

## RECORD OF PROCEEDINGS

Minutes of

Etna Township Board of Zoning Appeals

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 1014B

November 25,

2014

Held \_\_\_\_\_

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**CU-14-01**

The hearing was called to order by Chairman Cox at 6:12 p.m. on November 25, 2014 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.

The nature of Conditional Use CU-14-03 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, Amanda Spencer with Jobes Henderson & Associates, Township Administrator Rob Platte, Leroy Wilburn, Gary Jenkins, Harvey Bickmeyer, Amelia Bickmeyer, Larry Perkinson, John Antritt, and Dorrece Tanawat were sworn in. Chairman Cox explained there are two hearings this evening and this is the Conditional Use hearing. The variance hearing will be heard next.

Rob Platte provided a written staff report and PowerPoint presentation. The application was received on June 27, 2014. The township worked with the applicant and the Licking County Planning Commission on issues. The existing uses on the property are residential and religious organization in the Medium-Low Density Residential District (R-2). The Mayflower Subdivision has one entrance from US 40.

The applicant had properties merged (replat) through the Licking County Planning Commission, received a couple variances from the Licking County Subdivision Regulations, and a Technical Review Committee meeting was held before coming back to the township.

Currently the church is 1,056 square feet and has capacity for approximately 56 people. The proposed use is for a traditional church facility. The proposed building is approximately 8,793 square feet and will seat 300 people in the sanctuary with 86 in the classrooms. It will include a sanctuary, classrooms, offices, and storage. There will be on-site handicapped accessible parking spaces with ten standard parking spaces. Fifty additional off-site parking spaces are available to the east of the church where pedestrians cross over two properties and Third Avenue to the church. Rob Platte reviewed the site plans that were provided.

Rob Platte provided a history of the process that took place with the Licking County Planning Commission in June and July. The property was re-platted to combine lots 254-A, 301, and 302 into 254-A. Variances from the Licking County Planning Commission Subdivision Regulations for curbs and gutters/storm sewer and sidewalks and pedestrian access were conditionally approved. The condition was the Conditional Use Permit being approved by the Board of Zoning Appeals.

The Staff Report included Section 522 General Standards Applicable to All Conditional Uses and Section 523 General Topics for Conditional Uses from the Zoning Resolution.

The Licking County Planning Commission might require a water detention area. Landscape screening is proposed at the southwest corner of the property where the additional parking is proposed.

The property file shows a permit was issued for an addition to the existing residence in 1979 and has since been used as a church.

The Staff Recommendation provided was as follows: "After much review, staff recommends denial of the Conditional Use request. This is based largely on the traffic impact, the absence of a safe and dedicated path of travel for pedestrians, and the potential detriment to the subdivision through an 8-fold increase in the size of the facility."

The location of the walkway from the parking lot to the church was verified.

There was discussion regarding the platted streets, easements, and vacated portions within the subdivision.

Jim Dorenbusch with Junction Architecture & Design of 8039 York Road stated that Rob Platte covered everything. The use already exists and the church wants to increase it. The parking lot was previously approved by the township. The walkway crosses over property that belongs to individuals that oversee the church. If the private property owners would take away the walkway then the people would have to walk on the street to the church. There are no sidewalks for them to walk on. The distance would be less than a quarter mile. The property owners could record an easement to protect the walkway. Rob Platte

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stated the off-street parking has to be within 700 feet and it is within the 700 feet. Both owners, John Antritt and Dorrece Tanawat, gave the church permission and are willing to sign easements if needed.

Amelia Bickmeyer explained the easements that the property owners were granted. The easement goes North and South. A copy of the easement was submitted as Exhibit 1 [25225 Mayflower Subdivision (addition) Etna Township.] There was discussion regarding easements and public right-of-way.

#### Public Comments

Leroy Wilburn of 18 3<sup>rd</sup> Avenue owns the home closest to the property. They have lived here twenty-six years and feels it would be good for the community.

Gary Jenkins of 29 1<sup>st</sup> Avenue has lived there over twenty years and has not had any problems with the church. He has concerns with the traffic and the expansion to three hundred people. Rob Platte stated the requirement is five seats to one space and it will meet this requirement if the on-site parking is approved. Gary Jenkins feels there are issues with traffic and speeding now.

Amelia Bickmeyer of 39 3<sup>rd</sup> Avenue has concerns with traffic. She has pulled into Mayflower and has been stuck on US 40 because of traffic. She has lived there for fifty years. There are traffic conditions already with children walking on Thursday evening and she has concerns with safety. The Mayflower addition has approximately 144 houses.

