

RECORD OF PROCEEDINGS

Minutes of

Etna Township Board of Zoning Appeals

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

October 18th,

2011

Held

20

The adjudicatory hearing was called to order at 6:05 p.m. by Chairman Rogers. The roll call showed members Rick Cox, Roger Digel-Barrett, Cheri Rogers, Claudette VanDyne, and Mark Shaff present, along with clerk Laura Brown.

The nature of variance VA-11-06 is from Section 915.C.3 to reduce the minimum front yard setback from 100' to 72', from Section 915.C.4 to reduce the minimum side yard setback from 35' to 32.5', and from Section 407.1 to allow the expansion of a structure devoted to a non-conforming use in the General Manufacturing District (M-2) at 11835 Refugee Road (Parcel #010-018126-00.000).

Chairman Rogers explained the process; and the applicant - Angela and Mark Newland, Nancy Sander, and Zoning Administrator, Chris Harkness - were sworn in.

Angela Newland explained the variance request. She would like to add on to the principal structure to move her mother in to help take care of her. She also explained an amendment to her application, regarding a possible deck. The primary addition would be for a mother-in-law suite, sunroom and garage.

Mark Newland stated that when they purchased the property, they were aware that it was in a Manufacturing District and they were told the structures for agriculture uses would be permitted. They were not aware at the time of purchase that adding on to the house would be an issue. They are currently not connected to the local water and sewer service. The new construction does not conflict with water or septic systems. An existing shed will be demolished to enable construction of the new garage.

Chris Harkness presented his staff report, showing the existing use as a single-family dwelling and alpaca farm in a General Manufacturing M-2 Zoning District. The setbacks in the manufacturing district will not permit the Newlands to add on to their principal structure.

The applicant is seeking a total of three variances.

Variance #1, Area Variance to reduce the minimum front yard setback from 100' to 72':

Factors for consideration: The owners/applicants have no other options except for a variance to add on to their existing home because of this 100' front yard setback. The applicants have proposed the addition as far back from the road as possible, while still being able to attach to the existing home. The existing home is only 20' from the road right-of-way along Refugee Road, but the proposed addition would be 72' from the right-of-way.

Variance #2, Area Variance to reduce the minimum side yard setback from 35' to 32.5':

Factors for consideration: The proposed addition extends the eastern facade of the building which is currently 32.5' from the eastern property line. Part of the existing house is already at 24.9' from the eastern property line.

Variance #3, Allow the expansion of a structure devoted to a non-conforming use:

Factors for consideration: Although the use in the principal structure (Single-Family Residential) is a non-conforming use the use on the land (Alpaca Farm) is a permitted use because it is an exempted agricultural use. The proposed expansion would not likely be detrimental to any future use of the structure or property by a permitted use in the M-2 District.

Chris Harkness believes, with the Newlands' unique circumstances, that they meet the standards for the practical difficulties and recommends that the Board of Zoning Appeals approve the requested area variances.

Nancy Sander, Mrs. Newland's mother, of 12045 Refugee Road, would like to reside with her family.

Roger Digel-Barrett moved to close the public testimony part of the hearing at 6:30 p.m. The motion was seconded by Rick Cox and passed unanimously.

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Rick Cox moved to approve the variances requested within variance #VA-11-06, to reduce the minimum front yard setback from 100' to 50' within Section 915.3, to reduce the minimum side yard setback from 35' to 20' within Section 915.4, and to allow the expansion of a structure devoted to a non-conforming use within Section 407.1 at 11835 Refugee Road because the Standards for Practical Difficulty within Section 512.B have been met. The motion was seconded by Claudette VanDyne. The roll call on the motion was Rick Cox, yes; Roger Digel-Barrett, yes; Cheri Rogers, yes; Claudette VanDyne, yes; and Mark Schaff, yes; passed 5-0.

Rick Cox moved to close the hearing at 6:34 p.m. The motion was seconded by Claudette VanDyne and passed unanimously.

Approved as read Nov 22, 2011

Approved as corrected/amended _____

Laura Brown
Laura Brown, Clerk

Cheri Rogers
Cheri Rogers, Chairman