

RECORD OF PROCEEDINGS

Minutes of

Meeting

Etna Township Zoning Commission

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

August 15,

2007
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Fences, Buffering & Stan's List

The Etna Township Zoning Commission met in the Etna Township Hall on August 15, 2007 for the purpose of conducting a regular meeting. The meeting was audio taped for the township records. The meeting was called to order at 7:04 p.m. by Chairperson Dunlap with the following members present: Mr. Stepp, Mr. Bravard, Mrs. Taylor, Mrs. Dunlap, Mr. VanDyne, and Clerk Laura Brown. The pledge of allegiance was recited.

Tina Taylor moved to adopt the agenda with flexibility. Jim VanDyne seconded. Passed 5-0.

Dee Dunlap moved to waive the public reading and to approve the minutes from the July 25, 2007 meeting. Jim VanDyne Seconded. Motion passed 5-0.

Dan Bravard moved to waive the public reading and to approve the minutes from the August 1, 2007 meeting. Tina Taylor seconded. Motion passed 5-0.

Announcements and Zoning Commission Comments

Trent Stepp moved to move the September 5th, 2007 meeting to September 12th, 2007. Tina Taylor seconded. Motion passed 5-0.

Old Business

A. Stan Robinson's List – Eric Fox with the Licking County Prosecutor's office was in attendance to discuss fences. Stan Robinson stated to repel everything that has to do with fences except for safety mainly 1009 visibility at intersections.

Stan also discussed a secondary recommendation by reviewing the current recommendations. Stan feels that currently the definition of setback line says you can have a fence in any setback. He suggested defining the front, rear, and side yard. The current definition of Structure does not exclude fences because fences fall under "other things". Section 1008 includes all structures which would include driveways by changing the text to above ground it would exclude the driveways. Stan also discussed his interpretation of Section 1009 visibility at intersections. Stan suggested using a diagram because it is easier to interpret. He believes 1008 and 1009 disagree. He suggested repealing Section 1010 because 1008 forbids anything in the front yard unless you want to regulate the bushes. Stan stated in Section 1034 he was not sure of the 2.5 foot height limit, side yards should be clearly identifiable in diagrams and text, and used a 10' tennis court fence without a variance as an example. Stan provided a rule comparison chart for the Zoning Commission and a list of fence permits and fence appeals.

Chairperson Dunlap asked how the township could fix the conflicts in the zoning resolution. She asked if they could grandfather fences. Eric Fox stated if someone has had a fence for fifty years and the township did not have fence regulations that is one issue. As far as being told in the past they did not have a fence fee and the township regulations did require a fence permit then they need to obtain a permit.

Eric Fox stated the township needs to enforce them all or do not enforce them all and seek to amend the zoning resolution. The township Trustees pass resolution 06-02-07-13 to establish a \$50.00 fee for permits pertaining to fences. The board discussed whether the property owner should be penalized for the fences that were built prior to the fence permits being required. Gary Burkholder stated the intent was not to penalize residents but to enforce the corner lot rules. Jim VanDyne stated most of the fence issues are with properties within a planned unit development not the properties out in the country. The board discussed deed restrictions and the zoning resolution. Jim VanDyne feels the fence regulations should be removed. Dan Bravard would like the fence rules removed. Gary Burkholder discussed fences in the easements.

Eric stated his gut feeling is that the township could regulate structures in the easements but he would need to research this before he could give a definite answer.

Eric stated he would be leery of removing everything except Section 1009 with the safety regulations. Without the definition of a setback implies you can build an accessory structure

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in the setback requirement. The setback definition is a very general definition. The other sections 1008 and 1034 mandate that the fences be built at the setback line or further remove what the definition of setback. Everything needs to be read together. Section 1010 does not add to the zoning resolution and could be removed and does conflict. Eric does not see where 1034 conflicts with 1008 and 1009. He does see 1034 conflicting with 1010. Eric does see some issues in the definition section with lot frontage side, front, and rear.

The board discussed a diagram to define the lots with regards to rear, front, and side. Trent Stepp is concerned with text and diagrams to define the lots.

Eric Fox touched on the zoning fees but the Board of Trustees sets the fee amounts.

Trent Stepp explained that the setback lines were done in that way because if two property owners wanted to share a fence they could. Trent felt they needed to clarify definitions, may be a diagram, and possibly eliminating Section 1010.

Eric Fox stated he feels that 1008, 1009, and 1034 work in concert with each other and the definition of setback. The township can not go after one resident and not go after all the residents in violation. Stan stated the Board of Zoning Appeals has allowed the fences to remain even if they are in violation. Eric stated grandfathering fences that are in violation could be a problem. The board discussed the late fees being placed on the citizens when they were told they did not need the fence permit. The Trustees are the only board that can waive the late fee. Eric Fox will advise the Trustees on the refunding of the fees.

The meeting recessed until 8:35 p.m.

The board reviewed Stan's list and prioritized the items.

Jim VanDyne moved to remove the fence text in its entirety. Dan Bravard seconded. Jim withdrew the motion and Dan Bravard seconded. Dee Dunlap will draft a letter to the Trustees regarding fences.

New Business

A. Signs will be discussed under old business at the next meeting.

Dee Dunlap adjourned the meeting at 9:50 p.m.

Approved Sept 19, 2007

Approved as corrected/amended _____

Laura Brown
Laura Brown, Clerk

Dee Dunlap
Dee Dunlap, Chairperson