0000

RECORD OF PROCEEDINGS

Minutes of

Etna Township Board of Zoning Appeals

Meeting

	AL.	
YTON LEGAL BLANK CO., FORM NO. 10148	February 24,2	2005
Held		19

ORGANIZATIONAL MEETING

The organizational meeting was called to order by Chairman Cox at 6:35 p.m. on February 24, 2005 at the Etna Township Hall. The meeting was audio taped for the township records.

Roll Call: Mr. Johnson, Mrs. Rogers, Mr. Holloway, Mr. Cox, Mr. Goll, and the clerk Mrs. Brown were present.

Chairman Cox turned the meeting over to Mrs. Brown for the appointment of the chairman.

Mrs. Brown asked the board for nominations for chairman.

Mrs. Rogers moved to nominated Mr. Holloway for the position of chairperson for 2005. Mr. Johnson seconds. There were no further nominations.

Roll Call: Mr. Johnson, yes; Mrs. Rogers, yes; Mr. Holloway, abstain; Mr. Cox, yes; and Mr. Goll, yes.

Mrs. Brown turns the meeting over to Chairman Holloway.

Chairman Holloway asked the board for nominations for the position of vice chairman.

Mr. Goll nominated Mrs. Rogers for the position of vice chairman for 2005. Mr. Cox seconds. There were no further nominations.

Roll Call: Mr. Johnson, yes; Mrs. Rogers, abstain; Mr. Holloway, yes; Mr. Cox, yes; and Mr. Goll, yes.

Mr. Goll moved that the public notices be placed in the Pataskala Standard and when there are time constraints to use the Newark Advocate. Mr. Johnson seconded.

Roll Call: Mr. Johnson, yes; Mrs. Rogers, yes; Mr. Holloway, yes; Mr. Cox, yes; and Mr. Goll, yes.

Mrs. Rogers moved to adjourn the organizational meeting. Mr. Cox seconded.

Roll Call: Mr. Johnson, yes; Mrs. Rogers, yes; Mr. Holloway, yes; Mr. Cox, yes; and Mr. Goll, yes.

Chairman Holloway adjourned the meeting at 6:40 p.m.

Laura Brown

Clerk

Approved as read

Approved as corrected/amended

Steve Holloway, Chairman

0081

RECORD OF PROCEEDINGS

Minutes of

Etna Township Board of Zoning Appeals

Meeting

	. QA		
DAYTON LEGAL BLANK CO., FORM NO		2005	
Held		19	

ADJUDICATORY HEARING

The adjudicatory hearing was called to order by Chairman Holloway at 6:40 p.m. on February 24, 2005 at the Etna Township Hall. The meeting was audio and video taped for township records.

Roll Call: Mr. Johnson, Mrs. Rogers, Mr. Holloway, Mr. Cox, Mr. Goll, and Mrs. Brown present.

The purpose of this hearing is to consider a variance submitted by Richard Greene, Jr. concerning the footage for his property located at 7095 Palmer Road.

Chairman Holloway explained the process of the hearing and those who wanted to testify and present evidence were sworn in. Dallas Maynard and Richard Greene, Jr. were sworn in.

Richard Greene, Jr. purchased the property a couple of months ago from some friends. It was sold to him as a build able lot and he did not look into to it. After purchasing the lot he found out that it is non build able lot and he needs a couple 100 feet of road frontage to make it build able. He does have a legal easement of 30 feet for access to the property. He needs a variance on the road frontage.

Dallas Maynard wanted to know if Mr. Greene was aware before he bought the property that it was a non build able lot. It was sold to him as a build able lot from life long friends of his. Mr. Greene believes that the previous owners felt it was a build able lot. Dallas Maynard wanted the letter from Tom Frederick that states there is some cloudiness on this rear lot not being sold with the front lot that the Licking County Planning commission would accept the 30' easement and remove the no building clause from this 6+ acre lot but first there needs to be a determination on Etna Township zoning issue of road frontage. Mr. Maynard also addresses a letter from Mike Waller, previous zoning inspector for Etna Township, stating there was no problem with the easement as long as the property has the correct frontage.

Chairman Holloway pointed out that in the Grant of Easement that was recorded at the county, it stated that it is expressly agreed and understood that the easement, rights and privileges conveyed to Grantee are limited to pedestrian and passenger vehicle traffic and that, except as reasonably necessary to construct a single family home on Grantee's property, etc. Chairman Holloway can see why there was some confusion on whether the property was a build able lot.

The board discussed the easement for utilities. The easement in the file stated pedestrian and passenger vehicle traffic.

Chairman Holloway asked Scott Newell how many feet the easement is from his property? Mr. Newell owns the lot that runs right up to the easement. A discussion on whether Mr. Newell was interested in selling part of his property to Mr. Greene, Jr. Mr. Greene stated that when they bought the property they thought the 1 acre lot was included in the sale of the property, they realized it was not included at the closing.

Chairman Holloway swore in Floyd Simms and Scott Newell.

Mr. Newell and Mr. Simms discussed their property in relationship to Mr. Greene's property. Mr. Simms explained how the properties were split after the owner passed away.

Mr. Goll asked how far back the property was from the road. The board looked at the plot map.

Mr. Maynard stated that the zoning office does not have any objection to the variance.

Chairman Holloway stated that the property was sold as a land locked property and he would hope that this will not be a precedent setting but an exception.

0082

RECORD OF PROCEEDINGS

Minutes of

Etna Township Board of Zoning Appeals

Meeting

The second section is a second	The state of the s	
	*HB	
DAYTON LEGAL BLANK CO., FORM NO. 1014B	February 24,	2005
Held		19

Mr. Johnson questioned the location of the driveways along Palmer Road. Mr. Goll and Mr. Cox would like to see the utility easement. Mr. Newell could not build a house on the lot next to the easement without a variance. The lot is about an acre. Mrs. Rogers was concerned with causing more problems down the road by granting the variance. Mr. Cox said that the utility easement is the first item he will need to build the house. Chairman Holloway asked Mr. Newell and Mr. Simms if they have a problem with a house being built on the lot. They did not have a problem with one house built to standard.

Mrs. Rogers motioned to grant the variance on the frontage with the condition that they get a legal opinion showing approval for the utility easement and conditionally that only one single family residence can be built on the seven acres. Mr. Goll seconded the motion. Chairman Holloway added that the variance was substantial; the owner purchased the property with the understanding that he could build a house on the property and that there was no feasible way to solve this problem without granting the variance.

Roll Call: Mr. Johnson, yes; Mrs. Rogers, yes; Mr. Holloway, yes; Mr. Cox, yes; and Mr. Goll, yes.

The minutes of this hearing and other business will be conducted on February 28, 2005 at 6 00 p.m. in the Etna Township Hall.

Mr. Goll motioned to adjourn the meeting. Mr. Cox seconded. Roll Call: Mr. Johnson, yes; Mrs. Rogers, yes; Mr. Holloway, yes; Mr. Cox, yes; and Mr. Goll, yes.

Mr. Holloway adjourned the meeting at 7:40 p.m.

Laura Brown

Clerk

Approved as read

Approved as corrected/amended

Steve Holloway, Chairman

Final Order approved and mailed Jana Bloom 31/105