

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

September 25,

2023

VA-23-07 Licking County Board of Developmental Disabilities 10485 Tollgate Rd.
CU-23-01 Grandison 10535 Tollgate Road
VA-23-08 & CU-23-02 Shriner 8475 Mink St.

The meeting was called to order by Chairman Stepp at 5:00 p.m. on September 25, 2023, at the Township Hall. The roll call showed members Sarah Benoit (arrived at 5:09 p.m.), Shannon Mills, Trent Stepp, Kevin Newton, and Eric Nickolas present along with Clerk Laura Brown.

VA-23-07 Licking County Board of Developmental Disabilities 10485 Tollgate Rd.

Chairman Stepp explained how the adjudicatory hearings will be conducted and John Singleton, Etna Township Zoning Inspector; and Bud Rudin, Applicant were sworn in for VA-23-07.

The adjudicatory hearing was called to order at 5:04 p.m. by Chairman Stepp.

The nature of the hearing is to consider Area Variance for the application submitted by the Licking County Board of Developmental Disabilities for 10485 Tollgate Road from Article 10 Supplementary District Regulations, Section 1005.1 Maximum Square Footage of Accessory Structure - Table 1005A.

John Singleton, Zoning Inspector, reviewed the written Staff Report. The property is located in a R-1 (Low Density Residential) Zoned District with the maximum square footage limit on accessory structures of one thousand square feet. The property has an existing garage of nine hundred square feet. The property owner is requesting a variance of twenty feet for a 10'x12' shed. The shed was already installed because the contractor was not aware of the Zoning Permit requirement. The places them twenty square feet over the limit.

Bud Rudin agrees with the facts presented by John Singleton and is present to answer questions.

Sarah Benoit arrived at 5:09 p.m. and was given the time to review the evidence presented.

Eric Nickolas moved to close the public testimony portion of the hearing at 5:09 p.m. The motion was seconded by Kevin Newton and passed by unanimous affirmative vote.

Trent Stepp discussed the shed was built by the contractor as a 10'x12' which put the shed over the limit. The board reviewed the Standards for Practical Difficulty in Section 512.B of the Zoning Resolution.

Sarah Benoit moved to approve Area Variance submitted by the Licking County Board of Developmental Disabilities for 10485 Tollgate Road from Article 10 Supplementary District Regulations, Section 1005.1 Maximum Square Footage of Accessory Structure - Table 1005A to increase by 20 feet to allow 1020 square feet because the Standards for 'Practical Difficulty' (Section 512.B. of the Zoning Resolution) have been met. The motion was seconded by Erick Nickolas and passed by unanimous affirmative vote.

Sarah Benoit moved to close the adjudicatory hearing at 5:15 p.m. The motion was seconded by Kevin Newton and passed by unanimous affirmative vote.

CU-23-01 Grandison 10535 Tollgate Road

Chairman Stepp explained how the adjudicatory hearings will be conducted and John Singleton, Etna Township Zoning Inspector; Bradley Grandison, applicant; and Gary Burkholder sworn in for CU-23-01.

The adjudicatory hearing was called to order by Chairman Stepp at 5:19 p.m.

The nature of the hearing is to consider a Conditional Use for the application submitted by SolShine Solar Solutions for 10535 Tollgate Road from Article 10-Supplementary District Regulations for Freestanding Solar Panels in a residential district.

John Singleton, Zoning Inspector, reviewed the written Staff Report. The property is located in a R-1 (Low Density Residential) Zoned District. The property owner is requesting a total of sixty-five solar panels on their property. Twenty-nine panels will be roof-mounted with the remaining thirty-six panels be free-standing. The roof-mounted are not subject to conditional use. The Zoning Commission has been working on language for the use of solar panels in the Township. One of the proposed recommendations is to increase the size of setbacks for free-standing solar panels. The current Zoning Resolution requires a minimum 5' setback from the side and rear property lines, a minimum 10' separation from principle and accessory structures, and a maximum height of 18'. It also lacks requiring any buffering. They are not permitted in the front yard.

