

Held

August 25th,

2009

ADJUDICATORY HEARING

The adjudicatory hearing was called to order by Chairman Goll at 6:15 p.m. on August 25th, 2009 at the Etna Township Community Center. The meeting was recorded for township records. Michele Weber, Rick Cox, David Goll, Cheri Rogers, Claudette VanDyne, and clerk Laura Brown were present.

The purpose of the hearing was to consider a variance VA09-02 for 12897 National Road (parcel #01002586000000) submitted by Jason Deskins. The nature of the variance was to decrease the accessory structure setback requirement from 5' to 2'.

David 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. The applicant Jason Deskins and Chris Harkness were sworn in.

Chris Harkness provided a case overview. The applicant received Zoning Permit #4366 on February 5, 2009 for a Drive-Thru building with concrete parking and drive-thru areas. It was inspected on June 12, 2009; found concrete drive not in conformance with site plan from permit. A temporary C/O was given to applicant to allow for temporary opening of business (drive-thru) operation. The variance was applied for on July 9, 2009. The existing land use and zoning: Commercial; Concrete Business (B & D Concrete); GB-1 (General Business-1 District). The surrounding land use and zoning: North: Commercial (Car Lot); GB-1 (General Business-1 District) South: Interstate 70 East: Commercial (Pataskala Paving); GB-1 (General Business-1 District) West: Vacant; GB-1 (General Business-1 District)

Variance Information: The property in question is somewhat narrow; it is 4.6 acres but only 117' wide, limiting the area for setbacks on the property. The area used as the ingress for the drive-thru business is also the drive used for trucks from B&D Concrete as well as one residential property in the middle of the B&D Concrete property. The applicant believes the few feet that are added are extremely helpful for vehicles to make the turn into the drive-thru building. The concrete drive is in approximately the same location as the previous gravel driveway. The property most affected with this variance is to the west and it currently sits vacant. The concrete drive is sloped toward the middle to catch the rain and there is a basin that catches the water which goes into a storm water system.

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

Jason Deskins of 12897 National Road explained the area on the site plan which is encroaching into the set back.

Claudette VanDyne verified that the property to the west was notified of the variance hearing. Jason Deskins is leasing the property to the east. All the adjacent property owners were notified.

Rick Cox moved to close the public testimony at 6:28 p.m. Claudette VanDyne seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers; and Claudette VanDyne, yes.

Cheri Rogers asked if the concrete was poured in error. Jason Deskins stated they tried to drive a truck through the drive-thru and realized that they needed to change the site plan. He knew Chris would be down to check it and he would need either a variance or to cut the concrete off.

Rick Cox moved to approve the variance request to decrease the accessory structure setback requirement from 5' to 2' for 120' south from the right-of-way along the western property line of 12897 National Road (Parcel # 01002586000000) because the Standards for a Variance in Section 513 can be met. Claudette VanDyne seconded. Roll call on the amended motion: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, yes.

Rick Cox moved to amend the motion to change "60 feet" to "120 feet south from the right-of-way". Claudette VanDyne seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, yes.

Rick Cox moved to close the adjudicatory hearing at 6:44 p.m. Claudette VanDyne seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, yes.

Approved as read Sept 22, 2009

Approved as corrected/amended _____

Laura Brown
Laura Brown, Clerk

David Goll
David Goll, Chairman

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10134

Etna Township Board of Zoning Appeals

Held

August 25th,

2009

The public hearing was called to order by Chairman Goll at 6:00 p.m. on August 25th, 2009 at the Etna Township Community Center. 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 July 28th, 2009 hearings.

Roger Digel-Barrett moved to waive the public reading and to approve the minutes from the July 28th, 2009 for VA09-01 for 839 Pike Street submitted by Matthew Bauer and Dustin Rhoades and approve the final order. Rick Cox seconded. Roll Call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Claudette VanDyne, yes and Roger Digel-Barrett, yes. Motion passed 5-0.

Claudette VanDyne moved to waive the public reading and to approve the minutes from the July 28th, 2009 for CU09-02 for 10991 National Road submitted by Nate Jones and to approve the final order. Rick Cox seconded. Roll Call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Claudette VanDyne, yes and Roger Digel-Barrett, yes. Motion passed 5-0.


Rick Cox moved to waive the public reading and to approve the minutes from the July 28th, 2009 for CU09-03 for 10991 National Road submitted by Teri Paxson and to 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, yes. Motion passed 5-0.

Rick Cox moved to close the public hearing at 6:04 p.m. Michelle Weber seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Claudette VanDyne, yes; and Roger Digel-Barrett, yes.


Approved as read

Sept. 22, 2009

Approved as corrected/amended _____



Laura Brown, Clerk



David Goll, Chairman