

## RECORD OF PROCEEDINGS

Minutes of

Meeting

## Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held \_\_\_\_\_ January 29, 2019

The hearing was called to order by Vice Chairman Reis at 6:16 p.m. on January 29, 2019 at the Etna Township Administration Building. The roll call showed members Mark Schaff, Sarah Benoit, Greg Reis, Eric Nickolas, and Trent Stepp present, along with Clerk Laura Brown.

Trent Stepp moved to go into executive session at 6:20 p.m. to bring the two new members up to speed on the case. The motion was seconded by Mark Schaff and passed by unanimous affirmative vote. Only the Board of Zoning Appeals members were present in the executive session.

Eric Nickolas moved to come out of executive session at 6:50 p.m. The motion was seconded by Trent Stepp and passed by unanimous affirmative vote.

Vice Chairman Reis asked the applicant Gary Allen if the information he had to present was new because the public testimony portion of the hearing was closed on November 27, 2018. The information was part of what was said in the other hearing. For the board to consider new information one of the three members who were present at the original hearing has to request for a reconsider. Vice Chairman Reis asked if there was a motion for reconsider on the original testimony and there was not.

The nature of the hearing is for an appeal of the Zoning Inspector's decision submitted by Gary Allen of 181 Humphries Drive, Etna, OH 43068. Vice Chairman Reis explained the hearing was recessed on November 27, 2018. The Applicant, Gary Allen, along with the Zoning Inspector, John Singleton, were sworn in at the November 27, 2018.

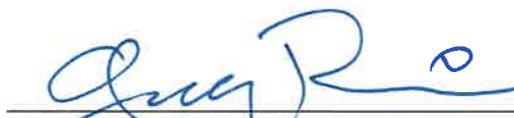
Chairman Reis stated the new members were provided with the information and minutes from the hearing on November 27, 2018.

Mark Schaff moved to deny the appeal of the Zoning Inspector's decision submitted by Mr. Allen, HTF Holdings LLC, at 181 Humphries Drive, Etna. The motion was seconded by Trent Stepp. Discussion: Trent Stepp stated he has reviewed the past testimony and legal opinion along with the findings of fact and final order from the original hearing. Trent Stepp believes the challenge is the difference between storage and parking and that parking is an area used for the parking of motor vehicles in a parking lot and storage is an area for the safe keeping of goods in a depository fashion such as a warehouse or other such means. The applicant requested to present the additional information and requested consistency with the board. The public testimony portion of the hearing was closed on November 27, 2018. The board did not request a motion for reconsider.

The roll call was as follows: Mark Schaff, yes; Sarah Benoit, abstain; Eric Nickolas, abstain; Greg Reis, yes; and Trent Stepp, no; the motion passed 2-1. Due to the fact that they were not members of the board during the hearing Sarah Benoit and Eric Nickolas abstained.

Trent Stepp moved to adjourn at 7:10 p.m. The motion was seconded by Mark Schaff and passed by unanimous affirmative vote.

  
Laura Brown, Clerk

  
Greg Reis, Vice Chairman



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Members: Sarah Benoit-Eric Nickolas-Greg Reis-Mark Schaff-Trent Stepp

## FINAL ORDER

The Etna Township Board of Zoning Appeals held an adjudicatory hearing on November 27, 2018 and January 29, 2019 at the Etna Township Administration Building for an appeal of the Zoning Inspector's decision submitted by Gary Allen of 181 Humphries Drive, Etna, OH 43068.

The board moved to deny the appeal of the Zoning Inspector's decision submitted by Mr. Allen, HTF Holdings LLC, at 181 Humphries Drive, Etna. The roll call was as follows: Mark Schaff, yes; Sarah Benoit, abstain; Eric Nickolas, abstain; Greg Reis, yes; and Trent Stepp, no; the motion passed 2-1. Due to the fact that they were not members of the board during the hearing Sarah Benoit and Eric Nickolas abstained.

*excused*

Sarah Benoit

*Eric Nickolas*

Eric Nickolas

*Greg Reis*

Greg Reis

*Mark J. Schaff*

Mark Schaff

*Trent Stepp*

Trent Stepp

## Etna Township Board of Zoning Appeals

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

Held \_\_\_\_\_ January 29, \_\_\_\_\_ 2019  
 \_\_\_\_\_ 20 \_\_\_\_\_

**Organizational Meeting**

The hearing was called to order by Vice Chairman Reis at 7:23 p.m. on January 29, 2019 at the Etna Township Administration Building. The roll call showed members Mark Schaff, Sarah Benoit, Greg Reis, Eric Nickolas, and Trent Stepp present, along with Clerk Laura Brown.

Vice Chairman Reis welcomed Sarah Benoit and Eric Nickolas to the board.

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

Mark Schaff nominated Greg Reis for Chairman. The nominations were closed. Roll call was as follows: Mark Schaff - Greg Reis, Sarah Benoit - Greg Reis, Greg Reis - abstain, Eric Nickolas - Greg Reis, and Trent Stepp - Greg Reis. Greg Reis will serve as the Chairman for 2019.

The meeting was turned over to Chairman Reis.

Trent Stepp nominated Sarah Benoit and Greg Reis nominated Trent Stepp for Vice Chairman; Roll call: Mark Schaff - Sarah Benoit, Sarah Benoit - Trent Stepp, Greg Reis - Trent Stepp, Eric Nickolas - Trent Stepp, and Trent Stepp - Sarah Benoit. Trent Stepp will serve as the Vice Chairman for 2019. Trent Stepp stated he has had that position and was willing to share the position with another member.

Trent Stepp moved to appoint Laura Brown as the Board of Zoning Appeals Clerk. Eric Nickolas seconded the motion and it passed by unanimous consent.

Trent Stepp moved to authorize the Board of Zoning Appeals Clerk to contact the Licking County Prosecutor's Office for administrative purposes only. The motion was seconded by Sara Benoit and it passed by unanimous consent.

Trent Stepp moved to use 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 (calendar). Sarah Benoit seconded the motion and it passed by unanimous consent.

The 2019 submission deadline will be 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.

Trent Stepp moved to approve the 2019 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 of the month of December which will be determined at that time because of the Christmas holiday. The motion was seconded by Sarah Benoit and it passed by unanimous consent.

Chairman Reis reviewed the meeting cancellation process and procedure for members informing the board of scheduling conflicts. The Board of Zoning Appeals will continue with the same procedure for members informing the Board of scheduling conflicts with regard to meetings and hearings. The Board discussed rotating the vote on the motions for the determination during the adjudicatory hearings. The clerk will keep a chart and rotate the vote. This policy will allow all of the votes to have equal weight.

The public meeting is to approve the minutes from the December 20, 2018 hearings and to sign the final orders.

Trent Stepp move to waive the public reading and to approve the minutes and sign the final order from the December 20, 2018 hearing for VA-18-09 submitted by Ascena Retail Group at 200 Heritage Drive and VA-18-10 submitted by Tri-County Pre-owned superstore at 8520 E. Main Street as presented. Mark Schaff, yes; Sarah Benoit, yes; Greg Reis, yes; Eric Nickolas, abstain; and Trent Stepp, yes; motion passed

Mark Schaff discussed personal liability insurance. The clerk believes the board is covered by the township liability insurance with OTARMA. Chairman Reis will contact the Trustees.

Trent Stepp moved to adjourn the meeting at 7:43 p.m. Mark Schaff seconded the motion and it passed by unanimous consent.

  
 Laura Brown, Clerk

  
 Greg Reis, Chairman