

Liberty Township, Licking, County, Ohio  
Board of Zoning Appeals Public Hearing Minutes  
January 3, 2024, 6:30 pm

## Opening

- Max Kackstetter called the meeting to order at 6:32pm
- Max led the Pledge of Allegiance and stated that the meeting was being recorded and is a public record
- Melodie Bogantz, the zoning clerk, took the roll call with the following answering present: Dale McCombs, Robert Moore, Max Kackstetter, Susan Broehl and Wendi Zigo
- Max stated that the minutes from the December 6, 2023 meeting were available in the back of the room.
- **Robert Moore made a motion to approve the December 6, 2023 minutes. Wendi Zigo seconded the motion. The motion passed with all YES votes.**

## Business

- Max explained the purpose of meeting was to review the conditional use permit 2023-CUP-003
- Max made sure anyone who wished to testify had signed in.
- Max explained the procedures of a public hearing as listed in the agenda.

## Public Hearing

- The Public Hearing was opened and people wishing to testify were sworn in.
- Melodie Bogantz read the application and stated that an advertisement for the public hearing was in the Newark Advocate on December 20, 2023. Neighbors within 500 ft were sent a letter notifying them of the public hearing on December 15, 2023.
- Woody Fox, the zoning inspector for Liberty Township, explained the application process.
- Max asked if David Black, the applicant, wanted to speak.
- John Tomich, said that he is the attorney representing the Sportsman Club and would like to speak. He introduced Adam Foit who would like to use the facility for an outdoor concert. The Sportsman Club would like to be more involved in the community and bring more things to the area. The Sportsman Club would like to be good neighbors and do more things for the community.
- Adam Foit, Entertainment Productions, LLC spoke. He has done concerts before. He likes the setting at the Sportsman Club for a concert. He would work with the Sheriff department before and has thought through the traffic flow for the concert.

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- There is a national country artist he is talking with about the concert. He will also have sheriffs, EMTs, & private security. The Sportsman Club will be able to have a hamburger stand. There will also be other food vendors. It would be a one-day event, maybe in the future it would be a 2-day event.
- Tentative start time would be 4 or 5. Shut down by 10pm.
  - Adam was asked if there would be traffic control at 62 and Sportsman Club. He said it is not in his plan at this time.
  - Todd Moore, 7139 Castle Road, who lives directly across from the Sportsman Club said he has had cars parked on his property for Swappers Day and is concerned about traffic control. He asked if there would be alcohol sales and if so, how it would benefit the club. Adam answered that to have alcohol sales you have to have a non-profit with an alcohol license. The non-profit gets a percentage, the concert gets a percentage, and whatever other deals are worked out will get a percentage.
  - Bill Bogantz, 4709 Sportsman Club Road, asked if there would be a limit on the number of tickets sold. Adam said he could set a limit at any number. Adam said the Sportsman Club could hold a maximum of 10,000 people. Bill also asked why it isn't allowed anymore at the fairgrounds. Adam said it wasn't an issue with the fairgrounds, but with the partnership. Adam is branching off and doing his own thing. Bill Bogantz requested that the BZA max tickets and if they decide to approve that they would only approve for a single year to see how it goes.
  - Alice Main, 6694 Castle Road, whose property is behind the Sportsman Club said that she is a lifelong resident. She was surprised by the request. She has 40 head of cattle that will probably all have calves by May. She is concerned about the noise. She is also worried about the club being "fenced in." She also expressed concern about the use of weed at the concert. She wants to be a good neighbor. She likes the idea of only permitting it for one year, if it is permitted.
  - Adam said that he has no problem with putting a cap on the number of tickets. The artist he is talking with costs \$35,000. So, he needs to be able to sell more than 1000 tickets to make money. He is expecting to spend \$60,000 to put on the concert. He will be selling tickets for \$35 in advance \$40 at the gate. The front section of attendees would be in a section without chair, standing room. Behind that section people could bring blankets or lawn chairs.
  - Lewie Main, on Castle, is concerned about cattle deciding to run if they get scared. He is also concerned about road safety with farm equipment on the roads in spring. His final concern was about trash getting onto his property. The Sportsman Club does an excellent job of picking up trash during Swappers Day.
  - Adam said that he will have a clean-up crew the day of and the day after.