John Singleton suggested the 36 free-standing solar panels have increased setbacks from the side and rear property lines from 5' to 20', a maximum height of 6' and a continuous planting of hedge or evergreens with a minimum height of 6' around the panels to eliminate glare to surrounding properties and roadways. This is the modification being recommended by the Zoning Commission to the Board of Trustees in the Zoning Resolution. The Board the process of being adopted and if it affects this request.

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

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The board discussed the six foot height along with the side and rear setbacks. The solar panel will need to be at least ten feet away from any existing structures.

Bradley Grandison of 10535 Tollgate Road is installing solar panels to help offset the cost of electricity. The applicant provided drawings for the dimensions and locations of the solar panels. The applicant does not have issues with relocating the freestanding solar panels. Mr. Grandison does have a concern with the six foot height and needs seven foot four inches. Mr. Grandison provided a drawing that shows the north clearance at 7'4" tall.

The Board discussed possible buffering requirements around the solar panels. The adjacent property is currently a farm field. There are no trees or bushes currently in this area on the property for buffering.

The Board discussed the height and how the solar company came up with the height. This is what the company provided to get the results that Mr. Grandison is needing with the racking system is 7'4". The racking system is already in the ground as far as it can go.

Exhibit A: Solshine Solar Solutions - Sheet Name Array Details, Sheet Number PV-3.1.

The property has a farm field to the north. The residential use to the east the house is two hundred feet away.

Sarah Benoit moved to close the public testimony portion of the hearing at 5:42 p.m. The motion was seconded by Shannon mills and passed by unanimous affirmative vote.

The board discussed that the request is a conditional use.

The board reviewed the General Standards and Topics Applicable to All Conditional Uses in Sections 522 and 523 of the Zoning Resolution. The board discussed the height the applicant is requesting along with setbacks. The property and glare to the south was discussed. Mr. Grandison is five hundred feet from the property to the south. The property to the south currently has trees along the property. The solar panels are designed with anti-reflective properties to greatly reduce glare.

The adjacent property owners were sent notification letters.

Trent Stepp moved to approve the Conditional Use submitted by SolShine Solar Solutions for 10535 Tollgate Road from Article 10-Supplementary District Regulations for Freestanding Solar Panels in a residential district because the General Standards and Topics Applicable to All Conditional Uses from Section 522 and 523 of the Zoning Resolution have been met. Conditions for this approval will include twenty-foot side and rear setbacks and an eight-foot height maximum. The motion was seconded by Sara Benoit and passed by unanimous affirmative vote.

Sarah Benoit moved to close the adjudicatory hearing at 5:49 p.m. The motion was seconded by Kevin Newton and passed by unanimous affirmative vote.

CU-23-02 8475 Mink Street**VA-23-08 8475 Mink Street**

Chairman Stepp explained how the adjudicatory hearings will be conducted and John Singleton, Etna Township Zoning Inspector; James Shriner, applicant; Bernie Caplin, Julia Beck, Mark Borrer, Shelly Marie Ipacs, Judy Cafmeyer, Jan Gilbert, Bill Meadows, Tom Wilson, Gary Burkholder, Chelsi Gill, Paul Cugini, and Doris Caceres Schumick were sworn in.

The adjudicatory hearing was called to order by Chairman Stepp at 5:56 p.m.

The nature of the hearing is to consider a Conditional Use for the application submitted by James Shriner for Towlot, LLC for 8475 Mink Street for a Conditional Use for Motor Vehicle Towing in a Light Manufacturing District and Area Variance from Article 11 Off-Street Parking and Loading Facilities, Section 1103 Paving.

