

DAYTON LEGAL BLANK CO., FORM NO. 10148

Etna Township Board of Zoning Appeals

Held

June 26,

2007

**PUBLIC MEETING**

The public meeting was called to order by Chairman Goll at 6:50 p.m. on June 26, 2007 at the Etna United Methodist Church. The meeting was audio and video taped for township records. Mr. Chew, Mr. Cox, Mr. Goll, Mrs. Rogers, Mrs. VanDyne, and clerk Laura Brown were present.

Cheri Rogers moved to waive the public reading and approve the minutes from May 21, 2007. Roll call: Philip Chew, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, abstain. Passed 4-1.

Rick Cox moved to waive the public reading and approve the minutes from June 5, 2007 along with the final order. Discussion: The board was provided with plans as requested. Roll call: Philip Chew, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, abstain. Passed 4-1.

Cheri Rogers moved to adjourn the meeting. Philip Chew seconded. Roll call:

Approved as read July 24<sup>th</sup>, 2007

Approved as corrected/amended \_\_\_\_\_

Laura Brown  
Laura Brown, Clerk

David Goll  
David Goll, Chairman

Etna Township Board of Zoning Appeals

Held June 26, 2007

**ADJUDICATORY HEARING**

The adjudicatory hearing was called to order by Chairman Goll at 7:01 p.m. on June 26, 2007 at the Etna United Methodist Church. The meeting was audio and video taped for township records. Mr. Chew, Mr. Cox, Mr. Goll, Mrs. Rogers, Mrs. VanDyne, and clerk Laura Brown were present.

The purpose of this hearing is to consider two variances submitted by Meacham and Apel Architects for ProLogis. The variances are for signs in the ProLogis Park 70 located on US Route 40.

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.

Brian Marsh, ProLogis; Nelson Yoder, Meacham and Apel Architects, Eugene Schaffer of 11719 National Road, and Stan Robinson the Etna Township Zoning Inspector were sworn in.

Nelson Yoder with Meacham and Apel Architects presented drawings of the site along with descriptions of the signs. Mr. Yoder explained where the signs would be located. Mr. Yoder stated that when he reviewed the drawings with Dallas Maynard issues were not pointed out at that time regarding the signs.

The pylon sign is 37 feet tall and would be placed by the existing retention pond. This sign will only have ProLogis on the sign. The second pylon sign is located along Interstate 70.

A discussion regarding the pylon sign, monument sign, and signs on the street light poles followed. The sign for Southgate is fifty one feet tall and they obtained a variance.

Stan Robinson verified that ProLogis wanted two pylon signs at thirty seven feet tall. One sign along Interstate 70 and one wall sign for Jeld-wen. David Goll clarified that one variance is for wall signs not to exceed building height and two pylon signs at thirty seven feet tall. The other variance is for the wall sign for Jeld-wen.

It was decided that the blanket variance for the south side would be applied for at another time. The board will hear the variance for the two pylon signs and the sign on the building for the north side this evening. The board is considering one pylon sign for the north side, one pylon sign for the south side and a blanket for the entire site for signs on the building not to exceed the building height. Rick Cox requested ProLogis add text to the plan for the zoning office master plan that is on file. The Board of Zoning Appeals verified what they were asking for in each of the variances. Variance V2007-4 is specific to Jeld-wen. Variance V2007-5 is for the two pylon signs and the entire ProLogis property on the north side regarding signs located on the buildings.

**Public Comments**

Eugene Shaffer of 11719 National Road has concerns with the lighting in the park. Mr. Shaffer stated the variance for the tower sign was supposed to eliminate more signs in the park. The tower sign is for Southgate. He stated he used to be able to go out of his house and see the sky and now all he sees is the lights from the park.

Mrs. Rogers made a motion to close the testimony portion of the adjudicatory hearing and open discussion. Mr. Chew seconded. Roll Call: Philip Chew, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, yes. Passed 5-0.

