

## RECORD OF PROCEEDINGS

Minutes of

Meeting

DAYTON LEGAL BLANK, INC. FORM NO. 10148

Etna Township Board of Zoning Appeals

Held June 28, 20 2021

**VA21-04 Hazelton-Etna, VA21-06 28 Roga Rd and VA21-07 134 Humphries Drive**

The meeting of the Board of Zoning Appeals was called to order by Chairman Reis at 6:00 p.m. on June 28, 2021 at the Etna Township Administration Building at 81 Liberty Street. The roll call showed members Trent Stepp, Shannon Mills, Greg Reis, Tommy Hunt, Eric Nickolas, and Sarah Benoit present, along with Clerk Laura Brown. Tommy Hunt served for the public meeting and VA21-04 hearing. Sarah Benoit served for the VA21-06 and VA21-07 hearings.

**Public Meeting**

Trent Stepp moved to waive the public reading and approve the minutes and sign the final orders from the April 19, 2021 hearings for VA-21-03 for 14025 Sunladen Drive and AP-21-01 for 170 Heritage Drive and the May 24, 2021 hearings for VA21-04 for Hazelton-Etna Road and VA21-05 Mink Street. The motion was seconded by Tommy Hunt and passed by unanimous affirmative vote.

Chairman Reis explained the process for the hearings and Zoning Inspector John Singleton along with Connie Klema, Dimitry Filonenko, John Kocsis, David Meek, and Jennifer Meek were all sworn in.

**VA21-04 Hazelton-Etna/Klema Redwood (Recessed on May 24, 2021)**

The adjudicatory hearing was called to order by Chairman Reis at 6:05 p.m.

The nature of the hearing was to consider Use Variance request VA21-04 from Section 912 (A) Agriculture District Permitted Uses submitted by Connie Klema for property located on Hazelton-Etna Road, parcel # 010-018624-00.00 located south of South Street, east of Lynns Road, west of Hazelton-Etna Road, and north of I70. The public testimony portion of the hearing was closed on May 24, 2021.

The board deliberated in private from 6:06 p.m. to 6:27 p.m.

Trent Stepp stated as a board member looking at a use variance for uses that are not permitted or conditionally permitted in our Zoning Resolution this application is clearly requesting a rezoning which is not a function of this particular board.

Trent Stepp moved to deny Use Variance VA-21-04 submitted by Connie Klema for property located on Hazelton-Etna Road, parcel # 010-018624-00.00 located south of South Street, east of Lynns Road, west of Hazelton-Etna Road, and north of I70 from Section 912 (A) Agriculture District Permitted Uses because the Standards for 'Practical Difficulty' (Section 513.B.) have not been met. The motion was seconded by Shannon Mills and passed by unanimous affirmative vote.

Board of appeals member Tommy Hunt was replaced with member Sarah Benoit at this time.

**VA21-06 Meek 28 Roga Road**

At 6:31 p.m. Chairman Reis called to order Area Variance request VA21-06 from Section 1005.1. Table 1005A regarding Accessory Structure square footage limitation submitted by Brian Duncan for David Meek for 28 Roga Road.

John Singleton provided a written Staff Report and explained the property owner would like to construct a 960 square foot pole building in his back yard in an RS District. The applicant first applied for an area variance from 800 square feet to 1,200 square feet that was heard by this board on January 25, 2021 and the variance was denied. The applicant has removed the lean-to portion of the structure which reduces the amount of the variance by 240 square feet. The pervious request was for a 50% increase over the maximum limit with the reduction it is now 20% over the maximum limit.

David Meek 28 Roga Road and Brian Duncan, attorney for the property owner, presented for the applicant. The request is to build a 960 square foot pole building. The applicant paid approximately \$15,000 dollars for the steel building and at the time of the purchase he believed it was permitted. The Etna Township Zoning Code was updated regarding the size of accessory structures.

**Exhibit A** - The minutes from the Board of Zoning Appeals hearing on November 17, 2020, for a variance request for an increase in the Accessory Structure Limitation to 896 square feet which was granted.

Mr. Meeks is asking for 64 square feet more for a total increase of 160 square feet. The applicant provided Narrative Responses to Section 12 in Exhibit "C" of his application.

Held June 28, 20 2021

The applicant purchased the property on May 8, 2018. The equipment to build this structure was purchased in October of 2020. The applicant did not bring proof of the purchase with him this evening.

The Zoning Resolution changed in June 2019.

The building will be built on the existing tennis court on the property.

The property owner was told the structure was permitted prior to him purchasing the equipment to build the structure. The property owner spoke with John Singleton late 2018 on a totally different subject when he inquired on the size of pole barn that was permitted and at that time it was 1,000 square feet. He did not think about the zoning changing.

There will be no access or driveway going to the building. There is a gate for a riding lawn mower to access the rear of the property. The building will be for personal storage only. He will not be running a business or storing work related items in the building.

Trent Stepp moved to close the public testimony portion of the hearing at 6:42 p.m. The motion was seconded by Eric Nickolas and passed by unanimous affirmative vote.

Trent Stepp moved to approve area variance VA21-06 for the application submitted by Brian Duncan for David Meek for 28 Roga Road from Section 1005.1, Table 1005A to increase the maximum square footage from 800 sq. ft. to 960 sq. ft because the Standards for 'Practical Difficulty' (Section 512.B.) have been met. The motion was seconded Sarah Benoit and passed by unanimous affirmative vote.