John Singleton, Zoning Inspector, reviewed the written Staff Report. The property is located directly across Mink Street from the Imperial Road entrance to Royal Acres and two residential properties. The NAICS Code 488410 Motor Vehicle Towing is a conditionally permitted use in an M-1 (Light Manufacturing District) Zoned District. The property was originally Zoned Agricultural and in 1996 the property was rezoned to M-2. In 1999 the property was rezoned from M-2 to M-1.

The purpose of the M-1 District is to allow for the development of manufacturing and wholesale business establishments that are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke, or glare; they are meant to operate entirely within enclosed structures and generate little industrial traffic. This district is further designed to act as a transitional use between M-2 and M-3 manufacturing uses and other less intense business and residential uses.

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held _____ September 25, 2023

The property owner would like to locate his towing company's impound, storage, and parking to this property. If the Conditional Use is approved it was recommended to require a solid or opaque wall or fence eight foot in height around the perimeter of the area to be used for impound, storage, and parking with the gate to remain closed at all times. The lighting should be kept to a minimum.

James Shriner, Applicant, discussed the recommendation of the eight-foot-tall opaque fencing opposed to a six-foot-tall chain link fence with slats through it. Mr. Shriner proposed a six-foot tall fence with slats through it with a three-foot extension of electric fence. John Singleton recommended the eight-foot solid fence for opacity and to be more visually pleasing. Mr. Shriner read from the application submitted. Mr. Shriner would like to open a towing location in Etna Township. He has lived in Etna for over twenty years and sees the area growing in both population and commercial business which creates the need for additional towing service to keep traffic flowing. Mr. Shriner purchased the two-acre parcel at the end of May or early June and feels his business will complement the area. The plan is to tow wrecked and disabled vehicles for various police departments. The applicant does not feel the adjoining properties to be impacted or affected by the gravel lot. The only noise generated from the business is vehicle noise, such as engines starting, stopping, and idling. The two acres includes a residence.

The board discussed the other two towing companies in Etna Township. The difference between impound lots and junk yards was explained. The vehicles that are not retrieved are sold to Ohio Steel. The vehicles are not parted out. After sixty-five days the vehicle can be transferred to them after following the proper procedures. The vehicles leaking oil and antifreeze were discussed and they contract with Crystal Kleen for cleanup of the property. Whether the impound lot creates issues with rodents was discussed. Mr. Shriner does not have an issue with this currently. They will be towing tractor trailers with the longest vehicle being fifty-three feet. The property lighting was discussed and owners picking up their vehicles after hours. There will be an office on the premises and Mr. Shriner has not determined office hours at this time. The environmental impact of this business was discussed and whether the EPA would have concerns with this location. Mr. Shriner has never had any issues with the EPA. Mr. Shriner does not know how many vehicles can be stored on this lot. Mr. Shriner does not own a crane to put vehicles on top of each other.

The Board discussed this proposed use being next to the residential neighborhood across the street. Mr. Shriner discussed landscaping the front of the property and feels the back of the property will not be visible. Mr. Shriner explained the vehicles are not kept on the property any longer than necessary. The storage on the property will be vehicles only. The increased traffic was discussed and possible impact on school bus drop offs. Mr. Shriner is not aware of any bus stops that will be impacted, his side of the road is all industrial.

The Board discussed noise generated from this business and Mr. Shriner explained that on his side of the road it is all industrial and the noise generated from his business is not more than what is already there. Mr. Shriner feels his business will help with the traffic if a tractor trailer breaks down and it can be towed faster. Mr. Shriner would be fine with this business across from his property and feels the property owner should be able to do what they want with their property. Mr. Shriner has not had issues with angry customers because their car was towed. Mr. Shriner has not seen an increase in crime from his towing impound lot and has not had any issues.

Mr. Shriner is planning on removing the existing barn and the other buildings will remain. The lighting was shown on his diagram in the application. Mr. Shriner is not opposed to lighting as required by the board.

