

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Zoning Commission

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

November 7

2007
20**Dawson and Haskett Public Hearings**

The Etna Township Zoning Commission met in the Etna Township Hall on November 7, 2007 for the purpose of conducting a regular meeting and three public hearings. The meeting was audio taped and the public hearings were audio and video taped for the township records. The meeting was called to order at 7:00 p.m. by Chairperson Dunlap with the following members present: Mr. Stepp, Mrs. Munce, Mrs. Taylor, Mr. VanDyne, Mrs. Dunlap and Clerk Laura Brown. The pledge of allegiance was recited.

Jim VanDyne moved to adopt the agenda with flexibility. Pam Munce seconded. Motion passed 5-0.

Trent Stepp moved to waive the public reading and to approve the minutes from the October 17, 2007 meeting. Jim VanDyne seconded. Motion passed 5-0.

Trent Stepp moved to waive the public reading and to approve the minutes from the October 24, 2007 meeting. Tina Taylor seconded. Motion passed 5-0.

Public Hearings**Jesse and Elizabeth Dawson 12055 Palmer Road**

Pam Munce moved to open the public hearing for Jesse and Elizabeth Dawson 12055 Palmer Road from Low Density Residential District (R-1) to Agricultural District (AG) Trent Stepp seconded and motion passed 5-0.

Chairperson Dunlap read the non-binding recommendations and staff report concerning this rezoning. Although there is a large amount of land in the area zoned agriculture this would be a case of spot zoning as the surrounding parcels are zoned low density residential. Agricultural uses are already permitted in a low density residential district thereby making the proposed re-zoning unnecessary if the applicants wish to raise a cow. The Licking County Planning Commission's non-binding recommendation is to deny the rezoning request based on the Etna Township Future Land Use Map.

Elizabeth Dawson stated the township rezoned her property without permission in the past. She has raised animals in the past and wants her agriculture zoning back for both properties. She does not know when the zoning was changed from agriculture to low density residential.

The property on the previous maps showed the maps as R-1. The maps were never found that referenced the property as agriculture. The auditor's office does not tax by the zoning map but by the use of the property.

Stan Robinson referenced a legal opinion dated 2004 from Brent Shenk stated Ohio Revised Code 519.01 provides regulation of agricultural use of land but explicitly states that no authority is granted for townships to regulate agriculture on lots larger than five acres.

Elizabeth Dawson asked if windmills are allowed in agriculture and if there would be a fee for a zoning permit. Elizabeth Dawson purchased the property in 1978. She does not know what year it changed to residential but could check her taxes. The taxes would not change when the zoning changes it is taxed by the use of the property.

Stan Robinson stated five acres is the minimum size for a lot in agriculture and the lot could not be split if the property is zoned agriculture.

Dan Bravard 10252 Taylor Road felt the agriculture zoning would be fine and recommending the rezoning.

Claudette VanDyne 7173 Refugee Road stated ^{their} ~~there~~ property is zoned agriculture but ~~the~~ get taxed as residential.

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Trent Stepp moved to close the hearing at 7:30 p.m. Tina Taylor seconded motion passed 5-0.

Trent stated it appears that the larger lot was split into five acre residential lots in the past. The board discussed the options. The township would have green space to zone the property agriculture. The property could be used as agriculture whether the property is zoned residential or agriculture because of the Ohio Revised Code.

Dee Dunlap moved to recommend to the Board of Trustees to deny the rezoning from Low Density Residential District (R-1) to Agricultural District (AG) per the non-binding recommendation from Licking County Planning Commission. Trent Stepp seconded. Trent Stepp, yes; Pam Munce, no; Tina Taylor, no; Dee Dunlap, yes; and Jim VanDyne, no; motion failed 3-2.

Pam Munce moved to recommend to the Board of Trustees to recommend to the Board of Trustees to approve the rezoning from Low Density Residential District (R-1) to Agricultural District (AG). Trent Stepp, no; Pam Munce, yes; Tina Taylor, yes; Dee Dunlap, no; and Jim VanDyne, yes; motion passed 3-2.

Jesse and Elizabeth Dawson 10620 Tollgate Road

Trent Stepp moved to open the public hearing for Jesse and Elizabeth Dawson 10620 Tollgate Road from Low Density Residential District (R-1) to Agricultural District (AG). Pam Munce seconded and the motion passed 5-0.

