

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

October 18,

2016

Held _____ 20 _____

The hearing was called to order by Chairman Cox at 6:03 p.m. on October 18, 2016 at the Etna Township Administration Building. The roll call showed members Kathy Johnston, Trent Stepp, Rick Cox, Cheri Rogers, and Mark Schaff present, along with Clerk Laura Brown.

The application is for an Area Variance submitted by Kenton Fairchild for 14787 Palmer Road. The nature of the variance is from Section 912 Agricultural, Item C. General Requirements, to reduce the front yard setbacks.

Chairman Cox explained the process of the hearing. Ken Fairchild, Applicant; Craig Stalk, General Contractor; and Rob Platte, Township Administrator, were sworn in.

Rob Platte presented a written Staff Report. The request is to allow for a decrease in the required front yard setback from forty foot to nine foot for parcel #010-018240-00.000. The applicant has proposed an addition to the residential structure that would encroach into the required front yard setback by a minimum of thirty-one feet. The applicant needs a variance because the zoning district requires a forty foot front yard setback.

The Zoning Commission in December of 2015 made a modification in the Zoning Resolution to Section 406 D as follows: 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 applicant's current request exceeds that permitted amount as well as increases the severity of the encroachment.

The applicant inquired with the Zoning Department as to the setback requirements for dwellings at the subject parcel. The Board discussed non-conforming status of the existing home and front porch. It was determined by the Road Superintendent that the right-of-way along that portion of Palmer Road is sixty foot. It was suggested to the applicant that a survey would show exactly where the right-of-way is and what the relation of the existing structure is to the right-of-way. The applicant was advised that a variance already has been granted for the parcel, reducing the front yard setback to twenty-five foot from the required forty foot. The applicant presented a plan to construct an addition that appeared to further encroach into the required setback.

Consideration should be given to the need and justification for a variance, and whether or not the issue can be resolved in another way. The property is approximately six acres and the home is located in the northwest corner, allowing for an addition to the home to also be constructed to the east or south. The applicant does have the option to add onto the existing home in such a way that would not encroach into the required setback at all. At a minimum, the applicant also has the option to request a variance to allow encroachment into the road right-of-way an amount not to exceed the existing structure (minus the porch) which would effectively extend the current home to the east without increasing the severity of the encroachment.

The spirit and intent of the Zoning Resolution is to grant variances not "on the grounds of convenience or profit, but only where strict application of the provisions of this resolution would result in practical difficulties. The Board of Zoning Appeals shall consider and weigh the following standards when determining Area Variances based on practical difficulty"

Staff recommends that the Board of Zoning Appeals deny the requested Area Variance because the Standards for 'Practical Difficulty' (Section 512.B) have not been met. The basis of the recommendation comes from the variance request's non compliance with Articles 4 and 9 of the Zoning Resolution. Staff finds the spirit/intent of the Zoning Resolution to not be met.

The Board of Zoning Appeals reviewed the previously granted variance.

The applicant, Kenton Fairchild II, provided information regarding the need for the variance. The structure can be made to match the current porch. The gutters do reach over the nine foot request. The next door neighbor's house is the same and this addition would be even with their house. He does not feel the addition could be done off the house in any other way and this would look the best. The applicant reviewed the pictures of the rear of the property that were provided in the application.

Craig Stalk, General Contractor, provided the information on the design and does not feel they could build onto the back of the home. It would add an additional fifty thousand dollars to the project. This would be an upscale addition and will be a benefit to the area. They are not going past the existing structure. The plans have already been submitted to Licking County Building Codes and the building permits are approved.

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

October 18,

2016

Held

20

The applicant showed the board where the garage goes into the house. The addition will tie into the existing basement. The board discussed options for the addition to avoid the full nine foot variance. It was discussed to not do the garage and only the house addition. The applicant does not want to eliminate the garage or reduce the set back.

The Board discussed the nature of the Zoning Resolution and does feel this impedes on the spirit of the Zoning Resolution. If this variance is granted the township is setting precedent.

Samantha Lyle of 14787 Palmer Road discussed the slope and the need for the garage and the location of the addition for their forever home.

The addition could not be done on the west of the property because of the side yard setbacks.

The original house was built in 1890. The addition to the rear of the property was done in 1987 including the addition of the fireplace.

Public Comments - none

Kathy Johnston moved to close the public testimony portion of the hearing at 6:53 p.m. The motion was seconded by Cheri Rogers and passed by unanimous affirmative vote.

The board asked if the variance could be granted to the specific area or section of the property. The Board inquired if the property owner knows where the existing survey pins or markers are on the property. The property owner does not have a survey and if the township grants a variance the property owner needs to be sure of the property lines.

Trent Stepp moved to table the hearing to follow-up with the Prosecuting Attorney's office. The motion was seconded by Kathy Johnston and passed by unanimous affirmative vote.

Cheri Rogers moved to adjourn at 7:12 p.m. The motion was seconded by Trent Stepp and passed by unanimous affirmative vote.



Laura Brown, Clerk



Rick Cox, Chairman