

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held January 30, 20 2024

- VA-23-10 Garmann Miller SWL Schools 8750 Watkins Road
- VA-24-02 Kennedy Outdoor Advertising 8900 National Road
- CU-24-01 Cotugno 10095 Tollgate Road

The meeting was called to order by Chairman Stepp at 5:05 p.m. on January 30, 2024, at the Township Hall. The roll call showed members Tommy Hunt, Shannon Mills, Trent Stepp, Kevin Newton, and Eric Nickolas present along with Clerk Laura Brown.

Chairman Stepp explained how the adjudicatory hearings will be conducted. Zoning Inspector Freddie Latella, Rachel Zelazny, Phyllis Bundy, Chuck Bundy, Curt South, Kerry Yuhas, Jeff Cotugno, Rick Cox, Bob Jennell, Richard Kennedy, and Anthony Gilmore were sworn in.

**VA-23-10 Garmann Miller SWL Schools 8750 Watkins Road**

The adjudicatory hearing was called to order at 5:08 p.m.

The nature of the hearing was to consider Area Variance request VA-23-10 for the application submitted by Garmann Miller for the Southwest Licking School District for the property located on 8750 Watkins Road from Article 12 – Signage, Section 1209.E.1 Other Permitted Sign Types, Total Sign Area Allowed.

Zoning Inspector Freddie Latella reviewed the written Staff Report. The wall sign will be located on the new elementary school. The school was previously granted a variance on May 23, 2023, increasing the signage square footage from 296 square feet to 367 square feet. The school district is changing the name from Pataskala Elementary to Pataskala South Fork Elementary, increasing the square footage to 387 square feet.

Bob Jennell representing Southwest Licking Schools was present to answer any questions.

Curt South with Garman Miller Architects confirmed the evidence presented by Freddie Latella. The board discussed what the name was previously. The permitted square footage is 296 square feet. The requested amount is 387 square feet.

The variance will not create any additional illumination.

Kevin Newton moved to close the public testimony portion of the hearing at 5:13 p.m. The motion was seconded by Tommy Hunt and passed by unanimous affirmative vote.

The Board of Zoning Appeals confirmed that the permitted wall signage allowed is 296.25 square feet and the needed sign area is 387 square feet.

Trent Stepp moved to approve Area Variance request VA-23-10 for the application submitted by Garmann Miller for Southwest Licking School District for the property located on 8750 Watkins Road from Article 12 – Signage in Section 1209 Permanent Signs Permitted in Nonresidential Zoning Districts, E. Other Permitted Sign Types to increase the permit the wall signage from 296.25 to be 387 square feet; because the Standards for ‘Practical Difficulty’ per the Zoning Resolution Section 512.B. have been met. The motion was seconded by Eric Nickolas. Discussion: The board reviewed the Standards for Area Variances in Section 512 of the Zoning Resolution during the previous hearing on May 23, 2023, and they would still apply for this request. The motion passed by unanimous affirmative vote.

Eric Nickolas moved to close the adjudicatory hearing at 5:18 p.m. The motion was seconded by Kevin Newton and passed by unanimous affirmative vote.

**VA24-02 Kennedy Outdoor Advertising 8900 National Road**

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

The nature of the hearing was to consider Area Variance request VA-24-02 for the application submitted by Richard Kennedy for GM 8900 National Road Co LLC for the property located on 8900 East Main Street from Article 12 – Signage. The request is regarding the distance from residentially zoned districts and buildings.

Zoning Inspector Freddie Latella reviewed the written Staff Report. The applicant would like to install a 10’ x 30’ off premise sign on the property. The variance request is for the distance from a residentially zoned district and distance to the nearest building. The proposed location of the sign is approximately 260 feet west of a residential Manufactured Home Park which is located within the unincorporated area of Etna Township, not the City of Reynoldsburg. The minimum sign setback from a residential zoning district shall be 2000 feet. It appears from the drawing provided the proposed sign will be substantially less than 100 feet from the nearest building which is a recently constructed 48’ by 104’ building on the same parcel.

