

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

February 12,

2013

Held

20

**Organizational Meeting**

The meeting was called to order by Chairman Rick Cox at 6:04 p.m. on February 12, 2013 at the Etna Township Administration Building. The roll call showed members Kathy Johnston, Roger Digel-Barrett, Rick Cox, Claudette VanDyne, and Mark Schaff present, along with Clerk Laura Brown.

Trustee President, John Carlisle, swore in appointed member Kathy Johnston.

The meeting was turned over to Clerk Laura Brown for chairman nominations.

Claudette VanDyne nominated Rick Cox for Chairman. The nominations were closed. Roll call was as follows: Kathy Johnston - Rick Cox; Roger Digel-Barrett - Rick Cox; Rick Cox - abstained; Claudette VanDyne - Rick Cox; and Mark Schaff - Rick Cox. Rick Cox will serve as the Chairman for 2013.

The meeting was turned over to Chairman Cox.

Rick Cox nominated Roger Digel-Barrett for Vice Chairman. Roll call: Kathy Johnston - Roger Digel-Barrett; Roger Digel-Barrett - abstain; Rick Cox - Roger Digel-Barrett; Claudette VanDyne - Roger Digel-Barrett; and Mark Schaff - Roger Digel-Barrett. Roger Digel-Barrett will serve as the Vice Chairman for 2013.

Claudette VanDyne moved to appoint Laura Brown as the Board of Zoning Appeals Clerk. Mark Schaff seconded the motion and it passed unanimously.

Claudette VanDyne moved to approve the duties of the Board of Zoning Appeals Clerk, as understood, for compensation 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 Appeals' 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, but 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 upcoming hearings, sending notifications to all board members of upcoming hearings/meetings, notifying the media of upcoming hearings/meetings and the cancellations of such hearings/meetings, updating and distributing the BZA welcome packet, general office duties as needed, and the printing of prepared meeting/hearing minutes and final orders using township equipment/supplies. Mark Schaff seconded the motion and it passed unanimously.

Claudette VanDyne moved to adopt the notice procedures as outlined in the Board of Trustees Resolution 13-01-08-03 to provide notification of its regular, special and emergency meetings to the Pataskala Standard and Newark Advocate (if necessary) as the designated media for public notices. In addition, all notices are to be posted on the township website. Mark Schaff seconded the motion and it passed unanimously.

The 2013 submission deadline of noon on the first Tuesday of the month and a monthly meeting to be held at 6:00 p.m. on the fourth Tuesday of the month with the exception being December 2013 were discussed and the Board of Zoning Appeals will continue with this schedule.

Chairman Cox reviewed the meeting cancellation process and procedure for members informing the board of scheduling conflicts.

Roger Digel-Barrett moved to adjourn the meeting at 6:14 p.m. Claudette VanDyne seconded the motion and it passed unanimously.

Approved as read 2-26-13

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

Laura Brown  
Laura Brown, Clerk

Rick Cox  
Rick Cox, Chairman

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Meeting

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held \_\_\_\_\_ February 12, \_\_\_\_\_ 2013 \_\_\_\_\_ 20 \_\_\_\_\_

The adjudicatory hearing was called to order at 6:15 p.m. by Chairman Cox. The roll call showed members Kathy Johnston, Roger Digel-Barrett, Rick Cox, Claudette VanDyne, and Mark Schaff present along with clerk Laura Brown.

Chairman Cox explained the process. The applicant, Jerry Hack; Zoning Administrator, Chris Harkness; Matt Dippold with Ascena; and Rob O'Neill with Southgate were sworn in.

Chris Harkness presented a staff report on Case VA-13-01 for An **Area Variance** request from Section 1103 to allow a portion of a proposed parking and circulation area to utilize gravel and not be paved and an **Area Variance** request to modify a previously approved variance (VA-12-03) to modify the approved building height on an expansion of an existing warehouse for Tween Brands/Ascena Retail at 200 Heritage Drive (Parcel # 010-017160-00.001).

Staff recommends that the Board of Zoning Appeals approve the requested area variance for a modification to the height variance received in Variance # VA-12-03 based upon the submitted site plans because the Standards for 'Practical Difficulty' (Section 512.B) have been met. Staff also recommends denial of the requested area variance to allow a portion of the proposed parking to utilize gravel instead of being paved because the Standards for 'Practical Difficulty' (Section 512.B) have not been met.

