

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

December 17,

2013

Held

20

The meeting was called to order by Chairman Cox at 6:10 p.m. on December 17, 2013 at the Etna Township Administration Building. The roll call showed members Kathy Johnston, Rick Cox, and Mark Schaff present, along with Clerk Laura Brown. Members Roger Digel-Barrett and Claudette VanDyne were absent.

The nature of the Area Variance VA-13-06 is from Article 16 – Buffering, Landscaping, and Resource Preservation submitted by Jobes Henderson Associates for ProLogis Park 70, 147-163 Heritage Drive.

Chairman Cox explained the process of the hearing. Applicant Aaron Van Ostran, Brian Marsh with ProLogis; Gary Burkholder, and Township Administrator Rob Platte were sworn in.

Rob Platte, Township Administrator, reviewed the provided staff report.

The staff recommends the board approve the request for area variance for the reduction of the buffering distance from 30 feet to 20 feet which is not substantial and continues the already existing private access drive from building #3 to Heritage Drive. The buffering requirement is met by the Applicant's installation of the privacy fence. The canopy trees will be installed and maintained, along with the fence, by the Applicant.

Aaron Van Ostran with Jobes Henderson Associates provided input. The fence will be maintained by ProLogis.

Lee Derosiers of 178 Circle Drive was sworn in. His property is just South of this property. He has concerns with the noise from the truck traffic. The twenty foot buffer might not be enough.

Gary Burkholder of 254 Trail East has raised concerns with conflict of interest because Mark Schaff serves on the Etna Township Economic Development Committee. Gary Burkholder submitted a letter from Bob Stamper of the Economic Development Committee as Exhibit 1 regarding conflict of interest, in which Mr. Stamper expressed concerns about Mr. Burkholder's conflict of interest on the Economic Development Committee.

Mark Schaff does not feel he needs to recuse himself.

Aaron Van Ostran stated that after the survey crew locates the trees the fence will be moved north to leave the trees.

Gary Burkholder asked Mark Schaff if he was a member of the Economic Development Committee and why the standard in the letter did not apply to him. Mark Schaff had no comment and asked the chairman to keep the meeting regarding the variance. Gary Burkholder felt Mark Schaff had a conflict of interest. Rick Cox did agree that a member of the Economic Development Committee could have a conflict of interest. Rick Cox stated it is up to the member to determine if they have a conflict of interest. Mark Schaff stated for the record he feels Gary Burkholder's comments are inaccurate.

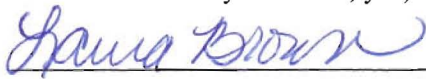
Lee Derosiers asked what material the fence would be constructed out of. Brian Marsh stated ProLogis would provide samples to the neighbors. Aaron Van Ostran would like Rob Platte to help as a mediator for this. Rob Platte stated the Zoning Resolution only requires a solid fence. Brian Marsh will submit the material to the township and Rob Platte can organize it with the neighbors.

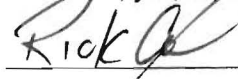
Kathy Johnston moved to close the public testimony portion of the hearing at 6:45 p.m. The motion was seconded by Mark Schaff. The roll call was as follows: Kathy Johnston, yes; Rick Cox, yes; and Mark Schaff, yes; the motion passed 3-0.

Rick Cox stated the road would be a straight shot. The fence would provide a buffer and should meet zoning standards. Rick Cox does not feel the extra ten feet would make a big difference for the noise.

Kathy Johnston moved to approve case VA-13-06 submitted by applicant Jobes Henderson Associates of 59 Grant Street, Newark, Ohio 43055 (Representing ProLogis), for 147-163 Heritage Drive, Etna, Ohio 43062, that fencing samples are submitted to Mr. Platte for approval and that the applicant work with Mr. Platte on the fencing. The variance meets the practical difficulties or variance standards of 512.b. The motion was seconded by Mark Schaff. The roll call was as follows: Kathy Johnston, yes; Rick Cox, yes; and Mark Schaff, yes; the motion passed 3-0.

Kathy Johnston moved to adjourn the hearing at 6:50 p.m. The motion was seconded by Mark Schaf. The roll call was as follows: Kathy Johnston, yes; Rick Cox, yes; and Mark Schaff, yes; the motion passed 3-0.


Laura Brown, Clerk


Rick Cox, Chairman

Final Order ✓



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Members: Rick Cox-Roger Digel-Barrett-Kathy Johnston-Mark Schaff-Claudette VanDyne

FINAL ORDER

The Etna Township Board of Zoning Appeals held an adjudicatory hearing on December 17, 2013 at 6:10 p.m. at the Etna Township Administration Building.

The Area Variance VA-13-06 is from Article 16 – Buffering, Landscaping, and Resource Preservation submitted by Jobes Henderson Associates for ProLogis Park 70, 147-163 Heritage Drive.

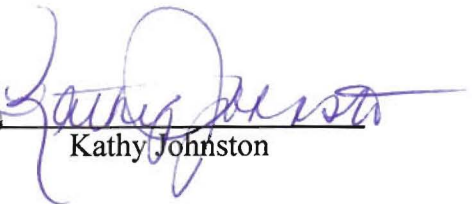
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Rick Cox



Roger Digel-Barrett



Kathy Johnston



Mark Schaff

Claudette VanDyne

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Trustees: John Carlisle – Randy Foor – Jeff Johnson
Fiscal Officer: Walter Rogers