

0214
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RECORD OF PROCEEDINGS

Minutes of

Meeting

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

Etna Township Board of Zoning Appeals

Held

October 25,

2022

VA22-04 Ryan Haire 10176 Lynns Rd
VA22-05 Langel 8941 Hazelton-Etna Rd

The meeting was called to order at 5:01 p.m. by Chairman Reis on October 25, 2022 at the Township Hall. The roll call showed members Sarah Benoit, Shannon Mills, Greg Reis, Tommy Hunt, and Trent Stepp present, along with Clerk Laura Brown.

Chairman Reis explained how the hearings will be conducted and the following people were sworn in: Zoning Inspector John Singleton, David Hodge, and Shawn McCabe. Prior to the adjudicatory hearing for 10176 Lynns Road Ryan Haire and Rick Cox were sworn in.

VA-22-05 Langel/Oxford Circle - 8941 Hazelton-Etna Road

Chairman Reis called the adjudicatory hearing of the Etna Township Board of Zoning Appeals to order at 5:04 p.m.

The nature of the hearing is for area variance VA-22-05 submitted by Oxford Circle LLC for Raymond Jay Langel et al 8941 Hazelton-Etna Road from Article 16 Buffering, Landscaping, and Resource Preservation. The requirements in Section 1606 Boundary Buffer Requirements, Table A require a minimum buffer width shall be 20'. Section 1604 Modifications and Waivers allows for the Board of Zoning Appeals to waive the requirements of this Chapter provided the existing or resulting boundary features of the development site comply with the spirit and intent of this Article and other related articles.

Zoning Inspector John Singleton presented a written Staff Report. The variance request is basically for the elimination of the buffer because the property line along the north side, which will abut the south side of the JBW development, which is commercial up near SR310 and the remainder will be park. During the TRC meetings with the Licking County Planning Commission there will be multiple easements located along the north property line. Because of the easements the developer is physically no able to build a twenty-foot buffer. In the Zoning Resolution under Section 1604 Modifications and Waivers the Board of Zoning Appeals may, upon proper application, grant a variance. The Developer has proposed constructing a six foot fence in lieu of the twenty foot landscape buffer along the north property line. Planting vegetation in easements with underground piping is not a good mix. There is a sewer pipe in the easement.

The board discussed the location of where the buffering is required along the north property line. The proposed use of this property is residential and the proposed use to the north is a Planned Mixed Use Development with commercial in one section and the township park. The buffering is between a residential and agricultural use.

David Hodge, who is a zoning and land use attorney, presented for the developer Oxford Circle LLC. Mr. Hodge provided a handout to the board members showing the proposed development. They are under the code of Residential Hotel zoned General Business so it would be a commercial use to an agricultural-park use. The township does now own the property to the North to use as a park. The township will eventually be acquiring the eastern portion of the Langel Property which is designated on the drawing as a proposed basin which will also be for the park. This use has a forty foot setback requirement for the entire perimeter of the property which the developer is adhering to. Mr. Hodge also provided the board with the section from the Etna Township Zoning Resolution, Buffering Table 16B on page 16-4. The landscaping buffering requirement is twenty feet and for every 100 linear feet they have to plant three trees and nine shrubs. This would require twenty-eight trees and eighty-two shrubs. The developer would like to install a fence to meet the shrub requirement. The fence along with twenty-eight trees will be installed along the northern property line. The easement that cuts up at the northeast corner has the overhead power lines. Along the northern property lines within the forty foot set back there are a number of easements, facilities and utilities. The developer is working with Southwest Licking Community Water and Sewer District to install a relief sewer to run along S.R. 310 up to a new lift station on the south side of Refugee Road and eventually that relief sewer will cut through the forty-foot swath here on the northern corner of the property. The developer proposes in lieu of planting their twenty-eight trees within the forty-foot setback that we work with Etna Township to plant the trees elsewhere on the township owned property planned for a park.

The fence is shown in the drawing provided up in the forty-foot setback. It was suggested to relocate the fence further south outside of the buffer and the fence can come along and tie into the garage storage structures shown on the site plan. Either way it meets the zoning requirements and spirit and intent of the regulations.