Exhibit A – Application and diagrams

Public Comments

Bernie Caplin of 441 Brookside Drive owns the property with some partners on the southwest corner of Mink Street and Refugee Road. Mr. Caplin discussed the recent improvements in this intersection and that Mink Street is the connector between Fairfield County and Johnstown. Mr. Caplin does not feel this use fits in this area and requested if this is granted the setbacks are like the surrounding buildings and has concerns with granting the gravel lot.

Julia Beck of 64 Imperial Drive is concerned with drainage and the floodplain affecting Sycamore Creek. John Singleton explained the current floodplain is all on the west side of the road. This property is not in the flood plain but if the use is approved this will have to go through the review with Licking County which includes Soil and Water.

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Meeting

Etna Township Board of Zoning Appeals

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Mark Borrow of 41 Trevi Court believes part of the floodplain is on this property. Mr. Borrow inquired about studies regarding property values in the area and how this use would affect them. Mr. Shriner asked what Mr. Borrow would like to have on this lot. Mr. Borrow thought one of the warehouse properties would have absorbed it. A nice park was suggested.

Shelly Marie Ipacs of 114 Royalty Drive discussed this property with Linda Nicodemus, Licking County Soil and Water, and they do have a concern with the water shed and the gravel lot. Mrs. Ipacs has concerns about the dust and dirt created by a gravel lot along with noise created by the tow lot.

Exhibit B – A picture of the lot owned by Mr. Shriner, Broad and James Towing.

Judy Cafemyer of 29 Roma Drive agrees with everything said.

Jan Gilbert of 10 Imperial Drive submitted a poster with pictures of the proposed tow lot and community across the street. Mrs. Gilbert has concerns with traffic, agrees with other concerns already raised, and the flood zone. Mrs. Gilbert also presented a document of “Opposition Arguments” and a court case in Franklin County regarding Pro-Tow, Inc. Mrs. Gilbert discussed the requirement of the parcel being two acres exclusive of road right-of-way and setbacks. Jan Gilbert submitted signed statements opposing impound lot.

Exhibit C – “Opposition Arguments” document

Exhibit D – Poster with pictures of the proposed tow lot and community across the street.

Mr. Shriner discussed whether the lot in the court case was an approved tow lot and commented that Broad and James Towing has never been sited.

Bill Meadows of 11 Imperial Drive is across the street and is concerned with the EPA aspects, gravel lot, property values, crime, and hours of operation.

Gary Burkholder of 254 Trail East requested the board consider the evidence submitted by the Zoning Inspector is not compatible with the residential neighborhood across the street.

Chelsi Gill of 125 Bishop Drive submitted a list of questions.

Paul Cugini of 155 Green Meadows Drive is developing the property west of Royal Acres and is concerned with property values and previously requested a copy of the application. Mr. Cugini is concerned with detriment to the sales of the homes in his development and requested if this is approved it is properly screened. There are a total of forty-ones homes projected to be built in two phases in his development.

Doris Caceres-Schumick of 9136 Mink Street is concerned with keeping a rural atmosphere, noise, light, traffic, and the impacts to the residents on Mink Street.

James Shriner asked Paul Cugini for the amount the property values would be affected by the tow lot. Mr. Cugini does not have a dollar amount of what this visual impact would have on property values. James Shriner asked what Mr. Cugini would like to see on this property. Mr. Cugini does not know what the best use would be but would suggest something visually pleasing.

James Shriner stated it takes approximately sixty-five days before he can apply for a vehicle title and one day to obtain it. The vehicle is then removed within seven days. Mr. Shriner does not know how many vehicles the lot can hold or how many vehicles his existing lot can hold. The proposed storage is for vehicles only. If the vehicle is involved in a court case, it can remain there for a long period of time. Mr. Shriner does not know how many times the police have been called to the current facility but there have been zero incidents of theft. The gravel lot and concerns of chemicals have been discussed previously and there are requirements from Licking County. Mr. Shriner does not currently have electronic gates and the time it takes to get a vehicle into the lot varies.