Larry Perkinson of 48 1<sup>st</sup> Avenue has lived there for fifteen years. He stated you cannot fit two cars into the area between Cedar Park Blvd. and US 40. He has almost been rear ended several times. He spoke of the increased traffic from ProLogis on US 40. His concern is the increase of traffic and speeding. He has concerns with property values and increased drainage issues. There are no street lights for safety. The warehouses do work on the weekend.

John Antritt of 11 3<sup>rd</sup> Avenue discussed the easement. He does agree with the speeding traffic and feels something needs to be done with people in the subdivision not obeying the law. The classrooms are for Sunday school classes. He feels the land value has gone down since 2007 and does not feel the new church will bring down land value.

Dorrece Tanawat of 99 Cedar Park Blvd. clarified it would be a maximum of 300 people. Church would meet on Sundays and Thursdays and they are not proposing a school. The pathway is lit to the church. Several members live close and will be walking to church. The church has provided handicap parking on-site. She has lived there for thirty years and has looked forward to the growth and positive impact on the community.

Rob Platte stated the roads in the subdivision are not classified so there has not been a requirement for a traffic study.

Rob Platte verified where the walking path was located and stated it is on private property. On page seven of his Staff Report he provided a review of how it applies to Section 522 of the Zoning Resolution. Churches were permitted when it went in and have recently been added to Conditionally Permitted Uses. The church is now a non-conforming existing use. The current church is 1,056 square feet and the addition would be eight times larger than the current facility. The subdivision only has one entrance and traffic issues already exist. The County Subdivision Regulations now require two entrances. The majority of the parking spaces are proposed to be off-site. The on-site access will increase from one to three. The ten foot walking path is on private property without the dedicated easement. Walking on the roads would not be safe.

Claudette VanDyne moved to recess the public testimony portion of the hearing at 7:33 p.m. The motion was seconded by Roger Digel-Barrett. The roll call was as follows: Kathy Johnston, yes; Roger Digel-Barrett, yes; Rick Cox, yes; Claudette VanDyne, yes; and Mark Schaff, no; passed 4-1.

The hearing was recessed for ten minutes and reconvened at 7:40 pm.

#### VA-14-05

The nature of Area Variance VA-14-05 is from Article - 9 District Regulations, Section 902 Medium-Low Density Residential District (R-2), Item C General Requirements and Article 11 Parking submitted by the Full Gospel Sons Church of God for 159 Cedar Park Blvd.

November 25,

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Held \_\_\_\_\_

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Chairman Cox explained the process of the hearing. The applicant Jim Dorenbusch with Junction Architecture & Design, Amanda Spencer with Jobes Henderson & Associates, Township Administrator Rob Platte, Leroy Wilburn, Gary Jenkins, Harvey Bickmeyer, Amelia Bickmeyer, John Antritt, and Dorrece Tanawat were sworn in.

Rob Platte provided a written staff report. The application is requesting multiple Area Variances from the following sections of the Zoning Resolution: a) Section 902.C.2 – Medium-Low Density Residential District (R-2) General Requirements of the R-2 District, b) Section 1102 Loading Space Requirements and Dimensions, c) Section 1110 Minimum Distance and Setbacks, d) Section 1114 Access, and e) Section 1116 Striping for the property located at 159 Cedar Park Blvd (Parcel ID#010-022806-00.000).

The applicant requested to utilize a front yard setback of fifteen feet on the west and east sides requiring a variance from Section 902.C.2 - Medium-Low Density Residential District (R-2) General Requirements of the R-2 District to reduce the front yard setbacks to twenty feet because the property has three front yards; to waive the requirement of a dedicated loading space because they will receive shipments during other hours; to reduce the required setback for parking areas from four feet from the edge of the right-of-way to zero feet from the right-of-way; to waive the requirement for vehicles leaving the parking area and entering a public or private street in a forward motion of travel; and to waive the requirement to double-stripe the parking areas.

The property currently contains a structure used for residential purposes with an addition that is used for church purposes. The permit for the addition was issued in 1979 and shows a setback of twenty-five feet from the west property line. The front yard setback at that time was forty feet. This would indicate that the Zoning Inspector at that time considered the west property line a side yard setback measurement which at that time the side yard setback was ten feet and fifteen feet.

The R-2 District, in which the property is located, currently requires setbacks as follows: front yard is thirty feet, side yards are fifteen and ten feet, and rear yards are thirty feet.

