

Etna Township Board of Zoning Appeals

Held

September 25,

2007

ADJUDICATORY HEARING

The adjudicatory hearing was called to order by Chairman Goll at 7:02 p.m. on September 25, 2007 at the Etna United Methodist Church at 500 Pike Street, Etna, Ohio. The meeting was audio and video taped for township records. Mr. Cox, Mrs. VanDyne, Mr. Goll, Mrs. Rogers, Mr. Johnson, and clerk Laura Brown were present.

The purpose of the hearing was to consider variance number VA07-8 submitted by Carrie Wesp for Maronda Homes for the properties located at 108, 110, 112, 114 Dusky Willow Drive. The nature of the variance was the rear of the condo unit will be eight inches into the setback requirement.

Chairman Goll explained the process and the principles who wanted to testify and present evidence were sworn in all other witnesses will be sworn in as they give their testimony.

Stan Robinson, Zoning Inspector and Fed Kinsey with Maronda Homes were sworn in.

Fred Kinsey explained three buildings have been completed. The next building to be constructed will be encroaching eight inches into the setback. The four buildings highlighted in yellow on the handout provided will need to have a variance. This is exhibit 1. They cannot move the buildings forward eight inches because this would affect Dusky Willow Drive. The last two buildings do not need variances just the first four buildings.

Fred Kinsey stated it is his understanding the distances between the two buildings is twelve feet. The board discussed whether this is the side yard of the property or the rear set back for the building. The property is one parcel. Rick Cox would like to research the plat for the correct property description.

Jeff Johnson moved to close the testimony portion of the hearing at 7:26 p.m. Rick Cox seconded. Roll call: Rick Cox, yes; Claudette VanDyne, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, yes. Motion passed 5-0.

The board discussed the setback and whether this is the side yard or the rear yard setback. If this is a side yard Maronda will not need the variance. If it is a rear yard they will still need the variance.

Rick Cox moved to table the hearing until the board can review the plat and obtain more information regarding the setbacks. Claudette VanDyne seconded. Roll call: Rick Cox, yes; Claudette VanDyne, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, yes. Motion passed 5-0.

Rick Cox moved to close the meeting 7:50 p.m. Cheri Rogers seconded. Roll call: Rick Cox, yes; Claudette VanDyne, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, yes. Motion passed 5-0.

Approved as read *LB* 10/25/07

Laura Brown

Laura Brown, Clerk

Approved as corrected/amended

David P. Goll

David Goll, Chairman

DAYTON LEGAL BLANK CO. FORM NO. 10148

Etna Township Board of Zoning Appeals

Held

September 25,

2007

ADJUDICATORY HEARING

The adjudicatory hearing was called to order by Chairman Goll at 7:55 p.m. on September 25, 2007 at the Etna United Methodist Church at 500 Pike Street, Etna, Ohio. The meeting was audio and video taped for township records. Mr. Cox, Mrs. VanDyne, Mr. Goll, Mrs. Rogers, Mr. Johnson, and clerk Laura Brown were present.

The purpose of the hearing was to consider appeal number L07-13 submitted by Tim Fitzpatrick and Cynthia Farley-Fitzpatrick regarding a fence at 112 Winesap Street.

Chairman Goll explained the process and the principles who wanted to testify and present evidence were sworn in all other witnesses will be sworn in as they give their testimony.

Stan Robinson, Zoning Inspector was sworn in.

Chairman Goll stated the board received a statement from Cynthia Farley-Fitzpatrick regarding the fence because they would be on vacation and could not attend. The six page statement was submitted as Exhibit 1.

Stan Robinson stated there is not a permit on file for the fence.

The property has two privacy panels along the deck. The homeowner obtained a permit for the patio and was told by Dallas Maynard that she did not need a permit for the privacy panels.

Cheri Rogers stated this is the same situation as all the other fence appeals. At the time the resident came to the zoning inspector the zoning inspector did not feel a fence permit was needed.

Cheri Rogers moved to close the testimony portion of the hearing. Jeff Johnson seconded. Roll call: Rick Cox, yes; Claudette VanDyne, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, yes. Motion passed 5-0.

The board discussed whether two privacy panels is a fence. It does fall under the definition of a structure. The resident did obtain a permit for the patio and would have paid for a permit for a fence.

Cheri Rogers moved that Stan Robinson's interpretation of the zoning resolution is correct. However, based on the timeline of the construction of the privacy panels, the interpretation of the zoning resolution by the zoning inspector in office at that time was that permits were not required for the structure in question. Section 402 – Avoidance of undue hardship to avoid undue hardship, nothing in this resolution shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this resolution. Rick Cox seconded. Roll call: Rick Cox, yes; Claudette VanDyne, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, yes. Motion passed 5-0.

Rick Cox moved to adjourn the hearing at 8:06 p.m. Jeff Johnson seconded. Roll call: Rick Cox, yes; Claudette VanDyne, yes; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, yes. Motion passed 5-0.

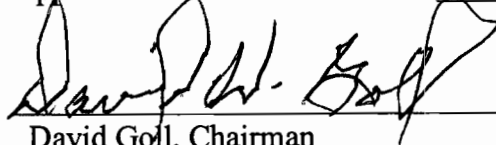
Approved as read

LB 10/23/07



Laura Brown, Clerk

Approved as corrected/amended



David Goll, Chairman

DAYTON LEGAL BLANK CO., FORM NO. 10438

Etna Township Board of Zoning Appeals

Held September 25, 2007

Public Hearing

The public hearing was called to order by Chairman Goll at 8:07 p.m. on September 25, 2007 at the Etna United Methodist Church at 500 Pike Street, Etna, Ohio. The meeting was audio and video taped for township records. Mr. Cox, Mrs. VanDyne, Mr. Goll, Mrs. Rogers, Mr. Johnson, and clerk Laura Brown were present.

The purpose of the hearing was to approve minutes from the August 28, 2007 adjudicatory hearings.

Cheri Rogers moved to waive the public reading and to approve the minutes from the adjudicatory hearings for L07-11 Bruce Hennick and L07-12 William Brown along with the final orders. Jeff Johnson seconded. Roll call: Rick Cox, abstain; Claudette VanDyne, abstain; David Goll, yes; Cheri Rogers, yes; and Jeff Johnson, yes. Motion passed 3 yes 2 abstain.

Jeff Johnson moved to close the hearing. Cheri Rogers seconded. Motion passed 5-0.

Approved as read RB 9/25/07

Approved as corrected/amended _____

Laura Brown

Laura Brown, Clerk

David W. Goll

David Goll, Chairman

final order mailed RB