

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK CO., FORM NO. 1014P

Held

June 17th,

19²⁰¹⁰

The Etna Township Board of Zoning Appeals met on June 17th, 2010 in the Etna Township Community Center/Administration Building to conduct an adjudicatory hearing. The meeting was audiotaped for the township records. The meeting was called to order at 6:01 p.m. The roll call showed the following members present: Dallas Maynard, Claudette Van Dyne, Cheri Rogers, and Roger Digel-Barrett.

Variance VA10-02

The parcel is located at 181 Humphries (Crum) Drive submitted by Lisa Herbert. The variance is to waive the requirements to pave parking spaces with concrete or asphalt in the boat storage area for Blue Water Marine, LLC. Chairman Rogers explained the process and swore in Chris Harkness, Zoning Administrator and Tim Herbert, Applicant.

Tim Herbert stated they sell and service boats. The business parks around this property use gravel or dirt as their pavement surfaces. He would like to use recycled asphalt for the boat storage and display area. The property abuts the freeway. He stated they have letters from abutting property owners in favor of the recycled asphalt in the parking areas. He would like to use these areas for boat storage in the winter to supplement the seasonal income and avoid laying off employees.

Roger Digel-Barrett asked what the cost of asphalt is currently. Tim stated the prices vary and he could not get an exact price. The crushed asphalt is \$17 or \$18 but he cannot recall if this is a ton or a yard. The process is to remove the topsoil, put down gravel, then the recycled asphalt. The area would be dust free. This material is permeable so water will go through it.

Boats currently on the property are for sale. Blue Water is currently leasing the property with an option to buy. The property is seven acres. The parking areas are 70 x 150 or 200, the display area is 25 x 150, and the other area is 50 x 200. Chris Harkness stated the paving cost with asphalt ranges from \$2 to \$5 a square foot and he roughly estimated \$50,000 – \$80,000 to pave the areas in question.

Claudette Van Dyne discussed the signage and fencing plans with the applicant. Chris Harkness stated that under the bulk storage use the applicant will have to screen the area from the view of neighboring properties. This can be done with fencing or trees.

Cheri Rogers verified with the applicant that the property would have lighting and security cameras. There are no residential properties near this area.

Chris Harkness explained that the easement on the property is a utility easement and building setbacks.

The applicant currently has eight employees.

They plan on storing 50-75, 14 foot to 30 foot long boats with trailers. There would be two rows of storage available. At this time they are not going to store Recreational Vehicles (RV's).

The crushed asphalt will be rolled and compacted if they are permitted to use it for the parking area. There will be 2 inches of gravel and 3 inches of crushed asphalt giving 5 inches of surface.

Cheri Rogers verified that the owner, First Community Bank has been contacted regarding the modifications to the property and the applicant does have documentation regarding this.

Zoning Administrator Chris Harkness provided an overview of the application. This would not be out of conformance with other properties on Humphries Drive. This would achieve a dust free surface. This property is highly visible from Interstate 70.

The staff (Zoning Administrator Chris Harkness) recommends that the Board of Zoning Appeals approve the requested variance with the following three conditions: 1. Recycled asphalt only will be used in place of concrete or asphalt pavement. 2. The recycled asphalt surfaces for the display area shall be rolled to give a slightly more smooth appearance. 3. Any applicable utility companies are consulted before the display area is created and letters of permission are filed with the township to be kept in the applicant's variance file.

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Dallas Maynard verified that the other properties on Humphries Drive have never been paved. He was concerned that if this variance were granted a precedent would be set for the other properties in this area. The objective is to eliminate dust, ruts, and mud holes in parking areas. Chris Harkness explained this is a bulk storage and will not be driven on regularly like a parking area. Most of the lots in Humphries Commerce Center are already developed and they have non-conforming grandfathered uses in their parking areas. Recycled asphalt is a dust free material and becomes a hard surface when rolled.

Roger Digel-Barrett moved to close the testimony portion of the public hearing. Claudette Van Dyne seconded. Roll call: Dallas Maynard, yes; Cheri Rogers, yes; Claudette Van Dyne, yes; and Roger Digel-Barrett, yes; the motion passed 4-0.

Roger Digel-Barrett is in favor of surfaces that are permeable for water runoff and discussed the aquifer in this area.

Claudette Van Dyne moved to approve VA10-02 under Section 513 with the stipulations and requirements under Section 514. 1. That recycled asphalt and gravel base only be used in place of concrete or asphalt pavement. The recycled asphalt surfaces for all areas shall be rolled to give a slightly more smooth appearance. 2. Any applicable utility companies are consulted before the display area is created and letters of permission are filed with the township to be kept in the applicant's variance file. 3. That all copies of approval letters from owners and neighboring properties be filed with our zoning department. 4. Once the recycled asphalt is down that fencing go around all sides of the storage area where the boats are to be stored so that they would not be visible to neighboring properties.

Roger Digel-Barrett discussed the fencing requirement and the height requirement for a fence to block the height of a large boat.

