

## Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

March 27,

2018

Held

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The hearing was called to order by Chairman Cox at 6:03 p.m. on March 27, 2018 at the Etna Township Administration Building. The roll call showed members Cheri Rogers, Trent Stepp, Rick Cox, Greg Reis, and Mark Schaff present, along with Clerk Laura Brown.

The nature of the hearing is an area variance submitted by Joshua Robinson for 249 Wolfe Craft Drive from Section 1005 Accessory Structures. Chairman Cox explained the process of the hearing. The Applicant, Joshua Robinson, and Zoning Inspector, Freddie Latella, were sworn in.

Freddie Latella reviewed the variance request. The existing building is approximately 1200 square foot and the request is to increase the size to approximately 5000 square foot. The property is zoned residential (R-2).

Joshua Robinson of 249 Wolfe Craft Drive explained they entered into a land contract on this property in June of 2016. Prior to entering into this contract he contacted the township and asked if this would be permitted in the spring of 2018 and was told a structure this size was allowed. Joshua did not have any evidence of the phone call and does not remember who he spoke to. At that time the township did not have a size limit on accessory structures. The only restriction would be five foot off the property line. The new regulations went into effect November 3, 2017. Joshua Robinson plans on storing his car collection and have a man cave. He currently has eight cars and three motorcycles.

Mark Schaff discussed the grandfather clause and whether he qualifies for this rule. The property was purchased under the previous zoning regulations. If the construction had been started then he would qualify under the grandfather clause. The land contract started under the old zoning regulations but not construction. Joshua Robinson did not file for any permits because he was told the permit would expire.

The property is just at two acres. The zoning regulation also has a height limit of sixteen feet.

Wayne Carter, Tyler Smith, and Michelle Kennedy were sworn in.

Wayne Carter of 234 Goings Lane lives directly behind this property. He feels the structure that is on the property is large enough. He discussed the current condition of the property.

Tyler Smith of 10718 York Road discussed the Zoning Regulations. He built a pole barn in the township and discussed the length of time it takes.

Joshua Robinson stated the items Mr. Carter discussed would be moved inside the new building. The only item that would remain outside would be the ambulance. Mr. Robinson is willing to remove the ambulance. He currently has four cars on the property and equipment that would be moved inside. He restores vehicles.

Freddie Latella discussed businesses being run out of residential properties and stated the Zoning Department is currently working on those violations.

Cheri Rogers moved to close the public testimony portion of the hearing at 6:25 p.m. The motion was seconded by Greg Reis and passed by unanimous affirmative vote.

The square footage requested would include the building and the lean to areas.

The new building will match the existing buildings siding. The building will have water run from the house. It will have a restroom.

The Board discussed this decision setting a precedent. The Board discussed making the structure smaller with the applicant. The house does have a one car attached garage with the additional 1200 square foot pole building.

The Board discussed whether this meets the practical hardship requirement. The old text was unlimited and the new text is extremely limited. This Board has to work within their requirements. The Board discussed the property owner purchasing the property under the prior rules and whether this is grandfathered in. The applicant is requesting five times the new limit.

The Zoning Permit is good for one year to start construction and two and a half to finish. The office did give callers a heads up that the text was being revised once the Zoning Commission started working on it.

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Board of Zoning Appeals

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Freddie Lattella verified that in that area he does not remember anything close to this size. Freddie Lattella has concerns with what will be done on this property if this building is permitted. He is concerned with businesses being run in a residential area.

The Board discussed the limitations with this new text and will recommend the Zoning Commission look into this regulation. This Board has to make sure the conditions of the Zoning Resolution are met.

Trent Stepp moved to deny the area variance VA-18-01 submitted by Joshua Robinson for 249 Wolfe Craft Drive from Section 1005 Accessory Structures maximum square footage of accessory structures by lot size from 1000 to 5750 because the Standards for 'Practical Difficulty' (Section 512.B) have not been met. The motion was seconded by Greg Reis. Discussion: Mark Schaff is opposed to this motion because of the ex post facto condition, which he feels is illegal. The roll call was as follows: Cheri Rogers, yes; Trent Stepp, yes; Rick Cox, yes; Greg Reis, yes; and Mark Schaff, no; motion passed 4-1.

Cheri Rogers moved to adjourn at 7:07 p.m. The motion was seconded by Trent Stepp and passed by unanimous affirmative vote.

  
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Laura Brown, Clerk

  
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Rick Cox, Chairman

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 1D148

March 27,

2018

Held

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The meeting was called to order by Chairman Cox at 7:11 p.m. on March 27, 2018 at the Etna Township Administration Building. The roll call showed members Cheri Rogers, Trent Stepp, Rick Cox, Greg Reis, and Mark Schaff present, along with Clerk Laura Brown.

The meeting was to approve the minutes from the February 27, 2018 adjudicatory hearing for CU-18-01 for 9441 Smoke Road submitted by Legg Up Properties and from the Organizational Meeting.

Cheri Rogers moved to waive the public reading and to approve the minutes and sign the final order from the February 27, 2018 adjudicatory hearing and Organizational Meeting as corrected. The motion was seconded by Greg Reis. The motion passed by unanimous affirmative vote.

Greg Reis moved to close the public meeting at 7:15 p.m. The motion was seconded by Cheri Rogers and passed by unanimous affirmative vote.



Laura Brown, Clerk



Rick Cox, Chairman



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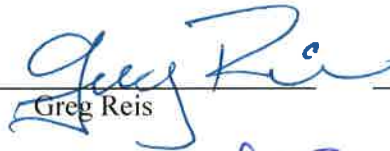
Members: Rick Cox-Greg Reig Reis-Cheri Rogers-Mark Schaff-Trent Stepp  
Alternate Member: Ryan Davidson

## FINAL ORDER

The Etna Township Board of Zoning Appeals held an adjudicatory hearing on March 27, 2018 at the Etna Township Administration Building for an area variance submitted by Joshua Robinson for 249 Wolfe Craft Drive from Section 1005 Accessory Structures.

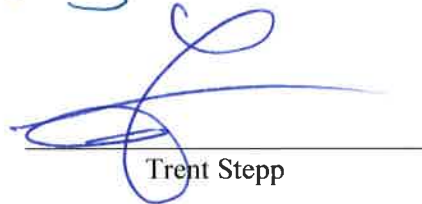
The board moved to deny the area variance VA-18-01 submitted by Joshua Robinson for 249 Wolfe Craft Drive from Section 1005 Accessory Structures maximum square footage of accessory structures by lot size from 1000 to 5750 because the Standards for 'Practical Difficulty' (Section 512.B) have not been met. The motion passed 4-1.

  
Rick Cox

  
Greg Reig Reis

Cheri Rogers

  
Mark J. Schaff

  
Trent Stepp