

Liberty Township, Licking County, Ohio
Board of Zoning Appeals
Conditional Use Permit Meeting Minutes
December 6, 2023 at 6:30 pm

Opening

- Melodie Bogantz, the Zoning Clerk, called the meeting to order at 6:33pm and lead the Pledge of Allegiance and stated that the meeting is being recorded.
- Roll Call was taken with the following answering as present: Dale McCombs, Robert Moore, Susan Broehl, and Wendi Zigo.
- Melodie stated that the minutes from October 12, 2023 meeting are available for inspection.
- **Robert Moore made a motion to accept the minutes from the October 12, 2023 meeting. Wendi Zigo seconded the motion. The motion passed with all YES votes.**
- Melodie stated that since Max Kackstetter, the chair, isn't present, a new chair needs to be elected for this hearing.
- **Wendi Zigo made a motion to nominate Dale McCombs. Dale declined the nomination.**
- **Wendi Zigo made a motion to nominate Robert Moore as the chair. Dale McCombs seconded the motion. The motion passed with all YES votes.**
- Melodie turned the meeting over to Robert Moore.

Business

- Robert explain that the purpose of this meeting was to review 2023-CUP-001 & 2023-CUP-002 and reviewed the procedures of the public hearing as outlined in the agenda.

Public Hearing

- Robert Moore opened the public hearing and swore in those who wished to testify.
- Robert read both 2023-CUP-001 and 2023-CUP-002.
- Melodie stated that the public hearing was advertised in the Newark Advocate on 11/26/2023 and letters were sent to parcels within 500 feet of both properties on 11/22/2023.
- Robert Moore asked for testimony from the applicant.
- Andy Humphrey , 8878 Harmony Church Road, gave the history of McKnight airstrip which started in 1970, and distributed a flyer about Heavenbound operations (which was marked as Exhibit 2). He presented a 5 page document with 80 signatures of neighbors, or verbal acknowledgment of their support of his operation, all within about one mile (which was marked as Exhibit 1). He also presented a map showing the location of those supporters outlined with green. Those not in support were marked in orange and yellow. This map was marked as Exhibit 3. He also stated that no one he visited refused to sign his petition. Andy was asked some questions about extending his runway.

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- Kyle Dodderer, 318 Green Acre Drive, Todd McKee's Attorney, stated that they do not oppose the airport and would like Liberty Township to copy the conditions allowed by the two page conditional use permit in Monroe Township, which he distributed and was marked as Exhibit 4. He said there would be nothing lost if the same conditions were applied in Liberty Township. He would also like to review the permit in approximately one year. He said that they would especially want the log of planes coming in and out as requested by Monroe. They also presented, as Exhibit 5, Monroe's previous/original conditional use restrictions, which was 2 pages. He also requested restriction on imports.
- Mark Harger, 9717 Crouse Willison Road, stated that any restrictions imply impact to Andy's business. He doesn't want to do anything with his land that will negatively impact Andy's business, his ability to make a living for his family. Neighbors should talk and work things out.
- Tim Wright, 8675 Harmony Church Road, stated that he is directly across from the runway and has no issue with the planes, enjoys watching them, and would be fine if there were more.
- Sam Ianni, Jr, 8353 Harmony Church Road, known Andy for 20 years, stated that he has lived there 2 year and enjoys the planes and supports the business and its expansion.
- Mike Meadows, 9235 Crouse Willison Road, stated that the new planes are quieter than older ones and that even if the volume/number of planes increases, the noise isn't much of an increase.
- Jake Leonard, 6033 Clover Valley Rd, a missionary in South America that is employed by Heavenbound, said that he learned to fly there and works there when in the states. He stated that Andy changed the traffic pattern, on their own initiative, so that they are not flying over the McNutt and McKee residents.
- Tyler McNutt, 8507 Harmony Church Road, moved here 2018, stated that he would like the Monroe conditional use restrictions applied in Liberty Township. He doesn't like the growth of the airport and would like to prevent the growth.
- 2 additional people were sworn in by Robert Moore.
- Jerry Eichenburger, 41 S High St, Columbus, attorney friend of Andy's, stated that lengthening the runway is for safety, it doesn't imply more traffic. He also stated that many of the planes being flown there are designed to the European sound standard, which is more restrictive that the US standard.
- Bret Layman, 8232 Harmony Church Road, lives close to the airport and enjoys watching planes with his family. Planes are not louder than the traffic at township building. Andy is trying to be a good neighbor. Concerned neighbors should show up for this meeting.
- Jeff Still, 12841 Dutch Cross Rd, a resident of Bennington Township, said that because of the restrictions applied in Monroe, he sold his plane because he cannot fly into the airport anymore. He feels that Monroe's conditions are too restrictive, unreasonable.

