

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

June 20,

2017

Held

20

The meeting was called to order by Chairman Cox at 6:12 p.m. on June 20, 2017, at the Etna Township Administration Building. The roll call showed members Kathy Johnston, Rick Cox, Greg Reis, and Mark Schaff present, along with Clerk Laura Brown. Trent Stepp was excused.

Chairman Cox re-opened the adjudicatory hearing for VA-17-01 for 12981 National Road submitted by Joe Wagner for Sunburst Pools which was recessed May 16, 2017. The hearing was also heard on January 31, 2017.

Chairman Cox stated Jack Moser, Joe Wagner, and John Singleton were previously sworn in.

On June 7, 2017, Zoning Inspector John Singleton measured the wall signage and provided the measurements to the board. On the west side of the building the letters were 32" h x 41' l = 112 sq. ft. without the sun logo. With the sun logo the signage is 48" h x 48" l = 128 sq. ft. The sun logo is 16 square foot and approximately four foot from the lettering on the west side of the building. On the north side of the building the letters are 32" h x 37'6" l = 100 sq. ft. On the east side of the building the letters are 40" h x 36'3" l = 120.8 sq. ft. The total of all the wall signage is 332.8 sq. ft without the sun and 348.8 sq. ft with the sun logo. The building is 100' wide and 120' deep for 220 linear feet which would permit 220 square feet of signage.

Jack Moser discussed pre-existing signage and John Singleton verified that the measurements were for the current, existing signage. Jack Moser referenced Section 1401 in the Zoning Resolution regarding maintenance of signs not requiring zoning permits. John Singleton included the sun in his calculations because it is part of the Sunburst logo.

Jack Moser reviewed the three variance applications regarding signs that were submitted. The signs are needed to identify who they are because of the pool company on the other corner of Mink Street. The front awning was removed and replaced. The flags were removed. The permit for the freestanding sign was filed. The applicant would like to keep all the wall signage and is seeking a variance for the 350 square feet. The board and applicant discussed the pre-existing signage and what was removed. The current sign code was approved in 2012.

The signage is visible by all three sides. The reduction of signage by removing the awning is an improvement and replacing it with that lettering is more esthetically pleasing. The applicant agreed to replace the east side with the same lettering as the other two sides at 32" high and white lettering.

Joe Wagner was previously told not to replace the east side. Joe Wagner discussed the upgrades he is planning for his property in the future and is trying to differentiate his property from the other pool company.

The Board discussed giving the applicant until the end of December, 2017, to update the signage on the east side of the building.

Kathy Johnston moved to approve the requested area variance VA-17-01, submitted by Joe Wagner for Sunburst Pools for 12981 National Road from Section 1209 Permanent Signs Permitted in Nonresidential Zoning Districts, E. Other Permitted Sign Types, 1. Total Sign Area Allowed which is 220 square foot based on a ratio of one square foot of sign area for each linear foot of building fronting on public right-of-way totaling 322 square feet with the condition to the variance to reduce the signage on the east side of the building to 112 square feet to match the west side signage, the painted signage on the east side of the building will be removed, and to be completed by December 31, 2017, because the Standards for 'Practical Difficulty' (Section 512.B) have been met. The motion was seconded by Mark Schaff. Discussion: The variance is for the difference between the 320 square foot requested and 220 square foot permitted for a 102 square foot increase. The motion passed by unanimous affirmative vote.

The applicant will obtain zoning permits for the signs.

Chairman Cox reviewed the request regarding the driveway. The driveway is on the property line and is gravel. The applicant is requesting a zero setback and the requirement for asphalt or concrete be waived.

Jack Moser discussed the shared agreement with the church and the driveway permit that was obtained from the Licking County Engineer's office. The property owner, Mr. Gueli, has a shared driveway agreement with the church. Jack Moser does not feel the zoning resolution defines what asphalt is. Mr. Gueli put down crushed asphalt.

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The Zoning Permit for the driveway was applied for on December 16, 2014, and Rob Platte approved the Zoning Permit on June 24, 2015, with the conditions of the driveway being 8' wide, +/- 200' long drive at the southwest corner of the property and must be paved with asphalt or concrete and must be a minimum of 5' from the property line.

Jack Moser stated there is a safety concern for the water trucks crossing National Road and the access on Mink Street is safer.

Rick Cox discussed the water trucks parking on the grass and inquired on parking lot upgrades to the property.

Chairman Cox swore in John Gueli, property owner for 12981 National Road. John Gueli spoke about having strokes and it is difficult for him to provide testimony. John Gueli paid four thousand dollars for crushed asphalt. John Gueli has owned this property for over thirty years. There were discussions regarding whether the crushed asphalt was permitted.