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The applicant’s aerial exhibit represents the proposed sign will have a setback of a minimum 100 feet from the U.S. 40 road right-of-way. However, in the applicant’s original zoning application for a sign permit, dated December 1, 2023, the proposed size of the sign was listed as 10 feet by 30 feet for a total of 300 square feet. This increased square footage requires an additional setback from the road right-of-way in accordance with Section 1211 E 2 as listed in Article 12 (or every two square feet over 100 square feet, such sign shall be setback an additional one foot from any right-of-way). This larger sign would require a setback of 200 feet from the road right-of-way. Based on the larger sign originally proposed, the sign location would be near the corner of the 48’ by 104’ building on the site, with virtually no setback.

Richard Kennedy of Kennedy Outdoor Advertising is the applicant. The applicant reviewed the drawings that were submitted as part of the application. The Zoning Permit was denied on December 11, 2023, by the Zoning Inspector because the two thousand foot set back from the residentially zoned district could not be met, there is a housing development 1,370’ to the east of this site. Mr. Kennedy discussed the residential district being in the City of Reynoldsburg and feels that property that is not in Etna Township should not be considered in this case. This property has been annexed into the City of Reynoldsburg. If only the properties that are in Etna Township are considered, then the sign would be approximately 3,135 feet from the closest residentially zoned property. This sign will not be seen from the property in the City of Reynoldsburg. The location of the sign is surrounded by commercially zoned property. The other reason the Zoning Permit was denied was the sign would not meet the one hundred foot setback requirement from any building. Mr. Kennedy explained the distance from the buildings that are within one hundred feet of the proposed sign. The new building that was constructed would be approximately fifteen feet from the sign. This building is located north of the proposed sign location. The supporting column for the sign would need to be located one hundred feet from the road right-of-way. Mr. Kennedy discussed other sections in the Zoning Resolution regarding location of structures and does not understand the one hundred foot setback requirement. The sign will meet all the setback requirements of the Ohio Revised Code. Mr. Kennedy does not feel there would be any negative effect on the surrounding properties.

Mr. Kennedy explained that with an off premises sign the advertisement would be for a business located in the area, in the township. There is not one specific business. This sign will be three hundred square feet. Which is small for an off premises sign.

The bottom elevation of the sign is approximately twenty feet. The applicant will meet all the other zoning requirements.

The sign will be lit but not digital. It is considered a stag sign. The light will shine up onto the sign.

The board discussed the Manufactured Home Park located to the east of this property and whether this property is considered a Residentially Zoned District in the Zoning Resolution. When John Singleton, the Zoning Inspector at the time the permit was denied, emailed the applicant the denial was from the housing development located 1,370’ to the east of the site. It did not mention the Manufactured Home Park. There was an email provided in the board members’ packets from John Singleton to the applicant stating the reasons for denial. The board discussed what residential areas should be considered and whether the property that is in the City of Reynoldsburg would need to be considered.

The size of the sign and whether item E under Section 1211 Permanent Off-Premises Signs would need to be considered this evening was discussed. Zoning Inspector Freddie Latella explained that under E.2. of Section 1211 the sign would need to be located two hundred feet from the road right-of-way. This is for every two square feet of sign area over 100 square feet that such sign shall be setback an additional one foot from any right-of-way. Mr. Kennedy was not made aware of this when the permit was denied, only items D and H.

The board and applicant discussed the subdivision being governed by the City of Reynoldsburg and how this variance would impact the entities.

The proposed sign location was verified with the applicant. The advertisement located on this sign would be for any business and not a business located on the property. Mr. Kennedy explained that they do not advertise anything with adult content. Mr. Kennedy does not own this property and will have a lease with the property owner for the sign. The new building that is located north of the sign is approximately twenty-seven feet tall. Mr. Kennedy can be flexible on the height of the sign if necessary. This is structurally like a billboard. This sign is used to drive traffic to other businesses in the area.

Eric Nickolas moved to close the public testimony portion of the hearing at 5:48 p.m. The motion was seconded by Kevin Newton and passed by unanimous affirmative vote.

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The board reviewed the Standards for Area Variances in Section 512 B of the Zoning Resolution. The sign is a secondary use of the property. The location of the sign will be closer to the building and not closer to the road. The Manufactured Home Park located next to this property was discussed. The applicant is applying for the variance instead of the property owner. The property owner signed the application. When the applicant is not the property owner, the property owner must sign the request. The variance goes with the property and not the applicant.

Moving the location of the sign away from the right-of-way is a form of obviating the predicament feasibly creating the variance request. The intent of the Zoning Resolution and whether this request is substantial was discussed and is a subjective term for the board to determine. The closeness to the building could be substantial but the property owner is not concerned with this location.

