

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

February 27,

2018

Held _____ 20 _____

The hearing was called to order by Chairman Cox at 6:05 p.m. on February 27, 2018 at the Etna Township Administration Building. The roll call showed members Cheri Rogers, Trent Stepp, Rick Cox, Greg Reis, and Mark Schaff present, along with Clerk Laura Brown.

The application was for Conditional Use Permit CU-18-01 for NAICS Code 713990 All Other Amusement and Recreation Industries for 9441 Smoke Road submitted by Legg Up Properties submitted by Deborah Legg. Chairman Cox explained the process of the hearing. The applicant, Steven Legg, and Zoning Inspector, John Singleton, were sworn in.

John Singleton provided a written Staff Report. The application is for a Conditional Use for a foot golf course and practice/sporting game field with clubhouse party/meeting rooms and office. This use would be NAICS Code 713990 All Other Amusement and Recreation Industries. The property is zoned Low Density Residential District (R-1). Items for consideration would be restrooms, buffering, access, lighting, and parking. If the use is approved Mr. Singleton recommended the applicant check with the Licking County Planning Commission regarding a TRC being required. The access and parking for this property is off of Smoke Road. The properties on the Southern boundaries of this property are owned by AEP.

Mark Schaff verified that the notification letter was addressed to Robert Jennell, Superintendent of the Southwest Licking School District.

Steven Legg representing Legg Up Properties provided a history of the property. His parents helped purchase the property and helped build the church. His brother was the pastor of the church for years. They purchased the property and feel this use is a great outreach for youth.

They are not planning any major changes to the building. The building has four commercial restrooms. The church building and picnic pavilion will be for the party house rentals. This would be if a group wants to rent a room to use along with the foot golf course. No alcohol would be permitted. This would be for entertainment, not for weddings or family reunions unless it is incorporated with the golf course. Approximately eight years ago the church was brought up to code. They will not need portable restrooms; they will use the facilities in the church. Mr. Legg would not have any issue with a stipulation of not permitting the use of alcohol. Mr. Legg has not contacted Southwest Licking Schools directly but second hand he heard the soccer coach is exited. He is involved at Northridge Schools because his children attend there and they want to use the facility. He has not contacted Refugee Canyon. They are not planning on holding events in the evening. They will have lighting in the parking areas. The lighting can be directed downward to the property and he does not have issues with this requirement. During special services at the church they would have up to 250 people in attendance. They currently have seventy-eight parking spots. The course could possibly have 72 people utilizing a shot gun start.

Mark Schaff feels it is important to have support from the Southwest Licking School Board. The applicant would not have an issue with a thirty day delay. The applicant feels the school district will be pleased with this use. The board discussed what type of concerns the school district might have but did not come up with any. Mark Schaff would like to have their input. The applicant feels the school being built across the street is good synergy. The letters were mailed on February 14 and the clerk mailed one to the Superintendent of Southwest Licking Schools. The township has not received any response from the school district.

The applicant explained Licking County is now taxing the property as commercial. They would like to move forward as soon as possible.

Steven Legg explained the buffering and the layout of the course. He does not feel the soccer ball will go into U.S.40. It is a larger buffer than a golf course has. They are not planning on installing a fence at this time. The board discussed children running into the road. The applicant will require adults being present with the children. The property has a swell and an eight foot ditch area along Route 40.

Rick Cox stated for the record the School Board would be considered an aggrieved party and would be able to appeal the decision of the Board of Zoning Appeals.

Cheri Rogers moved to close the public testimony portion of the hearing at 6:41 p.m. The motion was seconded by Trent Stepp and passed by unanimous affirmative vote.

Mark Schaff would like the decision to be postponed for thirty days to contact the school board. The majority of the board wanted to proceed.

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The board discussed lighting and issues in the future. The board discussed sound and use of any types of music or amplified announcements. It was discussed whether this board has the authority to limit the use of alcohol but agree that alcohol should be prohibited. The board discussed safety concerns with the property being along U.S.40. The fence setback on U.S.40 would be outside the right-of-way and can be placed on the property line outside of the sight triangle.

Mark Schaff stated his position is that we have not done due diligence and need to postpone taking action until we receive public position from Southwest Licking Schools and Refugee Canyon. With their input he would probably be in support of this use. Chairman Cox feels due diligence was done by the Board of Zoning Appeals and there was no reaction from the property owners.

Trent Stepp moved to approve the Conditional Use Permit CU-18-01 for NAICS Code 713990 All Other Amusement and Recreation Industries for 9441 Smoke Road submitted by Legg Up Properties with the following conditions: No area lighting to be permitted in the playing fields or open areas outside of vehicular parking lots, no amplification music or other speaker systems or noises after 9:00 p.m. or before 9:00 a.m. The motion was seconded by Cheri Rogers. The roll call on the motion was as follows: Cheri Rogers, yes; Trent Stepp, yes; Rick Cox, yes; Greg Reis, yes; and Mark Schaff, no; motion passed 4-1.

Cheri Rogers moved to adjourn at 7:00 p.m. The motion was seconded by Greg Reis and passed by unanimous affirmative vote.

Laura Brown

Laura Brown, Clerk

Rick Cox

Rick Cox, Chairman



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Members: Rick Cox-Greg Reis-Cheri Rogers-Mark Schaff-Trent Stepp
Alternate Member: Ryan Davidson

FINAL ORDER

The Etna Township Board of Zoning Appeals held an adjudicatory hearing on February 27, 2018 at the Etna Township Administration Building for Conditional Use Permit CU-18-01 for NAICS Code 713990 All Other Amusement and Recreation Industries for 9441 Smoke Road submitted by Legg Up Properties submitted by Deborah Legg. To allow for a foot golf course and practice/sporting game field with clubhouse-party/meeting rooms and office.

The board to approve the Conditional Use Permit CU-18-01 for NAICS Code 713990 All Other Amusement and Recreation Industries for 9441 Smoke Road submitted by Legg Up Properties with the following conditions: No area lighting to be permitted in the playing fields or open areas outside of vehicular parking lots, no amplification music or other speaker systems or noises after 9:00 p.m. or before 9:00 a.m. The motion passed 4-1.


Rick Cox


Greg Reis


Cheri Rogers


Mark Schaff


Trent Stepp