James Shriner explained the gravel lot sits far enough back that it should not affect anything. The water will run off a paved lot faster than a gravel lot. Mr. Shriner does not use security dogs.

The Board has heard the evidence for both the Conditional Use and the Area Variance applications.

Sarah Benoit moved to close the public testimony portion of the hearing at 7:24 p.m. The motion was seconded by Eric Nickolas and passed by unanimous affirmative vote.

John Singleton explained the property is an existing lot of record and meets zoning.

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The board discussed the General Standards and Topics Applicable to All Conditional Uses from Section 522 and 523 of the Zoning Resolution have been met. The board feels the applicant did not provide a detailed plan. The conditions that could be placed on the property for this use were discussed.

Eric Nickolas moved to deny the Conditional Use submitted by James Shriner for Towlot, LLC for 8475 Mink Street for a Conditional Use for Motor Vehicle Towing in a Light Manufacturing District because the General Standards and Topics Applicable to All Conditional Uses from Section 522 and 523 of the Zoning Resolution have not been fully met. The motion was seconded by Kevin Newton. Discussion: This particular location is too close to residential. The motion passed by unanimous affirmative vote.

Trent Stepp moved to deny Area Variance submitted by James Shriner for Towlot, LLC for 8475 Mink Street from Article 11 Off-Street Parking and Loading Facilities, Section 1103 Paving because the Standards for 'Practical Difficulty' (Section 512.B. of the Zoning Resolution) have not been met. The motion was seconded by Sarah Benoit and passed by unanimous affirmative vote.

Eric Nickolas moved to close the adjudicatory hearing at 7:40 p.m. The motion was seconded by Kevin Newton and passed by unanimous affirmative vote.

Public Meeting

Chairman Stepp opened the public meeting at 7:41 p.m. For the record, all of the members remain in attendance.

Sarah Benoit moved to approve the minutes from the Board of Zoning Appeals adjudicatory hearing on July 25, 2023 and to sign the final order. The motion was seconded by Trent Stepp and passed by unanimous affirmative vote.

Sarah Benoit moved to adjourn the meeting at 7:42 p.m. The motion was seconded by Shannon Mills and passed by unanimous affirmative vote.

Laura Brown, Clerk

Trent Stepp, Chairman



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

Members: Sarah Benoit-Shannon Mills-Kevin Newton-Eric Nickolas-Trent Stepp
Alternates: Tommy Hunt

FINAL ORDER

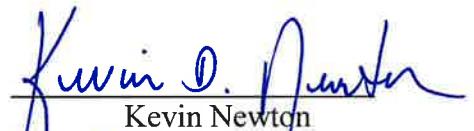
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Sarah Benoit


Shannon Mills


Kevin Newton


Eric Nickolas


Trent Stepp

The Final Order was approved and signed: 11/27-23

The Final Order was mailed/mailed to applicant on: 11/30/23



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The Board moved to approve Area Variance submitted by the Licking County Board of Developmental Disabilities for 10485 Tollgate Road from Article 10 Supplementary District Regulations, Section 1005.1 Maximum Square Footage of Accessory Structure - Table 1005A to increase by 20 feet to allow 1020 square feet because the Standards for 'Practical Difficulty' (Section 512.B. of the Zoning Resolution) have been met. The motion passed by unanimous affirmative vote.


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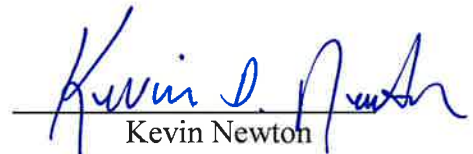
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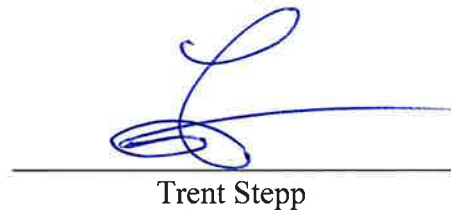
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