

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

November 27,

2018

Held

20

The hearing was called to order by Chairman Cox at 6:40 p.m. on November 27, 2018 at the Etna Township Administration Building. The roll call showed members Trent Stepp, Rick Cox, Greg Reis, and Mark Schaff present, along with Clerk Laura Brown.

The nature of the hearing is for an appeal of the Zoning Inspector's decision submitted by Gary Allen of 181 Humphries Drive, Etna, OH 43068. Chairman Cox explained the process of the hearing. The Applicant, Gary Allen, along with the Zoning Inspector, John Singleton, were sworn in.

Zoning Inspector John Singleton provided a Staff Report. The applicant is appealing the zoning violation dated October 2, 2018, regarding paving the parking lot for the semi truck and automobile parking. The variance that was granted August 22, 2017 was for a boat and RV storage area. The Zoning Inspector issued an occupancy permit for the uses on the property. It is the Zoning Inspector's opinion that Gary Allen is in violation of the variance.

Mark Schaff inquired if we need a legal opinion whether the variance takes precedents over the Occupancy Permit.

Greg Reis inquired if storage is long term for the storage area. John Singleton stated there are different trucks and cars in the various pictures provided.

Gary Allen of 181 Humphries Drive representing HTF Holdings discussed the Occupancy Permit that was issued for the uses on the property.

Mark Schaff asked Gary Allen if the terms of the variance have been violated and if he presumed that he could violate them because of the Occupancy Permit that was issued. Gary Allen does not feel the terms were violated. Gary Allen feels this was a variance for the entire property. He feels when he applied for the variances he was apply for the entire property for those uses. Gary Allen applied for an accessory structure permit for the millings for the entire property. The semi truck drivers are monthly paying customers. The fence was not up when the Zoning Inspector had requested but it is up now.

Mark Schaff would like an opinion from the Licking County Prosecutor's Office regarding the Occupancy Permit and the terms of the variance.

Greg Reis discussed the requirement in Section 1103 Paving and whether this use is storage or parking. He feels this need to be determined also. The board discussed what defines a parking lot.

John Singleton explained the Occupancy Permit and the uses that were approved. These were approved to meet the conditions of the variance. The Final Order defines the area approved for the grindings.

Gary Allen explained the access to the property for the multiple uses. The storage area is fenced in and separate from the other uses on the property. The circulation area and driveway area are all millings.

Trent Stepp explained the issue is the use of the property, Gary Allen is permitted on the property to have cars trucks and other uses, selling of those, circulation of those but not permitted by the Zoning Resolution or the Variance that was approved allowed to do that on unpaved portions of the property. The Findings of Fact on the variance explain what was approved.

The Board discussed storage versus parking of the vehicles in the area for the millings. The Board did not discuss semis in the previous variance hearing.

Dan Uditis of 10380 Lynns Road was sworn in. Mr. Uditis discussed the storage business located by him on Lynns Road that does not have a paved parking area and feels the township needs consistency. That business was grandfathered and was there prior to the paving regulations.

Gary Allen discussed the violation regarding the enclosure around the dumpsters. John Singleton explained the standard language on the Zoning Permit is one year to start and two years to finish. When you are abating a violation notice the time is set forth in the violation notice. Gary Allen stated he plans on a steel skeleton under and then standard treated planks with gates. He feels this will not be able to complete until May because of weather. The year to start and two years to finish a project is defining when the Zoning Permit expires. Rick Cox inquired if Gary Allen could contract with a company. Gary Allen is planning on doing the enclosure and not hiring a company.

Greg Reis moved to close the public testimony portion of the hearing at 7:29 p.m. The motion was seconded by Trent Stepp and passed by unanimous affirmative vote.

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Trent Stepp discussed the word use and whether the property owner can conduct the uses on his occupancy permit. The contention is with the area being used as a parking lot needing to be paved and is in violation. Mr. Allen was granted a variance to use millings for storage of RV's and boats instead of paving. Using this area for a parking lot, vehicular circulation, changes the use and the area needs paved. The board discussed the uses and what is vehicular circulation along with parking versus storage.

Mark Schaff discussed obtaining a legal opinion regarding the Certificate of Occupancy permit number 6449 and Variance 17-06 and which takes precedence.

Mark Schaff moved to table the decision to obtain a legal opinion from the Licking County Prosecutor's Office. The motion was seconded by Trent Stepp. Discussion: The board will draft the request regarding the Certificate of Occupancy and the Variance along with definition of storage and parking. The Board will also include the dumpster screening. The motion passed by unanimous affirmative vote.

Greg Reis moved to adjourn at 7:51 p.m. The motion was seconded by Trent Stepp and passed by unanimous affirmative vote.

Laura Brown

Laura Brown, Clerk

Rick Cox

Rick Cox, Chairman