The board of appeals discussed the location along with the lighting of the signs with Nelson Yoder. The Board discussed the location of the signs and whether they are in the road right-of-way. Mr. Marsh stated the pylon sign is part of the overall picture for ProLogis.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Etna Township Board of Zoning Appeals

Held

June 26,

19 2007

Mr. Cox moved to approve the variance for Jeld-wen variance number V2007-4 not to exceed the wall height. Cheri Rogers seconded. Roll Call: Philip Chew, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, yes. Passed 5-0.

Mr. Cox moved to approve the variance number 2007-5 for the one pylon not to exceed 37 feet on the south side along Interstate 70 (ProLogis 70) and one pylon not to exceed 37 feet on the north side (ProLogis 40) by the retention pond not to exceed thirty seven feet and the building signs not to exceed the wall height on the north side (ProLogis 40). Motion dies due to a lack of a second.

Mrs. Rogers moved to approve variance number 2007-5 for the height of the wall signs not to exceed the height of the wall for north ProLogis and one pylon for ProLogis South side along Interstate 70. Mr. Chew seconded. Discussion: Cheri Rogers stated there is enough signage on the north side that ProLogis does not need the pylon sign. Rick Cox stated he felt with the size of the building the sign would look fine. Brian Marsh stated the sign would go with the esthetics when the landscaping and everything is tied together. If the sign was smaller you would not notice the sign because the buildings are tall. Eugene Schaffer is concerned with the lights. Roll Call: Philip Chew, yes; Rick Cox, no; David Goll, no; Cheri Rogers, yes; and Claudette VanDyne, yes. Failed 3-2.

ProLogis will provide an example of the site with landscaping and elevations.

Mrs. Rogers moved to deliberate off site for a decision to be rendered within thirty days. Mr. Chew seconded. Roll Call: Philip Chew, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, yes. Passed 5-0.

Mr. Chew moved to adjourn the meeting at 8:00 p.m. Mrs. Rogers seconded. Roll Call: Philip Chew, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Claudette VanDyne, yes. Passed 5-0.

Approved as read July 24<sup>th</sup>, 2007

Approved as corrected/amended \_\_\_\_\_

Laura Brown  
Laura Brown, Clerk

David D. Goll  
David Goll, Chairman

*final order mailed 7/26/07*

Held June 26, 2007 19

**ADJUDICATORY HEARING**

The adjudicatory hearing was called to order by Chairman Goll at 8:07 p.m. on June 26, 2007 at the Etna United Methodist Church. The meeting was audio and video taped for township records. Mr. Chew, Mr. Cox, Mr. Goll, Mrs. Rogers, Mrs. VanDyne, and clerk Laura Brown were present.

The purpose of this hearing is to consider an appeal of the zoning inspector's decision regarding a fence on 411 Green Apple Place submitted by James Elswick.

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.

James Elswick of 411 Green Apple Place and Stan Robinson were sworn in.

Mr. Elswick testified that when he applied for a fence permit Stan Robinson explained to him that a corner lot does not have a rear yard. He has two front yards and two side yards. He wants to place a six foot tall fence in his rear yard. He is not in the setbacks.

Claudette VanDyne discussed the graft showing Lot Terms in the front of the zoning resolution. She feels the rear yard starts at the corner of the principle building. The fence is well within the setbacks. Claudette VanDyne stated this is her interpretation of the page explaining Lot Terms.

Stan Robinson stated there is no drawing for a corner lot. The corner lot has two front yards and two side yards. Section 1008 requires the same setbacks as the front yard. Section 1034 requires the fence must not exceed 2 ½ feet in height. The fence meets the setback requirements. Claudette VanDyne stated Section 1008 is for the setbacks only. He is not violating Section 1008 but that section is where Stan determined the property has two front yards.

Philip Chew verified the fence does not impair vision.

Lorna Reddy of 192 Gala Road was sworn in. She is in support of the fence. She stated you need a six foot fence to have an in ground pool and they will be installing a pool.

