

**St. Albans Township**

P.O Box 346

Alexandria, Ohio 43001

June 27, 2023

Attached are Exhibits for review by the St. Albans Township Board of Zoning Appeals for the appeal of Zoning Violation Notices sent to James E. Geiger for the property located at 1434 Tharp Rd., Alexandria, Ohio 43001 – 066-318024-00-000.

The appeal was filed on June 22, 2023, by Aaron L. Underhill of Underhill & Hodge LLC. – 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054.

Exhibit #1- Copy of the Appeal notice – 6/22/2023.

Exhibit # 2- Copy of the Violation Notice – 2<sup>nd</sup> Notice – 6/6/2023.

Exhibit # 3 – Copy of the Violation Notice – 1<sup>st</sup> Notice -3/15/2023.

Exhibit # 4 & 5 – Copy of photographs of the construction activity 3-21-2023.

Exhibit # 6 – Article 3 – Section 300 Zoning Permits Required.

Exhibit # 7 – Article 2- Definitions – definition of Structure.

Exhibit # 8 – Article 17 – Agriculture District (AG) regulations.

Exhibit # 9 - Article 9903 – Manufacturing District (M-1) regulations.

Exhibit # 10 – Copy of Opinion letter from the Licking County Prosecutor's office concerning the M-1 District.

Exhibit # 11 – Copy of proposed construction plans showing the proposed location of the new asphalt plant (2/13/2023).

Exhibit # 12 – Copy of an aerial photo showing the location of the Mar-Zane asphalt plant in 2008 with the Zoning Districts depicted on it.

Exhibit # 13 – Copy of Affidavit from Mar-Zane Material, Inc. (3/27/2023).

Exhibit # 14 – Copy of a 2006 Zoning Permit for the Mar-Zane, Inc. asphalt plant (8/31/2006).

Respectively,

Thomas D. Frederick

# Exhibit # 1



**Underhill & Hodge LLC**  
ATTORNEYS & COUNSELORS AT LAW

**Aaron L. Underhill**  
8000 Walton Parkway, Suite 260  
New Albany, Ohio 43054

P: 614.335.9321  
F: 614.335.9329  
aaron@uhlfirm.com

June 22, 2023

Mr. Thomas D. Frederick  
Zoning Inspector  
St. Albans Township  
P.O. Box 346  
Alexandria, Ohio 43001

Board of Zoning Appeals  
St. Albans Township  
P.O. Box 346  
Alexandria, Ohio 43001

**Via Hand Delivery**

**RE: Appeal of Notice of Zoning Violation**

Mr. Frederick and Members:

This firm represents Shelly Materials, Inc. ("SM"), which is the lessee of real property located at 1434 Tharp Road NW in St. Albans Township, Licking County, known as Licking County Auditor Parcel Number 066-318024-00.000 and owned by James E. Geiger and Colleen Geiger (the "Property"). The Geigers received a letter from your office dated June 6, 2023, which serves as notice that St. Albans Township asserts that zoning violation has occurred on the Property. This letter was forwarded to SM. The purpose of this correspondence from my office is to appeal the alleged violation of the Township's Zoning Resolution as set forth in your letter.

Section 510 of the Licking County Floodplain Regulation provides:

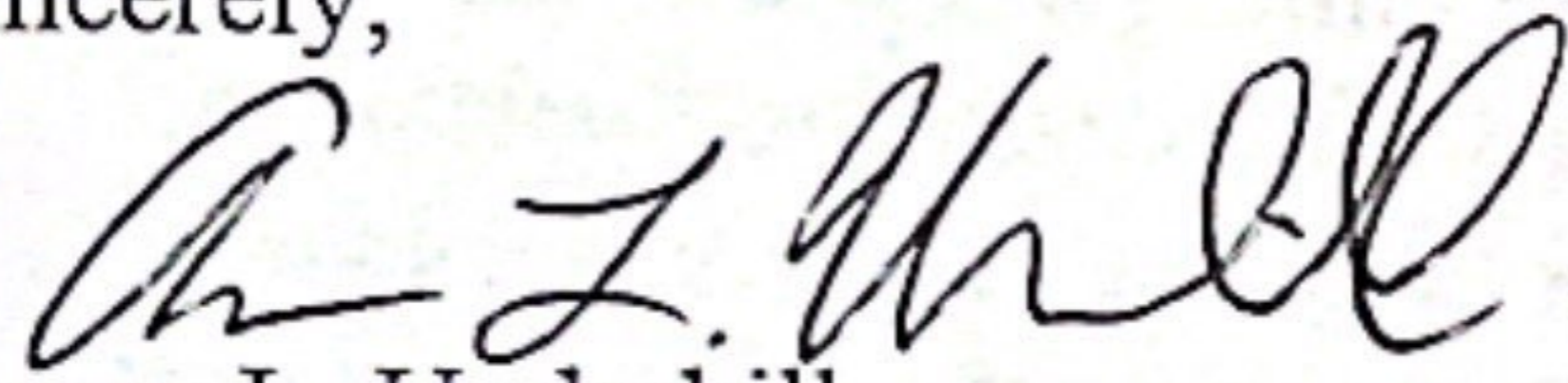
**Section 510 Appeals**

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this resolution may be taken by any person aggrieved or by any officer of the legislative authority of the township affected by any decision of the Zoning Inspector. Such appeal shall be taken within 20 days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

SM, as the lessee of the Property, has a direct legal and financial interest in the decision and therefore has a right to appeal this administrative action. This appeal is being filed within the required 20-day period from the date of the zoning violation notice. SM requests a hearing on the appeal by Board of Zoning Appeals. The violation notice asserts that a Zoning Permit is necessary to be issued before an asphalt batch plant may be operated on the Property, citing a provision in the Zoning Resolution (Section 300) which states that "[n]o building or structure (See Article 2, "Definitions") shall be erected, moved, added to, or structurally altered with a permit therefore, and issued by the St. Albans Township Zoning Inspector." The activities on the site do not concern any building or structure (as such terms are defined in the Zoning Resolution) and therefore no permit is necessary. Furthermore, as an accessory use to the mining operations that been undertaken on the Property for decades, an asphalt batch plant does not constitute a change of use of the Property, but merely a permissible expansion of its primary use.

We look forward to a hearing on this matter. At your earliest convenience, please provide a copy of the rules of procedure and any other policies of the Board of Zoning Appeals which are relevant to the upcoming hearing and presentation of arguments. We have also included a check payable to St. Albans Township for the \$1,000.00 filing fee.

Sincerely,



Aaron L. Underhill

cc: April Bott, Esq. (Shelly Materials, Inc.)

St. Albans Township  
P O Box 346  
Alexandria, Ohio 43001

March 15, 2023

Mr. James E. Geiger  
Mrs. Colleen Geiger  
1532 Tharp Rd.  
Alexandria, Ohio 43001

Re: Zoning Violations – Construction of a Asphalt Plant without a Zoning Permit –  
1434 Tharp Rd. -Parcel # 066-318024-00-000

