

RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Etna Township Board of Zoning Appeals

Held April 19, 20 2021**VA21-03 14025 Sunladen Dr. and AP21-01 170 Heritage Drive**

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

The adjudicatory hearing was called to order by Chairman Reis at 5:02 p.m. on April 19, 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.

Chairman Reis explained the process for the hearings and Zoning Inspector John Singleton along with Patrick Mullen, Scott Goldberg, and Dave Holycross were all sworn in.

VA21-03 14025 Sunladen Dr.

The nature of the hearing was to consider Area Variance request VA21-03 for the application submitted by Patrick Mullen for 14025 Sunladen Drive from Section 1806 PRCD Development Plan Standards, S. Minimum Side Yard Setbacks.

Zoning Inspector John Singleton provided a written Staff Report. The applicant is requesting a variance to do a bathroom extension onto the home to make it handicap accessible. The proposed room addition encroaches into the building setback. The Preserve at Haaf Farms is a PRCD with a fifteen foot side yard setback for structures and a ten foot setback for accessory structures. The accessory structure meets zoning. The bathroom addition requires a three foot variance. The structure will still be twenty seven foot from the neighbor's house.

The applicant Patrick Mullens presented for the homeowner. He has been hired to build a bathroom addition for a disabled veteran who is in a wheelchair.

Trent Stepp confirmed there will be no gutters or additional over hangs that will encroach in the set back.

Trent Stepp moved to close the public testimony portion of the hearing at 5:09 p.m. The motion was seconded by Eric Nickolas and passed by unanimous affirmative vote.

The board reviewed the variance criteria. The adjacent property owners were mailed notification letters.

Eric Nickolas moved to approve Area Variance VA-21-03 for the application submitted by Patrick Mullen for 14025 Sunladen Drive from Section 1806 Planned Residential Conservation District Development Plan Standards, S. Minimum Side yards to reduce the setbacks from 15 feet to 12 feet because the Standards for 'Practical Difficulty' (Section 512.B) have been met. The motion was seconded by Trent Stepp and passed by unanimous affirmative vote.

AP21-01 170 Heritage Drive

The adjudicatory hearing was called to order by Chairman Reis at 5:15 p.m. on April 19, 2021 at the Etna Township Garage.

The nature of the hearing was to consider an appeal of the Zoning Inspector's decision submitted by Scott Goldberg for 170 Heritage Drive.

Zoning Inspector John Singleton provided a copy of the Notice of Zoning Violation, a timeline of events, and photos of the violations on the property. The shipping containers and windmills were placed on the property without Accessory Structure permits.

John Singleton reviewed the timeline provided for 170 Heritage Drive. He explained the violations to both the property owner David Holycross and his attorney Scott Goldberg. In the conversation with David Holycross on February 19, 2021 he was also advised to contact the Licking County Soil and Water regarding all of the area being disturbed. Kyle Seitz with Licking County Water & Soil along with Brad Mercer with the Licking County Planning Commission are addressing issues that Licking County has regarding 170 Heritage Drive. On March 11, 2021 John Singleton along with Etna Township Road Superintendent Don Copley observed a graveled entry onto the property from Heritage Drive, drainage pipes installed on the property, and asphalt grindings over parts of the property. Pictures were provided of the violations on the property.

John Singleton attempted to work with the property owner but he was not being updated and work continued being done on the property without permits or any approvals.

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John Singleton explained the process regarding Zoning Violations and the late fees and fines that can be imposed onto the property. A fifty dollar late fee can be imposed by the Board of Trustees when the permit is issued.

John Singleton confirmed that Licking County Soil and Water were contacted on March 15, 2021 and Licking County Planning Commission was contacted after March 15, 2021. Licking County has to be contacted when more than one acre of land is being disturbed to inspect the drainage.

The site planner Nickols Elmasian was sworn in.

Scott Goldberg is the attorney for the property owner and explained the Mr. Holycross is very excited about the property and recently purchased it. He wants to be a good neighbor and is sensitive to the neighbors' concerns and wants to be a part of this community for a long time. The goal from the beginning was to get the property into compliance.

Scott Goldberg explained the Mr. Holycross has applied for the driveway permit and he has been approved by Licking County. Mr. Holycross was not aware at that time that he needed township approval for the driveway. The Road right-of-way permit was denied because it was not complete. The site plan and the bond were not attached.

Scott Goldberg explained the windmills are to aerate the pond. The windmills are not listed specifically under the accessory structures requiring an Accessory Permit. The storage unit is there to house maintenance equipment to keep the property in good condition and to provide improvements. Scott Goldberg confirmed they have been contacted by Licking County and they are working with them on the requirements they will have. At this point they have not asked the property owner to stop work on the property. The storage unit is on an existing concrete pad and can place it on wheels if necessary and can move it. This property is zoned General Business District – GB1.

The Board confirmed that Mr. Holycross has not applied for any Zoning Permits at this time. Scott Goldberg explained the permits have not been pulled because they are working on site plans. The property owner was not sure of the process and were hoping to work with Mr. Singleton on the steps to get what is currently on the property approved and permitted while there were working on the principal structure. On February 19, 2021 John Singleton explained the zoning restrictions. The applicant is working on the site plan and it is taking time. The property owner is continuing to move soil and improve the property. Structures have not been built on the property. The property owner wants the storage unit and windmills to remain on the property. The plan is to build the principal building in the upcoming months.