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DAYTON LEGAL BLANK, INC., FORM NO. 10148

Etna Township Board of Zoning Appeals

Held October 25, 20 2022

The board discussed the difficulties the developer would have to shifting the entire development to the south. Mr. Hodge explained that the developer is pretty far down the path with engineering and the process with the Licking County Planning Commission to shift the development creating a hardship. The fence or landscaping on the township's property meets the intent of the spirit of the zoning requirement.

The board discussed the use of the property and the developer confirmed that this is a commercial use for the property and not a residential use. Mr. Hodge explained there are three different types of hotels in the State of Ohio: there is a residential hotel, extended stay hotel, and there are hotels where you go and stay for a night. This use meets the statutory definition of a residential hotel and hotels are a commercial use. This will be built to a commercial standard and is fully sprinkled and issued a license by the State Fire Marshal with annual inspections.

The township does not currently have a plan for the landscaping at the park. Mr. Hodge stated they would be happy to commit to the species and whatever needs to be done.

The property on the southside is zoned General Business and is the former location of the Eagle Heating and Cooling Company and is generally a vacant property which they do not own this property. The current owner is renting the property to a landscape company.

The access to the park is proposed to go through this property as shown on the drawing provided. The access with line up with Trail East.

The west, south, and east side of the properties will be buffered as regulated. The north is the concern because of the underground utilities.

The Preliminary Site Plan dated 10/4/22 and Table 16B from the Etna Township Zoning Resolution will be submitted as Exhibits 1 and 2 for the record.

The reference Temp. Fire Service Road along the north side of the property was discussed. Mr. Hodge showed the members the location of the main entrance and the proposed one way out with a right turn only entrance. The temporary road is only during construction.

The development is still in the process with Licking County Planning Commission and Mr. Hodge explained where they are at in the process which have required several revisions. Mr. Hodge feels they are technical in nature and the site plan is designed. Mr. Hodge stated he can't control the Licking County Planning folks on the record.

Mr. and Mrs. Langel were present for questions.

The board discussed the proposed traffic signals on S.R. 310 and the lights on S.R. 310.

Trent Stepp moved to close the public testimony portion of this variance request at 5:32 p.m. The motion was seconded by Sarah Benoit and passed by unanimous affirmative vote.

The board discussed the use of the property and people are going to live here with probably lease agreements of at least a year. It is officially a commercial property and a commercial use. It was discussed that this is basically a residential use against a park use based on the spirit of Article 16 (buffering). It would possibly create a practical difficulty to adjust the plot plan south. It is a possibility but could be a hardship because of the process with Licking County. The board discussed fencing and buffering and where the developer will provide buffering. There is a fence showing on the drawing. The board reviewed buffering and what would meet the spirit and intent of the Zoning Resolution

Trent Stepp moved to approve area variance VA-22-05 submitted by Oxford Circle LLC for Raymond Jay Langel et al 8941 Hazelton-Etna Road from Article 16 Buffering, Landscaping, and Resource Preservation. The requirements in Section 1606 Boundary Buffer Requirements, Table A require a minimum buffer width shall be 20'. Section 1604 Modifications and Waivers allows for the Board of Zoning Appeals to waive the requirements of this Chapter provided the existing or resulting boundary features of the development site comply with the spirit and intent of this Article and other related articles and because the Standards for 'Practical Difficulty' as well as the 1604 verbiage in that strict adherence of Table 16A would serve no meaningful purpose. The motion was seconded by Sarah Benoit and passed by unanimous affirmative vote.

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Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

October 25,

2022

VA-22-04 Ryan Haire Turbo Group/RCD – 10176 Lynns Road

I call this adjudicatory hearing of the Etna Township Board of Zoning Appeals to order for October 25, 2022 and the time is 5:48 p.m. Ryan Haire and Rick Cox were sworn in.

The nature of the hearing is to consider Area Variances VA-22-04 submitted by Brian Osowski for Turbo Group for the property located at 10176 Lynns Road from Article 11 Off-Street Parking and Loading Facilities, Section 1103 Paving. The request is to allow for gravel areas for the following Designed for Storm Water Management Quantity and Quality for RV Inventory Storage. The stormwater management system design requires the gravel areas to allow the system to operate as designed.