Dear Mr. & Mrs. Geiger,

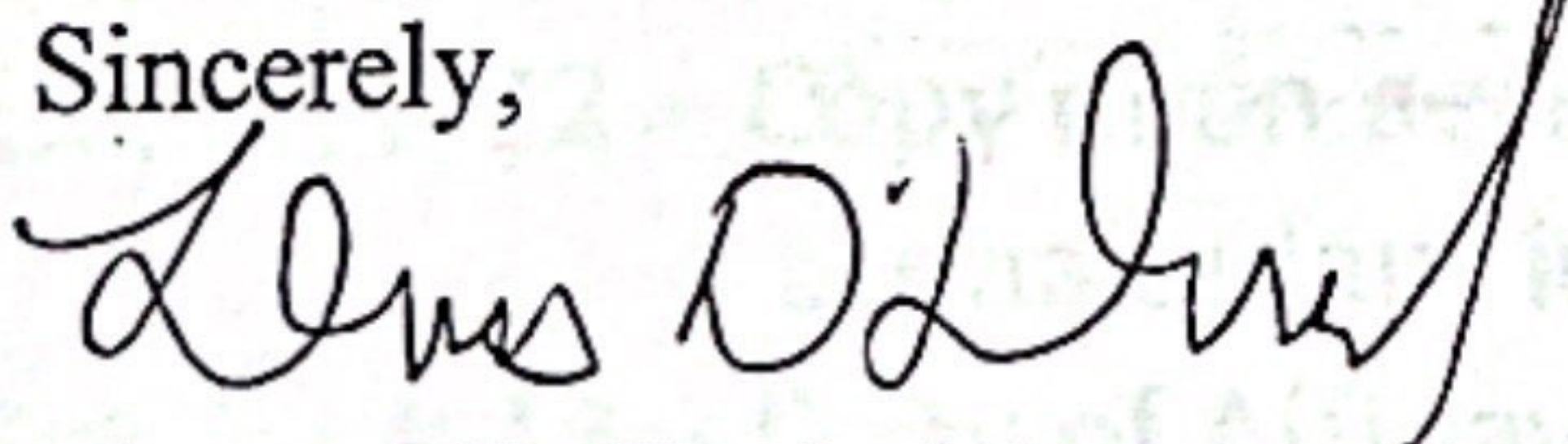
I have noticed that you have started construction of a Asphalt Plant building at 1434 Tharp Rd. without a Zoning Permit. I would advise you or the owner of the Asphalt Plant to contact me as soon as possible concerning this issue no later than April 15, 2023. If you choose not to contact me then I will continue to investigate this Zoning Violation and then contact the Licking County Prosecutor's office for formal legal action for the violation.

The St. Albans Township Zoning Resolution states in part "No building or structure shall be erected, moved, added to, structurally altered without a permit therefore, and issued by the St. Albans Zoning Inspector".

Zoning violations upon conviction shall be fined \$100.00 per day the violation continues and possible imprisoned for not more than thirty (30) days, or both and in addition shall pay all cost and expenses involved in the case.

I can be contacted by the following: 740-403-2029, 113 Amy Lane, Newark, Ohio 43055 or [tfrederick3@roadrunner.com](mailto:tfrederick3@roadrunner.com).

Sincerely,



Thomas D. Frederick  
St. Albans Township Zoning Inspector

C: Licking County Prosecutors office  
Licking County Building Code  
Shelly Company, 80 Park Drive, Thornville, Ohio 43076  
Paul Rice – Rice Law - email

**St. Albans Township**  
P.O Box 346  
Alexandria, Ohio 43001

June 27, 2023

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Respectively,  
Thomas D. Frederick



## St. Albans Township

P.O Box 346

Alexandria, Ohio 43001

### Public Notice:

On July 19 at 7:00 PM the St. Albans Township Board of Zoning Appeals will hold a Public

Hearing at St. Albans Township Fire Department, 25 E. Main St., Alexandria, Ohio. The Public

Hearing will consider an appeal to notice of violation submitted on behalf of Shelly Materials, Inc. for property owned by James and Colleen Geiger at 1434 Tharp Rd. The appeal can view at the Alexandria Library and the St. Albans Township web site – [www.stalbanstwp.org](http://www.stalbanstwp.org) The hearing is open to the public. Any questions contact Tom Frederick –

Zoning Inspector at 740-403-2029 or Woody Fox at 740-564-0179.

Rae Ann Crawford - Secretary

Exhibit # 5

3/21/2023

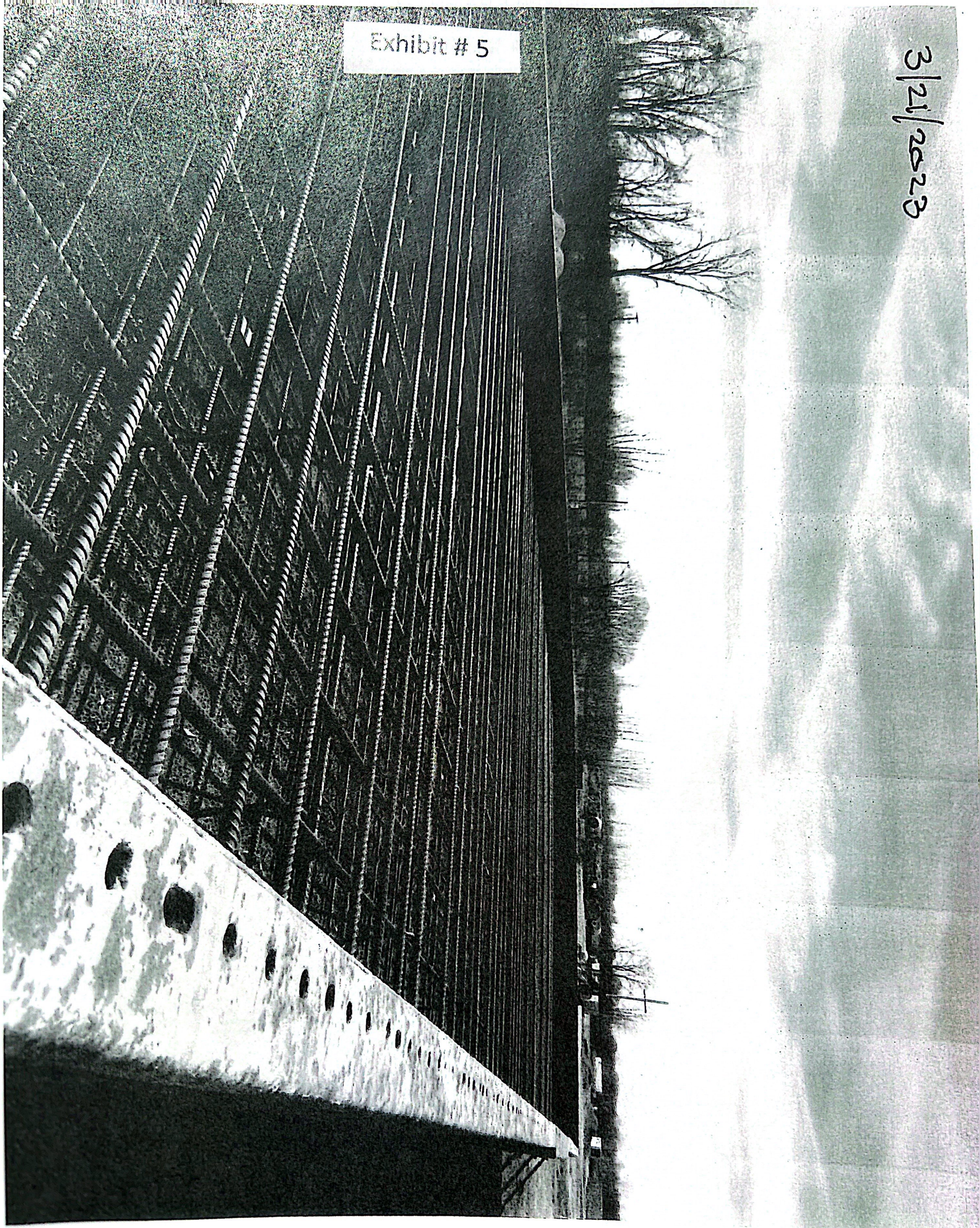
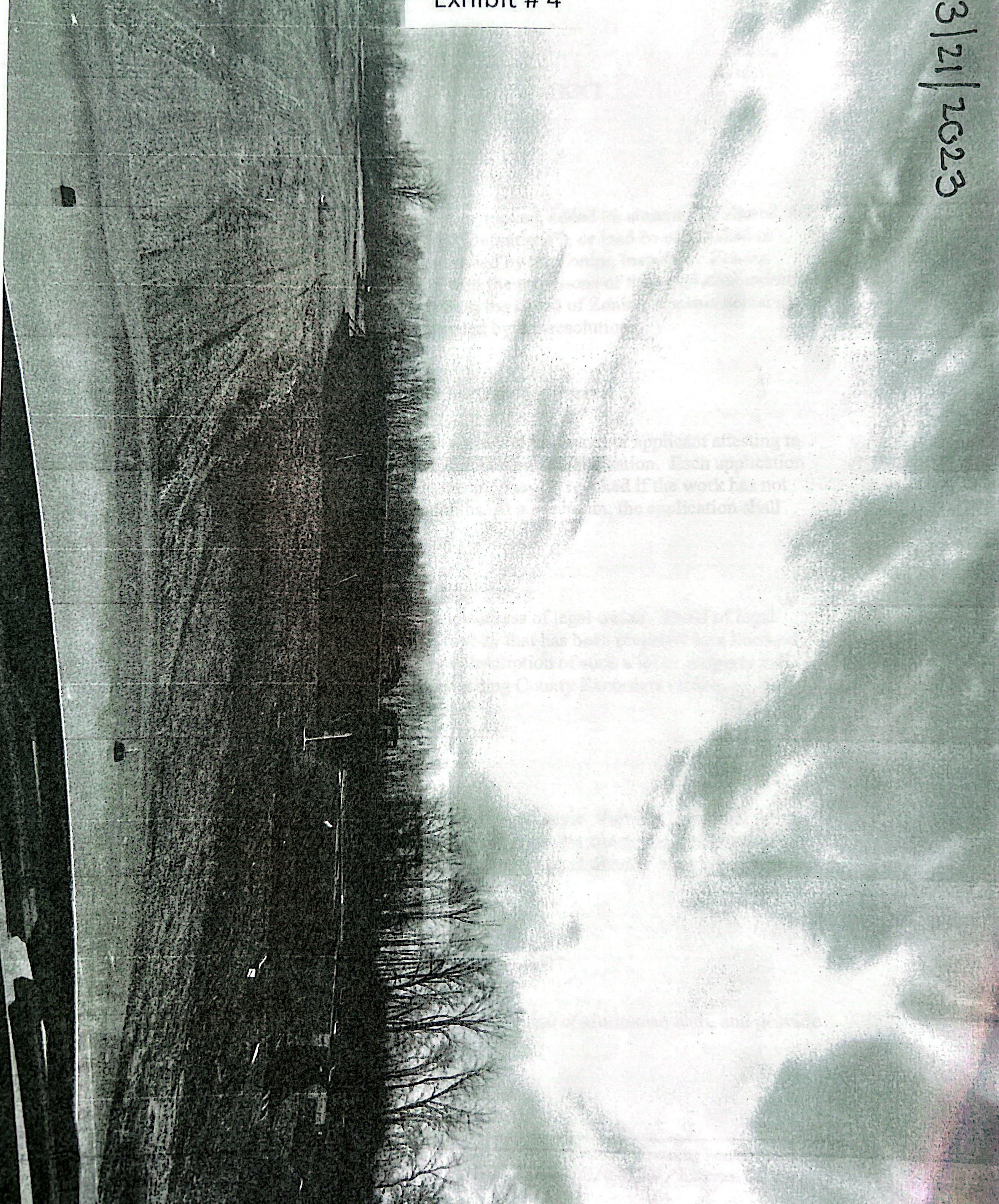