Chairperson Dunlap read the staff report and non-binding recommendation from the Licking County Planning Commission. Although there is a large amount of land in the area zoned agriculture this would be a case of spot zoning as the surrounding parcels are zoned low density residential. Agricultural uses are already permitted in a low density residential district thereby making the proposed re-zoning unnecessary if the applicants wish to raise a cow. The Licking County Planning Commission's non-binding recommendation is to deny the rezoning request based on the Etna Township Future Land Use Map.

Elizabeth Dawson answered questions from the board. The property is being farmed currently and no one lives in the house at this time. There are residents living on the one acre lots next to the property.

Stan Robinson stated the same as before referencing a legal opinion dated 2004 from Trent Shenk stated Ohio Revised Code 519.01 provides regulation of agricultural use of land but explicitly states that no authority is granted for townships to regulate agriculture on lots larger than five acres.

Dan Bravard 10252 Taylor Road felt the agriculture zoning would be fine and recommending the rezoning.

Pam Munce moved to close the public hearing at 7:55 p.m. Trent Stepp seconded and the motion passed 5-0.

Trent Stepp stated the difference between this rezoning and the other rezoning is the property abuts one acre lots.

Pam Munce moved to recommend to the Board of Trustees to recommend to the Board of Trustees to approve the rezoning from Low Density Residential District (R-1) to Agricultural District (AG). Trent Stepp, no; Pam Munce, yes; Tina Taylor, yes; Dee Dunlap, no; and Jim VanDyne, no; motion failed 2-3.

Dee Dunlap moved to recommend to the Board of Trustees to deny the rezoning from Low Density Residential District (R-1) to Agricultural District (AG). Trent Stepp, yes; Pam Munce, no; Tina Taylor, no; Dee Dunlap, yes; and Jim VanDyne, yes; motion passed 3-2.

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20**Freddie and Janice Haskett 10113 Taylor Road**

Dee Dunlap moved to open the public hearing for Freddie and Janice Haskett 10113 Taylor Road from Medium-low Density Residential District (R-2) and Local Business (LB) to Local Business (LB). Jim VanDyne seconded and the motion passed 5-0.

Chairperson Dunlap read the Licking County Planning Commission's non-binding recommendation along with the staff report recommending approving the rezoning in order to correct the error.

Freddie Haskett 10113 Taylor Road was in attendance to answer any questions and felt the Licking County Planning Commission summarized everything.

Dan Bravard 10252 Taylor Road was the Trustee at the time the Trustees rezoned the property and changed the section from Taylor Road to Goings Lane. The entire parcel was supposed to remain commercial. He recommends the Zoning Commission approve the rezoning. The township held public hearings when the map was changed.

Jim VanDyne moved to close the public hearing at 8:05 p.m. Trent Stepp seconded and the motion passed 5-0.

Jim VanDyne moved recommend to the Board of Trustees to approve the rezoning from Medium-Low Density Residential District (R-2) and Local Business (LB) to Local Business (LB). Pam Munce seconded. Discussion: Trent Stepp had concerns regarding the properties between Taylor Road and Goings Lane and had concerns because the Zoning Commission started the rezoning application. The Haskett property was always commercial for the entire property. The other properties did not have commercial prior to the map change when the line was drawn from M. Haskett's property to Goings Lane. Motion passed 5-0.

The meeting recessed from 8:20 to 8:40 p.m.

New Business

The Zoning Commission discussed Section 1114 Access. This section states that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Stan Robinson presented some text to fix this section. Trent Stepp stated a driveway is not a parking area. Stan Robinson stated it is an easy fix and it needs cleaned up. Trent Stepp does not view this as an issue; the township will not be issuing violations for backing out of their driveway.

Laura Brown recommended the Zoning Commission review the entire section because the simple fixes still have to go through the public hearings, advertisements, Licking County Planning Commissions, and then Trustees for simple fixes.

Pam Munce moved to cancel the November 21, 2007 meeting and hold the regular meeting November 28, 2007. Jim VanDyne seconded and the motion passed 5-0.

Old Business

The fences and Planned Unit Residential Districts will be on the next agenda and signs December 5, 2007.

Jim VanDyne moved to adjourn the meeting at 9:05 p.m. Trent Stepp seconded. Trent Stepp, yes; Pam Munce, yes; Tina Taylor, yes; Dee Dunlap, no; and Jim VanDyne, yes; motion passed 4-1.

Approved Nov 28, 2007 *Jim VanDyne* Approved as corrected/amended _____

Laura Brown

Laura Brown, Clerk

Dee Dunlap

Dee Dunlap, Chairperson