

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held July 25, 2023

VA-23-05 Staten 1028 Columbus Street
VA-23-06 Curmode 10403 Tollgate Road

The meeting was called to order by Chairman Stepp at 5:16 p.m. on July 25, 2023, at the Township Hall. The roll call showed members Shannon Mills, Trent Stepp, and Greg Reis present along with Clerk Laura Brown. Sarah Benoit was excused. Alternate member Tommy Hunt arrived at 5:48 p.m.

Chairman Stepp explained how the hearings will be conducted and the following people were sworn in: John Singleton, Etna Township Zoning Inspector; Jonah Staten, and Joe Curmode III.

VA-23-05 Staten 1028 Columbus Street

The adjudicatory hearing was called to order by Chairman Stepp at 5:19 p.m.

The nature of the hearing is to consider Area Variance request VA-23-05 for the application submitted by Jonah Staten for 1028 Columbus Street/9318 Hazelton-Etna Road from Article 11-Off-Street Parking and Loading Facilities.

John Singleton, Zoning Inspector, reviewed the written Staff Report. The applicant is requesting a decrease in the number of required parking spaces from fifty-nine to thirty-seven spaces. The applicant purchased the neighboring property with the intent to construct a parking lot for his practice. The parking lot was constructed to the largest extent that he could while maintaining the required setbacks. The parking area is at its capacity with a maximum of thirty-seven parking spaces. The applicant is planning to enlarge the existing 1,800 square foot dental facility by adding an additional 4,084 square feet for a total of 5,884 square feet, bringing the number of required parking spaces to fifty-nine. Section 1117.D.4 requires one parking space for every one hundred square feet of gross floor area. The increased space will create a total of twenty-two operatory rooms with a maximum number of twenty-two patients and thirteen employees at any given time. If each patient would drive their own vehicle a total of thirty-five spaces would be needed. There is also some limited street parking available.

Applicant Doctor Jonah Staten feels Mr. Singleton explain the variance request perfectly. Doctor Staten contacted the property owner to the west, Shane Johnson, and at that time Mr. Johnson was not interested in selling the property. The only option for parking is on the property owned by Doctor Staten. The property that was purchased for parking is ready for parking. Doctor Staten has purchased the property across the street on the south side of this property, but it is not currently suitable for parking.

Greg Reis moved to close the public testimony portion of the hearing. The motion was seconded by Shannon mills and passed by unanimous affirmative vote.

The board reviewed the Standards for Practical Difficulty in Section 512.B of the Zoning Resolution. The size of the lots in Old Etna can create hardships.

Greg Reis moved to approve Area Variance request VA-23-05 for the application submitted by Jonah Staten for 1028 Columbus Street/9318 Hazelton-Etna Road from Article 11-Off-Street Parking and Loading Facilities Section 1117.D.4 to decrease the required parking spaces from 59 to 37 because the Standards for 'Practical Difficulty' (Section 512.B. of the Zoning Resolution) have been met. The motion was seconded by Shannon Mills. Discussion: The address 9318 Hazelton-Etna Road has been merged into 1028 Columbus Street. The roll was as follows: Mills, yes; Stepp, yes; and Reis, yes; passed 3-0.

Greg Reis moved to close the adjudicatory hearing at 5:30 p.m. The motion was seconded by Shannon Mills and passed by unanimous affirmative vote.

VA23-06 Josph Curmode 10403 Tollgate Road

The adjudicatory hearing was called to order by Chairman Stepp at 5:32 p.m. The applicant was comfortable moving forward with the three-member board. Alternate member, Tommy Hunt, arrived during the hearing at 5:48 p.m. making it a four-member board.

The nature of the hearing is to consider Area Variance request VA-23-06 for the application submitted by Joseph Curmode III for 10403 Tollgate Road from Article 10-Supplementary District Regulations to increase the maximum square footage for accessory structures from 1,000 square feet to 3,200 square feet to construct a 40' x 80' pole barn.

