

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held January 26, 2021
20

VA21-01 Meeks 28 Roga Drive

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

The adjudicatory hearing was called to order by Chairman Reis at 5:00 p.m. on January 26, 2021 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.

This evening we will be considering **Area Variance** request VA21-01 for the application submitted by David Meeks for 28 Roga Road from Section 1005 Accessory Structures.

Chairman Reis explained the process of the hearing. The applicant David Meeks and Zoning Inspector John Singleton were sworn in.

John Singleton provided a written Staff Report. Mr. Meeks spoke with John Singleton a couple times. Mr. Meeks wants to construct a 1,200 square foot pole building in an RS zoning district. The applicant first inquired in 2017 about building the accessory structure. He was told at that time the size was no problem. The Zoning Resolution has since changed limiting the size of accessory structures. The applicant purchased the building components last fall. He then called to check on obtaining a permit. John Singleton told him at that time that the building exceeded the limits on accessory structures. He stated he had called before and was told the size would not be a problem. During the conversation he admitted that it had been a couple of years since he had called.

In Section 1005.1 Table 1005A Limits maximum square footage of accessory structures in an RS zoned district to 800 square feet. The applicant is requesting to allow an increase in the maximum square footage of the accessory structure from 800 square feet to 1,200 square feet.

The Zoning Resolution changed in October 2017 when the amendment was passed to restrictions by lot size and then in June of 2019 it was updated to Zoning District. It was originally figured by lot size and the Licking County Prosecutor's Office recommended it be figured by Zoning District. John Singleton spoke with Mr. Meeks in August of 2020.

David Meeks of 28 Roga Road agreed with most of the information presented by John Singleton. They purchased their house in April of 2018. In May of 2018 they had the property marked by 811 (OUPS) to build a pond and then he received a call from John Singleton regarding permits. They told John Singleton if they decided to build they would pull the permits. He inquired about what size building could be built on the tennis court and was told 1,000 square feet based on the 1.37 acre lot. He has saved to build the pole building and now the zoning has changed. The building he would like to build is 960 square feet but with the covered porch it is larger. This will all be contained on the tennis court. He needs storage space. He feels the tennis court is an eyesore. The building material is paid for and sitting on the tennis court. He feels the building will look bad without the covered porch. Prior to the Zoning Resolution changing neighbors have built pole buildings bigger than his request.

Mr. Meeks stated the building will be used for personal use. He is in the heating and cooling business. He wants to store lawn equipment and personal items in the garage. The building will be fenced in and he does not plan on having a driveway to the building. He will be using half of the tennis court. On the remaining tennis court he would like to have a pergola and a fire pit.

John Singleton agreed with the dates given by the applicant. The applicant complies with all the setbacks and other regulations in the Zoning Resolution.

David Meeks provided a picture for the record. The total dimension of the building is 30 x 40 with porch.

Trent Stepp moved to close the public testimony at 5:24 p.m. The motion was seconded by Eric Nicholas and passed by unanimous affirmative vote.

The board discussed being compliant with township zoning. The timing is not convenient for the applicant. That is outside this board's authority. The Zoning Commission and the Board of Trustees have determined the square footage restrictions. The Board of Zoning Appeals has strict guidelines to adhere to. The board discussed what a reasonable request is and when is it a substantial increase. The board does not want to set precedents for the future. The applicant is requesting a fifty percent increase.

RECORD OF PROCEEDINGS

Minutes of

Meeting

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The tennis court is an accessory structure but is not an above ground structure, so it does not apply to the square footage requirements. The 2018 Zoning Regulations would have permitted him to build the pole barn. The existing accessory structure footprint is larger than the pole barn. The board discussed if this is a practical difficulty for the homeowner. He is upgrading the accessory structure. This circumstance is unique when setting a precedent. The tennis court is flat to the ground and a building is an above ground structure. Even though the tennis court is not above grade it would require a Zoning Permit, but John Singleton would have to check with the Prosecutor's office on whether it would be restricted to the square footage restriction because it is not listed as an exemption.

The board discussed all the requirements that they must follow. If the tennis court did not exist it would be a different situation. The board discussed whether the variance is substantial. The existing tennis court is considered a non-conforming existing use but when it was built it was conforming. The board discussed the intent of the accessory structure amendment. The Board can issue a Findings of Fact on the decision. The board discussed what to ask the Prosecutor's office and Greg Reis will contact them. The functions of the Board of Zoning Appeals, Zoning Commission, and Board of Trustees along with the Zoning Inspector was explained to the applicant.

Trent Stepp moved to recess at 6:26 p.m. to seek an opinion from the Licking County Prosecutor's office on the questions from the board and Chairman Greg Reis will contact them. The motion was seconded by Tommy Hunt. Discussion: The clerk will forward the application over to the Prosecutor's office. The motion passed by unanimous affirmative vote.

VA20-14 Duda 82 Betts Drive

The adjudicatory hearing was opened at 6:29 p.m. on January 26, 2021 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.