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- Adam said that he has done a concert at the Croton Fair. That is the only one he has personally done himself. He has been involved in other concerts/shows.
- Woody asked if anyone knew the average daily attendance for Swappers Day. John Tomich said there are tens of thousands of people and this concert will be one evening.
- Wendi asked if people could bring their own alcohol. The answer was no. Only sales by the charity.
- Adam stated that the stage would be in the valley facing south. Facing the stage towards the road will cause traffic issues with cars stopping to watch.
- Alice asked for more detail on the location of the stage. She is concerned about the volume and relying on the wire fences to contain their cattle.
- Max brought up Section 522 of our Zoning Resolution that limits volume of the sound. He said there are also regulations on lighting. Woody addressed Section 522 saying it is a list of things that can be selected when limiting a permit. You don't have to use all of the items in the list. Woody reviewed this section with legal counsel who said it is a selectable list of items.
- Woody also mentioned the cell phone tower in the list presented in the CUP request. Wood said that Section 931 says that towers are only allowed in business and manufacturing districts in our township. The Sportsman Club is in a Conservation District so cell phone towers are not allowed there.
- Bill Bogantz stated that legal counsel had told him that we cannot limit cell phone towers.
- Jennifer Huber, legal counsel for the township, said that allowing, or not allowing, the cell phone tower is not properly decidable by the BZA.
- Robert Moore asked Adam if he was requesting a temporary cell phone tower for the concert.
- John Tomich said that the Sportsman Club has been approached by a company wanting to put up a temporary tower for Swappers Day, that might become more permanent at some time. It was added to this request to bring it before the board as they wanted to be up front with everything that has been discussed with them, not hiding anything, but by no means is it necessary for the conditional use for the concert. John stressed that the Sportsman Club is staying, contrary to rumors that went around this past summer of them selling. They are NOT selling! And they plan on being good neighbors. They want to do more than Swappers Day and dog races.
- Adam is willing to adjust the direction of stage if necessary. He is also flexible to adjust the cut-off time for the concert.
- Referring to the list of requests submitted with the conditional use permit, John said that camping was added for the Boy Scouts who camp there occasionally,

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- also there is some camping with Trail of Life and dog races, so they added it to the list. Adam said there will be no camping for the concert.
- John said that some things were added to the list because they have been doing some of these things for a long time, but it is not clear if they need to get permission to do them or if they are grandfathered in. They want to be clean and above board and have it on paper if necessary.
  - Tom Devlin, 5851 Sportsman Club Road, said he is concerned about the number of people and the alcohol and marijuana.
  - Adam said that ticket sales are usually cut off 15 minutes after the headliner starts their portion of the concert. Private security usually handles the gates, parking lots, and ticketing. Adam said that the Sportsman Club will decide if they will charge for parking.
  - Adam said that the parking lot will open at a specific time.
  - If tickets are limited to 2000, then he would expect a maximum of 1000 cars.
  - Cars would pay as they enter the lot. They expect the biggest influx of cars 30 minutes before the headliner.
  - John stated that the Sportsman Club is NOT the non-profit that is getting the benefit of the alcohol sales.
  - Adam said that the minimum number of tickets sales needed to cover costs would be 2000.
  - Adam explained that the sound and lights would be similar to what is at Flanigans.
  - Max expressed concern about not protecting neighbors if the concert is allowed.
  - Jennifer Huber, asked for a clarification about the items on the list presented with the conditional use permit. The items on the list that do NOT relate to the concert are festivals, tradeshow, wedding events, fireworks, camping and cell phone tower. Since the legal notice is the newspaper said music festival the board cannot consider those items without a further legal notice and they do not fall in the conditional uses of this district. The BZA does not have the jurisdiction to consider festivals, tradeshow, wedding events, fireworks, camping and cell phone towers. Woody can work with John to see what can be done with that list of items.
  - Adam mentioned again that he is willing to do the concert earlier in the day if necessary.
  - Andy Lynd, 5811 Sportsman Club Road, is concerned about sound and lights, but he respects property rights and the balance between them. He also expressed that he knows it is hard to get off-duty sheriff deputies to work for events and so things may not go as planned.

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- Cheryl Williams, 6573 Castle Road, wanted to know if there would be pyrotechnics. Adam said that is not in the plan. She also asked about protection/coverage for property damage. Adam said he would be carrying a large insurance policy.
  - Kris Burton, 7676 Denunes Road, wants the cutoff time specified so that neighbors know what to expect.
  - **At 7:42pm, Robert Moore made a motion to go into executive session with legal counsel. Susan Broehl seconded the motion. The motion passed with all YES votes.**
  - At 8:30, Max Kackstetter called the meeting back into session.
  - **Robert Moore made a motion to approve Case Number 2023-CUP-003 for the operation of one one-day music festival in May of 2024 subject to the following conditions:**
    1. **Tickets limited to no more than 2,000**
    2. **Meet or exceed the number of special duty safety service professionals required by the applicable jurisdictions (i.e. sheriff, fire, security, and EMT)**
    3. **The parking lot opens no earlier than 12 noon on the day of the festival**
    4. **The first act to go on at 4:00pm**
    5. **Fill the parking lot and collect money in north to south fashion to avoid traffic back-up on the road**
    6. **The show shall be concluded by 9:45 p.m.**
    7. **Stage lights off by 10:00 p.m.**
    8. **All other event lights off as soon as possible**
    9. **Final event plans to be provided to Woody Fox, the Zoning Inspector; the County Sheriff; and the Monroe Township Fire Department.**
- Susan Broehl seconded the motion. The vote was as follows: Dale McCombs, NO; Robert Moore, YES; Max Kackstetter, NO; Susan Broehl, YES; Wendi Zigo, YES. The motion passed.

## Closing

- **Robert Moore made a motion to adjourn the meeting. Susan Broehl seconded the motion. The motion passed with all YES votes.**

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**Approval**

Approval of the minutes for BZA meeting held on January 3, 2024:

Zoning Clerk (signature and date):

Melodie Pogoritz 3/13/2024

Board of Zoning Appeals (signatures and dates):

Mary Kackstalle 3/13/24  
Robert E. [Signature] 3/13/24  
D. [Signature] 3/13/24  
Susan Brunk 3/13/24  
[Signature] 3-13-24