

June 18,

2019

Held

20

ADJUDICATORY HEARING-Ohio Steel Appeal

The hearing was called to order by Chairman Reis at 6:03 p.m. on June 18, 2019 at the Etna Township Administration Building. The meeting was audio taped for the township records. The roll call showed members Mark Schaff, Sarah Benoit, Greg Reis, and Trent Stepp present, along with Clerk Laura Brown. Eric Nickolas was excused.

The nature of the hearing is to consider an appeal of the Zoning Inspector's decision submitted by Ohio Steel regarding 13151 National Road.

Chairman Reis explained the process of the hearing. The Zoning Inspector John Singleton and applicants Karl Lutz and John Belcher were sworn in.

John Singleton reviewed the staff report. On July 26, 2018 Scott Lee of Professional Image Sign Corporation filed for a variance for Ohio Steel Recycling LLC and the variance hearing was held on October 9, 2018. The township is not permitted to allow a sign in the Ohio Department of Transportation's (O.D.O.T) right-of-way. During the variance hearing the board determined a variance was not needed for the aggregate sign area. The board also discussed safety concerns with digital signage. The location of the sign had to be out of O.D.O.T's right-of-way. The sign was re-located in front of the office and the variance regarding the size of the signage was withdrawn. The variance requests from Sections 1207A and 1209C3 were withdrawn. The correspondence from ODOT stated they do not have any issues with the sign as long as it is not in their right-of-way. The Area Variance #VA-18-07 was approved reducing the minimum setback requirements from Article 12 Section 1209C5 from 20' to 1' from the public right-of-way. On February 6, 2019, John Singleton received the sign application from Megalith LLC to construct the sign. The sign company changed between obtaining the variance and applying for the sign permit. Later in February the township received several complaints regarding the sign being in motion. On February 27, 2019 John Singleton spoke with Karl Lutz regarding the motion on the signage not being permitted. On March 15, 2019 John Singleton spoke with Karl Lutz again about the motion on the signage being in violation of the Zoning Resolution and issued a Notice of Zoning Violation Letter to Ohio Steel Recycling LLC.

On April 5, 2019 Ohio Steel Recycling LLC filed for an appeal of the Notice of Zoning Violation. The violations were from Article 12, Sections 1207A.1 that the electronic sign is permitted to be up to 50% of the sign, Section 1207F.3 the sign shall display static images only, and Section 1207F.4 the transitions must be instantaneous.

John Singleton provided pictures of the signage that were taken today, June 18, 2019. It appears from the signage in these pictures today that the sign might be in compliance for the requirement in Section 1207A.1.

The location of the sign was verified. The sign was not complete at the time of the violation notice. The sign dimensions were discussed. The sign that was installed does not match the drawing that was submitted for the permit and will need to be verified. John Singleton feels it appears to be closer to the ratio that it needs to be.

The applicant believes the sign is now in compliance now that the cabinet has been completed. John Singleton showed the board how he would measure the signage for the 50% requirement.

The property originally had three signs and they have removed all of them but this sign and they have relocated it out of the right-of-way.

John Singleton feels the other violations have been abated and the only concern now is the motion of the sign.

The Zoning Inspector did not receive the signed certification from the sign manufacturing that the sign is factory pre-set to comply or a signed letter stating they have read and understand the regulations within Article 12 regarding operation of the sign. John Singleton stated the regulations were explained to the sign company that applied for the variance. The sign company that applied for the zoning permit was a different company.

Trent Stepp wanted to confirm that the sign code in Section 1207F6 requires a sign message shall be complete in itself and shall not continue on a subsequent sign message. In the pictures from today the messages are continuing between sign messages.

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Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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Karl Lutz, representing Ohio Steel Recycling, stated they would not have spent forty thousand dollars for an electronic sign if they would have known that this type of sign was not permitted. Mr. Lutz referenced Section 1207F8 and stated they never had knowledge of this requirement or the one in Item 9. Karl Lutz confirmed they had a different sign company for the variance. John Singleton stated that the sign company was made aware. Karl Lutz feels the regulations should have been explained prior to the permit or variance being issued.

The sign code is available on the Etna Township's website. The board discussed the burden being on the owner to know the regulations and they are the ones that changed sign companies. It is the sign company's responsibility to provide the certification. The Zoning Inspector would not have had prior knowledge on the images on the sign by issuance of the Zoning Permit.