Nickolas Elmasian reported they have received a site plan from Licking County Soil and Water. Licking County requested the silt fencing for the runoff into the pond and there is no official outlet to that pond. They typically pump the water out of the pond into a silt bag. Because they are in a MS4 area they will be submitting a Notice of Intent. A site plan will be completed which will be run through a Technical Review with Licking County.

The property owner would like to construct a twelve thousand square foot storage building on the property for contractor's equipment and it will have a couple of tenants.

John Singleton confirmed that nothing has been previously established on the property other than the pond and it is in a General Business Zoned District.

The board discussed permits being required on the property and without the Principal Structure permit being issued the Zoning Inspector is not able to issue the three Accessory Structure permits. The board discussed a Temporary Permit for six months and whether this would be available for this property. The Zoning Inspector would have to research if the permit is retro active to when the structure was placed on the property.

The windmill for aerating the pond was discussed and whether this is part of the pond. The Zoning Resolution in Section 1026 governs the aeration for installing a new pond. If the windmill is providing the aeration to the pond would this be considered an accessory structure and John Singleton would have to review this issue with the Prosecutor's Office.

John Singleton does feel the property owner has cleaned up and made improvements to the property.

John Singleton confirmed the township has received complaints regarding this property.

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DAYTON LEGAL BLANK, INC., FORM NO. 1014B

Etna Township Board of Zoning Appeals

Held April 19, 20 2021

The letters were mailed to the adjacent property owners.

Dave Holycross explained the permit was pulled from the Licking County Engineer's office to establish an address for the property to allow AEP to run electric to the property. He did not realize a permit was needed from Etna Township. This property has an established access from US40.

Dave Holycross confirmed his intention is to find the right tenant for the property and a pond is one of the options.

The building in the picture is on the adjacent property.

This is an appeal of the Zoning Inspector's decision and not a variance request. Was the Zoning Inspector's decision to stop the work on the property because the permits have not been applied for the correct process?

Scott Goldberg spoke for the property owner and stated they do not feel there has been construction on the property. All Mr. Holycross has attempted to do is make the property look better before construction on the property.

The board reviewed the Zoning Violation with the applicant. The drive is located off of Heritage Drive. The property owner has moved forward with obtaining a permit for a second access to the property off of Heritage Drive. Licking County has approved the access but Etna Township has not given approval to the property owner. Heritage Drive is a township road and is governed by Etna Township. The access off of US40 is an existing access. The two windmills and storage structures were installed on the property without permits and the property owner was made aware in February of the Accessory Structure permit needed.

The board needs to determine if the Etna Township Zoning Inspector did his job issuing the Zoning Violation.

Trent Stepp moved to close the public testimony portion of the hearing at 6:09 p.m. The motion was seconded by Eric Nickolas and passed by unanimous affirmative vote.

The board discussed whether the public attending the hearing were permitted to testify. The public testimony portion of the hearing was closed.

Eric Nickolas moved to deny the appeal of the Zoning Inspector's decision submitted by Scott Goldberg for 170 Heritage Drive for the reasons brought forth in the testimony by John Singleton. The motion was seconded by Trent Stepp and passed by unanimous affirmative vote.

Public Meeting

The public meeting was to approve the minutes from the March 16, 2021 hearing for VA21-02 for Connie Klema for property on Zellers Lane. The board reviewed the minutes.

Trent Stepp moved to waive the public reading and to approve the minutes and sign the final orders from the adjudicatory hearing on March 16, 2021 regarding VA21-02 Klema on Zellers Lane. The motion was seconded by Shannon Mills and passed by unanimous affirmative vote.

The board had a work session regarding procedures, deliberations, and executive sessions.

Eric Nickolas moved to adjourn the meeting at 6:49 p.m. The motion was seconded by Trent Stepp and passed without objections.

Laura Brown, Clerk

Greg Reis, Chairman



81 Liberty Street
P.O. Box 188
Etna, Ohio 43018-0188

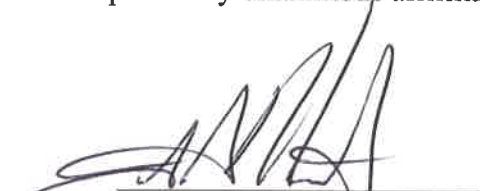
Phone 740/927-7717 Fax 740/927-1699

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 April 19, 2021 at the Etna Township Garage to consider Area Variance request VA-21-03 for the application submitted by Patrick Mullen for 14025 Sunladen Drive from Section 1806 Planned Residential Conservation District Development Plan Standards, S. Minimum Side yards to reduce the setbacks from 15 feet to 12 feet.

The Board moved to approve Area Variance VA-21-03 for the application submitted by Patrick Mullen for 14025 Sunladen Drive from Section 1806 Planned Residential Conservation District Development Plan Standards, S. Minimum Side yards to reduce the setbacks from 15 feet to 12 feet 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 Reis


Trent Stepp

The Final Order was approved and signed: 6/28/21 & 8/5/21

The Final Order was mailed/mailed to applicant on: _____



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P.O. Box 188
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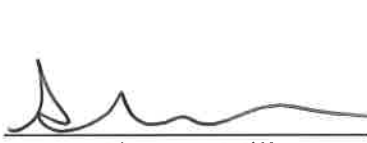
Members: Sarah Benoit-Eric Nickolas-Greig Reis-Mark Schaff-Trent Stepp
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The Board moved to deny the appeal of the Zoning Inspector’s decision submitted by Scott Goldberg for 170 Heritage Drive for the reasons brought forth in the testimony by John Singleton. The motion passed by unanimous affirmative vote.


Tommy Hunt


Shannon Mills


Eric Nickolas


Greg Reis


Trent Stepp

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