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- Jake Leonard stated, as a flight instructor, that they do 90% of their practice/training in Mt Vernon where the runway is wider and longer.
- Cindy Reed, 8627 & 8711 Harmony Church Road, Andy's sister, said that her house is right across from the runway and that Andy's hobby is flying; it is also his business.
- Tyler McNutt stated that the landings aren't incredibly loud, similar to a mower, and the up and down, every 6 minutes, is tiring, but he admitted it isn't every day.
- Tim Wright, stated that the newer residents are the ones complaining. He said they are not as loud as a mower on your porch.
- Mark Harger stated that the conditional use restrictions of Monroe Township have caused a lot of loss. Don't stop your neighbor from making a living.
- Jeff Still said that usually the majority wins. In this case there are 80 neighbors who support the airport.
- Mike Meadows said that he wants to know who is flying the drone over his home.
- Bill Bogantz stated that when he was at Andy's, as the trustee who has been involved in the issue, a light sport plane took off and he didn't have to raise his voice. He also stated that complicated restrictions are hard to police and encouraged the BZA to think simpler. Address the real issues such as noise and take-offs and landings.
- Kyle Dodderer, stated that the restrictions were based on questions asked of Andy at the conditional use hearing in Monroe to allow him to continue doing his business as he is currently doing. They were not meant to be punitive.
- Bill Bogantz asked Kyle if Andy had asked for no third party planes to be able to land.
- Kyle Dodderer stated that he knows there is no control over some third party planes, so they want them logged so can come to a compromise.
- Bill Bogantz asked about exaggerations of the number of flights. Keeping a log and tracking take-offs and landings might make sense. But do you really need to restrict third party planes? Do we need to control that?
- Bret Layman, stated that he doesn't feel restrictions are needed. We don't need to copy Monroe's restrictions.
- Jeff Still stated that Andy doesn't want any third party plane restrictions.
- Woody Fox, Liberty Township Zoning Inspector, stated that the transition from private airport to commercial airport is unlikely. There is a hangar and shop on the property. The hangar holds 6 planes – no more. He requested that the BZA keep him in mind when setting conditions. He needs to be able to police them. He cannot sit and watch the airport all day. The log is based on honesty. He also said that the BZA should regulate only items that are a nuisance. He also stated that a conditional use can only be revoked by Licking County Common Pleas Court.
- Another person was sworn in.

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- Jeff Briggs, 8223 Harmony Church Road, stated that he gave 5 years of his life to the United States Marine Corp. He expressed his feeling that any restrictions put on Andy affect his right to life, liberty and the pursuit of happiness.
- Andy Humphrey stated that Todd has complained to him about crop dusters in the area assuming it was him. He said that Todd is watching for any infractions of the conditions. Andy stated that the runway expansion was mentioned at the Monroe meeting, contrary to what was said earlier. The people complaining have moved to the area recently knowing there was an airport across the street. Andy also stated that, for the most part, they have quit using their older, louder, planes – He is trying to be a good neighbor. Andy asked that the BZA not restrict him. He also doesn't understand why Monroe is restricting his ability to do maintenance on planes, there is no noise impact. Restricting evening hours really hurts his business since most people work during the day and take lessons in the evening. Andy asked for no restrictions, they will go out of their way to be good neighbors.
- Bill Bogantz asked Andy how he can do his training only in Liberty.
- Andy Humphrey stated that they could only use the Liberty Township section of their runway. They don't have to use the 300 feet of runway in Monroe Township.
- Dale McCombs asked Andy how many planes are stored there.
- Andy said only 6 planes. He only has the inside storage.
- **Wendi Zigo made a motion to go into private deliberation with legal counsel. Susan Broehl seconded the motion. The motion passed with all YES votes.**
- The time was noted as 8:16 pm
- The BZA returned from private deliberation at 9:44pm calling everyone back into the room.
- **Rob Moore made a motion to approve 2023-CUP-001 and 2023-CUP-002 on the following conditions: 1) No take-offs or landings between 8pm and 8am 7 days per week. 2) The runway is permitted to be extended within the current boundaries of Parcel # 202012040033105. 3) The runway surface must remain grass. Wendi Zigo seconded the motion.**
- Andy asked if the motion could be modified to not restrict his private use, since Monroe Township only restricted commercial use.
- **The BZA all verbally agreed to modify #1 of the motion to add "excepting use by Heavenbound Aviation or its operator."**
- **The motion passed as modified with all YES votes.**

Closing

- **Dale McCombs made a motion to adjourn the meeting. Susan Broehl seconded the motion. The motion passed with all YES votes at 9:49pm.**

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Approval of the minutes from the December 6, 2023 meeting of the Board of Zoning Appeals:

Zoning Clerk (signature and date):

 1/3/2024

Board of Zoning Appeals (signatures and dates):









