

September 8,

2015

Held _____

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The Etna Township Zoning Commission met on September 8, 2015 in the Etna Township Administration Building for the purpose of conducting a regular meeting. The meeting was audio recorded for the township records. The meeting was called to order at 6:07 p.m. by Chairman Essex. The Pledge of Allegiance was recited. Roll call showed the following members present: Dave Olson, Robert Essex, Mark Painter, Lisa Loudenslager, and clerk Laura Brown. Randy Snider was excused.

Mark Painter moved to adopt the agenda. The motion was seconded by Lisa Loudenslager and passed without objection.

Zoning Commission Announcements and Comments –

The parking amendment is updated in the Zoning Resolution and the Zoning Commission’s books will be updated after the Article 4 amendment is completed.

Minutes

Dave Olson moved to waive the public reading and to approve the minutes from the August 11, 2015. The motion was seconded by Mark Painter and passed without objection.

Public Hearing

Dave Olson moved to re-open the public hearing for text Amendment AM-15-04 submitted by the Zoning Commission for Article 4- Non-Conformities. The motion was seconded by Mark Painter and passed by unanimous affirmative vote.

Rob Platte provided an overview of the changes. This was reviewed by the Licking County Prosecutor’s Office. The Licking County Planning Commission recommended four figures which Rob Platte has added to the text amendment.

Public Comments – None

Mark Painter moved to close the public hearing at 6:29 p.m. The motion was seconded by Lisa Loudenslager and passed by unanimous affirmative vote.

Dave Olson moved to recommend to the Board of Trustees to approve the text amendment AM15-04 as presented to Article 4- Non-Conformities. The motion was seconded Mark Painter. Discussion: This was the version dated draft 9-8-15. The motion passed by unanimous affirmative vote.

The changes are as follows:

Section 400 Intent - After the words "future amendments" add the sentence "It is the intent of this Resolution to permit these non-conformities to continue until they are removed, but not to encourage their survival." After the words "it is" add the word "further" and after the words "shall not be" remove the words "~~enlarged upon, expanded or extended, nor be~~".

Section 402 Avoidance of Undue Hardship - After the word "Actual" add the word "construction".

Section 403 Single Non-Conforming Lots of Record - Remove the "s" on provisions.

Section 405 Non-Conforming Use of Land - In Item A. After the words "such uses" add the words "by more than 10% of the non-conforming use". In Item C. After the words "more than" change the words "~~twelve (12)~~" to "twenty-four (24)" months.

Section 406 Non-Conforming Structures - Item A. After the words "non-conformity" add the words "except as specified in Section 406 (D) below, " Replace all of Item B with "Any such non-conforming structure or non-conforming portion of a structure which is removed, partially removed, damaged, destroyed or partially destroyed by fire, flood, explosion, earthquake, war, riot, or act of God, may be restored to its condition and use prior to the removal or damage so long as the restoration is started within two (2) years of such removal or damage and diligently pursued to completion." Replace all of Item D with "Any such non-conforming structure may be altered, modified, or extended only in such a manner that the alteration, modification, or extension itself does not exceed ten percent (10%) of the current non-conformity and does not increase the degree or severity of the non-conformity, or shall be conforming to the district in which the structure is located. The following Figures 1-4 are offered for clarity: Figure 1 depicts a structure that is encroaching into the required front yard setback. Figure 2 depicts an extension to the structure that encroaches into the front yard setback, but does not increase the degree or severity of the encroachment. The extension shall be permitted so long as the portion of the extension that is encroaching is equal to 10% of the portion of the structure that encroaches into the required front yard setback; i.e., The total square footage of Figure 2A. shall be 10% or less than the total square footage of Figure 2B. Figure 3 depicts an extension to the structure that does not encroach into the required front yard setback, therefore, the extension shall conform to the zoning district in which it is located.

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Figure 4 depicts an extension to the structure that increases the degree or severity of the non-conformity by encroaching further into the required front yard setback, therefore, the extension shall not be permitted.

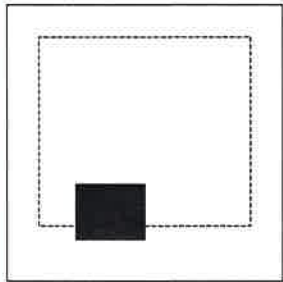


Figure 1
Existing Non-Conforming Structure
(Front Yard Setback)

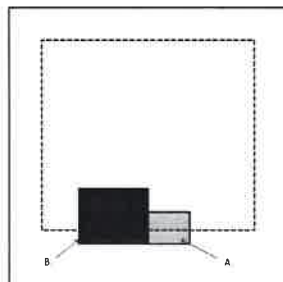


Figure 2
Extension (Flush With Structure)

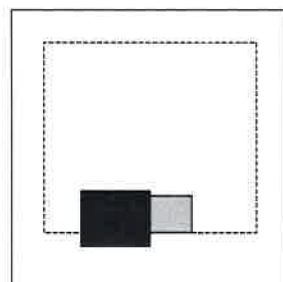


Figure 3
Extension (Compliant With Front
Yard Setback)

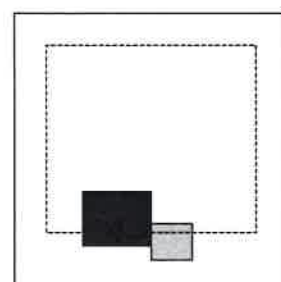


Figure 4
Extension (Increase In Existing Non-
Conformity)

Section 407 Non-Conforming Uses of Structures or of Structures and Land in Combination - In Item A. after the words "located" add the words "except as permitted by Section 406." In Item B. after the words "such building" add the words "that was not previously used for such non-conforming use at the time of adoption of this Resolution or amendment thereto." In Item C after the words "Board of Zoning Appeals" remove the word "shall" and add a "s" to find. After the word "district" remove the word "that" and add the words "in which". After the words "non-conforming use" and the words "is located". In Item G after the word "resolution" add the words "except as permitted by Section 405."

Add Section 410 Non-Conforming Certificate - The Zoning Inspector may, upon his/her initiative, or shall, upon the request of any property owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination that certifies that the lot, structure or use is legally non-conforming to the Zoning Resolution, once the non-conformity is researched and verified. The certificate shall specify the reason for the non-conformity, including a description as to the extent and type of non-conformity of the property in question, the extent that dimensional requirements are non-conforming, and the portion of the lot and/or structure used for the non-conforming use. The purpose of this Section is to protect the owners of land or structures that are or become legally non-conforming, by certifying that the structure and /or use is in fact non-conforming. Once certified, the owner is entitled to all rights and regulations as defined in Ohio Revised Code §519.19 and Article 4 "Non-Conformities" of the Zoning Resolution. There may be properties and/or uses that are non-conforming, whose owners do not have certificates. A fee may be charged for a certificate as determined by the Board of Trustees.

Lisa Loudenslager moved to adjourn the meeting at 6:38 p.m. The motion was seconded by Mark Painter and passed without objection.

Approved Oct 13, 2015

Approved as corrected/amended _____

Laura Brown

Laura Brown, Clerk

Robert Essex

Robert Essex, Chairman