

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

February 26,

2024

CU-24-01 Cotugno 10077 and 10095 Tollgate Road

The public meeting was called to order by Chairman Stepp at 5:04 p.m. on February 26, 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.

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.

The public testimony portion of the hearing was closed, and the board moved to recess the adjudicatory hearing on January 30, 2024.

Eric Nickolas moved to come out of recess from the adjudicatory hearing at 5:05 p.m. for CU24-01 Chingle LTD Jeff Cotugno. The motion was seconded by Kevin Newton and passed by unanimous affirmative vote.

Kevin Newton moved to deliberate in private at 5:05 p.m. The motion was seconded by Eric Nickolas and passed by unanimous affirmative vote.

The board came out of deliberation at 6:18 p.m.

The board considered and discussed, in-depth during the deliberation, the General Standards and Topics applicable to Conditional Use Sections 522 and 523 from the Zoning Resolution.

The township, through the Board of Zoning Appeals, can institute conditions upon property owners in cases such as this, to allow for development to occur while protecting neighboring properties. In this case, storm water retention and detention, structure height, hours of operation, maintenance, noise, as well as lighting are applicable.

Trent Stepp stated he believes that engineered solutions are efficient and effective means of obviating many of the issues that were presented to this board as evidence.

Eric Nickolas referenced Section 522 General Standards Applicable to All Conditional Uses (D) will be hazardous or disturbing to existing or future neighboring uses.

Shannon Mills said the proposed project contradicts the referenced Section 909 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; along with Section 522 C, the proposed project will not be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will change the same area and Section F, will involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor.

Kevin Newton referenced Section 522 (H) will result in the destruction, loss, or damage of a natural, scenic, or historical feature of major importance.

Tommy Hunt believes vehicles approaching this property will create a conflict with traffic in this area contrary to Section 522 (G).

Shannon Mills moved to deny the Conditional Use request CU24-01 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) because the General Standards and Topics Applicable to All Conditional Uses from Section 522 and 523 of the Zoning Resolution have not been met. The motion was seconded by Eric Nickolas. The roll call on the motion was as follows: Eric Nickolas, yes; Kevin Newton, yes; Tommy Hunt, yes; Shannon Mills, yes; and Trent Stepp, no; motion passed 4-1.

Kevin Newton moved to close the adjudicatory hearing at 6:24 p.m. The motion was seconded by Shannon Mills and passed by unanimous affirmative vote.

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Eric Nickolas moved for a short recess at 6:25 p.m. The motion was second by Kevin Newton and passed by unanimous affirmative vote.

Trent Stepp moved to come out of recess at 7:05 p.m. The motion was seconded by Tommy Hunt and passed by unanimous affirmative vote.

Public Meeting

The board was back in the public meeting at 7:05 p.m. For the record, all the members remain in attendance.

Shannon Mills moved to approve the minutes from the Board of Zoning Appeals adjudicatory hearings on January 30, 2024, for VA23-10 Garmann Miller, Southwest Licking Schools for 8750 Watkins Road; for VA24-02 Kennedy Outdoor Advertising for 8900 National Road, and CU24-01 Chingle LTD Jeff Cotugno for 10077 and 10095 Tollgate Road. The adjudicatory hearing and public meeting on February 26, 2024 for CU24-01 Chingle LTD Jeff Cotugno for 10077 and 10095 Tollgate Road and to sign the Final Orders for VA23-10, VA24-02, and CU24-01. The motion was seconded by Kevin Newton and passed by unanimous affirmative vote.

Kevin Newton moved to adjourn the meeting at 7:08 p.m. The motion was seconded by Eric Nickolas and passed by unanimous affirmative vote.

Laura Brown, Clerk

Trent Stepp, Chairman



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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 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.

The public testimony portion of the hearing was closed and the board moved to recess the adjudicatory hearing on January 30, 2024.

Findings of Facts

Trent Stepp stated he believes that engineered solutions are efficient and effective means of obviating many of the issues that were presented to this board as evidence.


Eric Nickolas referenced Section 522 General Standards Applicable to All Conditional Uses (D) will be hazardous or disturbing to existing or future neighboring uses.

Shannon Mills said the proposed project contradicts the referenced Section 909 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; along with Section 522 C, the proposed project will not be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will change the same area and Section F, will involve uses, activities, processes, materials, equipment and conditions of operations that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor.

Kevin Newton referenced Section 522 (H) will result in the destruction, loss, or damage of a natural, scenic, or historical feature of major importance.


Tommy Hunt believes vehicles approaching this property will create a conflict with traffic in this area contrary to Section 522 (G).

The board moved to deny the Conditional Use request CU24-01 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) because the General Standards and Topics Applicable to All Conditional Uses from Section 522 and 523 of the Zoning Resolution have not been met. The roll call on the motion was as follows: Eric Nickolas, yes; Kevin Newton, yes; Tommy Hunt, yes; Shannon Mills, yes; and Trent Stepp, no; 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