

Held September 15, 20 2020

### VA20-11 Rider and VA20-10 Royal Acres

Prior to calling the meeting to order the Chairman explained the Public Hearing Requirements.

#### VA20-11 Rider

The adjudicatory hearing was called to order by Chairman Reis at 5:30 p.m. on September 15, 2020 at the Etna Township Garage. The roll call showed members Trent Stepp, Shannon Mills, Greg Reis, Tommy Hunt, and Eric Nickolas present, along with Clerk Laura Brown.

The nature of the hearing was to consider Area Variance VA-20-11 submitted by Joseph Rider for 112 Brandy Mill Drive from Article 10, Section 1005 regarding accessory structures.

Chairman Reis explained the process of the hearing. The applicant Joseph Rider, Chad Evans, and Zoning Inspector John Singleton were sworn in.

John Singleton, Zoning Inspector, provided a written staff report. The area variance is from Section 1005.1 and 406.D in the Etna Township Zoning Resolution. The maximum square footage for accessory structures in the RS Zoned District is eight hundred square feet. The applicant is requesting a variance from Section 1005.1 because the existing structure is one thousand and eight square feet. This is an existing non-conforming structure. The proposed roof overhang would add an additional three hundred and ninety square feet which would exceed the allowable square footage by five hundred and ninety square feet. Under Non-Conforming Section 406.D in the Zoning Resolution a non-conforming structure is not to exceed ten percent of the current non-conformity. Without a variance they could add an additional one hundred square feet.

They have obtained permits to add a free standing deck that is above grade and a concrete pad the length of the north side of the building.

**Exhibit A** - Pictures of the structure were provided and marked as Exhibit A.

John Singleton was on the property August 4, 2020 and August 17, 2020. A violation letter was issued on August 17, 2020 and the property owner pulled the permits for the pad and the deck on August 24, 2020. The property owner had sent the applications to the wrong email and once he received the violation letter he obtained his permit right away. Those items are in compliance. The variance is for the roof overhang which would not be in compliance.

The deck will currently provide a shaded area for the property owner. The free standing deck in an accessory structure that is exempt from the accessory structure limitation of eight hundred square feet.

Joseph Rider of 112 Brandy Mill Drive discussed the Zoning Permits he applied for which he emailed to the township and explained that he did not realize the applications were not received by the township. The applicant applied for the variance for the roof overhang. The applicant is requesting a variance to extend the roof over the open area of the concrete pad.

#### Public Comments

Chad Evans of 105 Spring Flower Way provided the pictures that were marked as Exhibit A. Mr. Evans has concerns with the lack of maintenance and quality of the structures. The construction is inspected by Licking County Building Codes.

The concern with this becoming additional living space was discussed. The township only permits one residence per parcel in this district. The existing area is a room for his wife and will not be used for living space. There is electric in this room but no water. The room was previously accessed by a ladder from the ceiling of the garage.

Trent Stepp moved to close the public testimony at 6:07 p.m. The motion was seconded by Shannon Mills and passed by unanimous affirmative vote.

The board has to look at evidence and not consider opinions. The board discussed the Standards of Practical Difficulty for area variances. This structure is already a non-conforming structure.

Trent Stepp move to deny area variance VA-20-11 submitted by Joseph Rider for 112 Brandy Mill Drive from Article 10, Section 1005.1 to increase the maximum square footage of accessory structures by Zoning District, Residential Single Family RS, from 800 square feet to 309 square feet because the Standards for 'Practical Difficulty' (Section 512.B.) of our Zoning Resolution have not been met. Eric Nickolas seconded the motion and it passed by unanimous affirmative vote. The variance was not granted.



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Members: Sarah Benoit-Eric Nickolas-Greig Reis-Mark Schaff-Trent Stepp  
Alternates: Tommy Hunt - Shannon Mills

## FINAL ORDER

The Etna Township Board of Zoning Appeals held an adjudicatory hearing on September 15, 2020 at the Etna Township Garage to consider an Area Variance VA-20-11 submitted by Joseph Rider for 112 Brandy Mill Drive from Article 10, Section 1005 regarding accessory structures.

The Board moved to deny area variance VA-20-11 submitted by Joseph Rider for 112 Brandy Mill Drive from Article 10, Section 1005.1 to increase the maximum square footage of accessory structures by Zoning District, Residential Single Family RS, from 800 square feet to 309 square feet because the Standards for 'Practical Difficulty' (Section 512.B.) of our Zoning Resolution have not been met. The motion passed by unanimous affirmative vote. The variance was not granted.

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Tommy Hunt

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Trent Stepp

The Final Order was approved and signed: 11-17-20

The Final Order was mailed emailed to applicant on: 11/25/20

## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Etna Township Board of Zoning Appeals

Held

September 15,

20

2020

**VA20-10 Royal Acres**

The adjudicatory hearing was called to order by Chairman Reis at 6:15 p.m. on September 15, 2020 at the Etna Township Garage. The roll call showed members Trent Stepp, Shannon Mills, Greg Reis, Tommy Hunt, and Eric Nickolas present, along with Clerk Laura Brown.

The nature of the hearing was to consider Area Variance request VA20-10 for Parcel 011-026580-00.000 in Royal Acres from Section 903 Single Family Residential District (RS) General Requirements.