Zoning Inspector Freddie Latella provided the sections of the Zoning Resolution that need addressed in the variance request for the applicant to be granted a Zoning Permit for this sign. Those items are in Section 1211 items E2, D, and H in the Zoning Resolution.

The adjacent property owners were notified. The residents living in the trailer park were not mailed notification letters only the property owner. The location of residential property near the sign was discussed.

Eric Nickolas moved to approve Area Variance request VA-23-04 for the application submitted by Richard Kennedy for GM 8900 National Road Co LLC for the property located on 8900 East Main Street from Article 12 – Signage in Section 1211 Permanent Off-Premises Signs D. to reduce the minimum setback of 2,000 feet from any other off-premises sign, residential zoning district, or platted subdivision to 260 feet and section H. to reduce the minimum requirement of 100 feet from any building to 15 feet and E.2 (Eric read the entire section E2) from 200 feet to 100 feet because the Standards for ‘Practical Difficulty’ sited is Section 512.B. of the Zoning Resolution have been met. The motion was seconded by Tommy Hunt. Discussion: The entire section E2 was read but will not be part of the motion. It will only be highlighted to be consistent with the other part. The roll call was as follows: Hunt, yes; Mills, no; Newton, yes; Nickolas, yes; Stepp, yes; motion passed 4-1.

Kevin Newton moved to close the adjudicatory hearing at 6:10 p.m. The motion was seconded by Shannon Mills and passed by unanimous affirmative vote.

#### **CU24-01 Chingle LTD Jeff Cotugno**

The adjudicatory hearing was called to order at 6:11 p.m.

The nature of the hearing was to consider a Conditional Use request for the application submitted by Chingle LTD, Jeff Cotugno, for the properties located at 10077 and 10095 Tollgate Road from Article 9 – Section 909 Light Manufacturing District (M-1). The conditional use request is regarding a ready-mix plant.

Zoning Inspector Freddie Latella reviewed the written Staff Report. The property owner would like to build a Ready-Mix Plant which is different from a Cement Manufacturing Plant. The Ready-Mix Plant process is as follows: 1) Drop Cement Powder into the truck from silo. 2) Conveyor sand and gravel into truck. 3) Add water. The Cement Manufacturing Plant process is as follows: 1) Crush Limestone, shale and Gypsum 2) Mix and preheat 3) Heat Materials up to 2800 degrees 4) Grind into cement powder. If the Conditional Use is approved, the Zoning Inspector recommends a buffer along the perimeter of the property. The applicant must comply with the Soil and Water Commission, the EPA, the Licking County Planning Commission as well as the Etna Township Zoning Resolution. There are several complaints and violations which are enclosed in the BZA packets in which the Applicant needs to address.

Jeff Cotugno is the applicant and property owner of 10095 Tollgate Road. This permit request is to allow for a ready-mix plant. The ready-mix plant will allow Mr. Cotugno to supply his customers. Mr. Cotugno explained a Cement Manufacturing Plant is a larger operation and produces high levels of carbon dioxide. The cement powder will come for the Cement Manufacturing Plant and be stored on site in the silo. The process explained above would be followed to create the ready-mix. There will be dust coming from when the cement is dropped into the truck. The plant will have dust collectors to suck up the dust and filter it like a shop vacuum. Mr. Cotugno will have to follow the EPA Rules and regulations for a ready-mix plant. The plant is proposed to be located at the furthest point away on the property to respect the neighbors which will add additional cost for extra materials to construct a longer road and to run utilities.

Mr. Cotugno needs the plant to help with the demand for his customers. The higher demand for concrete has created a short fall in supply and affects when he can pour the concrete. Some days he is not even able to get concrete. Mr. Cotugno currently gets concrete from Taylor Road Buckeye Ready Mix in the City of Reynoldsburg. The concrete is harder to get because of the demand from larger Companies.



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The focus is on the warehouses and Intel. Top Cat located in Buckeye Lake is like what Mr. Cotugno is requesting to build.