This evening we will be considering **Area Variance** request VA20-14 for the application submitted by Gerald Duda for 82 Betts Drive from Section 903 Single Family Residential District (RS) and Section 1005 Accessory Structures. This was recessed on November 17, 2020.

The applicant Gerald Duda and Zoning Inspector John Singleton were sworn in on November 17, 2020.

John Singleton and Gerald Duda met at 82 Betts Drive. The only variance the applicant is now requesting is for an increase in the square footage by 96 square feet. The building has been relocated on the property and the building has been decreased in size. The other three variance requests have been resolved.

The board was pleased that the applicant worked with the township to eliminate the need for the other variances. The 96 square feet helps with the building material and construction needs.

Trent Stepp moved to approve area variance VA20-14 for the application submitted by Gerald Duda for 82 Betts Drive from Section 1005.1, Table 1005A to increase the maximum square footage from 800 sq. ft. to 896 sq. ft because the Standards for 'Practical Difficulty' (Section 512.B.) have been met. The motion was seconded by Eric Nickolas and passed by unanimous affirmative vote.

Organizational Meeting

The public meeting was called to order by Chairman Reis at 6:36 p.m. on January 26, 2021 at the Etna Township Garage. The roll call showed members Trent Stepp, Shannon Mills, Greg Reis, Eric Nickolas, and Tommy Hunt present, along with Clerk Laura Brown.

The meeting was turned over to Clerk Laura Brown for chairman nominations.

Shannon Mills nominated Greg Reis for Chairman. The nominations were closed. Roll call was as follows: Trent Stepp - Greg Reis, Shannon Mills - Greg Reis, Greg Reis - abstain, Eric Nickolas - Greg Reis, and Tommy Hunt - Greg Reis. Greg Reis will serve as the Chairman for 2021.

The meeting was turned over to Chairman Reis.

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Trent Stepp nominated Erik Nickolas and Eric Nickolas nominated Trent Stepp for Vice Chairman; Roll call: Trent Stepp – Erik Nickolas, Shannon Mills – Trent Stepp, Greg Reis - Trent Stepp, Eric Nickolas - Trent Stepp, and Tommy Hunt – Trent Stepp. Trent Stepp will serve as the Vice Chairman for 2021.

Trent Stepp moved to appoint Laura Brown as the Board of Zoning Appeals Clerk. The motion was seconded by Eric Nickolas and it passed without objection.

Trent Stepp moved to authorize the Board of Zoning Appeals Clerk to contact the Licking County Prosecutor's Office for administrative purposes only. The motion was seconded by Shannon Mills and it passed without objection.

Trent Stepp moved to use the Pataskala Post, Pataskala Standard and Newark Advocate as the designated media for public notices. In addition, all notices are to be posted on the calendar on the township website. The motion was seconded Shannon Mills and it passed without objection.

The 2021 submission deadline will be noon on the first Tuesday of the month and a monthly meeting to be held at 6:00 p.m. on the fourth Tuesday of the month.

Trent Stepp moved to approve the 2021 submission deadline of noon on the first Tuesday of the month and a monthly meeting to be held at 6:00 p.m. on the fourth Tuesday of the month. The motion was seconded by Shannon Mills. Discussion: When the members are available the meetings might start at 5:00 p.m. The motion passed without objection.

The meeting cancellation process and procedure for members informing the board of scheduling conflicts was discussed. The Board of Zoning Appeals will continue with the same procedure for members informing the Board of scheduling conflicts regarding meetings and hearings. The Board discussed rotating the vote on the motions for the determination during the adjudicatory hearings. The clerk will keep a chart and rotate the vote. This policy will allow all the votes to have equal weight.

Trent Stepp moved to adjourn the meeting at 6:43 p.m. Eric Nickolas seconded the motion and it passed without objection.



Laura Brown, Clerk



Greg Reis, Chairman



81 Liberty Street
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Members: Sarah Benoit-Eric Nickolas-Greg Reiss-Mark Schaff-Trent Stepp
Alternates: Tommy Hunt - Shannon Mills

FINAL ORDER

The Etna Township Board of Zoning Appeals held an adjudicatory hearing on November 17, 2020 and January 26, 2021 at the Etna Township Garage to consider **Area Variance** request VA20-14 for the application submitted by Gerald Duda for 82 Betts Drive from Section 903 Single Family Residential District (RS) and Section 1005 Accessory Structures.

The Board moved to approve area variance VA20-14 for the application submitted by Gerald Duda for 82 Betts Drive from Section 1005.1, Table 1005A to increase the maximum square footage from 800 sq. ft. to 896 sq. ft because the Standards for 'Practical Difficulty' (Section 512.B.) have been met. The motion passed by unanimous affirmative vote.

Tommy Hunt

Shannon Mills

Eric Nickolas

Greg Reiss

Trent Stepp

The Final Order was approved and signed: March 16, 2021

The Final Order was mailed/emailed to applicant on: March 17, 2021