

RECORD OF PROCEEDINGS

Minutes of

Etna Township Board of Zoning Appeals

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

September 29,

2015

Held

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CU-15-02

The hearing was called to order by Chairman Cox at 6:30 p.m. on September 29, 2015 at the Etna Township Administration Building. The roll call showed members Kathy Johnston, Trent Stepp, Rick Cox, Claudette VanDyne, and Mark Schaff present, along with Clerk Laura Brown.

The nature of Conditional Use CU-15-02 is for religious organizations (NAICS Code 813110) submitted by the Full Gospel Sons Church of God for 159 Cedar Park Blvd.

Chairman Cox explained the process of the hearing. The applicant Jim Dorenbusch with Junction Architecture & Design and Connie Klema were sworn in along with Township Administrator Rob Platte, Leroy Wilburn, Gary Jenkins, Steve Dougherty, Eric Pratt, Marcus Narajo, Mike Compton, Desiree Stewart, Kandy Staten, Tomi McKay Perry, Patti Horetski, John Antritt, and Dorrece Tanawat.

Rob Platt explained that procedurally, at the advice of the Licking County Prosecutors' office, the Board of Zoning Appeals will need to determine if there have been changes in circumstances to permit the new conditional use application. The applicant has reduced the size of the facility and number of occupants.

Connie Klema, representing the applicant, presented the following changes: The previous application was for an addition of 8,793 square feet to the existing structure with the new application being 7,110 square feet for a reduction of 1,683 square feet. The afternoon of the hearing the applicant revised the application to 6,850 square feet for a reduction of 1,943 square feet. The previous application was for a three hundred seat sanctuary and the new application has a reduction of ninety-four seats to two hundred and six seats. The afternoon of the hearing the applicant revised the application to one hundred and eighty reducing this to one hundred and twenty seats. The applicant also has recorded easements for the walkway from the parking area to the building. The easements were submitted for the record.

Mark Schaff requested Rob Platte provide his opinion on whether this is a change in circumstance. Rob Platte stated they have provided a twenty-five percent decrease in building size and reduction in seating and believes this is a change in circumstance.

Chairman Cox explained a motion needs to be made that there has been enough of a change to continue on with the Conditional Use hearing.

Mark Schaff moved that there has been enough of a change to continue with the deliberation by review, specifically and correctly. The motion was seconded by Kathy Johnston passed by unanimous affirmative vote.

Township Administrator Rob Platte provided an overview of Conditional Use CU-15-02 submitted by applicant Jim Dorenbusch for the Full Gospel Sons Church of God. The applicant did submit a new drawing which is in the presentation but not in the board members packets. The property file shows a permit was issued for a 24' x 44' (1056 square feet) addition to an existing residence in 1979. That addition has since become used as a church facility. Pictures from the property file show the church facility seating approximately fifty six. A Certificate of Occupancy is not on file for the church use. Prior to a 2010 zoning text amendment, the use was listed as permitted. As a result of the text amendment, the use is listed as a Conditionally Permitted Use. The proposed use is for a traditional church facility. Per the application, the proposed building would include a sanctuary, classrooms, offices, restrooms, and storage, with a total square footage of 7,110 with 3,340 square feet being used as the sanctuary. The sanctuary seating capacity on the proposal is two hundred and six people. The current zoning requirements for parking spaces for a church use are one parking space per three seats and a minimum of ten spaces per classroom building requiring seventy-nine parking spaces. The new site plan submitted would change the Staff Report that was submitted.

In addition to the 7,110 square foot addition, two handicapped accessible parking spaces are proposed at the east side of the property and one at the west. Four standard parking spaces are also proposed at the west side of the property. Off-site parking currently exists and is proposed to allow for a total of fifty parking spaces. The access from the off-site parking to the current facility is via privately owned property. Previous discussion with the applicant and the property owners have indicated that easements are in place. Sidewalks do not exist in the Mayflower subdivision, nor are they included in the proposed site plan. An overhead canopy is proposed at the northeast corner of the addition to allow for pick-up and drop off of attendees. Discussions with the applicant revealed that traffic flow is proposed as an entrance from Cedar Park Blvd with an exit onto Third Ave.

Held

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There are no water detention areas proposed on the property yet. However, after the site undergoes Preliminary Development Plan Review through Licking County, the applicant may need to provide a water detention area. This is likely to occur in the northeast corner of the property, as the storm water outlet is located there. The new site plan has a water detention area.

Staff recommends denial of the Conditional Use as proposed, but recommends approval based on considerations listed in the Conclusion/Summary of the Staff Report. Section 523 of the Zoning Resolution should be used to guide the Board in any approval decision.

