

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10146

October 27,

2015

Held

20

VA-15-04

The hearing was called to order by Chairman Cox at 6:16 p.m. on October 27, 2015 at the Etna Township Administration Building. The roll call showed members Kathy Johnston, Rick Cox, Claudette VanDyne, and Mark Schaff present, along with Clerk Laura Brown. Trent Stepp was excused.

The nature of area variance VA-15-04 is to reduce the accessory structure setback to zero submitted by Jerry Young for the property located at 9816 Lynns Road, Etna, Ohio, 43018.

Chairman Cox explained the process of the hearing. Jerry Young, Applicant; Rob Platte, Township Administrator; and Eric McKay were sworn in.

Township Administrator Rob Platte provided an overview of the variance request. The Zoning Office received a call from Eric McKay inquiring about the garage being built at 9816 Lynns Road. The property file did not have a Zoning Permit for the garage. A "Stop Work Order" was issued for the garage. Mr. Young did submit a Zoning Permit for the garage showing the garage six feet off the property line. Mr. McKay has submitted a mortgage survey that shows the garage on his property. The property line dispute is a civil issue between neighbors. The applicant is seeking a total of one variance to reduce the required setback for Accessory Structures from five foot to zero. The work did stop until Mr. Young submitted the Zoning Permit before the work resumed.

The staff recommends that the Board of Zoning Appeals deny the requested variance because the standards for a variance cannot be met.

Jerry Young of 68 3rd Avenue stated he did not have a survey done prior to construction. Mr. Young was using an old fence line as the property line and believed he was off the property line. Mr. Young knows this was his fault because he was not using the correct property line. Mr. Young did not realize he needed a permit for this building. There is five feet between the garage and the house. Mr. Young has not finished the garage.

Eric McKay of 9806 Lynns Road is the adjacent property owner. Mr. McKay provided a mortgage survey of the property. Mr. McKay stated the surveyor set flags on the corners and property lines. The survey was done when it was a concrete slab prior to any construction on the garage. Mr. McKay feels the garage is six to eight inches on the property line.

Eric McKay provided a survey and eleven pictures that will be Exhibit 1.

Chairman Cox stated the garage seems to be on the neighbor's property. Eric McKay stated they have discussed installing a fence but it would be on his property.

Chairman Cox stated even to approve a zero foot variance there would still need to be a property transfer because the garage appears to be on the neighbor's property. Rob Platte stated this would include all overhangs. Rick Cox discussed the lot frontage requirement of one hundred feet and the only option would be a bump out of land around the garage from a property transfer between the two owners. Mr. Young stated that a property transfer is not an issue.

Eric McKay does not want any structure on his property.

Claudette VanDyne moved to close the public testimony at 6:59 p.m. The motion was seconded by Kathy Johnston and passed by unanimous affirmative vote.

Kathy Johnston moved to deny VA-15-04 for Jerry Young for the property located at 9816 Lynns Road, Etna, Ohio, 43062; to reduce the accessory structure setback to zero because the standards for 'Practical Difficulties' (Section 512.B) have (not) been met. The motion was seconded by Claudette VanDyne. The roll call on the motion was as follows: Kathy Johnston, yes; Rick Cox, yes; Claudette VanDyne, yes; and Mark Schaff, yes; motion passed 4-0.

Claudette VanDyne moved to close the hearing at 7:02 p.m. The motion was seconded by Kathy Johnston and passed by unanimous affirmative vote.



Laura Brown, Clerk



Rick Cox, Chairman



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Members: Rick Cox-Kathy Johnston-Mark Schaff-Trent Stepp - Claudette VanDyne
Alternate Member: Cheri Rogers

FINAL ORDER

The Etna Township Board of Zoning Appeals held an adjudicatory hearing on October 27, 2015 at 6:16 p.m. at the Etna Township Administration Building.

The nature of area variance VA-15-04 is to reduce the accessory structure setback to zero submitted by Jerry Young for the property located at 9816 Lynns Road, Etna, Ohio, 43018.

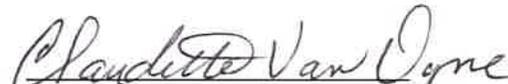
The Board denied VA-15-04 for Jerry Young for the property located at 9816 Lynns Road, Etna, Ohio, 43062; to reduce the accessory structure setback to zero because the standards for 'Practical Difficulties' (Section 512.B) have (not) been met.


Rick Cox


Kathy Johnston


Mark Schaff

Trent Stepp


Claudette VanDyne