The applicant is seeking a total of five variances. One is from the required setbacks and the other four are related to the parking regulations of Article 11.

Due to the number of variance requests contained in one application, staff has assigned the notations of a) through e) to each of the five requests and will address each separately for clarity.

#### **Variance a**

A variance for the front yard requirement as applied to a corner lot is requested. Due to this lot having street frontage on three sides it is to utilize the front yard of thirty foot along each road. Currently the existing structure does not conform along the west and several of the adjacent properties appear to not have a thirty foot front yard. Granting a variance to utilize the fifteen foot side yard along the west and east sides of the property will allow the site to be in compliance with its current structure and also allow it to conform to the setbacks currently being utilized elsewhere in the subdivision.

Staff has found that the front yard setback requirements have changed over the years and are currently not the same as they were when the addition was built onto the original structure. As noted above, it appears that the side yard setback requirement was used; therefore the structure is legal non-conforming. It also appears that the structures to the south and southeast (as with other structures in the area) have a current front yard setback of twenty feet, which lends the requested variance to be appropriate with the surrounding structures. Although the current zoning text establishes three front yards for the property, it would be appropriate to consider the west and east setbacks as side yard setbacks based on the current conditions.

#### **Variance b**

The church requests a variance to waive a dedicated loading space as the church will not be receiving regular deliveries. In the case that deliveries do need to occur they would be scheduled during non-service hours and could utilize other parking and drive facilities that are shown on the plans.

Staff has reviewed the site plans submitted for the church expansion project. A total of three off-street loading spaces would be required. A new drive is proposed as well as additional on-site parking, which appear to be sufficient to accommodate loading and unloading actions. It is thought that normal deliveries would take place during the days of Monday through Friday, which would not normally interfere with church services held on Sundays.

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**Variance c**

The church requests a variance to allow for parking to be located directly off of the edge of pavement of the streets along the east and west side of the property. This will allow the church to maintain a larger green space/yard on site and allow the parking to be located further from the residential properties.

Staff has reviewed the site plans submitted for the church expansion. On-site parking has been proposed (in addition to off-site parking). The proposed parking at the east side of the property allows for vehicles to pull into the parking area in a forward motion and leave the parking area in a forward motion. The proposed parking area at the west side of the property allows for vehicles to pull forward into a parking space at a 90 degree angle with no setback. This would create a situation where the rear of vehicles would be at the edge of pavement of the roadway, and force vehicles to leave the parking area and enter the roadway in a backward motion. Both proposed parking areas are proposed to be located at the edge of pavement. Section 1110 requires a minimum setback of parking areas to be four foot from any established street or alley right-of-way. The proposed use is parking for a church facility, which would likely create vehicles leaving the parking area at the same time. It appears that the site is large enough to allow for reconfiguration of the parking area in order to obviate the need for the variance.

**Variance d**

A variance for access to the road from parking is requested. The current layout for parking is directly off of the existing roadway, which would require cars to back onto the road. As the majority of the traffic would be occurring during a several hour window one day a week, and as the remainder of the subdivision contains mostly single family residence, it is not uncommon for vehicles to be backing out of a driveway onto the roadway and would not necessarily cause new traffic concerns.

Staff has reviewed the site plans submitted by the applicant. The plans show 11 parking spaces at the west side of the property that are situated in such a way that vehicles will enter the parking area in a forward motion, but will travel in a backward motion, onto the public roadway, in order to leave the parking area. This creates a safety concern and is contrary to the requirements of Section 1114. The proposed use is parking for a church facility, which would likely mean vehicles leaving the parking area at the same time. It appears that the site is large enough to allow for reconfiguration of the parking area in order to obviate the need for the variance.

**Variance e**

The church requests a variance to allow for single line striping for all parking stalls including the proposed spaces on site and to apply to the re-striping of their off-site parking lot. To double stripe would add unnecessary additional construction costs when the single line has been approved and used in multiple other locations and is understood to be the preference of the township.

Staff is aware that variances from the double-striping requirement for parking areas have been granted in the past. It is also contained in a possible text amendment that may be reviewed by the Zoning Commission.