Jack Moser does not feel the driveway is on the property line. The applicant was advised to move the driveway off the property line.

The asphalt or concrete requirement went in the zoning resolution in October of 2005. The applicant has requested a phase in to pave the driveway.

The board discussed the Zoning Permit and discussed the applicant's permit and when it would expire. If the applicant complies before the Zoning Permit expires the applicant would not need the variance. The applicant feels the work did begin with the crushed asphalt. The Zoning Permit will expire in December, 2017. The permit requires the location being five foot off the property line. The applicant would like an extension to complete the driveway. The board would rather the driveway be a permitted item and not a variance. If the permit expires and the applicant applies for a new permit that would give them one year to substantially start.

John Singleton provided a definition of asphalt. The definition requires hard asphalt not crushed.

The board would like to see the applicant obtain a new permit and have it completed by two and a half years. Jack Moser asked if the board could do this with a rider to the Zoning Permit.

The Zoning Resolution under Section 304 regulates Zoning Permits expiring. If the work described in any zoning permit has not begun within one year from the date of the issuance thereof, said permit shall expire; it shall be revoked by the zoning inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two and one-half (2 1/2) years of the date of issuance thereof, said permit shall expire and be revoked by the zoning inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

The applicant will provide a written statement withdrawing the variance request for the driveway. The new permit will be pulled within thirty days.

Greg Reis moved to close the public testimony portion of the hearing at 7:36 p.m. The motion was seconded by Kathy Johnson and passed by unanimous affirmative vote.

Rick Cox moved to close the Adjudicatory Hearing at 7:36 p.m. The motion was seconded by Kathy Johnston and passed by unanimous affirmative vote.



Laura Brown, Clerk



Rick Cox, Chairman



81 Liberty Street
P.O. Box 188
Etna, Ohio 43018-0188

Phone 740/927-7717 Fax 740/927-1699

Members: Rick Cox-Kathy Johnston-Greg Reis-Mark Schaff-Trent Stepp
Alternate Member: Cheri Rogers

FINAL ORDER

The Etna Township Board of Zoning Appeals held adjudicatory hearings on January 31, 2017; May 16, 2017; and June, 20, 2017; at the Etna Township Administration Building for an Area Variance, VA-17-01 for 12981 National Road submitted by Joe Wagner for Sunburst Pools.

The nature of the variance was from Article 12 Signage, Section 1005 Accessory Structures, and Section 1103 Paving.

The Board moved to approve the requested area variance VA-17-01, submitted by Joe Wagner for Sunburst Pools for 12981 National Road from Section 1209 Permanent Signs Permitted in Nonresidential Zoning Districts, E. Other Permitted Sign Types, 1. Total Sign Area Allowed which is 220 square foot based on a ratio of one square foot of sign area for each linear foot of building fronting on public right-of-way totaling 322 square feet with the condition to the variance to reduce the signage on the east side of the building to 112 square feet to match the west side signage, the painted signage on the east side of the building will be removed, and to be completed by December 31, 2017, because the Standards for 'Practical Difficulty' (Section 512.B) have been met. Discussion: The variance is for the difference between the 320 square foot requested and 220 square foot permitted for a 102 square foot increase. The motion passed by unanimous affirmative vote.

The applicant will obtain zoning permits for the signs.

The applicant stated in the meeting he would withdraw the variance request for the driveway. The new permit will be pulled within thirty days.


Rick Cox


Kathy Johnston


Greg Reis


Mark Schaff

Excused

Trent Stepp

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The meeting was called to order by Chairman Cox at 7:35 p.m. on June 20, 2017 at the Etna Township Administration Building. The roll call showed members Kathy Johnston, Rick Cox, Greg Reis, and Mark Schaff present, along with Clerk Laura Brown. Trent Stepp was excused.

The meeting was to approve the minutes from the May 16, 2017 adjudicatory hearing for Area Variance, VA-17-03, submitted by Jonah Staten for 1028 Columbus Street.

Mark Schaff moved to waive the public reading and to approve the minutes and sign the final order from the May 16, 2017 adjudicatory hearings and public meeting. The motion was seconded by Kathy Johnston and passed by unanimous affirmative vote.

Greg Reis moved to close the public meeting at 7:38 p.m. The motion was seconded by Kathy Johnston and passed by unanimous affirmative vote.

Laura Brown

Laura Brown, Clerk

Rick Cox

Rick Cox, Chairman