Chairman Reis explained the process of the hearing. The applicant Josh Long, Tom Rybski, and Paul Cucini along with Zoning Inspector John Singleton were sworn in. Later in the meeting the following were sworn in: Shelly Marie Ipacs, Judith Cafmeyer, Jeff Hall, and John Belba.

**Exhibits A, B, and C - The Preliminary Plan for Royal Acres Section 2, Phases 1, 2 & 3**

John Singleton, Zoning Inspector, provided a written Staff Report. The variance this evening is for Part 2, Phases 2 and 3 for lots 42-48 in the Royal Acres subdivision. This development has been going through different stages of review. The section in the Etna Township Zoning Resolution excludes easements of record and needs to be addressed with a variance. The Licking County Prosecutor's office has reviewed the issue and recommended the developer apply for a variance to correct the issue to be permitted to build on the lots. The issue was not caused by the developer but by the lack of findings during the stages of review. The other lots in the development will need to be addressed with amendments to the Etna Township Zoning Resolution. The easements should be included and not excluded. The lots 42-48 also exceed the maximum 3:1 depth ratio. The lots were located for the board on the maps provided. After discussion lots 71 and 72 will also need included in the variance request for the 3:1 depth ratio. This request is for two variances; one for the easement language and one for depth ratio.

Tom Rybski with Prime AE is the engineering company for the development. The previous phases have been plated. They are developing the remaining lots. They have not increased the density. They have been working on this development for over a year.

Paul Cugini is the developer and explained this issue was found when they were in the phase of signing the Final Plat. This is being developed like it was originally planned and will be the balance of the remaining lots.

Tom Rybski stated this is actually a few lots less than the original plan because of the wet land area.

The first phase would have been in 1970. In 2004 the construction of this subdivision continued with only a portion of the development being completed. This developer is building Phases Two and Three which will finish the balance of the initial submission from 2004. This is consistent with the plan from 2004. The oldest plan that can be found from the original development is dated 1973. There are two separate subdivisions, Royal Acres and The Preserve at Royal Oaks.

The adjacent property owners were all notified by mail and the township did not receive any calls or emails.

**Public Comments**

Shelly Marie Ipacs of 114 Royalty Drive wanted to clarify that Section 2 Phase 1 was a 2004 neighborhood and is separate from Royal Oaks. The 2004 homes and the proposed homes will be a part of the Home Owners Association for the Preserve of Royal Oaks. Phase 1, Section 2 is part of the Preserve of Royal Oaks.

Judith Cafmeyer of 29 Roma Court is concerned with drainage. Her home was built in 1975 and is one of the first homes built in Royal Oaks. She discussed the installation of tile to help with the water and drainage.

Jeff Hall of 79 Roma Court discussed drainage, flooding, and standing water in the neighborhood.

John Belba of 47 Roma Court discussed what he has done for drainage and water issues.

Tom Rybski explained the proposed drainage plans that will help with flooding in the development.

Paul Cugini stated they have been working with the Licking County Engineer, Jared Knerr, who has reviewed the drainage plans.

Josh Long with Prime AE stated currently the storm drain is incomplete.

## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

## Etna Township Board of Zoning Appeals

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The board discussed the drainage issues and what the developer is proposing should improve the water issues in this area.

Trent Stepp moved to close the public testimony at 7:06 p.m. The motion was seconded by Eric Nickolas and passed by unanimous affirmative vote.

The board discussed the hardship and the options for this development. The developer is following the plan from years ago and they are not requesting additional lots.

Trent Stepp moved to approve Area Variance VA-20-10 submitted by Prime AE for CCBI, LLC for Parcel 011-026580-00.000 in Royal Acres from Section 903 Single Family Residential District (RS) General Requirements regarding Lot Area, Width & Depth, lots 42-48 and lots 71 and 72 to exceed the maximum 3:1 depth ratio and easements of record shall be included in the minimum lot area calculation in the entire development. The motion was seconded by Tommy Hunt. Discussion: The board discussed whether this development is named Royal Acres and it was clarified that Royal Acres is how this was platted. This motion could be made in two motions if the board chooses. The variance application was for lots 42-48 and 71-72. The motion passed by unanimous affirmative vote.

**Minutes**

Trent Stepp move to waive the public reading and to approve the minutes from Adjudicatory hearings on July 7, 2020 and July 21, 2020 and sign the final orders for VA-20-06 ABC, VA-20-08, and VA-20-09. The motion was seconded by Shannon Mills and passed by unanimous affirmative vote.

Trent Stepp moved to adjourn the meeting at 7:16 p.m. Eric Nickolas seconded the motion. The roll call was as follows: Trent Stepp, no; Shannon Mills, no; Greg Reis, yes; Tommy Hunt, yes; and Eric Nickolas, yes. The motion passed.



Laura Brown, Clerk



Greg Reis, Chairman



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The Board moved to approve Area Variance VA-20-10 submitted by Prime AE for CCBI, LLC for Parcel 011-026580-00.000 in Royal Acres from Section 903 Single Family Residential District (RS) General Requirements regarding Lot Area, Width & Depth, lots 42-48 and lots 71 and 72 to exceed the maximum 3:1 depth ratio and easements of record shall be included in the minimum lot area calculation in the entire development. Discussion: The board discussed whether this development is named Royal Acres and it was clarified that Royal Acres is how this was platted. This motion could be made in two motions if the board chooses. The variance application was for lots 42-48 and 71-72. The motion passed by unanimous affirmative vote.

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