

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____ April 10th, _____ 20 _____ 2012

The public meeting was called to order by Chairman Cox at 6:06 p.m. on April 10th, 2012, at the Etna Township Administration Building. The roll call showed members Dallas Maynard, Cheri Rogers, Rick Cox, Claudette VanDyne, and Mark Schaff present, along with Clerk Laura Brown.

Chairman Cox discussed the legal opinion that was provided by the Licking County Prosecutor's office.

Dallas Maynard made a statement to the Board of Zoning Appeals and for the record stating "Regarding BZA hearing Board of Zoning Appeals to whit Variance Application VA12-01 submitted by Victory Baptist Church of Etna, OH. Having been as a member of the Victory Baptist Church, involved in the past in discussions regarding additional classroom facilities as has been described in the variance request VA12-01 and having more than a passing interest in the outcome of these proceedings and therefore in order to eliminate any perceived conflict of interest on my part, I hereby recuse myself from participation and disposition of any and all matters involved with said variance request." Dallas Maynard removed himself from the board at this time.

Rick Cox stated a four member board provides a quorum. He explained what would happen if there is a tie vote this evening. Mark Plaugher and Michael Lunsford representing the Victory Baptist Church wished to proceed with the four member board.

Mark Schaff provided a comment for the record regarding the decision to seat fellow member Dallas Maynard contrary to the opinion rendered by the Licking County Prosecuting Attorney's Office. "We have before us the memo dated April 10th, 2012 at 4:17 p.m. by email. This was the first time that I had the chance to read the full detailed memo. I believe the chair erred in seating Dallas and then allowing him to recuse himself. I request the minutes to state that prior to starting the meeting I requested that Dallas not be seated for an obvious conflict of interest. Henceforth, we should follow the advice of the Prosecuting Attorney's Office on all legal procedural matters; unless we have strong countervailing evidence and recommendations from a noted legal authority. With all due respect to the chair, I believe your procedural decisions were in error in this case."

Rick Cox asked Mark Schaff if he really meant "With all due respect".

Rick Cox apologized that this happened and stated "This came in minutes before the meeting. I like to give every member of our board an opportunity to state their decision. I have worked with Mr. Maynard for years and if I know anything about Mr. Maynard when he is on this board and if it was against his mother, and its right to go against his mother, he would vote against his mother. Dallas has the most objective zoning opinions in this township in my personal opinion and I think that Dallas Maynard could have sat on this board objectively as a Board of Zoning Appeals Member and made the right decision whether he recused himself of not. I would like to say that I would also extend the same courtesy to Mr. Schaff should it had been his church or his, anything that would have given him an opportunity. I do not want to tell Mr. Schaff when he has a conflict of interest or not I want it to come from the member himself. I think that is fair and I would offer this to any member of the board."

Mark Schaff stated "My remarks are strictly limited to legal procedures as articulated by the Prosecuting Attorney's Office. Your opening remarks regarding my phrasing of due respect and your remarks to personalize this regarding Dallas Maynard's character are not only out of place, they are also irrelevant to the debate."

Rick Cox moved to close the public meeting at 6:16 p.m. The motion was seconded by Cheri Rogers and passed unanimously.

Approved as read _____

Approved as corrected/amended 4-24-12



Laura Brown, Clerk



Rick Cox, Chairman

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

April 10th,

20

2012

The adjudicatory hearing was called to order by Chairman Cox at 6:17 p.m. on April 10th, 2012, at the Etna Township Administration Building. The roll call showed members Cheri Rogers, Rick Cox, Claudette VanDyne, and Mark Schaff present, along with Clerk Laura Brown.

The hearing is to consider a Use Variance (VA-12-01) from Section 407 for the property located at 9564 Hazelton-Etna Road submitted by Michael Lunsford, Trustee and Reverend Mark Plaughter, of the Victory Baptist Church. The nature of the Use Variance is to allow for expansion of a non-conforming use by erecting an industrialized unit.

Chairman Cox explained the process of the hearing. Michael Lunsford and Mark Plaughter representing Victory Baptist Church along with Chris Harkness, Zoning Administrator were sworn in.