Exhibit # 4

3/21/2023





## Exhibit # 6

### Article 3: ENFORCEMENT

#### Section 300 Zoning Permits Required

\* No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure (See Article 2, "Definitions"), or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this resolution unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance as provided by this resolution.

#### Section 301 Contents of Application for Zoning Permit

The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if the work has not been substantially completed within 18 months. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Legal description of property, name, and address of legal owner. Proof of legal description may be by description of property that has been prepared by a licensed surveyor and/or by a deed having a legal description of such a lot or property and owner, which has been recorded in the Licking County Recorders Office.
3. Existing use.
4. Proposed use.
5. Zoning district.
6. A copy of the building plans in duplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
7. Building heights.
8. Number of off-street parking spaces or loading berths.
9. Number of dwelling units.
10. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this resolution.

## Exhibit # 7

\* **Structure:** Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, manufactured homes, parking lots, walls, fences, billboards, sheds, storage bins, commercial communication towers, private towers and swimming pools.

**Supermarkets:** Large scale stores which sell groceries and services. The facilities may also serve as a department store and/or restaurant. Supermarkets are generally open 24 hours a day and generate high volumes of traffic.

**Supply Yards:** A commercial establishment storing and offering for rent or sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

**Swimming Pools:** A pool, pond, lake, or open tank containing water with a depth of at least one and one half feet of water, and a diameter of eight feet at any point and maintained by the owner or manager.

1. **Private:** Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development or a community, the members and guests of a club or the patrons of a motel or hotel; an accessory use.
2. **Community:** Operated with a charge for admission; a primary use.

**Theaters:** Theaters or playhouses designed and used exclusively for theatrical productions, ballets, operas, or other live entertainment productions.

**Thoroughfare, Street, or Road:** The full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. **Arterial Street:** Arterial are major thoroughfares designed to carry traffic between municipalities and other activity centers and to provide connections with major state and interstate roadways. Typically, existing state routes will be classified as arterial.
3. **Collector Street:** Collectors distribute traffic between lower order residential streets and higher order arterial. Their purpose is primarily to promote free traffic flow, and direct access for adjoining lots should be limited where possible. Collectors should not be used for on street parking, and may provide linkages to adjoining developments to improve circulation. Typically, existing County roads will be classified as collectors and, a new collector will be required when a residential subdivision reaches 150 dwelling units, or an equivalent traffic generation.
4. **Cul-de-Sac:** A street that has a single means of access and that terminates in a vehicular turnaround. Cul-de-sacs should be encouraged where feasible to the extent that they provide low traffic volumes and neighborhood identity. Lengths of cul-de-sacs are limited to minimize backup time for large service vehicles unable to use the

## Exhibit # 8

### Article 17: AGRICULTURE DISTRICT (AG)

#### Section 1700 Purpose

The purpose of the Agriculture District (AG) is to provide an area for agricultural pursuits protected from infringement of unguided urban development; to create and preserve a setting for rural small estate residential development; and to conserve areas physically unsuitable for intensive development.

The use of NAICS codes and titles in Section 1702, "Permitted Uses," and Section 1703, "Conditionally Permitted Uses," is explained in Section 802, "Business Establishment Listings in Districts"; also see Article 98, "NAICS."

#### Section 1701 Agricultural Exemptions

Sections 519.02 to 519.25, inclusive, of the Ohio Revised Code confer no power on any Board of Township Trustees or Board of Zoning Appeals to prohibit the use of land for agricultural purposes or the construction or use of buildings or structures incidental to the use of agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such building or structure.

#### Section 1702 Permitted Uses

1. (11) Agriculture, Forestry, Fishing and Hunting:  
(111) Crop Production; (112) Animal Production; (113) Forestry and Logging; (114) Fishing, Hunting and Trapping; and (115) Support Activities for Agriculture and Forestry.
2. (21) Mining:  
(211) Oil and Gas Extraction.
3. (72) Accommodation and Food Services:  
(721) Accommodation, limited to (721191) Bed-and-Breakfast Inns.
4. Single-family residential dwelling.
5. Public parks and playgrounds.
6. Accessory uses.
7. Home Occupations.
8. Family Cemetery.

## Section 1703 Conditionally Permitted Uses

A conditional use permit may be issued in accordance with Article 5, "Administration," and the other provisions of these regulations, provided that the applicant can demonstrate that the proposed use is consistent with those general principles outlined in Section 521, "Contents of Application for Conditional Use Permit," of this resolution as well as any additional standards in accordance with any or all of those standards found in Section 522, "General Standards Applicable to All Conditional Uses," or other conditions as required by the Board of Zoning Appeals and conditions referred to in the following descriptions:

1. (21) Mining:  
(212) Mining (except Oil and Gas); and (213) Support Activities for Mining.
2. (42) Wholesale Trade:  
(425) Wholesale Electronic Markets and Agents and Brokers.
3. (61) Educational Services:  
(611) Educational Services, limited to (6111) Elementary and Secondary Schools, state accredited.
4. (71) Arts, Entertainment, and Recreation:  
(713) Amusement, Gambling, and Recreation Industries.
5. (72) Accommodation and Food Services:  
(721) Accommodation, limited to (7212) RV (Recreational Vehicle) Parks and Recreational Camps.
6. (81) Other Services (except Public Administration):  
(812) Personal and Laundry Services; and (813) Religious, Grantmaking, Civic, Professional, and Similar Organizations.
7. (81) Other Services (except Public Administration):  
(812) Personal and Laundry Services, limited to (812111) Barber Shops, (812112) Beauty Salons, (812113) Nail Salons, (81219) Other Personal Care Services, (81222) Cemeteries and Crematories; and (813) Religious, Grantmaking, Civic, Professional, and Similar Organizations, limited to (8131) Religious Organizations and (813312) Environment, Conservation and Wildlife Organizations.
8. (92) Public Administration:  
(922) Justice, Public Order, and Safety Activities, limited to (92212) Police Protection and (92216) Fire Protection.