The cement powder will be delivered to the ready-mix plant in bulk tankers. These tankers have three chambers on the bottom and are pulled by a cement truck. It is air pumped into the silo. The process does not create noise, the truck is louder than the pumping. The pump on the semi-truck will pump air into the bulk tank and as the bulk tank fills up with air it pushes the cement power up into the silo. The silo is eighty feet tall which includes the cap on the top. A picture of what is proposed to be built was included in the application packet. This is a dry batch plant. The height of the silo was discussed and why the silo needs to be that tall. Even the smallest silo is greater than thirty-five feet in height. The loaded cement truck will have a gross maximum weight of eighty thousand pounds. Mr. Cotugno estimates trucks will deliver the powder every three days. The trucks could start delivering at 6:00 a.m. in the morning. Mr. Cotugno is working on purchasing two cement mixer trucks. The maximum the plant can handle is ten to twelve trucks a day. Mr. Cotugno explained the silo will be filled from the top by pumping it from the trailer. The cement mixing truck will pull under the silo. There will be a gate that opens and closes underneath the silo.

Freddie Latella explained that with a Conditional Use Permit the Board of Zoning Appeals has the authority to limit the height of the silo and hours of operations.

The loading process along with the fans are all located on the inside of the building. A picture of the dust collections system was provided. This would be located inside the building. There could be doors required that would contain the process inside the building, but Mr. Cotugno was planning on leaving the doors open to get the trucks in and out quickly. The truck will enter from the back and pull in under the silo and then exit.

**Exhibit 1 – Concrete Batching Equipment Jet Pulse Dust Collections Systems Information**

Mr. Cotugno would also fill other cement trucks and not just the trucks owned by him. The operations hours would be 6:00 a.m. to 5:00 p.m. Monday through Friday and some Saturdays.

The board discussed the heavy traffic currently on Tollgate Road. The trucks would come from US40 to Tollgate Road to enter the property. South of the property on Tollgate Road there is a weight restriction in Fairfield County. The cold and rainy weather will affect the business.

Linda Nicodemus was sworn in at 6:33 p.m. Linda Nicodemus started as the Stormwater Manager with Licking County Soil and Water in 2022. The very first site the Urban Tech and Linda Nicodemus inspected in 2022 was Mr. Cotugno’s property. The approved plans that had went through Licking County Planning Commission showed a buffer on the wetland and only showed one wetland. On the first inspection there was already a violation going into the wetland because it was not buffered property and had been disturbed. The EPA was contacted because this was a violation to a wetland. Isolated wetlands are monitored and protected by the EPA. If it is a wetland that is close to a river or stream it is under the jurisdiction of the U.S. Army Corps of Engineers. The EPA set up inspections of the wetlands on the property. Mr. Cotugno was present during the inspections. During the inspections five wetlands were identified on the property. During this period of time the plans that were submitted, and needed to be completed first, were already revised, but not revised going through the property channels. Construction of a new garage type structure, that was not shown on the initial plans, had already started. This changes your entire storm water calculations. The detention basin that was being constructed and the storm water system was for the little building and the driveway. It was not for the larger building that was added. The original Notice of Intent (NOI) that you get from the EPA, which is a construction general permit, shows what will be disturbed and what will be constructed. Then Soil and Water will approve the Storm Water Pollution Prevention Plan and make sure it is constructed properly. Then an Operation and Maintenance Agreement is put in place. Licking County Soil and Water notified Etna Township Zoning. The Zoning Inspector at the time was John Singleton, who was not aware that another building could not be added to the plan. Mr. Cotugno did obtain the Etna Township Zoning Permit for the new structure. The plan review needed to be completed prior to starting another project per Licking County Planning Commission. Licking County would not have approved allowing the detention basin outfall into that wetland if they had known it was a wetland. The engineers that designed the plan only showed one single wetland.

Mr. Cotugno applied to mitigate the wetlands that were disturbed. These wetlands have been mitigated through the EPA. Mr. Cotugno paid for wetlands to be built in Delaware County and not in this watershed. This will not help any drainage in this area.

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Linda Nicodemus is also a Director of the South Licking Water Shed Conservancy District and does have knowledge of watersheds. A watershed is more than just this piece of property. A water shed takes in the elevations and the geographic location of how the water goes when it hits the ground, which is storm water, and where the natural course of water goes. Federal and State law states that a property owner cannot change the water course, or you must mitigate or take this water in. Currently Mr. Cotugno has been working with Soil and Water and Licking County Planning to try to fix these issues. These issues are not currently fixed on the south side of the property. When you look at the mitigation that was paid for it is on the acreage of wetlands that are within his property boundaries. The adjacent properties also have wetlands on them. These wetlands can now be filled in and Mr. Cotugno can build on the property. The diagram showing the Wetlands and the EPA letter dated January 8, 2024, were reviewed regarding the wetlands.

