

Held _____

19

The Etna Township Board of Zoning Appeals met on October 26th, 2010 in the Etna Township Community Center/Administration Building for the purpose of conducting an adjudicatory meeting. The meeting was audio taped for the township records. The meeting was called to order at 6:00 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 VA-10-03

The adjudicatory hearing is for a Use Variance request from the list of Permitted Uses within the Local Business District (Section 911.B) to allow 'Used Car Dealers' (NAICS Code 441120) on the parcel at 8282 National Road (Parcel #01002101800000). Cheri Rogers explained the process and swore in Chris Harkness, Zoning Administrator and Bill Kilcoyne, Applicant.

Bill Kilcoyne presented a document of history along with a narrative that will be Exhibit A. Bill Kilcoyne owns the property and leases the property to Elite Towing and Collision. The tenants operate an auto body repair shop and would like to sell cars on the property.

Roger Digel-Barrett questioned Bill Kilcoyne on the history of the previous rezoning application from 1997. Chris Harkness stated the research from the minutes and records at the township showed no evidence the rezoning was ever approved.

Chris Harkness presented an overview of the use variance request. Chris Harkness reviewed Section 513 Uses Variances and Section 514 Supplementary Conditions and Safeguards from the Etna Township Zoning Resolution. The staff recommends that the Board of Zoning Appeals deny the requested use variance because the standards for unnecessary hardship (Section 513.B) have not been met.

Claudette VanDyne questioned the Licking County Planning Commission report in the application. Both Chris Harkness and Bill Kilcoyne expounded upon the previous rezoning application from 1997 and the apparent confusion between the Future Land Use Map and the Zoning Map at that time.

Roger Digel-Barrett asked if the business is making money doing auto repair. Bill Kilcoyne explained that the business is making money but the property owners would like to make more. Roger Digel-Barrett stated this property is in a local business area and he feels selling cars in this location would be a service to the students at the high school.

Rick Cox felt the property owner's best option would be to go through the procedure to rezone the property to General Business.

Jonathon Wright, 68 Nichole Court, Pataskala, Ohio was sworn in. Jonathon Wright leases the property from Bill Kilcoyne and stated that business is down in this economy. Being able to sell cars in addition to their auto body business will make up some of the money they are losing. When owners do not claim their cars the owners want to be able to sell them.

Bernie Caplin, 441 Brookside Drive Columbus, Ohio was sworn in feels the facts stand on their own and supports the facts in this application.

Gary Burkholder, 254 Trail East was sworn in and supports the recommendation from the Zoning Administrator and Rick Cox regarding the rezoning of the property.

Rick Cox moved to close the public testimony portion of the hearing at 6:31 p.m. The motion was seconded by Claudette VanDyne. The roll call on the motion was as follows: Michelle Weber, yes; Rick Cox, yes; Cheri Rogers, yes; Claudette VanDyne, yes; and Roger Digel-Barrett yes. The motion passed 5-0.

The Board of Zoning Appeals discussed the options for the applicant and the history the applicant provided. The board discussed use variances being spot zoning.

Etwa Township Board of Zoning Appeals
RECORD OF PROCEEDINGS

Minutes of

October 26th,

Meeting
2010

DAYTON LEGAL BLANK CO., FORM NO. 10148

Held _____ 19____

Rick Cox moved that case VA-10-03 request for variance be denied because the standards for unnecessary hardship have not been met as stated in Section 513.B. The motion was seconded by Claudette VanDyne. The roll call on the motion was as follows: Michelle Weber, yes; Rick Cox, yes; Cheri Rogers, yes, Claudette VanDyne, yes, and Roger Digel-Barrett, no. The motion passed 4-1.

Claudette VanDyne moved to close the adjudicatory hearing at 6:38 p.m. The motion was seconded by Rick Cox and passed 5-0.

Approved as read November 23, 2010 Approved as corrected/Amended

Laura Brown
Laura Brown, Clerk

Cheri Rogers
Cheri Rogers, Chairman