

# RECORD OF PROCEEDINGS

Minutes of

Etna Township Board of Zoning Appeals

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

November 3

2005

Held

19

## Regular Meeting

The regular meeting was called to order by Chairman Holloway at 6:00 p.m. on November 3, 2005 at the Etna Township Hall. The meeting was audio and video taped for township records.

Roll Call: Mr. Johnson, Mrs. Rogers, Mr. Holloway, Mr. Cox, Mr. Goll, and Laura Brown present.

The purpose of this meeting is to present a decision from the October 13, 2005 adjudicatory hearing.

Steve Holloway stated the road is about complete. It is twenty-four feet wide. It is going to be paved and possibly grass over top. He spoke with the neighbor, Craig Wilson, when he was at the site. Steve Holloway feels it looks really nice. The zoning inspector provided pictures taken today. The Board of Zoning Appeals discussed the emergency access.

Mr. Holloway stated the issue is defining in place and usable. Does it mean there and available, still in field form, had the base down and trucks can run over it? David Goll stated the purpose of it is for emergency access and if it is not in place with the base then it is not usable. Rick Cox feels the same way. Even if it was in place and usable Section I would not have had access to it anyway. Cheri Rogers feels that the fact it was not completed for whatever reason does not mean the road was in place and usable for the start of Section II. Steve Holloway concurs with everyone, what was the intent of Mr. Pabian, Zoning Commission motion regarding the emergency access being in place and usable. His intent was ready for a truck to run over for an emergency.

David Goll moved that the appeal be denied based on the requirements of the PUD, Zoning Commission on May 3, 2000 signed May 17, 2000 that stated the PUD zoning contingent on granting of the 40 access of ODOT with the easement for emergency access in place and usable for Lots 69 and 70 to the edge of Route 40. Cox seconded.

Steve Holloway stated for the record, we had an official accusing another official that did something behind peoples back, and that this was not supposed to be here it was supposed to be somewhere else and there was some kind of deal cut to change the location of this easement and it went to the Murphy's property instead of going somewhere else. For the record, both the minutes of the Zoning Commission meeting that made the recommendation had it in their meeting minutes to go across the Murphy property and at the Trustees meeting when the approved that recommendation it also mentions that access would be across the Murphy property. There was an accusation that it was not supposed to go here and it was changed at the last minute against what . . . a contradiction to what actually was voted on by the commission. From my reading it I do not believe that is the case, it is documented in writing that it was always the Murphy's property when it came to the decisions that these two boards made.

Cheri Roger's also wanted it placed in the minutes that we were provided with hearsay information that the building of this emergency access road was asked to be delayed or put off by a Trustee, and even though we could not confirm that information I believe that Maronda if this was the case was acting as a good neighbor within Etna Township and even though we can not approve her request for an appeal based on that I think it should be noted that they tried to do what was in the best interest of an Etna Township resident.

Roll call: Jeff Johnson, yes; Cheri Roger, yes; Steve Holloway, yes; Frederick Cox, yes; and David Goll, yes. Motion passed 5-0.

The appeal is denied. The minutes and the final order will be read on November 14, 2005 at 6:00 p.m.

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David Goll moved to adjourn at 6:17 p.m. Johnson seconded.

Roll call: Jeff Johnson, yes; Cheri Rogers, yes; Steve Holloway, yes; Frederick Cox, yes; and David Goll, yes. Motion passed 5-0.

*Laura Brown*

Laura Brown, Clerk

Approved as read \_\_\_\_\_

Approved as corrected/amended *SJA*

*[Signature]* 11-14-05

Steve Holloway, Chairman

Final Order Mailed: *November 4<sup>th</sup> 2005*  
*JB*