**Exhibit 2 – Tollgate Road Site - Wetland Boundary Determination May 2023**

Linda Nicodemus defines a wetland as the lower lying area and discussed pollutants and nutrients. Wetlands are great for cleaning the water. If it is a natural wetland, it will recharge the aquifers and the wells. It is a natural filter system. It is determined to be a wetland from the plant life, biology, wildlife, types of trees, and soil types. Because of the plant life it was determined there were more wetlands in this area. That is how they delineate the wetlands. It was determined what the value and size of the wetlands were. Then the property owner must pay to put wetlands somewhere else to replace them. The property owner had to pay more because the wetlands are not in the township watershed. The watershed that Tollgate Road is on is the Sycamore Creek Watershed and flows down to Fairfield County. The natural flow goes to the south from this property. The property Mr. Cotugno owns to the south is not done and not completed meeting all the criteria. The biggest concern with Soil and Water is the outfall to a detention basin, that was constructed to be a certain size, is out falling into that front wetland. It will affect the neighbor to the south unless something is required to be done within Mr. Cotugno’s property.

Linda Nicodemus explained the MS4 Permit that the Licking County Commissioners hold in which Etna Township is a part of requires that Etna Township have storm water measures. After the building started going up on Mr. Cotugno’s property, Soil and Water had a meeting with Etna Township regarding what needed to be done concerning storm water. A property owner cannot put water onto another property. The property owner must hold the water on their property for 24 to 48 hours. Detaining the water to allow for the pollutants to settle and remain on the property. The inspecting agency for Storm Water for Etna Township is Licking County Soil and Water because of the MS4 Permit.

The EPA and the US Army Corp will allow property owners to mitigate the wetlands to construct something over it, to get rid of the wetlands. Linda Nicodemus explained the process to mitigate a wetland. The property owner still must hold the water onto their property by construction of a retention or detention basin to hold the water for so long. The property owner must take the responsibility to control the water and not allow run off from leaving the property.

Because of the mitigation of the wetlands there will not be any saturation going into the aquifer. This could affect people in the area who have wells. Mitigation of the wetlands is not the same as damaging the wetlands. Mr. Cotugno has mitigated the wetlands. The Board of Zoning Appeals can require the property owner to do more to help with the wetlands being mitigated. One way to do this would be to place a condition on the property owner regarding storm water. The storm water maintenance can be recorded with the deed that will stay on the property. If the maintenance is not done, then the Licking County Commissioners could enforce the maintenance.

Jeff Cotugno feels that the wetlands are mitigated so they are obsolete and should not be considered in any way or form. The plant will be located North. All the drainage will go north not south.

Linda Nicodemus clarified that the wetlands that are located on Mr. Cotugno’s property are mitigated. The parts of the wetlands that are located on the adjacent properties have not been mitigated.

Rick Cox with Sands Decker represents Jeff Cotugno as part of the Engineering Team and is also an Etna Township resident. Mr. Cotugno purchased the property, surveyed the property, and went through all the steps with the Licking County Planning Commission for the original project. The original project was adding some concrete and the detention basin. The detention basin is designed and submitted complying with all the EPA Rules for the pollutants. Mr. Cotugno operated under an Ohio Notice of Intent (NOI), so Mr. Cotugno was on all inspection lists through Soil and Water. Mr. Cotugno obtained all permits and showed the wetlands that were there, coordinated with Licking County, and the plans were reviewed. Through the Licking County Planning Commission they went through traffic impacts, soil & water, and engineer’s office along with basic zoning through Etna Township. The original project was what the detention basin was designed for. Rick Cox explained that this is a terrible area for drainage and being an Etna Township Resident, he has driven up Tollgate Road his entire life and the property to the south of this property has always flooded.



