

## RECORD OF PROCEEDINGS

Minutes of

Meeting

## Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held May 22, 2012

The adjudicatory hearing was called to order by Vice-Chairman Digel-Barrett at 6:00 p.m. on May 22, 2012 at the Etna Township Administration Building. The roll call showed members Dallas Maynard, Cheri Rogers, Roger Digel-Barrett, Claudette VanDyne, and Mark Shaff present, along with clerk Laura Brown.

Vice-Chairman Digel-Barrett explained the process, and William Hall, Mark Schillig, Bernard Yavitch, and Chris Harkness were sworn in.

Chris Harkness presented a staff report on a Conditional Use application to allow for an Amusement Arcade (NAICS #713120) at 9327 (9315 Unit) Columbia Road (Parcel ID# 010-017988-00.313), Pataskala, OH 43062. The applicant is William Hall III of 5488 Inglecrest Place, Galloway, OH 43119 and the property owner is Metro Six LLC of 901 Polaris Parkway, Columbus, OH 43240.

The applicant, William Hall, stated on the application "This business will not cause any unusual or loud noises. All of the machines used are inside the property. The business is compatible with a strip mall setting. No unusual needs are associated with this type of business; no odors, fumes, glares, lights or other distractions. The patrons of this business will frequent local pizza parlors, restaurants, and gas stations. This business will fall within the Comprehensive Plan."

#### Conditional Use Description:

Amusement Arcade (Skilled Games): The proposed use is an electronic skilled games room. This use falls under the 'Amusement Arcade' definition in the Etna Township Zoning Resolution which is listed as a Conditional Use within the GB-1 (General Business-1) zoning district.

The proposed use will be located within the existing strip center, in the last remaining empty unit. The parking area will be shared with the other uses in the strip center. The neighboring properties should not be negatively impacted by the proposed use. The use will be entirely inside and no outside activities are indicated. Additionally, the size of the game room will not likely create any major increase in traffic. Lastly, the proposed use compares favorably to the permitted uses in the General Business-1 District, meaning there are other uses similar to this one, and many other uses that would be more intense or abrasive to the surrounding area. The use also appears to be compatible with the existing uses at the Shoppes at Cumberland Trail, such as the restaurants, carry-out, and bar.

There is also another Skilled Games room directly across National Road at 10991 National Road which received a Conditional Use permit from the Board of Zoning Appeals three years ago.

The staff recommends that the Board of Zoning Appeals approve the requested Conditional Use.

The Board discussed the proposed signage. The business is not located within 1,500 feet of a church or school.

The applicant, William Hall, answered questions from the board regarding signage. The signage will be constructed to meet the regulations in the Zoning Resolution. The West Licking Joint Fire District will require emergency exits and occupancy restrictions.

The business will have skilled based games which are similar to an arcade game and no noise will be heard from the outside of the building.

There is a 21-year-old age restriction and no alcohol will be sold. The employees will check Identification of the patrons.

The Board can rule only on zoning and not whether this use is considered gambling. It will be open Monday to Saturday from 10 a.m. to 12:00 a.m. and Sunday 12:00 p.m. to 6:00 p.m. The patrons win gas cards which will be purchased from local gas stations. There will be one or two employees on site during business hours. The operator's other location has five to ten patrons at one time during the week, and thirty to forty people on the weekends.

The property owner, Mark Schillig, explained the signage will be located in a 2 ft by 12 ft area that was approved when the building was permitted. This unit is empty and the building code department will determine the occupancy and it will need approval from The West Licking Joint Fire District. The other tenants are aware of this potential tenant, but he has not had any opposition.

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

May 22, 2012

Held \_\_\_\_\_ 20 \_\_\_\_\_

Bernard Yavitch, William Hall's attorney, spoke on behalf of the business in Marysville. He has had no complaints from the police. It is a skilled game room that is controlled by O.R.C. Section 2916.

Cheri Rogers moved to close the public testimony portion of the hearing at 6:34 p.m. The motion was seconded by Dallas Maynard and passed by unanimous vote.

Claudette VanDyne moved to approve Case Number CU-12-01 for William R. Hall based on Section 522 and Section 912 of the NAICS Code 713120 and to be in compliance with all Zoning Regulations of the Etna Township Zoning Resolution and the address of the property is 9315 Columbia Road, Pataskala, 43062. The motion was seconded by Mark Schaff. The roll call was as follows: Dallas Maynard, yes; Cheri Rogers, yes; Roger Digel-Barrett, yes; Claudette VanDyne, yes; and Mark Schaff, yes; motion passed 5-0.

Cheri Rogers moved to close the hearing at 6:38 p.m. The motion was seconded by Claudette Van Dyne and passed by unanimous vote.

*Laura Brown*

Laura Brown, Clerk

*Roger Digel-Barrett*

Roger Digel-Barrett, Vice-Chairman