The board discussed what needed to be done to the sign for it to be compliant.

The applicant discussed other signs in the area that are moving in the same way. The Zoning Inspector will address those signs.

The board explained that they have to rule using the Zoning Resolution just like the Zoning Inspector has to. The Zoning Commission can recommend changes to the regulations in the Zoning Resolution.

The board discussed how electronic signage causes distractions. The Zoning Resolution addresses the safety concerns with distractions from electronic signage. The board discussed safety concerns during the variance hearing regarding the electronic signage.

The applicant recommends that the township require a property owner or applicant sign the requirements and provide the signed certification in the future.

The Board discussed it being the applicant's responsibility to know the regulations and what is permitted.

The applicant discussed what they were planning on doing with the sign and feels now they will not be able to. The board discussed what a person driving will be able to see on the sign and whether it will matter if the sign moves.

Chairman Reis explained what the Board of Zoning Appeals can rule on this evening. This is an appeal of the Zoning Inspector's decision and not a variance hearing.

The property owner has cleaned up the property and improved it from the previous owners.

The sign can be modified to work within the requirements of the Zoning Resolution. The hearing tonight is regarding the Violation Notice from the Zoning Inspector. The sign is located close to a major thoroughfare and poses safety issues with distracted drivers.

Trent Stepp stated he participated in the drafting of the sign code when he served on the Zoning Commission and would be happy to explain it to them after the meeting to help them understand why the regulations were written the way they were.

John Singleton stated he had numerous conversations with Scott Lee prior to him filing for the variance.

The first sign company should have forwarded the information and the second sign company should have reviewed the sign regulations.

Trent Stepp moved to close the public testimony portion of the hearing at 6:50 p.m. The motion was seconded by Sarah Benoit and passed by unanimous affirmative vote.

The board discussed the moving images on the sign and the Zoning Regulation prohibits the video motion behind the words. The other items comply. The sign location complies with the variance they received.

Mark Schaff moved to deny the appeal of the Zoning Inspector's decision submitted by Ohio Steel regarding 13151 National Road. The motion was seconded by Trent Stepp and passed by unanimous affirmative vote.

Trent Stepp moved to adjourn at 6:54 p.m. The motion was seconded by Sarah Benoit and passed by unanimous affirmative vote.


Laura Brown, Clerk


Greg Reis, Chairman



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

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

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 June 18, 2019 at the Etna Township Administration Building for an appeal of the Zoning Inspector's decision submitted by Ohio Steel regarding 13151 National Road.

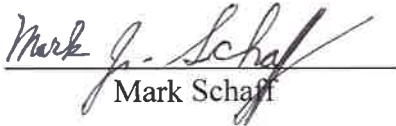
The board moved to Mark Schaff moved to deny the appeal of the Zoning Inspector's decision submitted by Ohio Steel regarding 13151 National Road. The motion was seconded by Trent Stepp. The motion passed by unanimous affirmative vote.



Sarah Benoit

Absent

Eric Nickolas


Greg Reis


Mark Schaff


Trent Stepp

The Final Order was approved and signed: 7/16/19

The Final Order was mailed/emailed to applicant on: 7/17/19

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Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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2019

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The hearing was called to order by Chairman Reis at 6:56 p.m. on June 18, 2019 at the Etna Township Administration Building. The roll call showed members Mark Schaff, Sarah Benoit, Greg Reis, and Trent Stepp present, along with Clerk Laura Brown. Eric Nickolas was excused.

The public meeting is to approve the minutes from the April 23, 2019 hearing for Area Variance VA-19-03 submitted by Garmann/Miller Architects-Engineers for Southwest Licking Board of Education. and to sign the final orders.

Trent Stepp moved to waive the public reading and to approve the minutes and sign the final order from the April 23, 2019 hearing for for Area Variance VA-19-03 submitted by Garmann/Miller Architects-Engineers for Southwest Licking Board of Education. The motion was seconded by Mark Schaff and passed by unanimous affirmative vote.

Trent Stepp moved to adjourn at 6:58 p.m. The motion was seconded by Sara Benoit. The roll call on the motion was as follows: Benoit, yes; Reis, yes; Schaff, yes; and Stepp, no; motion passed 3-1.

Laura Brown

Laura Brown, Clerk

Greg Reis

Greg Reis, Chairman