## Section 1704 General Requirements of the Agriculture District (AG)

### 1. Height Limit:

No building shall exceed 35 feet in height, except as provided in Section 916, "Exceptions to Height Regulations."

### 2. Lot Area, Width and Depth:

Every lot shall have a minimum frontage of 200 feet, and a minimum lot area of not less than 3 acres (130,680 square feet), including the road right-of-way. All lots must meet those frontage requirements as outlined in Section 932, "Street Frontage Required" of this resolution.

### 3. Front Yard:

There shall be a front yard of not less than 100 feet in depth (from the center of the road). Except where road right-of-way exceeds 60 feet, the setback shall be not less than 70 feet from the right-of-way.

### 4. Side Yard:

There shall be side yards of not less than 50 feet on each side (exclusive of road right-of-way).

### 5. Rear Yard:

There shall be a rear yard of not less than 100 feet (exclusive of road right-of-way).

\*\*For all lots of record for yard requirements, see Section 410, "Non-Conforming Lot of Record Yard Requirements."

\*All structures placed on corner lots must meet those requirements outlined in Section 910, "Visibility at Intersections."

### 6. Dwelling Bulk:

Dwellings or structures shall have a minimum area of living space by outside dimensions, exclusive of porches, garages, and cellars or basements as hereinafter specified:

<b>Single-Family Dwelling</b>
1200 square feet
Single-family dwellings shall not be less than 24 feet in width or depth.

### 7. Parking Requirements:

Parking requirements shall be as regulated in Article 10, "Off-Street Parking and Loading Facilities" and Section 522, "General Standards Applicable to All Conditional Uses," paragraph 5 of these regulations.

8. Line or Partition Fence:

Line or partition fences shall be properly maintained. The Board of Township Trustees, as directed by the Ohio Revised Code, should handle disputes.

## Exhibit # 9

### Required Yards

1. Residential Uses: Each residential use to be accommodated in the B-2 District shall meet the minimum yard requirements of the AG District.
2. Commercial Uses:
  - Front Yard - 25 feet
  - Side Yard - 15 feet
  - Rear Yard - 25 feet. Where a rear lot line abuts an alley, one-half of the width of such alley may be considered in meeting the rear yard requirements.

### Landscaping or Screening Provisions

For non-residential uses abutting a "B" District the minimum yards may be reduced to 50 percent of the minimum side or rear yard requirements, if acceptable landscaping or screening, approved by the Board is provided. Such screening shall be a masonry or solid fence between 4 and 6 feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 15 feet in width planted with evergreen hedge, or dense planting of evergreen shrubs not less than 4 feet in height.

### **Section 9903 Former "Section 808 Manufacturing District (M-1)"**

*Note: This section was in effect from September 23, 1971 through August 9, 2000.*

*This section was deleted on (08-09-00) and is no longer in effect, it remains in the zoning resolution for reference only.*

Purpose: The purpose of the existing M-1 Manufacturing District is to provide for commercial uses, storage, and those manufacturing uses not normally creating a nuisance discernible beyond its property.

The purpose of the Conditional Use Provision is to provide for industrial uses not allowed in any other district, providing that, within this district, uses of hazardous nature or those producing extensive smoke or odor shall not be located so that the general hazard or nuisance affects a large segment of the community.

### Uses Permitted

1. Any use permitted in the B-2 Business District except residential uses.
2. Warehousing and Storage: Indoor and outdoor storage of goods and materials including warehousing, pole yards, building material storage, and trucking storage. However, not including junkyards or similar uses.

3. Manufacturing: Manufacturing or processing of small items, including gloves, footwear, bathing caps, shoes, batteries, motors or generators; textile products manufacture; glass, cement, and stone products manufacture; furniture manufacture; food manufacture or processing including hatcheries, canning, freezing, storage and bottling.
4. Other manufacturing uses of a light nature, free from any objectionable odors, fumes, dirt, vibration, or noise detectable at the lot line. A registered engineer or architect indicating that every reasonable provision will be taken to eliminate or minimize gas fumes, odors, dirt, vibration or noise, shall not establish such uses without an application for a permit. In the event of the denial of such permit, an applicant shall have a right of appeal to the Board Zoning of Appeals, Article 5.

#### Conditional Uses Permitted

All uses not otherwise prohibited by law except residential uses when authorized by the Board of Zoning Appeals as outlined in Article 5.

#### Required Lot Area and Lot Width

Each use to be established in the M-1 District shall provide a minimum lot area of 40,000 square feet and a minimum lot width of 200 feet.

#### Building Height Regulation

No building in the M-1 District shall exceed 35 feet in height.

#### Yard Required

All structures to be constructed, altered, or moved in the M-1 District shall provide yards of the following minimum depths.

Front Yard - 40 feet

Side Yard - 25 feet. Except where a side yard abuts a residential district in which case a side yard of 50 feet shall be provided.

Rear Yard - 40 feet.

#### Screening Required Between Manufacturing and Residential Districts

Newly established manufacturing uses adjacent or backing on a residential district shall provide on that adjacent property line a dense hedge, tree row, or other suitable landscape device adequate to visually screen the industrial area from the residential area.



# Exhibit # 9

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2. Warehousing and Storage: Indoor and outdoor storage of goods and materials including warehousing, pole yards, building material storage, and trucking storage. However, not including junkyards or similar uses.

FROM THE OFFICE OF  
**KENNETH W. OSWALT**  
PROSECUTING ATTORNEY  
OF  
LICKING COUNTY

20 SOUTH SECOND STREET  
NEWARK, OHIO 43055

**COPY**

FELONY AND CIVIL  
DIVISIONS  
(740) 670-5255

March 11, 2008

TAX FORECLOSURES  
(740) 670-5021

JUVENILE COURT  
DIVISION  
(740) 670-5264

FAX  
(740) 670-5241

David Lees  
St. Albans Township Trustee  
7633 Jersey Mill Rd.  
Alexandria, Ohio 43001

Charles Reeves  
St. Albans Township Trustee  
2800 Johnstown-Alexandria Rd.  
Alexandria, Ohio 43001

Carol Beem  
St. Albans Township Trustee  
8146 Morse Rd., SW  
Pataskala, Ohio 43062

Thomas Frederick  
St. Albans Township Zoning Inspector  
1510 Swans Rd., NE  
Newark, Ohio 43055

Re: Zoning Map  
Our file: #07-1157

**PRIVILEGED ATTORNEY-CLIENT COMMUNICATION**

Dear Trustees and Mr. Frederick:

It is our understanding that the question has been raised as to what the zoning inspector must do were a property owner in a M-1 district to seek a zoning permit when the M-1 district no longer exists in the St. Albans Township Zoning Resolution but remains on the zoning map. In other words, the legal issue is as follows: May a zoning inspector issue a zoning permit for a use in a district which no longer exists in the TZR but remains on the zoning map? For the reasons that follow, it is the opinion of the Prosecutor's Office that the zoning inspector must apply the requirements of the M-1 district as it existed before the TZR was amended and the M-1 district deleted. Otherwise, the property, should the owner seek to discontinue a use that was permitted in a M-1 district, would be effectively zoned without any permitted uses. Such a result would constitute an unconstitutional taking of the property.

Essentially, an anomaly has resulted by the zoning map containing a district which has been deleted from the TZR. Section 808 indicates that the M-1 district was deleted on August 9, 2000, and that Section 808 remains in the TZR for reference only. Section 9903 contains the provisions of the former Section 808 Manufacturing District (M-1). Such a provision (Section 9903)

is of tremendous utility to the Township when a property owner of property that previously was in a M-1 district who undertook a use that was permitted when it commenced now seeks to continue and/or to expand a use which has been rendered a non-conforming use by the deletion of the M-1 district from the TZR.

