

RECORD OF PROCEEDINGS

Minutes of

Etna Township Zoning Commission

Meeting

DAYTON LEGAL BLANK, INC., FORM NO. 10148

April 19,

2006

Held Section 300 & 1032 Fences

20

Skube 9161 Refugee Rd Rezoning

April 19, 2006

The Etna Township Zoning Commission met in the Etna Township Hall on February 19, 2006 for the purpose of conducting a regular meeting and to hold public hearings on text amendments in Section 300 Zoning Permits Required and Section 1032 Fences and Hedges along with a rezoning application for Donald and Tony Theresa Skube for 9161 Refugee Road to be rezoned from Agriculture (AG) to Low Density Residential District (R-1). The hearing was audio and video taped for the township records.

The meeting was called to order by Chairman Kerner with the following members present: Mrs. Dunlap, Mrs. Taylor, Chairman Kerner, Mr. VanDyne, and Clerk Laura Brown. Mr. Colburn was absent.

Jim VanDyne moved that we adopt the agenda with flexibility. Dee Dunlap seconded. Roll call: Motion passed 4-0.

Mike Kerner stated that Roberts Rules of Order without objection feature states that for motion like to recess there is really no purpose for the roll call. The chairman will say without objection, if someone objects we discuss if no objection then it passes and the minutes so w/o (Without objection) and the motion passes.

Mike Kerner discussed a survey on Licking County Planning Commissions website for Hartford Township.

Jim VanDyne made a motion to waive the public reading and to approve the minutes for the meeting on April 5<sup>th</sup>, 2006. Roll call: w/o.

Dee Dunlap moved to open the public hearing on the text for the fences and hedges. w/o. Motion carried.

**Public Hearings**

A. The text amendment to the Zoning Resolution in Section 300 Zoning Permits required and Section 1032 Fences and Hedges. This hearing was recess on March 15, 2006 and remained in recess waiting for an opinion from the prosecutor. Mike Kerner reviewed Licking County Planning Commission's staff report and non-binding recommendation.

Jim VanDyne moved to close the public hearing at 7:15 p.m. Taylor seconded. w/o the motion carried, public hearing closed.

Dee Dunlap moved to recommend approving the below text/amendment to the Board of Trustees. Taylor seconded. Roll call: Dee Dunlap, yes; Tina Taylor, yes; Mike Kerner, yes; and Jim VanDyne, yes. Passed 4-0.

To remove fences from the definition of Structure and to add a definition for a fence and to add fence in two places in Section 300, and to add Section 1032 Fences and Hedges.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, and billboards.

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~~Held~~  
~~Fence: An enclosure or barrier, such as wooded posts, wire, iron, etc. used as a boundary, means of protection, privacy screening or confinement, but not including hedges, shrubs trees, or other natural growth.~~

Section 300 Zoning Permits Required

No building, fence, or other structure shall be erected, moved, added to, structurally altered, nor shall any building, fence, structure, or land be established or changed in use without a permit therefore, issued by the zoning inspector. Zoning permits shall be issued only in conformity with the provisions of this resolution unless the zoning inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use or variance or from the Board of Township Trustees approving a planned unit development district, as provided by this resolution.

Section 1032 Fences and Hedges: In any residential district, front and side yard fences shall be of wood, vinyl, synthetic wood, stone, brick, wrought iron, and aluminum. No wire or chain link fencing will be permitted in front or side yards. Fences or hedges in front and side yards must not exceed 2 ½ feet in height measured from grade level. That portion of a fence extending from a line even with the back of the dwelling to the rear property line and extending across the back of the property to the side property line may be of wood, vinyl, synthetic wood, stone, brick, wrought iron, or chain link and shall not exceed 6 feet in height. Hedge height in front or side yards shall not exceed 2 ½ feet in height. Front yard set back shall be a minimum of 25' measured from the centerline of the road.

Front yard fences and hedges on corner lots must comply with Sections 1009 and 1010 of this resolution. Where agriculture property abuts residential property, Ohio Line Fence Law as specified by ORC Chapter 971 shall apply."

- B.** The application submitted by Donald and Tony Theresa Skube requests that the property at 9161 Refugee Road be rezoned from Agriculture (AG) to Low Density Residential District (R-1). The hearing was closed on April 5<sup>th</sup>, 2006 and the Zoning Commission needs to render a decision.

Mike Kerner reviewed Licking County Planning Commission's staff report and non-binding recommendation.

Mike Kerner feels it would be a bad <sup>precedent</sup> ~~president~~ to rezone the property. He recognizes there have been mistakes in the past. He recommends denial.

Tina Taylor feels that it is all around them and would like to find out what happened in the past. She does not feel to tell them no is right when they look out the window and see where it has already been done. She understands it is spot zoning. She feels this property owner is trying to do it by the book and does not feel it is fair to deny the rezoning.

Dee Dunlap and Jim VanDyne agree with Tina Taylor.

Mike agrees there has been bad zoning in the past but does not agree in passing spot zoning.

Mike Kerner made a motion to recommend denial in the rezoning of 9161 Refugee Road rezoning from Agriculture (AG) to Low Density Residential District (R-1).

Motion dies for lack of a second.

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~~Held~~  
~~Jim VanDyne moved to recommend approval of the Rezoning for Donald and Tony Theresa Skube at 9161 Refugee Road from Agriculture (AG) to Low Density Residential District (R-1). Roll call: Dee Dunlap, yes; Tina Taylor, yes; Mike Kerner, no; and Jim VanDyne, yes. Passed 3-1.~~

**Old Business**

The Zoning Commission discussed the NAICS Codes for the General Business District.

After discussion the commission will allow all of Wholesale Trade (42XXXX) except for 423930, 424690 and 424950 will go under conditional uses and to remove 424710 and 424950. All of Retail Trade (44XXXX and 45XXXX). All of Educational Services (61XXXX). All of Accommodation and Food Services (72XXXX) except 721211 and 721310 need removed and 721214 will go to conditional use. All of the Other Services (81XXXX). All of the Public Administration (92XXXX). Currently under the GB section of our Zoning Resolution A. Churches is under 813110 Religious Organizations, Item B. Public and private schools is 6111110-611710, Item C. Public parks and playgrounds needs to stay because we could not find a code for item C. Item D. Governmental Buildings is 92XXXX, Item E is items permitted in Local Business, Item F is general auto repair (indoor only) is all of 81XXXX, Item G Auto Service Station is 447110-447190 44-45, Item H Auto and/or farm implement sales is 441110-441120, Item I is 72-722410 removing 721211 and 721310 and placing conditional use for 721214, Items J Hotels - motels is under 72XXXX and Item K Trade and Commercial Schools is under 61XXXX, Item L Whole sale business etc is under 42XXXX remove 424710 and 424720 and place 423930, 424690, and 424950 under conditional use, Item N. Boarding Houses was removed, place item P Accessory buildings and uses under the Conditionally Permitted Uses section, Item Q. General Retail etc is 44XXXX - 45XXXX.

The commission discussed placing a note at the end of the codes to reference the Zoning Resolution Article -15 regarding Adult Entertainment Facilities.

The Zoning Commission discussed Item N. Boarding houses.

Jim VanDyne moved to adjourn the meeting at 9:10 p.m. Taylor seconded. W/O meeting adjourned.

*Laura Brown*

Laura Brown, Clerk

Approved May 3rd 2006

Approved as corrected/amended

Michael A Kerner  
Michael Kerner, Chairman