The staff recommends the following to each of the five requests contained in this variance application:

- a) Staff recommends approval of the request to reduce the front yard setbacks to 20 feet because the Standards for 'Practical Difficulties' (Section 512.B) have been met.
- b) Staff recommends approval of the request to waive the requirement of a dedicated loading space because the Standards for 'Practical Difficulties' (Section 512.B) have been met.
- c) Staff recommends denial of the request to reduce the required setback for parking areas from 4 feet from the edge of the right-of-way to 0 feet because the Standards for 'Practical Difficulties' (Section 512.B) have not been met.
- d) Staff recommends denial of the request to waive the requirement for vehicles leaving the parking area and entering a public or private street in a forward motion of travel.
- e) Staff recommends approval of the request to waive the requirement to double-stripe the parking areas because the Standards for 'Practical Difficulties' (Section 512.B) have been met.

Jim Dorenbusch with Junction Architecture & Design of 8039 York Road reviewed the variance requests. The parking is the same as what the township building uses. The setback requirements are on three front yards. These setback requirements are in line or behind the existing buildings and houses. The walkway goes over Third Avenue to a proposed sidewalk to the main entry of the church. There is an area in the corner to catch the drainage.

The signage on the building will serve as their sign.

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The distance from the parking area to the corner is approximately 140 feet.

Amanda Spencer with Jobes Henderson was present for questions.

Leroy Wilburn of 18 3<sup>rd</sup> Ave. discussed the parking being permitted to back out of the parking area. This area currently has street lighting.

Gary Jenkins of 29 1<sup>st</sup> Avenue discussed the safety concerns with traffic on the curve at Cedar Park Blvd.

Amelia Bickmeyer of 39 3<sup>rd</sup> Avenue has concerns with the crosswalk and safety. There are already safety issues with pedestrians walking across the road.

John Antritt of 11 3<sup>rd</sup> Avenue stated the church has seventy-five active members and are looking to grow into the three hundred members. There are only thirteen proposed parking spaces. The people driving in this area need to obey traffic laws. He feels the traffic laws are not being obeyed.

Dorrece Tanawat of 99 Cedar Park Blvd. stated there is a crosswalk there that was installed by Paul George. The crosswalk might need fresh paint. She believes there was a traffic study done for the ProLogis site.

Amanda Spence with Jobes Henderson provided information on the traffic study. She believes the limits were from Mink Street to Columbia Road to determine if a traffic signal was warranted at the entrance to ProLogis. The traffic study did warrant some changes to the signals. The addition to church will add three cars to the morning peak hours and four cars to the evening hours. The peak hours are 7 to 8 am and 5 to 6 pm, Monday to Friday. Licking County will require a Preliminary Plan submittal and they have made this submittal. The drainage currently flows north. At the Northeast corner there is a catch basin which will drain into a detention pond and be released at a slower rate. This will be reviewed and approved by Licking County.

Roger Digel-Barrett moved to close the public testimony portion of the variance hearing at 8:26 p.m. The motion was seconded by Claudette VanDyne and passed by unanimous vote.

It was discussed to vote on the Conditional Use request prior to voting on the variance request.

Claudette VanDyne moved to reopen the conditional use at 8:27 p.m. The motion was seconded by Kathy Johnston and passed by unanimous vote.

Chairman Cox explained that the Board of Zoning Appeals does not have to make a decision this evening and explained the process.

Roger Digel-Barrett moved to close the public testimony portion of the Conditional Use hearing at 8:28 p.m. The motion was seconded by Kathy Johnston and passed by unanimous vote.

Roger Digel-Barrett moved to deny the Conditional Use. The motion was seconded by Mark Schaff. After discussion Roger Digel-Barrett withdrew his motion.

Mark Schaff moved to deny CU-14-01 for a 'Religious Organization' (NAICS Code 813110) for the Full Gospel Sons Church of God located at 159 Cedar Park Blvd; because of the traffic impact, the absence of safe and dedicated travel path for pedestrians, and the potential detriment to the subdivision through an eight-fold increase in the size of the facility. Because further, the trouble with this variance, it is not in conformity, in my opinion, in Section 522 items C, D, F, and G (of the Zoning Resolution) as proposed. The motion was seconded by Roger Digel-Barrett. Discussion: The Board did not wish to have the items referenced read. The roll call on the motion was as follows: Kathy Johnston, no; Roger Digel-Barrett, yes; Rick Cox, no; Claudette VanDyne, yes; and Mark Schaff, yes; motion passed 3-2.

## Section 522

**C.** Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the same area. **D.** Will not be hazardous or disturbing to existing or future neighboring uses. **F.** Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor. **G.** Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

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The Board of Zoning Appeals discussed options with the applicant on proceeding with the Variances since the Conditional Use was denied. The Board has thirty days to render a decision. The Board of Zoning Appeals will wait to make a decision on the Variances.

The policy of notification to the public was discussed.