Chris Harkness presented a written staff report. The proposal was refused because the use at the property is a non-conforming use and therefore, the use is not permitted to expand or to construct a new building related to that non-conforming use according to Section 407.

Chris Harkness reviewed Section 514 Supplementary Conditions and Safeguards along with Section 407 Non-Conforming Uses of Structures or of Structures and Land in Combination from the Zoning Resolution.

The applicant is seeking a Use Variance to allow for the expansion of a legal non-conforming use (Religious Organization) by adding a 14'x52' industrialized unit for extra classroom space.

Chris Harkness reviewed Section 513.B Use Variance Standards from the Zoning Resolution.

The staff recommends that the Board of Zoning Appeals approve the requested use variance, because the standards for 'unnecessary hardship' (Section 513.B) have been met.

Claudette VanDyne asked if there will be restrooms in the building. The restrooms will be in the church. The building will have a roofed area attached from the modular to the church to walk under.

Michael Lunsford discussed the crowding and need for the room for Sunday school. The church has used all the current space the church has available. He feels this is a benefit to the community.

Reverend Mark Plaughter outlined the churches' desires in the application.

Cheri Rogers moved to close the public testimony portion of the hearing at 6:35 p.m. Claudette VanDyne seconded the motion. Roll call: Cheri Rogers, yes; Rick Cox, yes; Claudette VanDyne, yes; and Mark Schaff, yes; the motion passed 4-0.

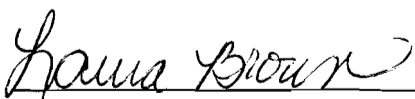
Claudette VanDyne moved to approve VA-12-01 for a Use Variance based on Section 513.B, that they have met all of the requirements in that section for this variance. This is for Victory Baptist Church located at 9564 Hazelton-Etna Road parcel #010-016670-00.000. Mark Schaff seconded the motion. Discussion: The board verified the use is for a church or religious facility. Roll call: Cheri Rogers, yes; Rick Cox, yes; Claudette VanDyne, yes; and Mark Schaff, yes; the motion passed 4-0.

The variance was approved.

Cheri Rogers moved to close the adjudicatory hearing at 6:40 p.m. The motion was seconded by Claudette VanDyne and passed unanimously.

Approved as read _____

Approved as corrected/amended 4-24-12



Laura Brown, Clerk



Rick Cox, Chairman

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Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held April 10th, 20 2012

The public meeting was called to order by Chairman Cox at 6:42 p.m. on April 10th, 2012, at the Etna Township Administration Building. The roll call showed members Cheri Rogers, Rick Cox, Claudette VanDyne, and Mark Schaff present, along with Clerk Laura Brown.

Cheri Rogers moved to approve the minutes from the organizational meeting on January 24th, 2012 and to waive the public reading. The motion was seconded by Claudette VanDyne. Roll call: Cheri Rogers, yes; Rick Cox, yes; Claudette VanDyne, yes; and Mark Schaff, yes; the motion passed 4-0.

Mark Schaff discussed the process of notifying Board members of opinions from the Prosecutor's Office. Mark Schaff would like the electronic communications from the Prosecutor's Office be shared immediately. Within two hours of the meeting this evening the Board of Zoning Appeals received information. In the future, Chairman Rick Cox will forward communications immediately to all of the members. The clerk will still send the communications to the chair to review and forward onto the board members. This was an unusual case this evening. In the future the Chairman will send an email immediately; and, typically, we have days prior to review. The clerk offered to call the board members to check their emails.

After discussion the majority of the board agreed to leave the process the same. The clerk will forward information to the Chairman, who will review and then forward to the Board Members.

The Board of Zoning Appeals discussed the procedures from the hearing tonight in regards to the recommendation from the Licking County Prosecutor's office. They discussed when a member is seated, explained the process of multiple hearings, when there is a conflict of interest, and whether an alternate is considered a member. The Board discussed whether the chairman has the power to not seat a member or alternate with a conflict of interest.

Mark Schaff moved to close the public meeting at 7:15 p.m. The motion was seconded by Cheri Rogers and passed unanimously.

Approved as read _____

Approved as corrected/amended 4-24-12

Laura Brown

Laura Brown, Clerk

Rick Cox

Rick Cox, Chairman