

# RECORD OF PROCEEDINGS

Etna Township Zoning Commission

Minutes of

Meeting

January 4,

2006

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

20

The Etna Township Zoning Commission met in the Etna Township Hall on January 4, 2006 for the purpose of conducting a regular meeting. The meeting will be audio taped for the township records.

The meeting was called to order at 7:00 p.m. by Chairman Pro-Temp Kerner with the following members present: Mrs. Dunlap, Mrs. Taylor, Mr. VanDyne, Chairman Pro-Tem Kerner, and Clerk Laura Brown. Vince Colburn was at work.

Jim VanDyne moved that we adopt the agenda with flexibility. Taylor seconded. Roll call: Motion passed 4-0.

Trustee Dick Knapp wanted to announce that he voted in favor of the rezoning of the property at Watkins and State Route 40, P.V.C.R. Mr. Knapp also feels that Dan Bravard served this township for many years and should be recognized for his service.

Chairman Kerner explained that he was vice-chair and he becomes chair until March and asked for motions to appoint a vice-chair until March 2006. Jim VanDyne moved to appoint Vince Colburn. Tina Taylor moved to appoint Jim VanDyne. Jim VanDyne respectfully declined. Tina Taylor seconded the motion to appoint Vince Colburn as vice-chair. Roll call for Vince Colburn passed 4-0.

Gary Burkholder explained that Phil Laurien recommends a resolution that is legally drafted to be passed from the Zoning Commission and the Board of Trustees regarding the PUD. The draft PUD did not get forwarded to Don Brosius because the Trustees meeting on December 20, 2005 meeting did not have a quorum.

Jim VanDyne asked how much money is in the zoning fund to spend on Phil Laurien. Gary Burkholder explained the accounting and general fund. Mike Kerner would like a pie chart on the budget. This will come out of Professional Services under the General Fund.

The commission discussed the zoning fees and revising the fee schedule.

Mike Kerner and Jim VanDyne attended the Board of Zoning Appeals meeting and feels that a discussion on fences is needed. The Zoning Commission is here to propose zoning changes and not to enforce deed restrictions. Jim VanDyne would like to review previous zoning books to see what regulations were in place for fences. Jim VanDyne would like to see if they are grandfathered in before 2002.

Dee Dunlap questioned if the residents could be grandfathered in. Mike Kerner stated if it is a safety issue the fence needs to come down and Tina Taylor agreed. If it is already done it is up to the Trustees, the Zoning Inspectors, and the Board of Zoning Appeals. Jim VanDyne has concerns about being charged for zoning permits and the zoning inspector does not come out to house. Dick Knapp stated the Trustees have advertised for a Zoning Inspector. Dick Knapp feels we can have the strongest resolution but without enforcement what do we have. The Zoning Commission had a discussion of revising the fee schedule. The zoning office revises the fee schedule and the Trustees will approve them.

Tina Taylor feels a property owner should be able to have a fence to keep dogs and children in. Neil Ingle stated on 66 Trail East has a corner lot and the fence is in compliance. Neil Ingle also discussed the three properties in question over in Cumberland Trail.

Jim VanDyne feels we should have a public hearing on fences. Claudette VanDyne discussed the setback requirements and the swimming pool requirements. The Zoning Commission discussed moving the pool setbacks. A discussion on whether 25 foot setback in the back yard is practical. The property owner is paying taxes on the yard. Dick Knapp questioned the utilities that run underground because of easements. The properties in a subdivision may be different than rural Etna.

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~~Tina Taylor stated the Utilities told them they can place the fence on the~~<sup>20</sup>  
 easement but if they have to break the fence down it will be at the homeowners cost to replace the fence. Mike Kerner stated he does not know what the reasoning was for 25 foot setback. Neil Ingle stated that in the six years the subdivisions have existed there have only been 3 violations and 3 complaints and not one refers to a backyard. There are fences in backyards and not a single complaint been filed by any resident or violation been listed in all of that time. Backyards were not a problem in anybodies mind, until someone fenced in their front yard on a corner lot, so to alter the resolution so back yards are not as restrictive as the front yard. Claudette VanDyne asked if all the back yard fences are in compliance with our resolution. Tina Taylor asked if the 25 foot setback is because of the access between properties. That would be between the homeowner and the utility company. Claudette asked again if all the fences that no one has complained about are they in compliance with our resolution. Neil Ingle stated absolutely not. Claudette stated getting hundreds of people in compliance with our zoning resolution without creating an undue hardship to them.

The fences in the rear are in violation because fences are in the structure definition and structures are defined in the setbacks, the rear setback puts the fence in violation. If you take fences out of the structure definition the setback could be fixed. But if you fix it for the future what happens to the prior lots. It is up to the Zoning Inspectors and the Board of Zoning Appeals for the violations.

Claudette asked if the fences prior could be grandfathered, she would like to have a legal definition for grandfathered. The commission had a discussion regarding agriculture zoning and CAUV status for taxes.

Mike Kerner asked the Zoning Commission to research the fence setbacks rules for the next meeting and also the swimming pool restrictions.

Dee Dunlap asked if the monthly meetings had to be on the first and third Wednesdays of the month. She would like to attend the Trustees meetings. Dee Dunlap asked if the meetings could be moved to the second and fourth Wednesdays of the month. The clerk will check to see if there will be a conflict with the advertising for public hearings and Licking County Planning Commission meetings on the fourth Monday of the month. The Zoning Commission does have extra meetings during the month on the fourth Wednesday. This will be discussed in March. The organizational meeting with the Trustees is the first Tuesday in February.

Mike Kerner adjourned the meeting at 8:30 p.m.

*Laura Brown*  
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 Laura Brown, Clerk

Approved *January 18, 2006*  
 Approved as corrected/amended \_\_\_\_\_

*Michael A Kerner*  
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 Mike Kerner, Chairman