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The property Mr. Cotugno owns is zoned light manufacturing and has been zoned light manufacturing. The plans for the concrete company went through the process and were approved. Mr. Cox explained there is an Operations and Maintenance Manual, a SWPPP (Storm Water Pollution Prevention Plan), and everything was there for construction. Mr. Cotugno is a concrete guy and not a developer and did not get paid to have inspectors on this site. In Licking County Subdivision Regulations, section three, if you are going to do work that is less than one acre, which the building he wanted to build was less than five thousand square feet and had the approval for if that plan had been done and finished, the interpretation would be I don't need to get a permit but did need to do the calculations for the pond. It was reviewed for the 0.2 acres and the pond was revised. Because of the situation and the wetlands, Rick Cox is working with the Planning Commission and updated the pond with a new plan which has been submitted to the Planning Commission. This is a small development, being under two acres. Rick Cox expects the plans to be finalized this week and reviewed by the Licking County Engineer. This will also update the Operations and Maintenance Manual and all the EPA requirements will have been met. The detention basin is designed for water quality and water quantity, meaning it stages to release the predeveloped rate as required by Licking County. Unfortunately, this property does not drain by a pipe. This property has a level spreader. Rick Cox also works for the property owner to the east, RCD Sales, and is aware of the drainage and water shed in this area. The new plans will have stormwater be released to the north before going to the south. The original designed pond will not take the concrete plant operation. That construction plan will have to go through the same process with the Licking County Planning Commission's full review if granted the Conditional Use with Etna Township. The wetlands that were known were shown on the original plans. Mr. Cotugno is not the first property owner to mitigate wetlands. Mr. Cox discussed a real estate document that showed the property to the south flooded and believes the flooding is not caused solely by Mr. Cotugno's property.

**Public Comments**

Rachel Zelazny of 10141 Tollgate Road provided a packet of information to the board members.

**Exhibit 3 – Packet of information provided by Rachel Zelazny**

Rachel Zelazny read from a letter that was part of the packet of information given to the board regarding the many reasons why the property owner at 10095 Tollgate Road should not receive a conditional use for the concrete ready-mix plant. Mrs. Zelazny has concerns with drainage, the environment, and the approval process through Licking County that have not been met. The original permit was to store equipment. Mrs. Zelazny provided evidence that shows Mr. Cotugno encroached onto her property and feels Mr. Cotugno continues to disregard the property line. There are photos showing the water issues on Mrs. Zelazny's property. Mrs. Zelazny provided violation letters written to Mr. Cotugno from Licking County Soil and Water and the EPA along with an email between Soil and Water and Zoning Inspector John Singleton. Mrs. Zelazny discussed the wetlands and moving the wetlands to Delaware County which will not help with this area. An arial view of the property from 2021 which showed all the trees and an arial view was provided without the trees. Mrs. Zelazny's biggest concern is about the stormwater runoff and how that will impact the water supply for the property owners in the area that rely on natural resources for their wells. This could cause issues with pollutants from heavy rain. The quality of air and cement dust was a concern. The odor from the plant could be obnoxious and offensive. Increased traffic and noise are also a concern. When the additional portion of the property was rezoned to complete the light manufacturing for the entire parcel Mr. Cotugno was only planning to use the property for storing equipment and trucks and not doing any manufacturing. Mrs. Zelazny provided several photographs of her property and the property lines. This property is two hundred feet from a school bus stop and the increased traffic is a concern posing a higher risk to the children waiting for the bus. Mrs. Zelazny also provided a video of a light from the property and noise from the property that is disruptive. The items in the email from Rachel Zelazny on January 30, 2024, will also be part of Exhibit 3.

Rachel Zelazny has lived on this property since March of 2021. The previous property owners, the Masas, lived there for over thirty years. The Masas came out and showed her the property lines and other things about the property. Chuck and Phyllis Bundy have lived in the area for over fifty years.

The property owners on the south side of I70 all have well water.

Chuck Bundy of 10254 Tollgate Road provided a packet of information to the board that will be entered as Exhibit 4. Mr. Bundy lives 1/8 of a mile from the proposed batch plant. Mr. Bundy discussed the amount of water under the ground for the property owners' well water. Mr. Bundy has lived on Tollgate Road for fifty years and has never had an issue with the well water. Four commercial wells could affect the entire area south of the batch plant. Mr. Bundy believes his information provided has also been discussed by other individuals.

**Exhibit 4 - Packet of information provided by Chuck Bundy**

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Mr. Cotugno plans for one commercial well on the property. The water from washing the trucks will be recycled along with having rainwater collectors. The depth of his well is one hundred and eighty feet and currently has good pressure. Mr. Cotugno does not currently know the quantity of the well.

