

RECORD OF PROCEEDINGS

Etna Township Zoning Commission

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held October 3, 2007
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Fred Haskett 10113 Taylor Road

The Etna Township Zoning Commission met in the Etna Township Hall on October 3, 2007 for the purpose of conducting a regular meeting. The meeting was audio taped for the township records. The meeting was called to order at 7:03 p.m. by Chairperson Dunlap with the following members present: Mr. Stepp, Mr. Bravard, Mrs. Dunlap, Mr. VanDyne, and Clerk Laura Brown. The pledge of allegiance was recited. Tina Taylor and Pam Munce were both absent from the meeting.

Jim VanDyne moved to adopt the agenda with flexibility. Dee Dunlap seconded. Passed 4-0.

Announcements and Zoning Commission Comments

The Zoning Commission discussed properties in the township. The Trustees approved Orchard Glen and denied David Shumaker's public hearings. Buffering, National Road, and Watkins Road were recessed. The Trustees are requesting a legal opinion regarding buffering. The Zoning Commission discussed the changes to the property at Watkins Road and when it was changed to R-1, MHP, and Agriculture.

Mr. Haskett who owns the property at 10113 Taylor Road was in attendance to discuss the zoning on his property. The property is on the corner of Taylor and Palmer Road. On the zoning map in 1984 the property was a B-1 and in 1990 it was changed to Local Business and R-2. No records were found of this property being rezoned other than when the township approved new zoning maps. Mr. Haskett stated this property was always commercial and was not notified when this property was rezoned on the zoning map. Mr. Haskett stated he is working on a real estate assessment for his future options and was informed the property had two zonings.

Dan Bravard was Trustee in the 1990's. He stated when the map was approved the intent was the strip of land from Taylor to Goings Lane where there was a convenient store was to be zoned commercial. It was not the intent to split the zoning on his property but to leave the entire property commercial. Dan Bravard feels it was an error. It could not be found in the minutes of the Zoning Commission or Trustees discussing the corner of Taylor Road and Palmer Road.

Dan Bravard moved to rezone Mr. Haskett's property at 10113 Taylor Road from Local Business and Low Density Residential (R-1) to Local Business for the entire parcel. Dee Dunlap seconded. Motion passed 4-0.

Trent Stepp asked if the other properties between Taylor Road and Goings Lane were supposed to be Local Business for the entire properties. The corner of Taylor Road and Palmer Road was commercial prior along with the corner of Goings Land and Palmer Road. The other properties were residential.

Old Business

Buffering- The Zoning Commission discussed the buffering text amendment. Stan Robinson, Zoning Inspector, discussed the text amendment. Stan has to enforce the new text amendments and felt he should be involved in the writing of the text before it is passed. He has to interpret the text once it is implemented in the zoning resolution. The Trustees have to modify the text at this point. The Zoning Commission does not enforce but the Zoning Commission can make decisions. Stan and the Zoning Commission discussed the buffering text recommendations. Stan addressed the following concerns. Section 1604(h), 1606.5 line 4, 1609.3(a) regarding the zoning inspector and administrative official being the same person use only one term. If Section 1605 is referencing a variance call it a variance instead of proper application. Section 1606.3 and definition of buffer tend to prohibit sidewalks while the definition of screening allows sidewalks. Section 1606.6 allows neighbors buffer area to be used as

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Minutes of

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~~the developing parcels buffer but what if they tear it down later. Section 1606.3~~
prohibits cross access agreements for driveways. Section 1609.3 (b,c,d) he is not clear that these things fall under the duties of the Zoning Commission. The definition of buffer prohibits driveways while the definition of screening allows access drives. The definition of clear sight triangle gives three options while figure 16A defines only one option, they should agree to only one. Stan provided a sight triangle he would recommend. The Zoning Commission is going to address Section 1009.

Trent Stepp felt Stan's attendance while the commission is developing text may be less valuable than his impartial review after the text has been written. Stan should be asked to review a copy of the text at the same time that LCPC is asked for a non-binding recommendation. It would be valuable for the Zoning Commission to have the feedback from Stan prior to the text being submitted to the Trustees for adoption.

Stan will submit a letter to the Trustee regarding his concerns with the buffering text amendment.

Chairperson Dunlap will address the Trustees regarding having Stan attend some Zoning Commission meetings when needed. The letter will also suggest flex time in lieu of overtime.

Dan Bravard moved adjourn the meeting. Jim VanDyne seconded. Roll call: motion passed 4-0.

Approved 10/17/07

Approved as corrected/amended _____

Laura Brown
Laura Brown, Clerk

Dee Dunlap
Dee Dunlap, Chairperson