

Minutes from Zoning Board of Appeals
Liberty Township, Licking County, Ohio
September 13, 2023 at 6:30 pm

Opening:

- Max Kackstetter called the meeting to order at 6:30pm.
- He led the Pledge and stated that the meeting was being recorded.
- The following members were present for roll call: Dale McCombs, Max Kackstetter, Wendi Zigo and Robert Moore. Melodie Bogantz, Zoning Clerk, and Woody Fox, Zoning Inspector, were also present.

Business:

- Max explained the purpose of the meeting was the appeal for 6252 Johnstown-Utica Road. Appeal 2023-A-001. Permit 2023-P-026 was denied.
- Max made sure that everyone wanting to speak had signed in. Max explained the public appeal hearing process.

Appeal Hearing:

- Max swore in those who wished to testify
 - Jonathan Veley - 2034 Cherry Valley Road, Newark
 - Richard Kennedy – 9327 Martinsburg Road, St. Louisville
 - Woody Fox – Liberty Township Zoning Inspector
- Max introduced the appeal
- Mr. Veley stated that he didn't get the written denial printed with the appeal information other than the email.
- Mr. Fox – stated that he denied Mr. Kennedy's application. He read his denial email. He stated he consulted legal counsel and read Sections 1108 and 811 #9b, c & g of Liberty Township's Zoning Resolution where the proposed billboard does not comply with his interpretation of the zoning resolution. He also mentioned ORC 5516.11 which refers back to the Township's Zoning Resolution, allowing the townships to decide what is allowed in their townships.
- Mr. Veley – agreed with most of what Mr. Fox said. But stated that he had an issue with on-premise vs off-premise signs. Mr. Veley does not feel that Section 811 is being applied correctly. Mr. Kennedy did contact ODOT. Exhibit A shows his e-mail conversation with them showing that they are not regulating that area of SR 62. He said the zoning resolution does not limit the size of off-premise signs, only on-premise signs.
- Mr. Kennedy – confirmed that Exhibit A is his email exchange with Advertising Device Control Department State of Ohio saying he does not need a permit from them. He believes off-premise signs were not taken into consideration in the

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zoning resolution. He explained the difference between on-premise and off-premise signs by reading their definition in the zoning resolution. He made reference to Table 1105 which gives sign requirements.

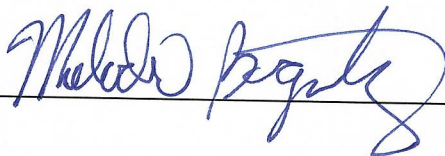
- Mr. Veley – The sign complies with set-back.
- Mr. Kennedy – Stated that the resolution states that the same message must appear on all faces. He feels that off-premise signs were not taken into consideration when this zoning resolution was drafted because this is not how off-premise signs work.
- Max asked if the board had any questions.
- There was some discussion.
- Jennifer Huber, legal counsel for the township, gave an overview of the appeal process and stated that the Board of Zoning Appeals can have private deliberation.
- When asked, the applicant confirmed that he wants to be able to display 4 different sign images, though their application doesn't specify that.
- **Robert Moore made a motion to go into private deliberation with legal counsel. Dale McCombs seconded the motion. The motion passed with all YES votes.**
- The Board of Zoning Appeals returned from private deliberation and called the others back into the township building.
- Max asked for any last questions.
- The Board of Zoning Appeals informed those in attendance that their decision would be ready by Thursday, October 12, 2023 at 6:30 pm. assuming it works with everyone's schedule.

Closing:

- **Dale McCombs made a motion to adjourn the meeting. Wendi Zigo seconded the motion. The motion passed with all YES votes.**

Approval of the minutes from the September 13, 2023 meeting of the Zoning Board of Appeals:

Zoning Clerk:



Date:

10/12/23

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Board of Zoning Appeals:

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