Likewise, it is of benefit to the Township to retain a copy of the zoning map that shows where the M-1 district existed. However, the zoning map must be amended to reflect the existence of only those districts that are permitted by the TZR. Otherwise, a situation would exist in which property would not have any permitted use beyond that of a non-conforming use. It is not permissible to deprive property of a permitted use.

If it is the intention of the Township to provide for property to have uses in a M-1 district, then a M-1 district should be returned to the TZR. If not, the property previously zoned M-1 should be re-zoned as one of the permitted districts in the TZR; and, any property with a M-1 use that existed prior to the amendment would be considered to be a non-conforming use.


Were the current situation permitted to continue to exist, a property owner would be left with the choice of either a non-conforming use or no permitted uses whatsoever. A non-conforming use is one which was lawful at one time but no longer conforms with the TZR as it presently exists. They are uses that the Township would like to be replaced, eventually, by other uses. Ohio Revised Code Section 519.19 specifically requires that the TZR provide for non-conforming uses and that "if any such nonconforming use is voluntarily discontinued for two years or more, any future use of said land shall be in conformity with sections 519.02 to 519.25, inclusive, of the Revised Code." As the TZR presently provides, were such a non-conforming use discontinued for two years or more, the property owner would not have any permitted uses of his or her property. A township cannot deprive a property owner of any permitted uses of his or her property.

In short, if a district exists on the zoning map, regulations for that district must be provided for in the TZR. If a district has been deleted from the TZR, it must be deleted from the zoning map; and, the deleted district must be replaced on the zoning map by a district provided for in the TZR.

If you would like a more comprehensive opinion, or should you wish to discuss this matter, please do not hesitate to contact me. Thank you.

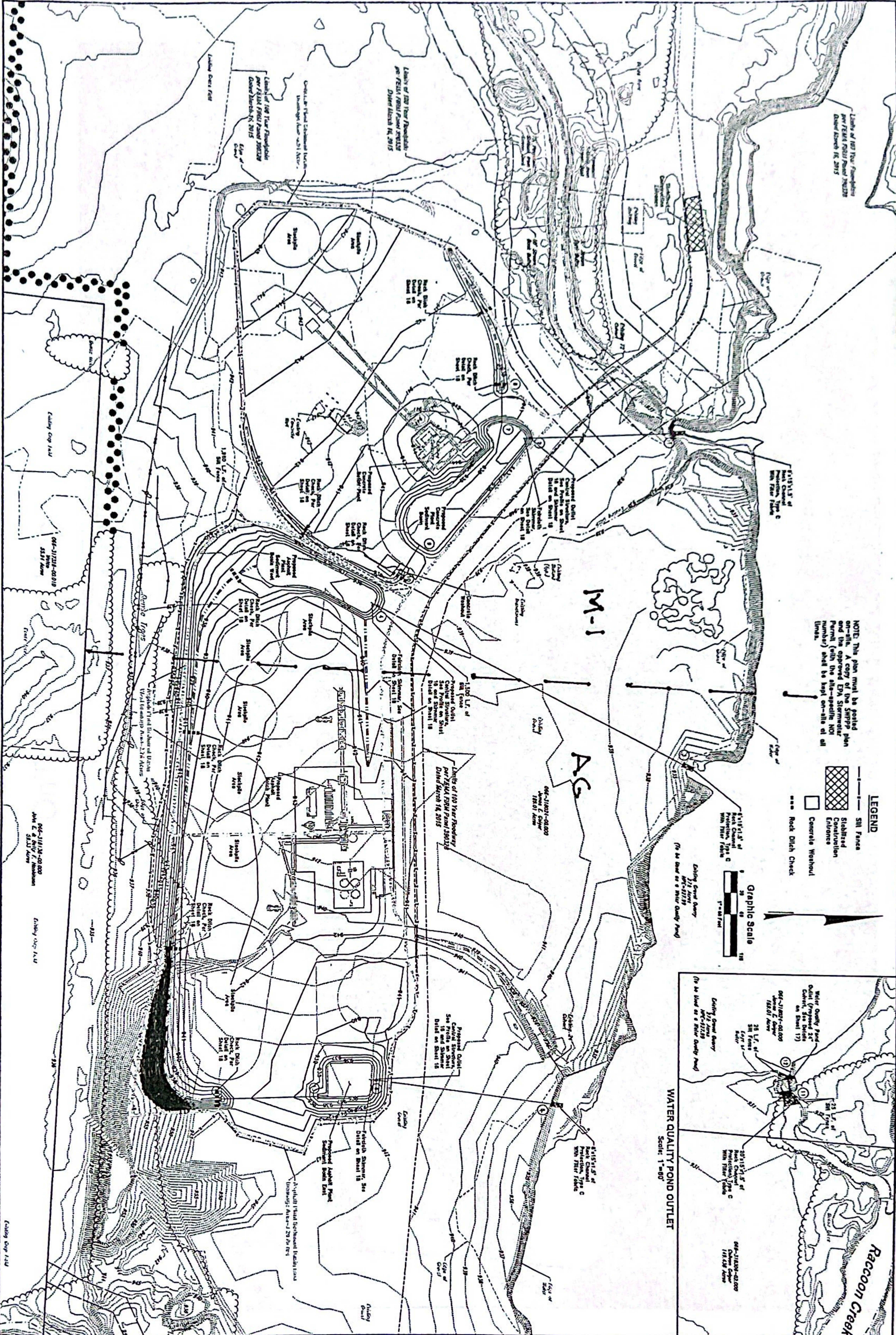
KENNETH W. OSWALT  
LICKING COUNTY PROSECUTOR

