

# RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO. FORM NO. 10148

Held

19

## Etna Township Board of Zoning Appeals

April 27<sup>th</sup>,

2010

The Etna Township Board of Zoning Appeals met on April 27th, 2010 in the Etna Township Community Center/Administration Building for the purpose of conducting an adjudicatory hearing. The meeting was audio taped for the township records. The meeting was called to order at 6:04 p.m. The roll call showed the following members present: Michelle Weber, Rick Cox, Cheri Rogers, Claudette VanDyne, Roger Digel-Barrett, and Clerk Laura Brown.

### **Variance VA10-01**

Chairman Rogers explained the process and swore in Chris Harkness, Zoning Administrator and Brad Mercer, Licking County Planning Commission. The nature of the variance is to decrease the required lot frontage from approximately 140 feet to 0 feet to create Reserve C of the Cumberland Crossing Planned Unit Development (Parcel #01001728000001 and Parcel #01001728000000).

Brad Mercer reviewed the application. The Licking County Planning Commission is applying for a variance from Section 1023 Required Lot Frontage to decrease the required lot frontage from approximately 140 feet to 0 feet to create Reserve C of the Cumberland Crossing Planned Unit Development. The purpose of the lot split is to have the acreage of wetlands be entered into the easement to protect the wetlands. The county will have an easement from Southwest Licking Community Water and Sewer District for access to the property. If Dominion Homes would finish the remaining phases of the Cumberland Crossing Development the property would have road frontage.

Chris Harkness presented the staff report for Etna Township. The Township can regulate only the use on the property, and the ownership of the property is not a factor.

Rick Cox has concerns with the process of changing a Planned Unit Development. Chris Harkness explained that modification to the development would go through the Zoning Commission and then to the Trustees. This is a request for a variance from the Planned Unit Development. The location of the reserve will remain in the same area where it was planned for with the original Planned Unit Development. The only change will be ownership.

The Board of Zoning Appeals discussed requiring a road easement or access from the property to the development. By approving this variance they would be creating a land locked property. The green space is not accessible at this time. The original development plan called for this to be a wooded reserve. The homeowners' association will not have to pay for this property or maintain it. It will remain in their development as the wooded reserve.

Claudette VanDyne moved to close the testimony portion of the hearing at 6:42 p.m. The motion was seconded by Roger Digel-Barrett. Roll call: Michelle Weber, yes; Rick Cox, yes; Cheri Rogers, yes; Claudette VanDyne, yes; and Roger Digel-Barrett, yes.

Jeff Oswalt of 143 Ausenbaugh questioned how their homeowners' dues will be changed with this property change. The Cumberland Crossing residents would need to contact the management company. If this area is opened to the public how would the additional traffic be handled? Chris Harkness stated at this time the property is not planned to be open to the public. The Licking County Commissioners would be in charge of this property. This property will be left in a natural state and no maintenance would be done to this property. This property would not be mowed. The JRS Road would be moved 300 to 400 feet closer to the neighborhood. There is a nice natural buffer between the road and the neighborhood. Rick Cox is concerned with the property being accessible to the residents of Cumberland Crossing. The homeowner's association is being run by a management company.

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Etna Township Board of Zoning Appeals

April 27<sup>th</sup>,

2010

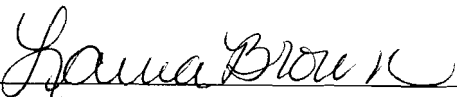
Rick Cox would like a letter from the Licking County Commissioners regarding the access to the property. He would also like to visit extending the road right-of-way or designating right-of-way to the property for access. Chris Harkness stated the issue is with the variance request of 140 feet to 0 feet of road frontage. Rick Cox stated he would like to see Licking County Planning Commission negotiate with Dominion Homes for a right-of-way of 140 feet to avoid a land locked property.

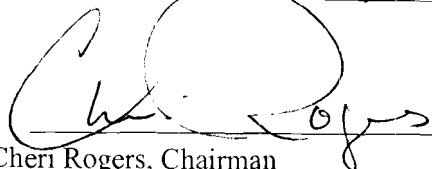
Rick Cox moved to table this decision due to the practicality of extending the road right-of-way to the parcel in question to provide a minimum of 30 to 60 feet of frontage to the property and provide the information back to the Board of Zoning Appeals within 30 days or less. The motion was seconded by Roger Digel-Barrett. Roll call: Michelle Weber, yes; Rick Cox, yes; Cheri Rogers, yes; Claudette VanDyne, yes; and Roger Digel-Barrett, yes and the motion passed 5-0.

Roger Digel-Barrett moved to close the hearing at 7:14 p.m. The motion was seconded by Rick Cox. Roll call: Michelle Weber, yes; Rick Cox, yes; Cheri Rogers, yes; Claudette VanDyne, yes; and Roger Digel-Barrett, yes and the motion passed 5-0.

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

Approved as corrected/Amended 6-17-10

  
\_\_\_\_\_  
Laura Brown, Clerk

  
\_\_\_\_\_  
Cheri Rogers, Chairman

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The public meeting was opened at 7:17 p.m. The roll call showed the following members present: Michelle Weber, Rick Cox, Cheri Rogers, Claudette VanDyne, Roger Digel-Barrett, and Clerk Laura Brown.

Claudette VanDyne moved to waive the public reading and approve the minutes from the March 9<sup>th</sup>, 2010 meeting as corrected. Michelle Weber seconded. Roll call: Michelle Weber, yes; Rick Cox, yes; Cheri Rogers, yes; Claudette VanDyne, yes; and Roger Digel-Barrett, yes. Motion passed 5-0.

Claudette VanDyne moved to waive the public reading and approve the minutes from the February 23<sup>rd</sup>, 2010 meeting with changes. Michelle Weber seconded. Roll call: Michelle Weber, yes; Rick Cox, abstain; Cheri Rogers, yes; Claudette VanDyne, yes; and Roger Digel-Barrett, yes. Motion passed 4-1.

Chairman Rogers discussed the public records request and will notify the Trustees that the Board of Zoning Appeals members have not received any emails from Trent Stepp.

Chairman Rogers discussed the tasks of the Board of Zoning Appeals Clerk, Laura Brown.

Rick Cox moved to adjourn the meeting at 8:11 p.m. The motion was seconded by Claudette Van Dyne. Roll call: Michelle Weber, yes; Rick Cox, yes; Cheri Rogers, yes; Claudette VanDyne, yes; and Roger Digel-Barrett, yes and the motion passed 5-0.

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

Approved as corrected/Amended \_\_\_\_\_

*Laura Brown*

Laura Brown, Clerk

*Cheri Rogers*

Cheri Rogers, Chairman