

DAYTON LEGAL BLANK CO., FORM NO. 10148

Etna Township Board of Zoning Appeals

Held

December 28,

2007

ADJUDICATORY HEARING

The adjudicatory hearing was called to order by Chairman Goll at 6:37 p.m. on December 28, 2007 at the Etna Township Hall. The meeting was audio and video taped for township records. Claudette VanDyne, Rick Cox, David Goll, Cheri Rogers, Jeff Johnson, and clerk Laura Brown were present.

The purpose of the hearing was to consider appeal number 07-20 and variance number VA07-10 both concerning the principal structure limitation and conditional uses allowed in the Local Business District. The appeal and variance were submitted by Terry A. Johnson Jr. for 15074 Palmer Road.

Chairman Goll explained the process and the principles who wanted to testify and present evidence were sworn in all other witnesses will be sworn in as they give their testimony. Terry A. Johnson Jr. of 15074 Palmer Road and Terry N. Johnson Sr. of 8581 Columbia Road were sworn in.

Terry A. Johnson Jr. explained that he is requesting a variance for the property. The property has two houses on one lot. He lives in the front house and his brother lives in the rear house. The property is zoned Local Business. The property is taxed as residential. Terry N. Johnson purchased the property in 2001 or 2002 and then sold it to his son Terry A. Johnson Jr. This is the property on the corner of Goings and Palmer Roads. He needs the variance to obtain a loan on the property. The property was never purchased for the intent of using it as a commercial property. They were not aware that the tax card classifying residential was different then the zoning classification.

The pole barn is being used for storage. Terry A. Johnson explained the drawing of the property and what the buildings are currently being used for. The zoning inspector, Stan Robinson, advised them to apply for both the appeal and variance. The zoning file was pulled and Rick Cox reviewed to verify permits for this property. Rick Cox clarified that Terry A. Johnson had obtained a permit for the pole barn not a variance. Rick stated in 1989 when obtaining a permit the zoning was classified as R-2. The property would need to be renovated to use as commercial. Both houses have their own utilities bills. It was determined the zoning file may have a permit for a structure (pole barn) that was not built. When Terry A. Johnson received the permit for the pole barn both of the houses were on the property.

Jeff Johnson moved to close the testimony portion of the hearing at 7:20 p.m. Cheri Rogers seconded. Roll call: Claudette VanDyne, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, yes; Passed 5-0.

Cheri Rogers moved to deny appeal 07-20 and to grant variance V07-10 based on section 507 of the Zoning Resolution Item 2 "To authorize such variances from the terms of this resolution as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this resolution will result in practical difficulties and so that the spirit (intent) of this resolution shall be observed and substantial justice done" with the condition that no additional residential structures be built on this property and once they voluntarily destroy a building it cannot be rebuilt.

Rick Cox moved to amend the motion to state that after any voluntary destruction of one of the residential buildings the lot must return to having a single family residence. Discussion: If they want to destroy the buildings and rebuild one building on the property it would be allowed. Jeff Johnson seconded.

Roll call on the original motion: Claudette VanDyne, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, yes; Passed 5-0.

Roll call on the amended motion: Claudette VanDyne, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, yes; Passed 5-0.

Cheri Rogers moved to close the hearing at 7:35 p.m. Jeff Johnson seconded. Roll Call: Claudette VanDyne, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, yes. Passed 5-0.

Approved as read Jan 9th, 2008

Approved as corrected/amended _____

Laura Brown
Laura Brown, Clerk

David Goll
David Goll, Chairman

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK CO., FORM NO. 10128

Etna Township Board of Zoning Appeals

Held

December 28,

2009

Regular Meeting

The meeting was called to order by Chairman Goll at 7:35 p.m. on December 28, 2007 at the Etna Township Hall. The meeting was audio taped for township records. Claudette VanDyne, Rick Cox, David Goll, Cheri Rogers, Jeff Johnson, and clerk Laura Brown were present.

The purpose of this meeting was to approve minutes and sign the final orders from the meeting on November 27, 2007.

Cheri Rogers moved to waive the public reading, approve the minutes and sign the final order from the adjudicatory hearing on November 27, 2007 for appeal 07-17 concerning a sign permit submitted by Jacquelyn A. Phillips for 10741 Hazelton-Etna Road. Jeff Johnson seconded. Roll Call: Claudette VanDyne, abstain; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes and Jeff Johnson, yes. Passed 4 yes 1 abstain.

Rick Cox moved to waive the public reading, approve the minutes and sign the final order from the adjudicatory hearing on November 27, 2007 concerning variance V07-10 submitted by Dustin Myer for 11091 and appeal 07-19 submitted by Sheila Plunk for 30 Cameron Drive. Jeff Johnson seconded. Roll Call: Claudette VanDyne, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, abstain; and Jeff Johnson, yes. Passed 4 yes 1 abstain.

Rick Cox moved to adjourn the meeting at 7:40 p.m. Jeff Johnson seconded. Roll Call: Claudette VanDyne, yes; Rick Cox, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, yes. Motion passed 5-0.

Approved as read

Jan 9th 2008

Approved as corrected/amended

Laura Brown

Laura Brown, Clerk

David Goll

David Goll, Chairman

Final orders mailed.