by

  
Anthony W. Stocco  
Assistant Prosecuting Attorney

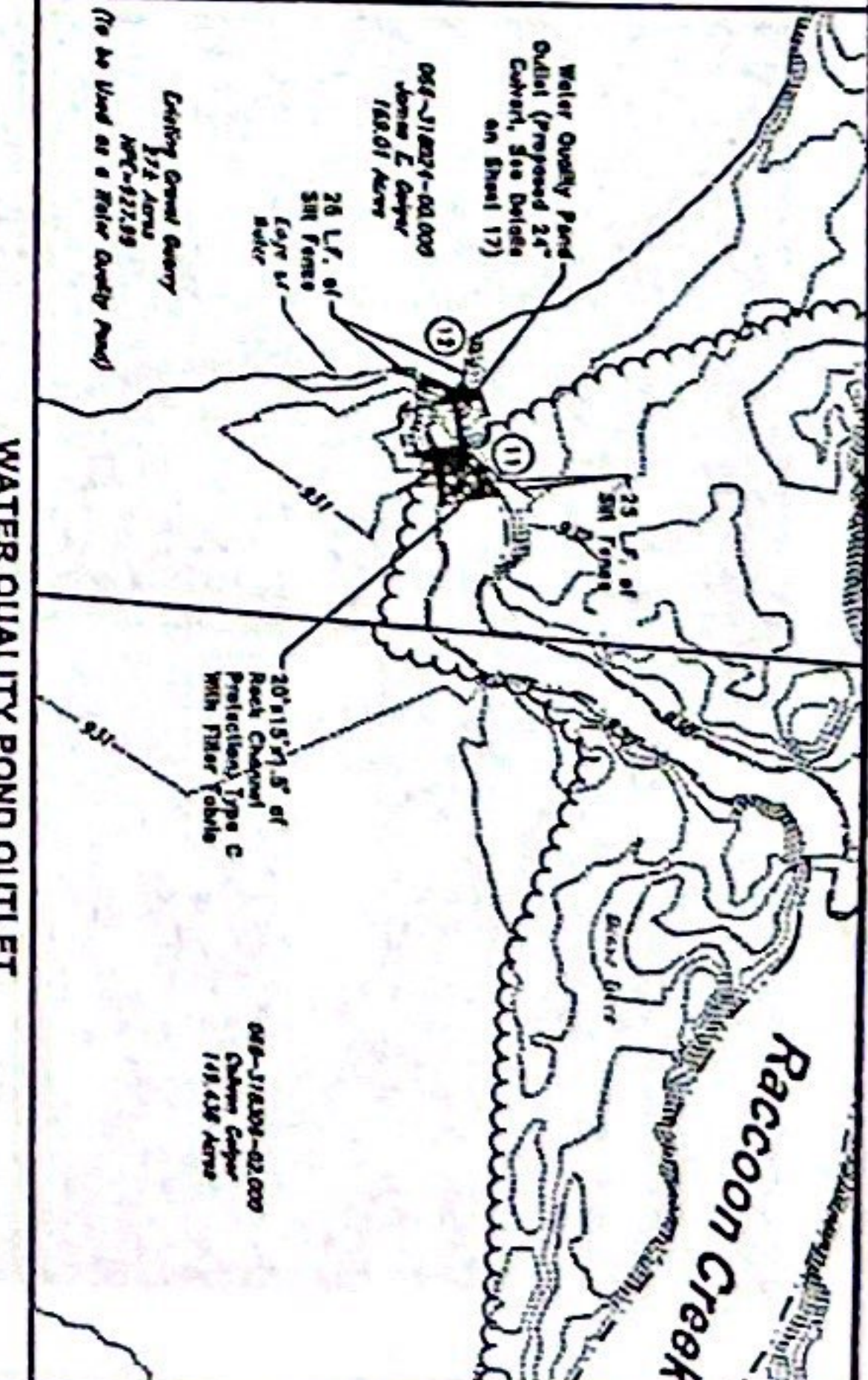
AWS/db

# Exhibit # 11



NOTE: This plan must be posted on the site and a copy of the Stormwater Permit (with the site-specific NOI limits) shall be kept on-site at all times.

- LEGEND**
- Silt Fence
  - ▨ Stabilized Construction Entrance
  - Concrete Washout
  - Rock Ditch Check



Project:	E221642
Date:	Feb. 13, 2023
Sheet:	19/19
Scale:	1"=80'

**Harral and Stevenson**  
Civil Engineering and Surveying  
2569 North Court Street  
Circleville, Ohio 43113  
Ph: 740-497-4432  
www.harralstevenson.com

**ST. ALBANS TOWNSHIP, LICKING COUNTY, OHIO**  
**SCIOTO MATERIALS, INC. - PLANT 134**  
NEW CONCRETE AND ASPHALT BATCH PLANTS  
DEVELOPMENT PLAN  
RUNOFF CONTROL AND SEDIMENT ABATEMENT PLAN

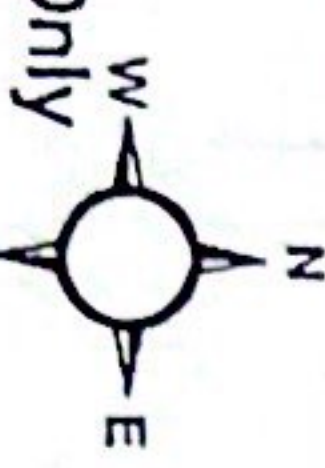
Revisions	Mark	Description

# OnTrac Property Map



Exhibit # 12

April 11, 2023



Owner Name & Acres

County Road 94 Feet

Driveway

Street Number Only

Centerline Labels

Township road 0.02 Miles

Interstates

Sales - 2023

Interstate/US/State Route

Other Road Type

Municipal Corporations

Licking County Auditor GIS

2028

LICKING COUNTY TAX MAP

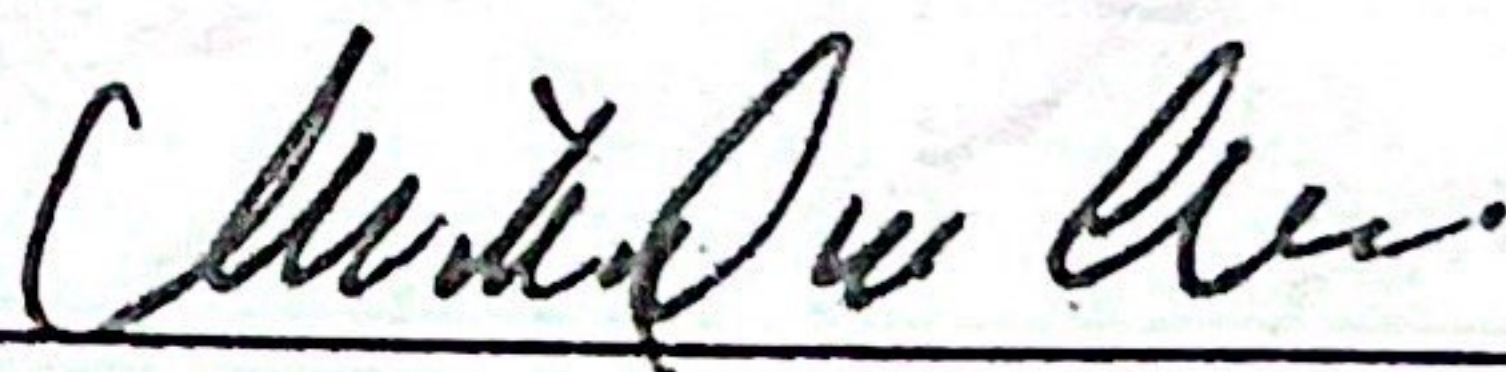
State of Ohio, Muskingum County. SS

Being first duly sworn

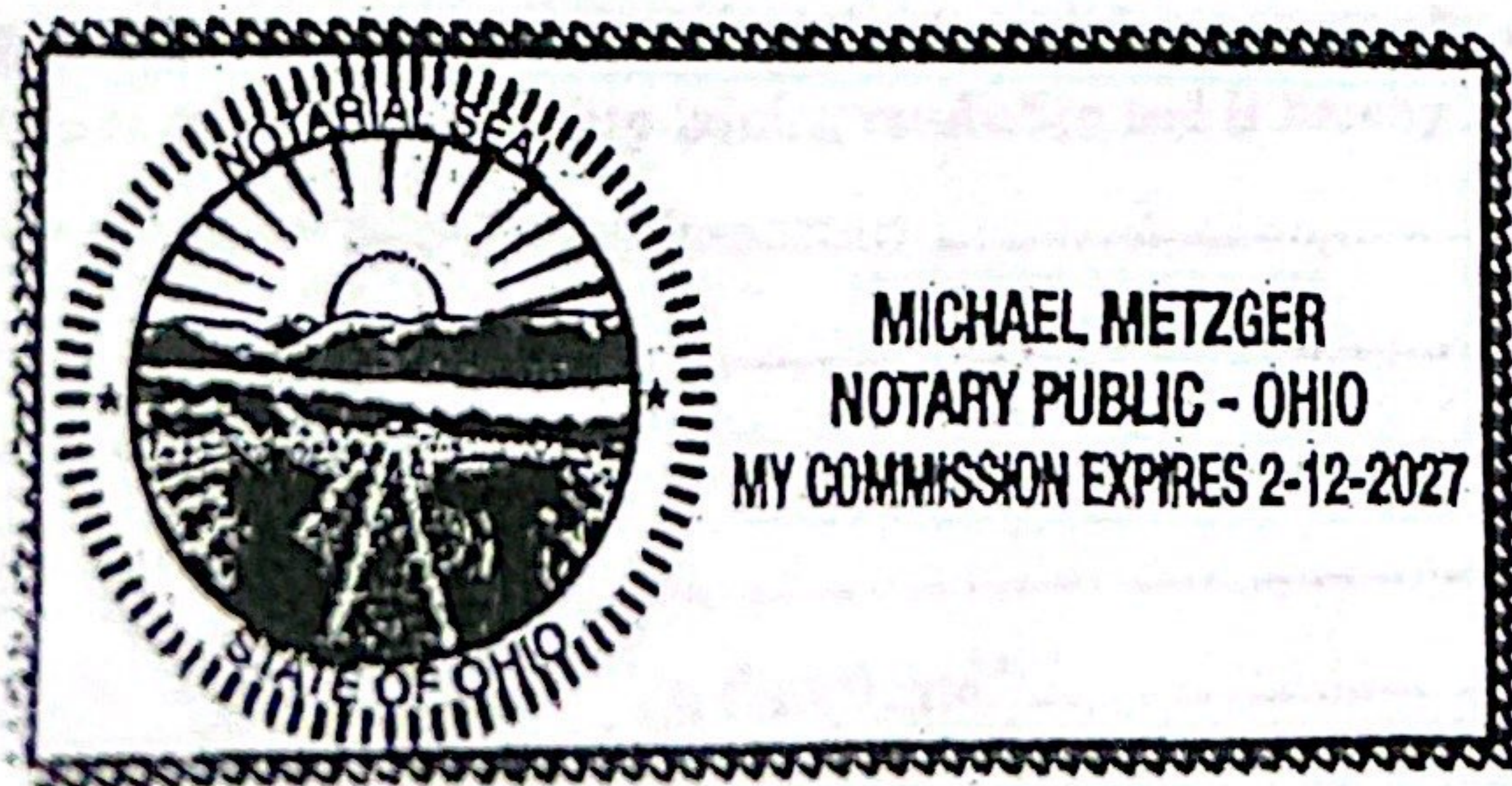
Says that:

