asked how they advertise to build their business. Teri Paxson explained the new guest pass to build their business.

Exhibit 5 – New Guest Pass/Players Choice Coupon

Chris Harkness stated the CB/U-Haul and the Skilled Games will take up the entire building.

James Neil understands this is zoned commercial and has concerns with this type of commercial business.

Rick Cox moved to close the public hearing at 7:59 p.m. Claudette VanDyne seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Claudette VanDyne, yes and Roger Digel-Barrett, yes.

Teri Paxson stated she is planning on calling this business Press Ur Luck.

Rick Cox moved to approve the conditional use application number CU-09-03 for 10991 National Road with the conditions that the conditional use is attached to the business operated by Miss Teri Paxson: if she fails to operate the business for six months as a skilled game operation, then it would void the conditional use. If she should happen to sell the business the new applicant would need an additional conditional use. The conditional use is attached to Miss Teri Paxson. Claudette VanDyne seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Claudette VanDyne, yes and Roger Digel-Barrett, yes.

All of the Exhibits 1-5 were entered into the record.

Rick Cox moved to close the hearing at 8:05 p.m. Roger Digel-Barrett seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Claudette VanDyne, yes and Roger Digel-Barrett, yes.

Approved as read Aug 25, 2009

Approved as corrected/amended _____

Laura Brown
Laura Brown, Clerk

David Goll
David Goll, Chairman

RECORD OF PROCEEDINGS

Minutes of

Etna Township Board of Zoning Appeals

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held

July 28th,

19 2009

The public hearing was called to order by Chairman Goll at 8:40 p.m. on July 28th, 2009 at the Etna Township Community Center. The meeting was recorded for township records. Michele Weber, Rick Cox, David Goll, Claudette VanDyne, Roger Digel-Barrett and clerk Laura Brown were present.

The purpose of the hearing was to approve the minutes from the June 9th, 2009 hearing.

Roger Digel-Barrett moved to waive the public reading and to approve the minutes from the June 9th, 2009 for CU-09-01 for Clinton Clark and Aaron Banish and approve the final order. Michelle Weber seconded. Roll Call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Claudette VanDyne, yes and Roger Digel-Barrett, abstain. Motion passed 4 yes and 1 abstain.

Rick Cox moved to close the public hearing at 8:41 p.m. Claudette VanDyne seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Claudette VanDyne, yes; and Roger Digel-Barrett, yes.

Approved as read Aug 15, 2009

Approved as corrected/amended _____

Laura Brown
Laura Brown, Clerk

David H. Goll
David Goll, Chairman