Kerry Yuhas of 10472 Tollgate Road, which is probably a 1/4 of a mile from the proposed site. Mrs. Yuhas does not have a lot more to add that has not already been shared regarding her concerns. One of Mrs. Yuhas biggest concern is the well water along with air quality. Mrs. Yuhas provided the board members with pictures. There is a creek that goes through her property and she is concerned with the water coming from the north. There is water constantly crossing Tollgate Road. Mrs. Yuhas has lived in her home for twenty-four years. The flooding has increased over the past five years from development. Mrs. Yuhas also presented a document titled "Fugitive Dust Control Measures". The water issues in the area were discussed along with the increased flooding over the past five years. The Etna Township Road Department is aware of the flooding issues on Tollgate Road. Mrs. Yuhas does not feel the Property Value of her property has been affected. Mrs. Yuhas also has concerns with environmental issues.

**Exhibit 5 – Nine Photos provided by Kerry Yuhas along with the EPA Fugitive Dust Control Measures and Best Practices document.**

Anthony Gilmore of 10368 Tollgate Road is a degreed chemist and started his career in EPA Testing which he did for ten years prior to moving to this area. Mr. Gilmore discussed the EPA Regulations for storm water and what Mr. Cotugno will have to have in place regarding the vacuum system for when filling and dispensing from the silo. If these practices are not followed, then the components from the cement could become a concern for the air quality. Wetlands are a filtration system with two capacities, one to hold water and the other to filter various contaminants. The surrounding wetlands must account for the contaminants that would normally be filtered from the destroyed portion. The concern is the contaminants that will end up in the aquifers and affect the pH in the well water along with other components. Leaving the doors open on the plant can affect the surrounding areas. Once contaminants enter the aquifers it must naturally dilute itself out.

Jeff Cotugno presented the board with a property disclosure regarding flooding at 10141 Tollgate Road. This is a document that is obtained when purchasing a property and is the document referenced earlier by Rick Cox.

**Exhibit 6 – Residential Property Disclosure regarding flooding for 10141 Tollgate Road**

Jeff Cotugno confirmed that the EPA will monitor the property under the Industrial Permit. It is serious stuff when working with cement and regulations must be followed. The guidelines must be followed.

Jeff Cotugno lives approximately one mile away from Etna Township in Pickerington, Ohio. Mr. Cotugno has well water.

Rick Cox explained the detention pond on this site was designed under the Licking County Standards using the critical storm method. This method was explained. This is designed for release to never be at a rate greater than pre-development. The property has been built to route all the water into the pond. The overall building pad will go into the detention basin that does provide for water quantity and quality. The pond is designed to hold the water for 48 hours for settling and water quality. These plans are all completed to the Licking County Requirements. The maintenance of the pond regarding the sediment was discussed. The maintenance of the pond is done per the Operations and Maintenance Manual and is a Licking County requirement. The Storm Water Pollution Prevention Plan is an EPA requirement regarding the detention basin. Once the site is vegetated and eighty-five percent or more stabilized it becomes permanent and more effective than erosion control from a construction pond. The pond maintenance in Etna Township was discussed and enforcement is greatly improving.

Freddie Latella discussed the property being zoned M-1 for manufacturing and feels all the comments are important for the board to consider.

The Residential Property Disclosure document was discussed and whether it was authentic and where it came from. This document, dated April 24, 2016, was for Rachel Zelazny's property and it states that the property would flood from heavy rain. This document came from a realtor. This is a piece of evidence for the board to consider. Rick Cox explained the document is to show it is historical that this area floods. Rachel Zelazny moved into the property in March of 2021 and prior to construction when there was heavy rain it did not cover the driveways. Now with heavy rain the driveways are under water. The water does not go down as quickly as before, it now takes days for the water to recede. Etna Township has installed a catch basin along the road.

Chuck Bundy discussed the dust from the batch plant on Taylor Road and during wet weather it creates a slurry road condition. Mr. Bundy confirmed that during hard rains the front yard would flood but not like it does now.

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held January 30, 20 2024

Rick Cox explained that the water comes from the RCD property and not from Jeff Cotugno's property. Mr. Cox has a contour map that can be provided.

Kevin Newton moved to close the public testimony portion of the hearing at 8:17 p.m. The motion was seconded by Tommy Hunt and passed by unanimous affirmative vote.