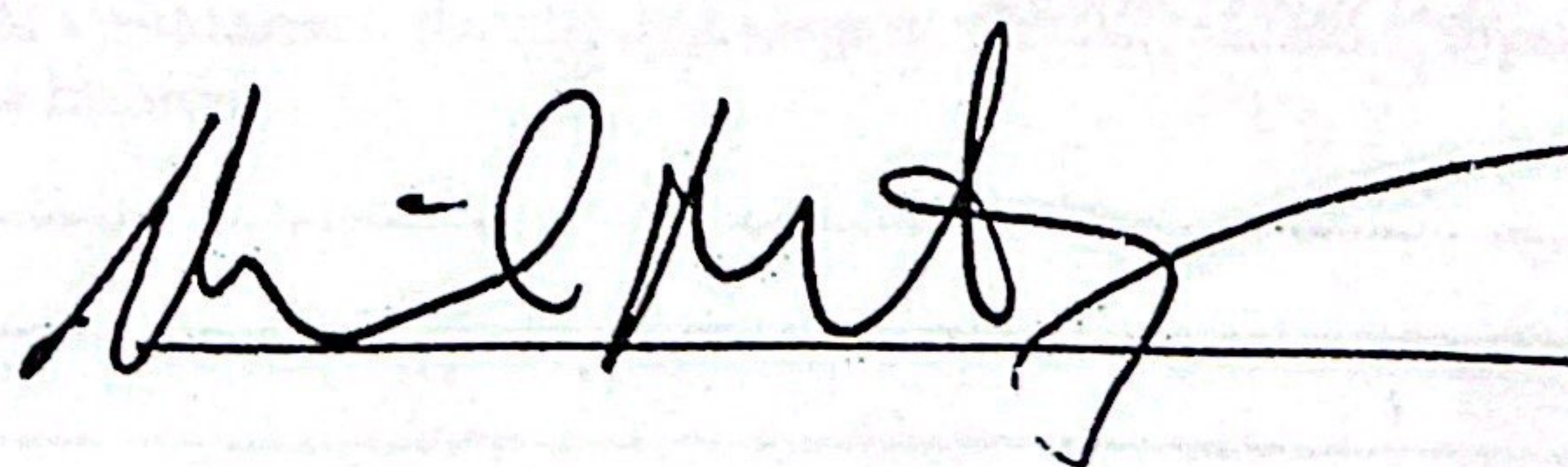
- 1.) I am the Chief Operating Officer of Mar-Zane Materials, Inc. a division of Shelly and Sands, Inc.
- 2.) A Mar-Zane asphalt plant was permitted to relocate to the James & Colleen Geiger property located on Tharp Rd., St. Albans Township, Licking County Ohio in June, 2006 and permitted to relocate elsewhere September, 2009. The run dates on the property were from July 6, 2007 through November 4, 2008.
- 3.) At the time of the plant move onto the Geiger property, Mar-Zane inquired about any zoning permit needed and they were told none was required.
- 4.) At no time during the plant's presence on the property was Mar-Zane required to acquire a zoning permit nor did Mar-Zane receive any notice of zoning violations.

And further affiant saith not.

  
\_\_\_\_\_  
Signature of Affiant

Sworn to before me and subscribed in my presence this 27  
day of March, 2023



  
\_\_\_\_\_

# APPLICATION FOR ZONING CERTIFICATE (R.C. 519.16)

Application No. 206-39

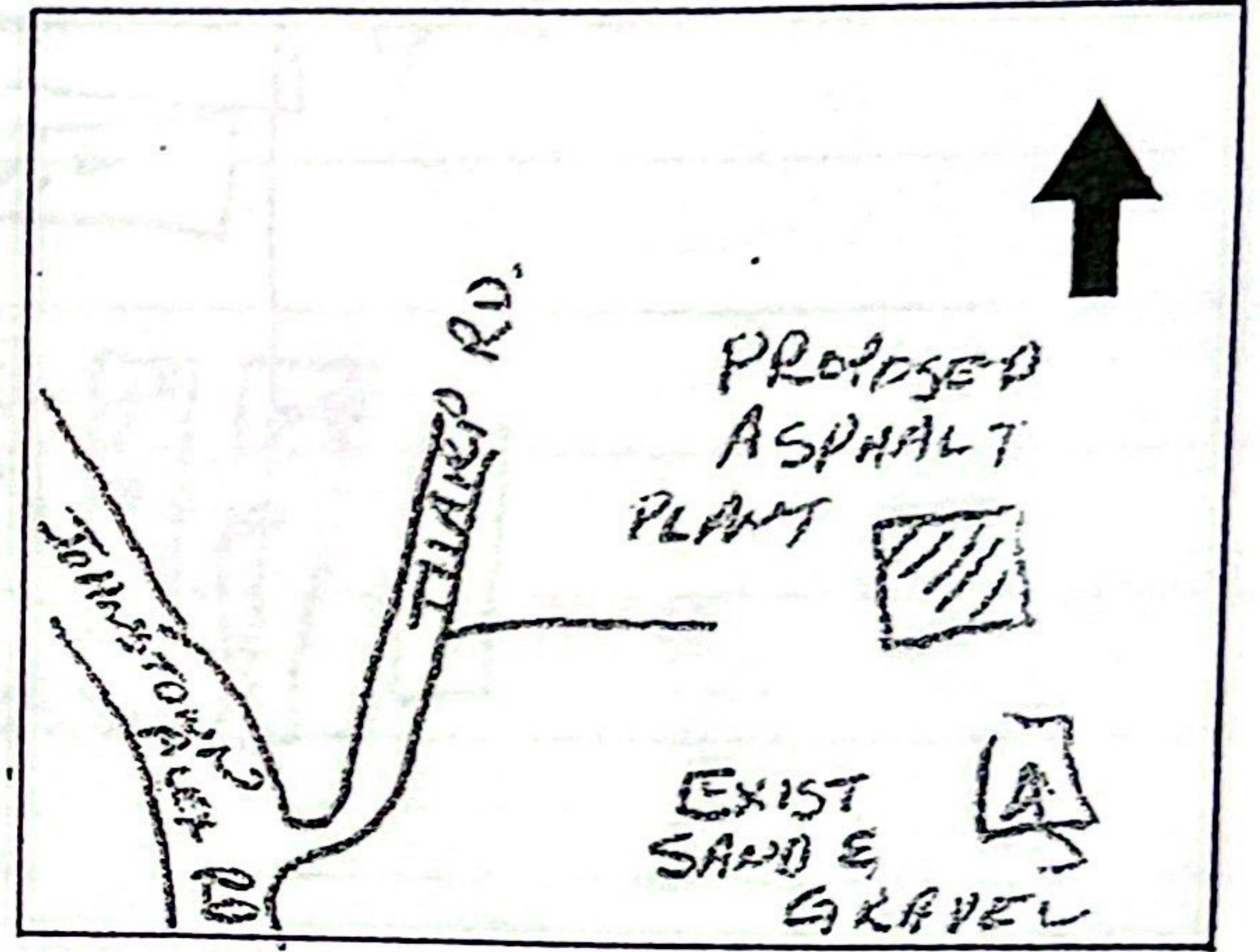
Date 8-31-06

St. Albans Township, Licking County to the Board of Twp. Trustees.

The undersigned hereby applies for a Zoning Certificate for the following use, to be issued on the basis of the representations contained herein, all of which applicant swears to be true.