John Singleton, Zoning Inspector, reviewed the written Staff Report. The applicant is seeking a variance from the maximum square footage limits on accessory structures. The property is 7.1 acres and is zoned R-1. The applicant is requesting an increase in the maximum square footage of the accessory structure from 1,000 square feet to 3,920 square feet. This would be a 3,200 square foot pole building with a 720 square foot overhang in the rear yard.

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This would be for personal use to allow for the storage of a tractor and implements for care of the property, ATV, side by side, mower, lawn equipment, and a general workspace for personal equipment and vehicles, and general storage for the care of the property and possibly some farming. Section 1005.1 Table 1005A Limits maximum square footage of accessory structures in an R-1 zoned district to 1,000 square feet. The square footage is almost four times what is permitted in an R-1 zoned district.

The applicant Joseph Curmode III will take possession of this property on August 18, 2023. Mr. Curmode presented that adjacent properties have large structures and does not feel the structure would not be an eye sore being in the rear of the property. Mr. Curmode would be using the building to work on motorcycles and do woodworking. In the future the family is planning on purchasing a camper which will be stored in this building.

The board discussed whether the building could be attached to the principal structure and the size of the building. Mr. Curmode explained the plan in the future for the camper and still having room to work in the space to justify the size of the building. Mr. Curmode has looked at other size buildings.

Greg Reis moved to close the public testimony portion of the hearing at 5:40 p.m. The motion was seconded by Shannon mills and passed by unanimous affirmative vote.

The board discussed the challenge with the limitation text for outbuildings which changed in 2018 or 2019. The board discussed revisiting this with the Zoning Commission on possible revision to the Zoning Resolution.

Alternate member Tommy Hunt arrived at 5:48 p.m.

Greig Reis moved to re-open the public testimony portion of the hearing at 5:49 p.m. The motion was seconded by Shannon Mill and passed by unanimous affirmative vote.

The board updated Mr. Hunt on the request and the testimony. Mr. Hunt was provided with this information prior to the hearing.

John Singleton provided history on the text amendment regarding the accessory structure limitation text language. The Prosecutor's office advised modifying the language by Zoning District versus lot size.

John Singleton explained Agricultural Exemption with zoning for structures.

John Singleton explained that to be attached it must share a wall, stepping from one structure to another.

Greg Reis moved to close the public testimony portion of the hearing at 5:59 p.m. The motion was seconded by Shannon mills and passed by unanimous affirmative vote.

The board reviewed the Standards for Practical Difficulty in Section 512.B of the Zoning Resolution. The property owner could build a smaller building and not need a variance but is not what the property owner would like to build. This request is close to four hundred percent, which is substantial. This request would not be inconsistent with this neighborhood. The property owner is aware of the zoning. The spirit and intent of the zoning is to prohibit this size of a building in Etna Township. Of the seven standards there are about half of the items that work versus half that do not work.

Greg Reis moved to deny Area Variance request VA-23-06 for the application submitted by Joseph Curmode III for 10403 Tollgate Road from Article 10-Supplementary District Regulations to increase the maximum square footage for accessory structures from 1,000 square feet to 3,920 square feet because the Standards for 'Practical Difficulty' (Section 512.B. of the Zoning Resolution) have not been met. The motion was seconded by Shannon Mills. Discussion: Trent Stepp stated for the record "he does not agree with this portion of the Zoning Resolution as a resident of Etna Township". The roll was as follows: Mills, yes; Stepp, yes; Reis, yes; and Hunt, yes; passed 4-0.

Greg Reis moved to close the adjudicatory hearing at 6:07 p.m. The motion was seconded by Shannon Mills and passed by unanimous affirmative vote.

RECORD OF PROCEEDINGS

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Held July 25, 2023

Public Meeting

Chairman Stepp opened the public meeting at 6:08 p.m. For the record all the members are still in attendance.