Rick Cox presented for the property owner and the engineer of record is Nick Elmasian and they are working with them along with Turbo Group for an expansion to do a service center for RCD on Lynns Road. This area is bad for drainage and there are practical difficulties reaching the pond by I70 on this side of the property. To keep it shallow, the shallow-ist way to do it is with parking lot ponding. This is where you choke up catch basins and pond the water on the surface of the parking lot. That would not be bad in this situation because of the parking of RV's. Mr. Cox explained the requirements to meet quantity and quality regarding storm water. The easiest way is usually with a detention pond. There is no where to take the water and they do not have a channelized outlet. They will be basically using the gravel as detention, while it is a gravel parking lot it is not a cheaper option because of the volume of gravel that will be required by Licking County and state requirements they are allowed forty percent of volume storage in gravel. In this case gravel that is all the same size will need to be used, like a size 57, to maximize the voids. It will literally be a porous area for storage for the trailers but is a storm water device. All the maneuver areas will be asphalt the only area that will be gravel is the RV storage area for service. Photos of an area being used similar were submitted as Exhibit 1 and 2, this is not the Lynns Road site. There will be eighteen inches of stone for the storm detention. Rick Cox explained that this has been submitted to the Licking County Engineer's Office for approval also.

The board discussed this being used in Columbus and other areas using this for storm drainage. The City of Columbus does have a variance process to use this. Other entities have permitted this concept.

The intent is for storage of the RV trailers in this area only that will be waiting for service and not trailers for stock. Only employees will be accessing these trailers in this area. The existing service building in in the RCD building near I70 and the service area will be moved over to the new building.

Zoning Inspector John Singleton presented a written staff report. Mr. Singleton stated this is similar to the variance request from Carter Lumber and will be for employees only and not public access.

Trent Stepp moved to close the public testimony portion of the hearings at 6:06 p.m. The motion was seconded by Tommy Hunt and passed by unanimous affirmative vote.

Trent Stepp moved to approve area variance VA-22-04 submitted by Brian Osowski for Turbo Group for the property located at 10176 Lynns Road 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 been met. The motion was seconded by Shannon Mills. Discussion: The request is to allow for the gravel areas for the Storm Water Management System design requiring the gravel. The motion passed by unanimous affirmative vote.

Trent Stepp moved to approve the minutes from the Board of Zoning Appeals meeting and adjudicatory hearings on April 25, 2022 and to sign the final orders. The motion was seconded by Shannon Mills and passed by unanimous affirmative vote.

Shannon Mills moved to adjourn the meeting at 6:16 p.m. Sarah Benoit seconded the motion 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-Shannon Milles-Eric Nickolas-Greig Reis-Trent Stepp
Alternates: Tommy Hunt

FINAL ORDER

The Etna Township Board of Zoning Appeals held an adjudicatory hearing on October 25, 2022 to consider the Area Variance request VA22-05 for the application submitted by Oxford Circle LLC for Raymond Jay Langel et al 8941 Hazelton-Etna Road from Article 16 Buffering, Landscaping, and Resource Preservation. The requirements in Section 1606 Boundary Buffer Requirements, Table A require a minimum buffer width shall be 20'. Section 1604 Modifications and Waivers allows for the Board of Zoning Appeals to waive the requirements of this Chapter provided the existing or resulting boundary features of the development site comply with the spirit and intent of this Article and other related articles.

The board moved to approve area variance VA-22-05 submitted by Oxford Circle LLC for Raymond Jay Langel et al 8941 Hazelton-Etna Road from Article 16 Buffering, Landscaping, and Resource Preservation. The requirements in Section 1606 Boundary Buffer Requirements, Table A require a minimum buffer width shall be 20'. Section 1604 Modifications and Waivers allows for the Board of Zoning Appeals to waive the requirements of this Chapter provided the existing or resulting boundary features of the development site comply with the spirit and intent of this Article and other related articles and because the Standards for 'Practical Difficulty' as well as the 1604 verbiage in that strict adherence of Table 16A would serve no meaningful purpose. The motion passed by unanimous affirmative vote.

Sarah Benoit

Tommy Hunt

Shannon Mills

Greg Reis

Trent Stepp

The Final Order was approved and signed: 12-13-22

The Final Order was mailed/mailed to applicant on: 12-21-22



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

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

Members: Sarah Benoit-Shannon Milles-Eric Nickolas-Greig Reis-Trent Stepp
Alternates: Tommy Hunt

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The Final Order was approved and signed: 12-13-22

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