

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Etna Township Board of Zoning Appeals

Held

August 8,

2007

ADJUDICATORY HEARING

The adjudicatory hearing was called to order by Chairman Goll at 7:03 p.m. on August 8, 2007 at the Etna United Methodist Church on 500 Pike Street. The meeting was audio and video taped for township records. Mrs. Weber, Mr. Cox, Mr. Goll, Mr. Chew, Mr. Johnson, and clerk Laura Brown were present.

The purpose of this hearing is to consider an appeal concerning the driveway to a pole barn submitted by Tim Paugh of 10439 Watkins Road. The nature of the appeal is whether or not the driveway needs to be paved per section 1103.

Chairman Goll explained the process and the principles who wanted to testify and present evidence were sworn in all other witnesses will be sworn in as they give their testimony. Tim Paugh of 10439 Watkins Road and Stan Robinson, Zoning Inspector were sworn in.

Tim Paugh stated he bought the property with the intent of building a pole barn. The neighboring properties have gravel driveways.

Stan Robinson stated what he is requesting is not out of the ordinary. Stan read Section 1103 stating the driveway must be paved with concrete or asphalt. It stated the Zoning Commission minutes reflect that two members wanted it to apply to only commercial property. The section does not eliminate residential driveways. Stan stated the board does have the option to modify the rule. The current driveway up to the house is gravel and is grandfathered. Tim Paugh stated it would be approximately 80 feet to add the section from the house to the pole barn.

Laura Brown, Zoning Commission Clerk was sworn in. Laura Brown stated at the meeting when the text amendment was passed it was determined that the entire section was for commercial. The Zoning Commission felt the subdivision regulations would regulate the driveways in developments. The Zoning Commission did not want farmers and houses with long driveways to have to pave them. The Zoning Commission minutes from August 17, 2005 were submitted as Exhibit 1.

The Board discussed Article 11 is more for commercial than residential.

Phil Chew moved to close the public testimony. Rick Cox seconded. Roll Call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Philip Chew, yes; and Jeff Johnson, yes. Passed 5-0.

The subdivisions have deed restrictions prohibiting gravel driveways. Rick Cox felt section 1103 is more for commercial.

Rick Cox moved to grant the appeal based on Section 507 Duties of the Board of Zoning Appeals based on the Board of Zoning Appeals interpretation of Section 1103 with the intent of the Zoning Resolution that it pertains to commercial properties not residential. Phil Chew seconded. Roll Call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Philip Chew, yes; and Jeff Johnson, yes. Passed 5-0.

Jeff Johnson motioned to adjourn the meeting at 7:29 p.m. Rick Cox seconded. Roll Call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Philip Chew, yes; and Jeff Johnson, yes. Passed 5-0.

Approved as read _____

Approved as corrected/amended _____

Laura Brown 8/28/07

Laura Brown, Clerk

David P. Goll

David Goll, Chairman

Etna Township Board of Zoning Appeals

Held

August 8,

2007

ADJUDICATORY HEARING

The adjudicatory hearing was called to order by Chairman Goll at 7:30 p.m. on August 8, 2007 at the Etna United Methodist Church on 500 Pike Street. The meeting was audio and video taped for township records. Mrs. Weber, Mr. Cox, Mr. Goll, Mr. Chew, Mr. Johnson, and clerk Laura Brown were present.

The purpose of this hearing is to consider an appeal L07-6 concerning a fence submitted by Terry Starkey of 147 Winesap Street. The nature of the appeal is whether or not the fence is in compliance of the zoning code.

Chairman Goll explained the process and the principles who wanted to testify and present evidence were sworn in all other witnesses will be sworn in as they give their testimony. Terry Starkey of 147 Winesap Street and Stan Robinson, Zoning Inspector were sworn in.

Terry Starkey submitted pictures as Exhibit 1. The contractor on May 26, 2005 obtained the permit for the deck from Steve Ferris and did not need one for the fence. He obtained two letters of violation. One for no permit and one violates the setbacks. He applied for a fence permit on July 12, 2007 and was denied because of Section 1008 setbacks and Section 1034 setbacks. Mr. Starkey is requesting to leave his fence as is because he tried to obtain the fence permit in May of 2005. The pictures show there is know vision being impaired by the fence. One pictures shows if he would have to move the fence now it would be to close to the deck. He does not feel his fence is an eye soar and he gets compliments on his fence.

Stan Robinson reviewed that the fence is five feet into the setback and is over two and a half feet tall. Stan Robinson recommends granting the appeal.

Rick Cox stated he did obtain the permit for the deck and why would he not obtained the fence permit at that time.

Phil Chew moved to close the testimony portion of the hearing. Jeff Johnson seconded. Roll Call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Philip Chew, yes; and Jeff Johnson, yes. Passed 5-0.

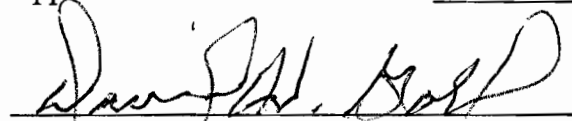
Jeff Johnson moved to approve the appeal based on Section 507 Duties of the Board of Zoning Appeals Item 1 to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the zoning inspector. Phil Chew seconded. Roll Call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Philip Chew, yes; and Jeff Johnson, yes. Passed 5-0.

Phil Chew moved to close the hearing at 7:48 p.m. Rick Cox seconded. Roll Call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Philip Chew, yes; and Jeff Johnson, yes. Passed 5-0.

Approved as read _____

Approved as corrected/amended _____


 Laura Brown, Clerk


 David Goll, Chairman

DAYTON LEGAL BLANK CO., FORM NO. 1014B

Etna Township Board of Zoning Appeals

Held August 8, 2007

ADJUDICATORY HEARING

The adjudicatory hearing was called to order by Chairman Goll at 7:54 p.m. on August 8, 2007 at the Etna United Methodist Church on 500 Pike Street. The meeting was audio and video taped for township records. Mrs. Weber, Mr. Cox, Mr. Goll, Mr. Chew, Mr. Johnson, and clerk Laura Brown were present.

The purpose of this hearing is to consider an appeal L07-10 concerning a fence submitted by John Fry of 410 Greenapple. The nature of the appeal is whether or not the fence is in compliance of the zoning code.

Chairman Goll explained the process and the principles who wanted to testify and present evidence were sworn in all other witnesses will be sworn in as they give their testimony. Todd Anderson of 156 Rome Drive and Stan Robinson, Zoning Inspector were sworn in.

Stan Robinson withdrew the notice of violation V07-33 regarding section 1009 Visibility at intersections.

Todd Anderson testified in behalf of John Fry who had to leave earlier. The fence has been up for estimated of three years or more.

Philip Chew moved to close the testimony portion of the hearing. Jeff Johnson seconded. Roll Call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Philip Chew, yes; and Jeff Johnson, yes. Passed 5-0.

Jeff Johnson moved to grant the appeal based on Section 507 Duties of the Board of Zoning Appeals Item 1 to hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the zoning inspector. Michelle Weber seconded. Roll Call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Philip Chew, yes; and Jeff Johnson, yes. Passed 5-0.

Phil Chew moved to close the hearing at 8:06 p.m. Rick Cox seconded. Roll Call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Philip Chew, yes; and Jeff Johnson, yes. Passed 5-0.

Approved as read _____

Approved as corrected/amended _____

Laura Brown 8/28/07
Laura Brown, Clerk

David Goll
David Goll, Chairman