Shannon Mills moved to approve the minutes from the Board of Zoning Appeals adjudicatory hearing on May 30, 2023 for VA23-04 Garmann Miller/SWL School for 8750 Watkins Road and to sign the final order. The motion was seconded by Tommy Hunt and passed by unanimous affirmative vote.

Greg Reis thanked the board. Mr. Reis has moved out of the township and will need to resign. The board will miss Mr. Reis and appreciated his service as Chairman.

Chairman Stepp requested the Board of Trustees replace Mr. Reis and provide another alternate member.

Greg Reis moved to adjourn the meeting at 6:12 p.m. The motion was seconded by Tommy Hunt and passed by unanimous affirmative vote.

Laura Brown

Laura Brown, Clerk

Trent Stepp

Trent Stepp, Chairman



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

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

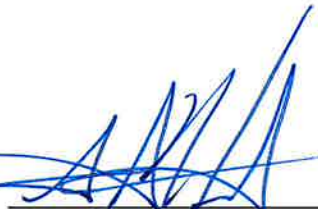
Members: Sarah Benoit-Shannon Mills-Kevin Newton-Eric Nickolas-Trent Stepp
Alternates: Tommy Hunt


FINAL ORDER

The Etna Township Board of Zoning Appeals held an adjudicatory hearing on July 25, 2023, to consider Area Variance request VA-23-06 for the application submitted by Joseph Curmode III for 10403 Tollgate Road from Article 10-Supplementary District Regulations to increase the maximum square footage for accessory structures from 1,000 square feet to 3,200 square feet to construct a 40' x 80' pole barn.

The Board moved to deny Area Variance request VA-23-06 for the application submitted by Joseph Curmode III for 10403 Tollgate Road from Article 10-Supplementary District Regulations to increase the maximum square footage for accessory structures from 1,000 square feet to 3,920 square feet because the Standards for 'Practical Difficulty' (Section 512.B. of the Zoning Resolution) have not been met. Discussion: Trent Stepp stated for the record "he does not agree with this portion of the Zoning Resolution as a resident of Etna Township". The roll was as follows: Mills, yes; Stepp, yes; Reis, yes; and Hunt, yes; passed 4-0.


Sarah Benoit


Tommy Hunt


Shannon Mills


Kevin Newton


Trent Stepp

The Final Order was approved and signed: 9-25-23
The Final Order was mailed/mailed to applicant on: 9-28-23



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


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

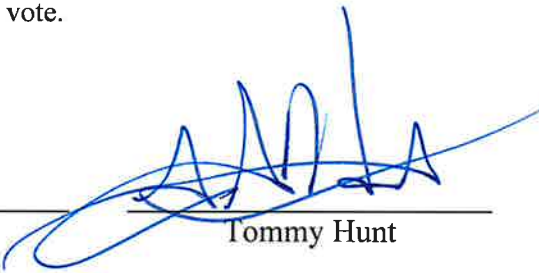
Members: Sarah Benoit-Shannon Mills-Kevin Newton-Eric Nickolas-Trent Stepp
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FINAL ORDER

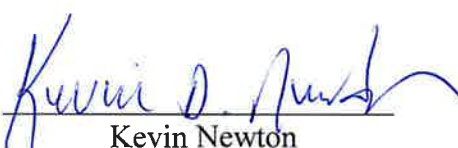
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The Board moved to approve Area Variance request VA-23-05 for the application submitted by Jonah Staten for 1028 Columbus Street/9318 Hazelton-Etna Road from Article 11-Off-Street Parking and Loading Facilities Section 1117.D.4 to decrease the required parking spaces from 59 to 37 because the Standards for 'Practical Difficulty' (Section 512.B. of the Zoning Resolution) have been met. Discussion: The address 9318 Hazelton-Etna Road has been merged into 1028 Columbus Street. The motion passed by unanimous affirmative vote.


 Sarah Benoit


 Tommy Hunt


 Shannon Mills


 Kevin Newton


 Trent Stepp

The Final Order was approved and signed: 9-25-23

The Final Order was mailed/mailed to applicant on: 9-28-23