Kathy Johnston moved to close the hearing at 8:44 p.m. The motion was seconded by Roger Digel-Barrett and passed by unanimous vote.



Laura Brown, Clerk



Rick Cox, Chairman

## RECORD OF PROCEEDINGS

Minutes of

Etna Township Board of Zoning Appeals

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

December 23,

2014

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

The public meeting was called to order by Chairman Cox at 6:10 p.m. on December 23, 2014 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.

Rick Cox stated the applicant, Jim Dorenbusch, has requested reconsideration.

Jim Dorenbusch with Junction Architecture & Design of 8039 York Road requested the Board of Zoning Appeals meet for new information and support that was not heard at the last meeting. He would like to present new information regarding parking and size of the building.

Rick Cox recommended the applicant present a packet to the Zoning Office for review and then the Board of Zoning Appeals can determine if they can reconsider. The Board of Zoning Appeals could also request an Executive Session with legal counsel to review the information.

Mark Schaff said he would like to receive an updated staff report regarding the new information.

Roger Digel-Barrett would prefer to hear the additional information this evening. Rick Cox recommended that we notify the community prior to holding a public hearing.

Rick Cox had discussed the time limitations regarding the variance with Austin Lecklider of the Licking County Prosecutor's Office and he was advised the applicant is the only person who would be aggrieved.

The applicant was recommended to verify with the Board of Trustees regarding any fees that would be imposed for the reconsideration.

Rick Cox moved to table the approval of minutes and final order until the applicant submits additional information for the Board to consider the request for the reconsideration. The motion was seconded by Kathy and passed by unanimous vote.

Kathy Johnston moved to close the public hearing at 6:28 p.m. The motion was seconded by Roger Digel-Barrett and passed by unanimous vote.



Laura Brown, Clerk



Rick Cox, Chairman

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Etna Township Board of Zoning Appeals

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

February 24,

2015

Held

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The public meeting was called to order by Chairman Cox at 6:02 p.m. on February 24, 2015 at the Etna Township Administration Building. The roll call showed members Kathy Johnston, Roger Digel-Barrett, Rick Cox, and Mark Schaff present, along with Clerk Laura Brown. Claudette VanDyne was absent.

Chairman Rick Cox asked if there was a motion to reconsider. There was no motion to reconsider so the request for "reconsideration" will not be heard.

Roger Digel-Barrett moved to waive the public reading and approve the minutes for CU-14-01 and VA-14-05 from November 25, 2014 and the supplementary minutes from December 23, 2014 and the Final Order for CU-14-01. The motion was seconded by Katy Johnston and passed by unanimous vote.

Kathy Johnston moved to close the public hearing at 6:04 p.m. The motion was seconded by Roger Digel-Barrett and passed by unanimous vote.



Laura Brown, Clerk



Rick Cox, Chairman





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Members: Rick Cox-Roger Digel-Barrett-Kathy Johnston-Mark Schaff-Claudette VanDyne  
Alternate Member: Trent Stepp

### FINAL ORDER

The Etna Township Board of Zoning Appeals held an adjudicatory hearing on November 25, 2014 at 6:12 p.m. at the Etna Township Administration Building.

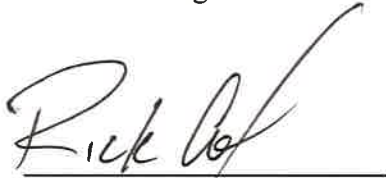
The nature of Conditional Use CU-14-03 is for religious organizations (NAICS Code 813110) submitted by the Full Gospel Sons Church of God for 159 Cedar Park Blvd.

The Board denied CU-14-01 for a 'Religious Organization' (NAICS Code 813110) for the Full Gospel Sons Church of God located at 159 Cedar Park Blvd; because of the traffic impact, the absence of safe and dedicated travel path for pedestrians, and the potential detriment to the subdivision through an eight-fold increase in the size of the facility. Because further, the trouble with this variance, it is not in conformity, in my opinion, in Section 522 items C, D, F, and G (of the Zoning Resolution) as proposed. The Board did not wish to have the items referenced read. The motion passed 3-2.

#### Section 522

C. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the same area. D. Will not be hazardous or disturbing to existing or future neighboring uses.

F. Will not involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor. G. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

  
Rick Cox

  
Roger Digel-Barrett

  
Kathy Johnston

  
Mark Schaff

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Claudette VanDyne

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Trustees: John Carlisle – Randy Foor – Jeff Johnson

Fiscal Officer: Walter Rogers