1. Location of property ..... ST ALBANS TWP, LICKING CO, OHIO
2. Name of Land Owner ..... ZANE MATERIALS  
 Address ..... 1140 THARP RD, ALEXANDRIA, OHIO 43001
3. Occupant ..... CDRP ADDRESS ZANE MATERIALS - P.O. BOX 1586, ZANESVILLE, OHIO 43702
4. Proposed use: Residence ( ) ; number of families ( ) ; Garage ( ) ; Accessory Building ( ) ; Sign Board ( ) ; Size ..... 8852 sq. ft., New ( ) ; Remodeling ( ) ; Business (); Manufacturing ( ) ; Kind ..... ASPHALT BATCH PLANT
5. Is this an application for "temporary Visitors" Zoning Certificate (Yes) (No) (No)
6. Is this an application for "temporary Residence" permit? (Yes) (No)
7. Sketch a lot, showing existing building and proposed construction or use for which this application is made. (Fill in all directions and indicate which direction is north).

- A. Main Road frontage ..... ft.
  - B. Set back from front of right of way ..... ft.
  - C. Side yard clearance ..... side ..... ft.  
 ..... side ..... ft.
  - D. Rear yard clearance ..... ft.
  - E. Depth of lot from right of way ..... ft.
  - F. Dimensions of building—Width ..... ft.  
 Depth ..... ft.
  - G. Highest point of building above established grade ..... ft.
  - H. Width and Length of driveway .....
  - I. Off street parking space ..... sq. ft.
8. Buildings: Use MANUFACTURING  
 Number of stories ..... Basement .....



Useable floor space designed for use as living quarters exclusive of basements, porches, garages, breezeways, terraces, attics, or partial stories. First floor ..... sq. ft.; Second floor ..... sq. ft.; Off street parking space ..... sq. ft.

9. Have you a "Sewage Disposal Permit" from Licking County Board of Health? Yes ( ) No ( )
10. Will you have your own private well or water supply? Yes ( ) No ( )
11. Remarks ..... THE TOTAL OF 8852 SQ FT IS THE SUMATION OF ALL STRUCTURES THEIR FOOT PRINT FOR THE BATCH PLANT FOR ASPHALT PREPERATION. (ATTACHED SKETCH)

Witness: ..... Applicant: [Signature] 2006

Sworn to and subscribed before me this ..... day of ..... This permit expires six months after date of application.

Valuation ..... Permit Fee \$1,270.40 Inspector [Signature]

## ZONING CERTIFICATE (R.C. 519.16)

Upon the basis of the above application, the statements in which are made a part thereof, the proposed usage is MANUFACTURING found to be in accordance with the Township Zoning resolution and is hereby approved for the following

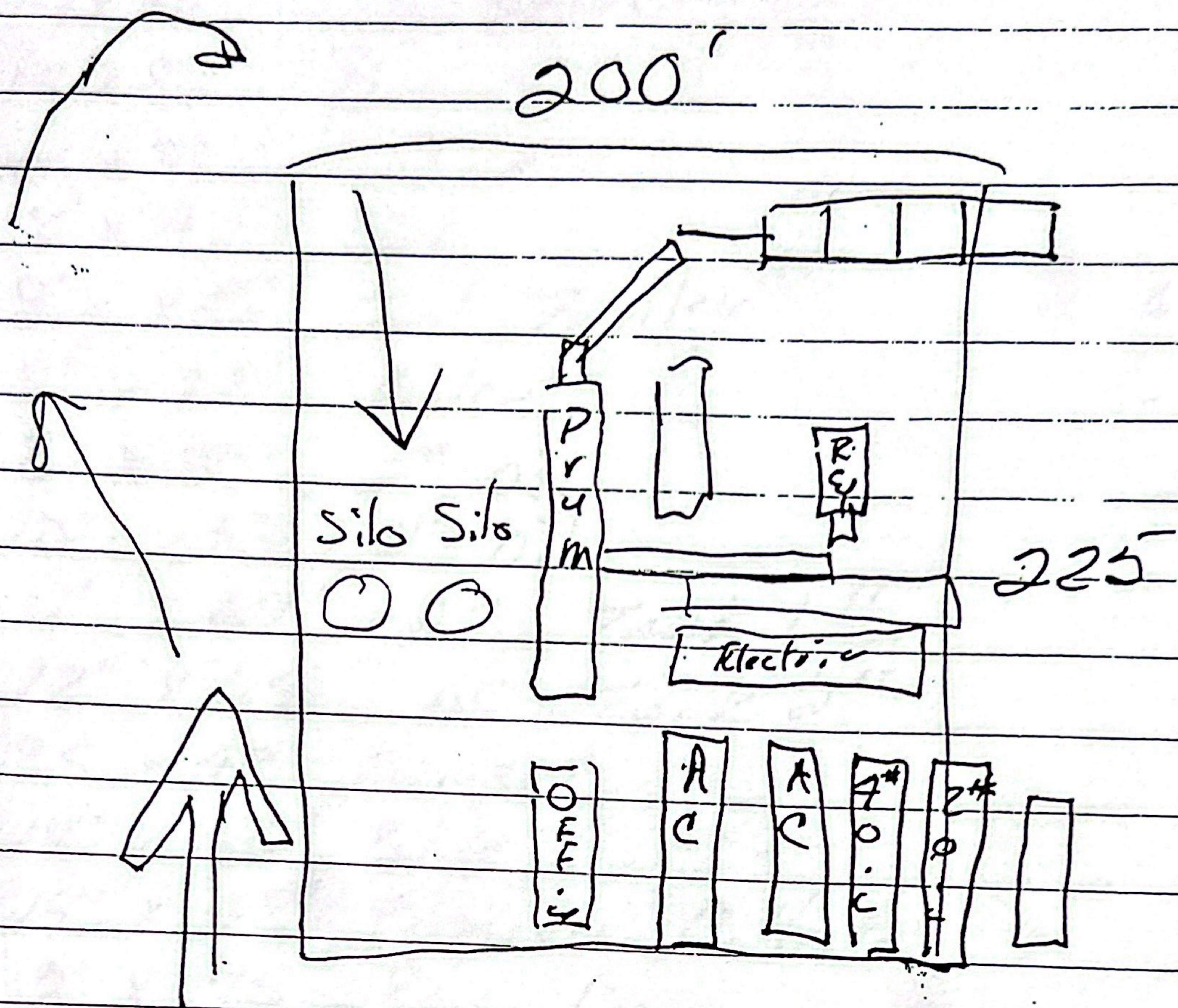
District by the Township Zoning Inspector: .....

Date of Approval or Refusal .....

Reason for Refusal .....

Date of Expiration on "Temporary Certificate" .....

MAV-ZANE P/H (12)



MAV-ZANE Materials Asphalt  
~~P.O. 1585~~ P.O. Box 1585  
Zanesville, OH 43702 (shop)

Home Office

740-453-0721

453-6260

Jerry Taylor

740-819-2293 C.

Tom Jones

740-819-8041 C.

TOM JENKINS



3-12

80  
25

- 504<sup>s</sup> 14' x 36' Silo & Elevator
- 1190<sup>s</sup> 14' x 85' Drum
- 320 10' x 32' OFFICE
- 360 8' x 45' Lab
- 381 8.5' x 45' Tool Trailer
- 200 8' x 25' Boiler
- 240 8' x 30' 2<sup>nd</sup> OIL
- 500 10' x 50' 4" OIL
- 768 12' x 64' AC Tank 1<sup>st</sup>
- 768 12' x 64' AC Tank 2<sup>nd</sup>
- 408 8.5' x 48' Genset
- 924 14' x 66" B/H
- 672 14' x 48' Primary Collector
- 225 3' x 75' Recy Conu
- 160 4' x 40' Recy Conu 2<sup>nd</sup>
- 140 10' x 14' Recy Bin
- 40 4' x 10' Recy Screen
- 240 4' x 60' Acc Conu
- 64 4' x 16' Collocate Conu
- 700 10' x 30' Bins (5)
- 48 4' x 12' Agg Screen

4500  
- 5  
4000

8852  
5000

500 40  
770.40  
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1270.40

TO  
50