

RECORD OF PROCEEDINGS

Minutes of

Etna Township Board of Zoning Appeals

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10148

September 27,

2005

Held

19

ADJUDICATORY HEARING

The adjudicatory hearing was called to order by Chairman Holloway 7:00 p.m. on September 27, 2005 at the Etna Township Hall. The hearing was audio and video taped for township records.

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

The purpose of this hearing is to consider an appeal concerning a swimming pool submitted by Charles Meade. The nature of the appeal is to allow a swimming pool at the Shamrock Motel located at 8409 National Road Pataskala without a zoning permit.

Chairman Holloway explained the process and those who wanted to testify and present evidence were sworn in. Charles Meade and Steve Ferris were sworn in.

Chairman Holloway clarified that the appeal is that Charles Meade does not feel he needs a permit and the township states he does.

Charles Meade explained that the pool sticks up about six inches above the ground. The pool needs to be dug out. The pool just needs to be dug out it, was not abandoned. He wants to dig the pool out and fill it up with water. He put concrete around the pool so that no one drives into the pool. He also wants to put a rod iron fence around the pool. He wants to return the motel to what it looked like in the thirty's.

Steve Ferris presented four pictures taken on September 22, 2005 as Exhibit A. Steve Ferris explained that the lower right-hand corner shows that the pool was filled in and abandoned; if there was a structure there he never saw it. If Mr. Meade wants to build a pool he needs a permit. Steve Ferris spoke with O.D.O.T. District 5 and from the South Side white line on Route 40 the road right-of-way is 27 feet. In a Local Business District the front set back is 30 feet. The pool is going to have to be 57 feet off of Route 40. Steve Ferris measured 26 feet 10 inches.

Steve Holloway asked if O.D.O.T.'s set backs have changed since the 30's and 40's. Steve Ferris pointed out that in the photograph the telephone pole is normally where the setback is with the road right-of-way.

Steve Holloway also asked what section in the zoning resolution states that you need a permit. Sections 1002 and 1003 address swimming pools. Charles Meade feels that because the pool has been there forever that he does not need a permit for the pool.

David Goll asked if there is anything in the zoning regulations regarding grandfathered. Steve Ferris is not aware of any grandfathering regulations.

Charles Meade feels because the pool is below ground he does not need to do anything to the pool he does not need a permit but if the pool was above ground then he would need the permit.

Jeff Johnson asked how deep the pool was. Charles Meade stated a girl down the street used to swim in the pool back in the 70's and it was 8 foot deep on the end towards Watkins and 3 foot on the other end.

Cheri Rogers asked how close the pool was to his property line. Charles Meade stated that O.D.O.T. said you can't go beyond the pole. He is not sure where the property line would start at. Steve Holloway asked if there was anything in writing from O.D.O.T. Charles Meade and Steve Ferris did not have anything in writing from O.D.O.T.

Ron Feister asked what we are looking at during this hearing. Steve Holloway stated that we are looking at whether he needs a permit or not. Ron Feister stated that we know there is a pool there and the question is whether we need a permit or not.

Cheri Rogers stated that the poured concrete is altering the structure. Section 300 in the Zoning Resolution stated no building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land established or changed in use without a permit. The book does not address grandfathering.

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The board members discussed the concrete structure, what is considered abandoned, and what needs a permit and what changes do not need a permit.

Cheri Rogers moved to deny the appeal of the zoning inspector's decision per Section 300 zoning permits required for any alteration to a structure currently in existence and Section 1002 Item 4 a permit from the zoning inspector is required before construction of the pool begins. Cox seconded. Roll Call: Jeff Johnson, yes; Cheri Rogers, yes; Steve Holloway, yes; Rick Cox, yes; and David Goll, yes. Passed 5-0.

The appeal was denied. The board feels a permit is needed. The final order and the minutes will be read at the October 13, 2005 hearing at 6:00 p.m.

David Goll motioned to adjourn the meeting. Johnson seconded. Roll Call: Jeff Johnson, yes; Cheri Rogers, yes; Steve Holloway, yes; Rick Cox, yes; and David Goll, yes. Passed 5-0.

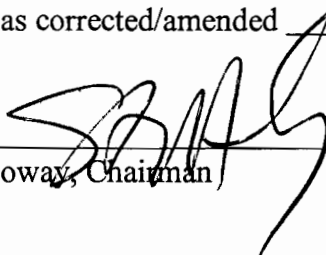
Mr. Holloway adjourned the meeting at 7:40 p.m.


Laura Brown, Clerk

Approved as read

 10-13-05

Approved as corrected/amended


Steve Holloway, Chairman

Final Order Mailed:

September 28, 2005