Claudette Van Dyne amended the motion in reference to the fencing so that they comply with the Zoning Resolution for the M1 District. Roger Digel-Barrett seconded the motion. Roll call: Dallas Maynard, yes; Cheri Rogers, yes; Claudette Van Dyne, yes; and Roger Digel-Barrett, yes; the motion passed 4-0.

Claudette Van Dyne moved to close the adjudicatory hearing at 6:48 p.m. Roger Digel-Barrett seconded the motion. Roll call: Dallas Maynard, yes; Cheri Rogers, yes; Claudette Van Dyne, yes; and Roger Digel-Barrett, yes; the motion passed 4-0.

Approved as read 7-27-10

Laura Brown
Laura Brown, Clerk

Approved as corrected/Amended _____

Cheri Rogers
Cheri Rogers, Chairman

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Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK CO., FORM NO. 1014R

Held June 17th, 2010
19

The Etna Township Board of Zoning Appeals met on June 17th, 2010 in the Etna Township Community Center/Administration Building to hold a regular meeting. The meeting was audiotaped for the township records. The meeting was called to order at 6:50 p.m. The roll call showed the following members present: Dallas Maynard, Claudette Van Dyne, Cheri Rogers, and Roger Digel-Barrett.

Roger Digel-Barrett moved to waive the public reading and approve the minutes from the April 27th, 2010 adjudicatory hearing with modifications. Claudette VanDyne seconded the motion. Roll call: Dallas Maynard, yes; Cheri Rogers, yes; Claudette VanDyne, yes; and Roger Digel-Barrett, yes; the motion passed 4-0.

Claudette VanDyne moved to waive the public reading and approve the minutes from the May 10th, 2010 special meeting. Dallas Maynard seconded the motion. Roll call: Dallas Maynard, yes; Claudette Van Dyne, yes; Cheri Rogers, yes; and Roger Digel-Barrett, abstain; the motion passed 3 yes and 1 abstention.

Roger Digel-Barrett moved to waive the public reading and approve the minutes from the May 17th, 2010 adjudicatory hearing with modifications. Claudette VanDyne seconded the motion. Roll call: Dallas Maynard, yes; Claudette Van Dyne, yes; Cheri Rogers, yes; and Roger Digel-Barrett, yes. The motion passed 4-0.

Cheri Rogers moved to approve the duties of the Board of Zoning Appeal's Clerk, as understood, for the meeting stipend to be as follows: To attend all Board of Zoning Appeals meetings/hearings and take minutes. Minutes shall be prepared for the Board of Zoning Appeal's approval and shall be completed on the Clerk's own time and will be compensated out of the annual budget for the Board of Zoning Appeals. Any and all other tasks that the Clerk for the Board of Zoning Appeals needs to complete may be completed under the umbrella as the Secretary to the Board of Trustees and at the discretion of the Secretary's supervisor. These tasks are, and not limited to, the following: Preparing agendas, posting agendas on the township website, posting minutes on the township website, preparing mailing lists, sending notifications to residents for hearings, sending notifications to all Board members of coming hearings/meetings, notifying the media of coming hearings/meetings and the cancellation of such hearings/meetings, updating and distributing BZA welcome packet, general office duties as needed, printing typed meeting/hearing minutes and final orders using Township equipment/supplies. The motion was seconded by Claudette VanDyne. Roll call: Dallas Maynard, no; Claudette VanDyne, yes; Cheri Rogers, yes; and Roger Digel-Barrett, yes; the motion passed 3-1. Dallas Maynard did not review the motion prior to the meeting.

Cheri Rogers moved to authorize that Laura Brown, Clerk for the Board of Zoning Appeals, may contact the Licking County Prosecutor's Office for administrative purposes only. Roger Digel-Barrett seconded the motion. Roll call: Dallas Maynard, yes; Cheri Rogers, yes; Claudette VanDyne, yes; and Roger Digel-Barrett, yes; the motion passed 4-0.

Cheri Rogers stated that from this point forward the Board of Zoning Appeals no longer needs a super majority to take action, but only a majority of members present. This information has been provided from the Licking County Prosecutor's Office. The text will now read as follows: Section 507 Duties of the Board of Zoning Appeals In exercising its duties, the Board may, as long as such action is in conformity with the terms of this resolution, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the zoning inspector from whom the appeal is taken. A quorum of the Board of the concurring vote of a majority of the Board in attendance shall be necessary to reverse any order, requirement, decision, or determination of the zoning inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this resolution or to effect any variation in the application of this resolution. Cheri Rogers discussed Article 5 and the changes to this article that will be forwarded to the Zoning Commission for adoption.

Roger Digel-Barrett moved to adjourn at 7:06 p.m. Dallas Maynard seconded the motion. Roll call: Dallas Maynard, yes; Cheri Rogers, yes; Claudette VanDyne, yes; and Roger Digel-Barrett, yes; the motion passed 4-0.

Approved as read 7-27-10

Laura Brown

Laura Brown, Clerk

Approved as corrected/Amended _____

Cheri Rogers
Cheri Rogers, Chairman