Rob Platte projected the new site plan for the board to review.

Trent Stepp had Rob Platte clarify how the staff determined the ten seats required for classroom. Rob Platte used the chart for "Kindergartens, Child Care Centers, Nursery Schools, and Similar Uses" in the current Article 11 regulations. The application shows classrooms so Rob Platte was going by the possible uses.

Connie Klema represented the applicant. The subdivision has numerous lots per households. The church represents ten of the lots plus the parking lot having four lots. If these lots were developed as residential there would be more square footage on the lots. The Zoning Resolution requires one parking space per three seats and does not require ten per classroom. Connie Klema stated that building codes go by the sanctuary requirements. The reduction in the size of the building was to comply with the parking requirements so the church would not need a parking variance. The new application has parallel parking. Connie Klema discussed the access points. The proposal is for off street access.

Connie Klema presented the two easement agreements for the record and they will be Exhibit One.

Connie Klema discussed the traffic study. This is minimal compared to subdivision traffic. Connie Klema discussed the traffic with an Engineer and most traffic studies are based on peak hours. For the record Rob Platte is not educated with an Engineering Degree and his staff report was based on the facts in the application.

A traffic study dated November 24, 2014 was presented for the record from Jobes Henderson as Exhibit Two which basically states that these trips are not large enough to warrant a study to determine if there will be danger.

Connie Klema stated Ohio law states witnesses must testify about relevant facts not their subjective and unsubstantiated opinions; they are not to be listened to. A conditional use hearing is factual evidence.

Rob Platte stated most properties are four lots. Connie Klema explained how she came up with five houses. Rob Platte stated the Licking County Planning Commission determines the need for a traffic study not Jobes Henderson. Mark Schaff clarified the information on the traffic study. Rob Platte based his recommendation for denial largely on the traffic impact and the information submitted by Connie Klema was that the traffic impact would be minimal. Rob Platte did not have any further rebuttal; his recommendation was based on the facts submitted on the application.

Connie Klema verified the latest proposal is for 6,850 square feet of additional space with one hundred and eighty seats requiring sixty parking spots which they now have. Mark Schaff asked Rob Platte if the changes satisfy his concerns on square footage and seats in the sanctuary. Rob Platte stated he recommended considering something lesser and it is for the board to decide. It is much closer to what he was recommending. Trent Stepp stated his interpretation of the Zoning Resolution the 6100 NAICS Codes are educational, a church would fall under the 81 NAICS Codes which would require three spaces per person. The 813110 is the Religious Organizations. Rob Platte goes by what could happen and that is what he was using.

A new site plan was submitted to Rob Platte the evening of the hearing. Connie Klema stated the site plan was modified to work with the township.

Connie Klema discussed what is permitted there without needing a conditional use. Rob Platte stated a larger use would have to go through the Licking County Planning Commission. Licking County Planning Commission did not require a traffic study for the original proposal of 7,000 square feet. Rob Platte asked for the applicant to provide a traffic study which did not happen but the township cannot require it.

Public Testimony

Rick Cox stated this is for evidence only and not an option.

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Steve Dougherty of 124521 National Road stated he has been there since 1990 and the church has been there since 1979 and have been great neighbors. They just want to build there and they consider this holy ground.

Eric Pratt of 44 3rd Ave lives in the development and does not have a problem with this church.

Desiree Stewart of 33 Cedar Park Blvd stated everyone is wonderful.

Gary Jenkins of 29 1st Ave had questions on the walk easements. He has concerns with the subdivision only having one entrance. He mentioned the discussion of a traffic light at the last hearing.

Jim Dorenbusch, applicant, discussed the recommended reduction in square footage in the staff report would not work because of the corridors and some areas do not reduce. There is more circulation space in the plan. Mark Schaff did not expect them to be exact but feels it is significant that they are so close. Mark Schaff does not feel a 4:00 p.m. submittal would give the board enough time to review.

Kandy Staten of 12450 National Road is across from Steve Dougherty. She has lived in her home twenty-nine years and supports this change.

Tomi McKay Perry of 46 Cedar Park Blvd has environmental concerns. She has concerns with construction and noise along with the possibility of added services such as school or daycare. Rick Cox explained some of those are Licking County concerns. She also had concerns with the times of services.

Patti Horetski of 36 7th Avenue had concerns with safety. She was in an accident around that area and has concerns with traffic. She also had concerns with the location of parking. Rick Cox stated the parking was changed to parallel parking in this area and there will be no backing onto the road. Patti Horetski stated during a funeral everyone had to go out 1st Avenue to get out of the subdivision during the service.