Rick Cox stated that a plat does have two front yards with a corner lot. Some lots will have three front yards.

Lorna Reddy asked how this could be fixed. Cheri Rogers stated the Zoning Commission would submit the text amendment.

TJ Starkey of 147 Wine Sapp was sworn in. Stated if the fence impaired vision it should be taken in consideration. The parents should be able to watch their children from the house with a fenced in yard. He feels they should be able to fence in their rear yard for the children to be able to play.

Cheri Rogers moved to close the testimony portion of the hearing. Rick Cox seconded. Roll call: Mr. Chew, yes; Mr. Cox, yes; Mr. Goll, yes; Mrs. Rogers, yes; and Mrs. VanDyne, yes.

Claudette VanDyne moved to approve the appeal based on Section 1034 and his diagram. It is not a setback issue he is well within his setback requirements. He is not impeding any vision in reference to Sections 1008, 1009, and 1010. By the description of lot terms of how you determine when a side yard ends and a back

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Etna Township Board of Zoning Appeals

Held

June 26,

12007

yard begins by the permanent structure. He is within the legal right to build a six foot fence based on Section 1034. Cheri Rogers seconded. Roll call: Mr. Chew, yes; Mr. Cox, yes; Mr. Goll, yes; Mrs. Rogers, yes; and Mrs. VanDyne, yes.

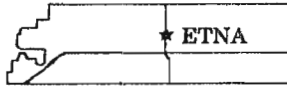
Cheri Rogers moved to adjourn at 8:45 p.m. Claudette VanDyne seconded. Mr. Chew, yes; Mr. Cox, yes; Mr. Goll, yes; Mrs. Rogers, yes; and Mrs. VanDyne, yes.

Approved as read July 24<sup>th</sup>, 2007 Approved as corrected/amended \_\_\_\_\_

Laura Brown  
Laura Brown, Clerk

David Goll  
David Goll, Chairman

*Final order mailed 7/26/07*



Founded in 1833

# Etna Township Board of Zoning Appeals

P.O. Box 188    Township Hall 740/927-7717    Fax 740/927-1699    Etna, Ohio 43018-0188

## FINAL ORDER

The Etna Township Board of Zoning Appeals held an Adjudicatory Hearing on June 26, 2007, at 7:01 p.m. at the Etna United Methodist Church.

The hearing was to consider a variance submitted by Meacham and Apel Architects for ProLogis. The variance is for signs on the Jeld-wen building in the ProLogis Park 70 located on US Route 40.

It is the order of the Etna Township Board of Zoning Appeals that the variance number V2007-4 is approved. The signs are not to exceed the wall height.

Frederick Cox

David Goll

Philip Chew

Cheri Rogers

Claudette VanDyne

ORIGINAL



Founded in 1833

# Etna Township Board of Zoning Appeals

P.O. Box 188    Township Hall 740/927-7717    Fax 740/927-1699    Etna, Ohio 43018-0188


## FINAL ORDER

The Etna Township Board of Zoning Appeals held an Adjudicatory Hearing on June 26, 2007, at 8:07 p.m. at the Etna United Methodist Church.


The hearing was to consider an appeal of the zoning inspector's decision regarding a fence on 411 Green Apple Place submitted by James Elswick.


It is the order of the Etna Township Board of Zoning Appeals that the appeal is approved based on Section 1034 and the lot term diagram. It is not a setback issue he is well within his setback requirements. He is not impeding any vision in reference to Sections 1008, 1009, and 1010. By the description of lot terms of how you determine when a side yard ends and a back yard begins is by the permanent structure. He is within the legal right to build a six foot fence based on Section 1034.

  
\_\_\_\_\_  
Frederick Cox

  
\_\_\_\_\_  
David Goll

  
\_\_\_\_\_  
Philip Chew

  
\_\_\_\_\_  
Cheri Rogers

  
\_\_\_\_\_  
Claudette VanDyne

ORIGINAL