Mark Schaff referenced the memo from Senior Vice President Brian Marsh of Prologis which stated they would support this project 100% as long as the wall panels are an architectural panel and not ribbed and all parking areas are paved to eliminate the dust and dirt caused by gravel lots. Brian Marsh stated the gravel lots can create serious issues for companies.

Jerry Hack with Gray Construction stated the information that was presented by Chris Harkness was accurate. Ascena is looking at future expansion when adding to the building. The traffic used for the area that would be gravel is done with a yard jockey that stays on their property. This area would be an overflow area for trailers. Ascena would expand in this area in the future but they do not know when the expansion would happen. The asphalt would have to be removed once the expansion would be necessary.

There are two existing retention ponds and three proposed ponds. There is a collector ditch that holds the water. The ponds have been designed for the parking area being a gravel lot. If it changes to a paved surface some adjustments will be made to those ponds.

Matt Dippold with Ascena stated the cost is five hundred thousand to a million dollars to have the pavement installed. Ascena does not know when they would expand or how long it would be prior to expansion.

Rob O'Neil with Southgate Corporation presented a copy of the Versawall® information. He is concerned with setting a precedent by allowing the gravel lot. He is in agreement with the concerns raised in Brian Marsh's email.

Roger Digel-Barrett would like to permit the gravel lot because of the expansion and ground water runoff. The gravel can be handled in a way that it does not become a dust concern.

Rick Cox does not see any issues with storm water. He does see this setting a precedent and could get out of hand since it is a large area.

Mark Schaff stated that the staff recommendations are endorsed by both Mr. Brian Marsh and Mr. Robert O'Neill. Consequently, Mr. Schaff requested that the BZA members give careful consideration to the consensus recommendations from the Zoning Administrator Chris Harkness and the Etna industrial park developers Messrs. Marsh and O'Neill.

Claudette Van Dyne moved to close the public testimony at 6:58 p.m. The motion was seconded by Kathy Johnston. The roll call on the motion was as follows: Kathy Johnston, yes; Roger Digel-Barrett, yes; Rick Cox, yes; Claudette VanDyne, yes; and Mark Schaff, yes; the motion passed 5-0.

Claudette VanDyne agrees with the endorsement from Brian Marsh and Rob O'Neill and feels the township needs to continue with the aesthetics already currently in the park and is concerned with setting a precedent.

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The Board of Zoning Appeals broke the application into two parts as follows:

**VA-13-01 as it pertains to the height variance**

Claudette VanDyne moved to approve VA-13-01 submitted by applicant Jerry Hack, Construction Project Manager and owner Steve Daley in care of Tween Brands Service Company at 200 Heritage Drive, Etna Ohio, 43108 to approve the modification to the height variance received in Variance # VA-12-03 based on submitted site plans because of the Standards for Practical Difficulty, (Section 512.B have been met). The motion was seconded by Roger Digel Barrett. The roll call on the motion was as follows: Kathy Johnston, yes; Roger Digel-Barrett, yes; Rick Cox, yes; Claudette VanDyne, yes; and Mark Schaff, yes; the motion passed 5-0.

**VA-13-01 as it pertains to the gravel parking area**

Claudette VanDyne moved to deny the requested area variance to allow a portion of the proposed parking lot to utilize gravel instead of being paved because the Standards for Practical Difficulty, Section 512.B have not been met for variance VA-13-01. The motion was seconded by Mark Schaff. The roll call on the motion was as follows: Kathy Johnston, yes; Roger Digel-Barrett, no; Rick Cox, yes; Claudette VanDyne, yes; and Mark Schaff, yes; the motion passed 4-1.

Kathy Johnston moved to adjourn at 7:03 p.m. The motion was seconded by Roger Digel-Barrett. The roll call on the motion was as follows: Kathy Johnston, yes; Roger Digel-Barrett, yes; Rick Cox, yes; Claudette VanDyne, yes; and Mark Schaff, yes; motion passed 5-0.

Approved as read 2-26-13

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

  
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Laura Brown, Clerk

  
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Rick Cox, Chairman