Connie Klema stated at this time there will be no service changes and they will continue with the same services on Sunday and Thursday.

Claudette VanDyne asked where the retention pond would be located. Jim Dorenbusch located the pond at the front of the property. The parking lot already has lighting and nothing will change.

The noise issues would be enforced by the Licking County Sheriff.

Rob Platte stated he received the new information at 5:10 p.m. and he has not had a chance to thoroughly review it. He would like to talk with Jobes Henderson about the Traffic Impact Study to verify if the study was done specifically for the church, it might have been what was done for the Etna Park. Rick Cox stated Jobes Henderson was present at the first hearing and he believes the numbers from the church were added into the traffic study they did and not specific to the church.

Mark Schaff is impressed by two items, which are the numbers are much closer to work out an agreement and secondly a lot of information was submitted and he would like time to review the information by asking for a recess. This would give the staff time to review and provide an updated staff review of the latest proposal.

Mark Schaff moved to recess tonight without reaching a decision and come back at a subsequent date to reach a decision when we have the benefit of a new staff report and new staff recommendations based on the latest proposal submitted this afternoon from the Full Gospel Sons Church of God. The motion was seconded by Claudette VanDyne. The roll call was as follows: Kathy Johnston, no; Trent Stepp, no; Rick Cox, no; Claudette VanDyne, yes; and Mark Schaff, yes; the motion failed.

A member of the audience spoke up about concerns with getting out of their subdivision. Rick Cox explained this is the wrong board to answer that question.

Rick Cox feels the information has been provided; it is only a reduction and does not feel it would change the staff report for what he is reading.

Claudette VanDyne feels there has been a lot of new information to digest it along with giving Rob Platte time to review it. The Board of Zoning Appeals has not seen the new site plan. Mark Schaff feels the

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Staff Report both offers approval and denial in the same Staff Report and feels with more time this could be cleared up. Trent Stepp feels the denial was based on parking and that issue was dealt with.

Trent Stepp moved to close the public testimony at 7:50 p.m. The motion was seconded by Kathy Johnston. The roll call was Kathy Johnston, yes; Trent Stepp, yes; Rick Cox, yes; Claudette Van Dyne, yes; and Mark Schaff, yes; motion passed 5-0.

Trent Stepp stated the past concerns were with parking and traffic. His opinion the parking portion has been addressed and the traffic portion would be addressed by a different board. He discussed the traffic impact at his church and feels it is minimal. He is in favor of this application.

Trent Stepp stated if no one has anything additional to say he will make a motion to approve.

Trent Stepp moved to approve the Conditional Use (CU-15-02) application permit for a religious organizations NAICS Code 813110 submitted by Full Gospel Sons Church of God for 159 Cedar Park Blvd. in accordance with Section 523 of the Zoning Resolution. The motion was seconded by Kathy Johnston. The roll call was as follows: Kathy Johnston, yes; Trent Stepp, yes; Rick Cox, yes; Claudette VanDyne, yes; and Mark Schaff, no; the motion passed 4-1.

Claudette VanDyne moved to close the hearing at 7:56 p.m. The motion was seconded by Kathy Johnston and passed by unanimous affirmative vote.



Laura Brown, Clerk



Rick Cox, Chairman



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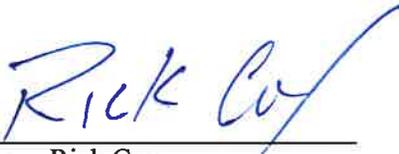
Members: Rick Cox-Trent Stepp-Kathy Johnston-Mark Schaff-Claudette VanDyne
Alternate Member: Cheri Rogers

FINAL ORDER

The Etna Township Board of Zoning Appeals held an adjudicatory hearing on September 29, 2015 at 6:30 p.m. at the Etna Township Administration Building.

The nature of Conditional Use CU-15-02 is for religious organizations (NAICS Code 813110) submitted by the Full Gospel Sons Church of God for 159 Cedar Park Blvd.

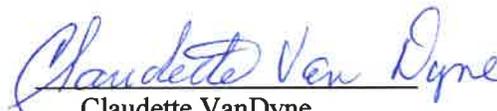
The Board moved to approve the Conditional Use (CU-15-02) application permit for a religious organizations NAICS Code 813110 submitted by Full Gospel Sons Church of God for 159 Cedar Park Blvd. in accordance with Section 523 of the Zoning Resolution.


Rick Cox

Trent Stepp


Kathy Johnston


Mark Schaff


Claudette VanDyne