#### **VA21-07 FDT 134 Humphries Drive**

At 6:45 p.m. Chairman Reis called to order Area Variance request VA21-07 from Section 907D.4 Side Yard setbacks submitted by Dimitry Filonenko for FDT Group for the property located at 134 Humphries Drive.

John Singleton provided a written staff report and explained the applicant would like to build a 5,000 square foot building. The building will be for a showroom and stock area for the new home contractor. The need for the variance is to reduce the side yard setback from 40' to 20' because the parcel has easements and drainage that runs diagonally through the lot from the west lot line to the east lot line. There are other buildings in the existing area with setbacks ranging from 10' to 30'. This parcel in the Humphries Commerce Center has restrictions to building location that are unique in comparison with the rest of the development and creates a legitimate need for a reduction in the side yard setback.

Dimitry Filonenko for FDT Group discussed the zoning change from M1 to GB which changed the setbacks requirements. He will have an office and a showroom in this building.

John Kocsis of 4150 Nichols Lane is the building to the north and was worried about the drainage and did not object to the reduced setback. Dimitry Filonenko presented a drainage drawing. The drainage concerns and locations of the water lines were discussed. Licking County is the entity with authority when it deals with water and drainage and the property owner will need to work with Licking County Soil and Water.

**Exhibit A** – Site Plan for 134 Humphries Drive showing the existing swale and proposed swale.

Trent Stepp moved to close the public testimony portion of the hearing at 7:03 p.m. The motion was seconded by Sarah Benoit and passed by unanimous affirmative vote.

Sarah Benoit moved to approve area variance VA21-07 for the application submitted by Dimitry Filonenko for FDT Group for the property located at 134 Humphries Drive to reduce the side yard setbacks from forty feet to twenty 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.

Trent Stepp moved to adjourn the meeting at 7:04 p.m. The motion was seconded by Sarah Benoit 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 June 28, 2021 to consider Area Variance request VA21-06 from Section 1005.1. Table 1005A regarding Accessory Structure square footage limitation submitted by Brian Duncan for David Meek for 28 Roga Road.

The board moved to approve area variance VA21-06 for the application submitted by Brian Duncan for David Meek for 28 Roga Road from Section 1005.1, Table 1005A to increase the maximum square footage from 800 sq. ft. to 960 sq. ft because the Standards for 'Practical Difficulty' (Section 512.B.) have been met. The motion passed by unanimous affirmative vote.

Sarah Benoit

Shannon Mills

Eric Nickolas

Greg Reis

Trent Stepp

The Final Order was approved and signed: <sup>7/27/21</sup> 7/27/21 & 8/5/21

The Final Order was mailed/mailed to applicant on: \_\_\_\_\_



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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

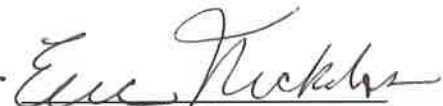
**FINAL ORDER**

The Etna Township Board of Zoning Appeals held an adjudicatory hearings on May 24, 2021 and June 28, 2021 to consider **Use Variance** request VA21-04 from Section 912 (A) Agriculture District Permitted Uses submitted by Connie Klema for property located on Hazelton-Etna Road, parcel # 010-018624-00.00 located south of South Street, east of Lynns Road, west of Hazelton-Etna Road, and north of I70.


The board moved to deny Use Variance VA-21-04 submitted by Connie Klema for property located on Hazelton-Etna Road, parcel # 010-018624-00.00 located south of South Street, east of Lynns Road, west of Hazelton-Etna Road, and north of I70 from Section 912 (A) Agriculture District Permitted Uses because the Standards for ‘Practical Difficulty’ (Section 513.B.) have not 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: <sup>7/27/21</sup> July 27, 2021 + August 5, 2021  
The Final Order was mailed/mailed to applicant on: August 5, 2021



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


### FINAL ORDER

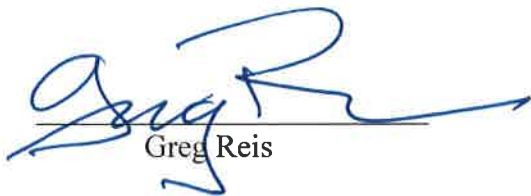
The Etna Township Board of Zoning Appeals held an adjudicatory hearing on June 28, 2021 to Area Variance request VA21-07 from Section 907D.4 Side Yard setbacks submitted by Dimitry Filonenko for FDT Group for the property located at 134 Humphries Drive.

The board moved to approve area variance VA21-07 for the application submitted by Dimitry Filonenko for FDT Group for the property located at 134 Humphries Drive to reduce the side yard setbacks from forty feet to twenty feet because the Standards for 'Practical Difficulty' (Section 512.B.) have been met. The motion passed by unanimous affirmative vote.

  
Sarah Benoit

  
Shannon Mills

  
Eric Nickolas

  
Greg Reis

  
Trent Stepp

The Final Order was approved and signed: 7/27/21 7/27/21 & 8/5/21

The Final Order was mailed/mailed to applicant on: \_\_\_\_\_