

Held

October 23,

2007

ADJUDICATORY HEARING

The adjudicatory hearing was called to order by Chairman Goll at 7:05 p.m. on October 23, 2007 at the Etna Township Hall. 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 the hearing is to consider an appeal number L07-16 and a variance number VA07-9 submitted by Rodger Kessler of Kessler Sign regarding signs located on 10202 Hazelton-Etna Road.

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.

Stan Robinson, Zoning Inspector; Rodger Kessler of 170 Pine Crest Drive Granville Ohio and Mike Davis 6477 Welsh Road Nashport Ohio were sworn in. Mr. Kessler and Mr. Davis represent Kessler Sign.

Mike Davis stated under Section 1205 Item 2 larger signs along or adjacent to the interstate and primary highway's are regulated by the Ohio Revised Code shall be permitted in accord with the same. Such sign shall not be subject to the above regulations but shall require a permit from the township Zoning Inspector and show proof of having obtained the required State of Ohio approval. The current sign has been there for years. They are asking to add the Subway sign to the existing structure. Mr. Davis stated the McDonalds, BP, Speedway all have signs.

Rodger Kessler stated years ago below the Duke sign was a sign for 1.99. They are just replacing that with the Subway sign. Mr. Kessler stated they do not need a permit from ODOT for on premises signs. ODOT regulates what the signs can be but do not require a permit. If the sign was not complaint they would notify them to remove the sign.

The sign would be installed on the existing sign and would not change the height of the Duke sign, it would go below. The sign would be 4 by 16.

Stan Robinson asked if they had a permit for the original Duke sign. Rodger Kessler stated the sign was not their sign so he would not have a permit for the sign.

Stan Robinson stated the first permit was denied for three reasons: No permit on file for the original sign, sign exceeds height regulations of 15 feet tall, and sign exceeds right-of-way setbacks. Stan stated the sign is fine for the right-of-way setbacks after receiving the county survey. The sign is twenty feet off the right-of-way.

The sections 1205 and 1206 were discussed. If the sign did not comply with ODOT the sign would have been addressed years ago.

Philip Chew moved to close the public testimony at 7:25 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.

The township would be permitting that it meets the states requirements and the township is aware it is being installed.

Philip Chew moved to deny appeal L07-16. Jeff Johnson seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Philip Chew, yes; and Jeff Johnson, yes. The motion passed 5-0 and the appeal is denied.

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 1048

Etta Township Board of Zoning Appeals

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Philip Chew moved to approve variance VA07-9 to grant a setback variance to 20 feet pursuant to Article 12 Sections 1205 and 1206. A sign permit shall be issued for the application 4113. Michelle Weber seconded. Discussion: Granting 20 feet instead of 50 feet from the road right-of-way per Section 1206 1a. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Philip Chew, yes; and Jeff Johnson, yes. The motion passed 5-0 and the variance is granted.

Rick Cox motioned to adjourn the hearing. Jeff Johnson seconded. Roll Call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Phil Chew, yes; and Jeff Johnson, yes. Passed 5-0.

Approved as read Nov 15, 2007

Laura Brown

Laura Brown, Clerk

Approved as corrected/amended _____

David P. Goll

David Goll, Chairman

Etna Township Board of Zoning Appeals

Held

October 23,

2007

ADJUDICATORY HEARING

The adjudicatory hearing was called to order by Chairman Goll at 8:04 p.m. on October 23, 2007 at the Etna Township Hall. 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 the hearing is to consider an appeal number L07-15 submitted by Kristine Clark Morris for 128 Winesap Street regarding a fence in the side yard.

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.

Kristine Clark Morris and Stan Robinson were sworn in.

Kristine Clark Morris stated she came in before she installed the fence and was told she did not need a fence permit. The fence was installed approximately five to six years ago. She explained the fence was placed there to block the two lower windows because previously there were attempts to break into her house.

Stan Robinson stated this case is similar to the other fence appeals previously heard.

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

Philip Chew moved to grant the appeal based on the timeline of the construction of the fence was under a previous zoning inspector whose interpretation of our zoning resolution was that fence permits were not required. It was also the interpretation of the previous zoning inspector that side yard was not considered a front yard therefore the setback was not enforced. Section 402 – Avoidance of undue hardship to avoid undue hardship, nothing in this resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this resolution. This fence was built prior to the amendment in 2006. Michelle Weber seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Philip Chew, yes; and Jeff Johnson, yes. Motion passed 5-0.

Rick Cox moved to adjourn at 8:14 p.m. Philip Chew seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; David Goll, yes; Philip Chew, yes; and Jeff Johnson, yes. Motion passed 5-0.

Approved as read Nov 15, 2007

Approved as corrected/amended _____

Laura Brown
Laura Brown, Clerk

David Goll
David Goll, Chairman

RECORD OF PROCEEDINGS

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Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

Etna Township Board of Zoning Appeals

Held

October 23,

2007

Public Hearing

The public hearing was called to order by Chairman Goll at 8:14 p.m. on October 23, 2007 at the Etna Township Hall. The meeting was audio taped for township records. Mr. Cox, Mr. Goll, Mr. Johnson, and clerk Laura Brown were present.

The purpose of the hearing was to approve minutes from the October 18, 2007 adjudicatory hearings.

Rick Cox moved to waive the public reading and to approve the minutes from the adjudicatory hearings for VA07-8 submitted by Carrie Wesp for Maronda Homes for properties 108, 110, 112, 114 Dusky Willow Drive (Part two) along with the final order. Jeff Johnson seconded. Roll call: Rick Cox, yes; David Goll, yes; and Jeff Johnson, yes; motion passed 3-0.

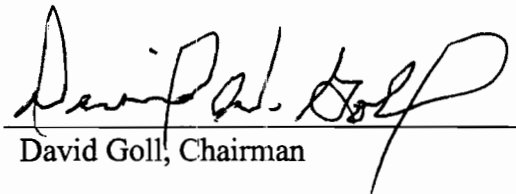
Rick Cox moved to close the hearing at 8:15 p.m. Jeff Johnson seconded. Roll call: Rick Cox, yes; David Goll, yes; and Jeff Johnson, yes; motion passed 3-0.

Approved as read Nov 15, 2007

Approved as corrected/amended _____



Laura Brown, Clerk



David Goll, Chairman