The board recessed from 8:17 p.m. to 8:25 p.m.

After discussion, the board decided to recess the adjudicatory hearing to review all the evidence provided this evening. The board will then meet again to deliberate and render a decision.

Eric Nickolas moved to recess the adjudicatory hearing at 8:29 p.m. The motion was seconded by Shannon Mills. Discussion: Any resident that would like to be notified of the scheduled hearing can provide an email address or phone number on the sign-in sheet. The motion passed by unanimous affirmative vote.


Public Meeting

Chairman Stepp opened the public meeting at 8:30 p.m. For the record, all the members remain in attendance.

Eric Nickolas moved to approve the minutes from the Board of Zoning Appeals adjudicatory hearing on December 26, 2023, for VA23-11 Joseph Curmode 10403 Tollgate Road and to sign the final order. The motion was seconded by Kevin Newton and passed by unanimous affirmative vote.

Shannon Mills moved to adjourn the meeting at 8:31 p.m. The motion was seconded by Tommy Hunt and passed by unanimous affirmative vote.

  
Laura Brown, Clerk

  
Trent Stepp, Chairman





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

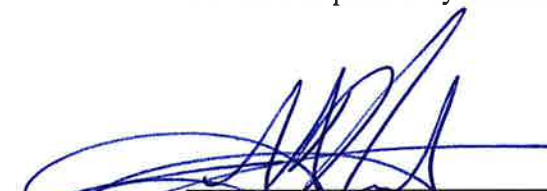
Phone 740/927-7717 Fax 740/927-1699

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

### FINAL ORDER


The Etna Township Board of Zoning Appeals held an adjudicatory hearing on January 30, 2024, to consider an Area Variance request VA-23-10 for the application submitted by Garmann Miller for the Southwest Licking School District for the property located on 8750 Watkins Road from Article 12 – Signage, Section 1209.E.1 Other Permitted Sign Types, Total Sign Area Allowed.


The Board moved to approve Area Variance request VA-23-10 for the application submitted by Garmann Miller for Southwest Licking School District for the property located on 8750 Watkins Road from Article 12 – Signage in Section 1209 Permanent Signs Permitted in Nonresidential Zoning Districts, E. Other Permitted Sign Types to increase the permit the wall signage from 296.25 to be 387 square feet; because the Standards for ‘Practical Difficulty’ per the Zoning Resolution Section 512.B. have been met. Discussion: The board reviewed the Standards for Area Variances in Section 512 of the Zoning Resolution during the previous hearing on May 23, 2023, and they would still apply for this request. The motion passed by unanimous affirmative vote.

  
Tommy Hunt

  
Shannon Mills

  
Kevin Newton

  
Eric Nickolas

  
Trent Stepp

The Final Order was approved and signed: 2-26-24

The Final Order was mailed/mailed to applicant on: 2-27-24



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

### FINAL ORDER


The Etna Township Board of Zoning Appeals held an adjudicatory hearing on January 30, 2024, to consider an Area Variance request VA-24-02 for the application submitted by Richard Kennedy for GM 8900 National Road Co LLC for the property located on 8900 East Main Street from Article 12 – Signage. The request is regarding the distance from residentially zoned districts and buildings.


The Board moved to approve Area Variance request VA-23-04 for the application submitted by Richard Kennedy for GM 8900 National Road Co LLC for the property located on 8900 East Main Street from Article 12 – Signage in Section 1211 Permanent Off-Premises Signs D. to reduce the minimum setback of 2,000 feet from any other off-premises sign, residential zoning district, or platted subdivision to 260 feet and section H. to reduce the minimum requirement of 100 feet from any building to 15 feet and E.2 (Eric read the entire section E2) from 200 feet to 100 feet because the Standards for ‘Practical Difficulty’ sited is Section 512.B. of the Zoning Resolution have been met. Discussion: The entire section E2 was read but will not be part of the motion. It will only be highlighted to be consistent with the other part. The roll call was as follows: Hunt, yes; Mills, no; Newton, yes; Nickolas, yes; Stepp, yes; motion passed 4-1.

  
Tommy Hunt

  
Shannon Mills

  
Kevin Newton

  
Eric Nickolas

  
Trent Stepp

The Final Order was approved and signed: 2-26-24

The Final Order was mailed/mailed to applicant on: 2-27-24