

RECORD OF PROCEEDINGS

Minutes of

Meeting

Held July 17, 20 2024

The Etna Township Board of Zoning Appeals met on Wednesday July 17, 2024, in the Etna Township Hall, 81 Liberty Street, Etna, Ohio 43018 for the purpose of conducting a special meeting. The meeting was called to order at 6:00 PM by Steve Holloway.

Members Present

Anthony Gilmore, David Fulmer, Rachel Zelazny, Steve Holloway, Jason Robinson

Members Absent

Others in Attendance

Ryan Davis, Freddie Latella, Johnny Cremeans, Lance Schultz

VA-24-06 Nancy Gallina Appeal

The meeting was call to order by Chairman Steve Holloway at 6:00 p.m. on July 17, 2024, at the Township Hall. The roll call showed members Steve Holloway, Rachel Zelazny, Jason Robinson, David Fulmer and Anthony Gilmore present. Jackie Cotugno, Lance Schultz, Freddie Latella, Johnny Cremeans, and Ryan Davis were also present.

VA-24-06 Nancy Gallina Appeal

The adjudicatory hearing was call to order at 6:00 p.m.

The nature of the hearing was to consider the variance appeal request VA-24-06. The applicant is appealing the Zoning Inspector’s decision submitted by Nancy Gallina regarding the decision to deny approval of a second dwelling on the property at 13820 National Road SW, Etna, Ohio per Section 510 Appeals of the Etna Township Zoning Resolution.

Chairman Holloway explained how the adjudicatory hearing will be conducted. Zoning Inspector Freddie Latella, Lance Schultz, and Nancy Gallina were sworn in.

Nancy Gallina is the owner of the property located at 13820 National Road SW. Ms. Gallina is appealing the Zoning Inspector’s denial of approval for a second dwelling located on the property. Ms. Gallina has submitted in the appeal application the usage presented. Nancy Gallina stated the auxiliary dwelling has been used for decades for similar primary dwelling. The ADU has been maintained, insured, and taxed with all the utilities connected. Ms. Gallina stated she was unaware it was not only about the usage mentioned, but it had discontinued use. The other dwelling is a single structure dwelling, not a two-car garage as stated by Ms. Gallina. The house was constructed in 1948, per Licking County Auditor prior to Etna Township having adopted zonings. Item number four of the staff report is not correct per Ms. Gallina. Ms. Gallina stated the dwelling was never converted from a garage. Ms. Gallina stated the Ohio Revised Code 519.02. The two structures should be grandfathered in according to Ms. Gallina. Ms. Gallina also stated that the use of each building is transferred to each new owner. Ms. Gallina read from Article 4 Non-Conformities Section 410. Chairman Holloway clarified that the materials packet was prepared by the zoning office for the Board of Zoning Appeals.

Freddie Latella asked Ms. Gallina when the last time someone has lived in the dwelling. Ms. Gallina stated she can not put a date on it because the dwelling has always been used by friends, family, and guest. Ms. Gallina says she knows it has never been discontinued and her son is now occupying the dwelling. Mr. Latella questioned if utilities were run to the separate dwelling. Ms. Gallina stated that there is water, sewer, gas, and electricity; the utilities have all been functioning since 1989. Mr. Latella asked at any point was the building a one car garage. Ms. Gallina restated that the building was never a one car garage, the building was never a one or two garage. Ms. Gallina is unsure of where that information came from. Fundraisers and special events were held in the building according to Ms. Gallina when asked by Mr. Latella. Rachel Zelazny asked if Ms. Gallina was the original owner, at first Ms. Gallina stated yes, but later said she was not the original owner. Ms. Zelazny questioned when did the building change the use from entertainment to a living space. Ms. Gallina stated that could possibly go back to the

Etna Township Board of Zoning Appeals

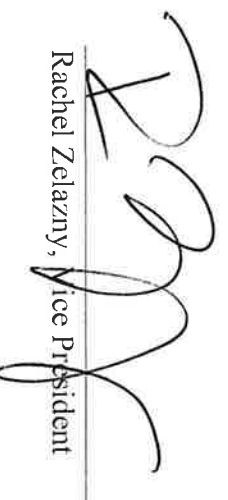
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1980's. Ms. Gallina said the building has been used as a living space since her daughter lived at the property in the eighties. Chairman Holloway would like to know when utilities were installed. Ms. Gallina said water and sewer were installed in 1989 and the other utilities were already installed when she bought the property. Ms. Gallina also stated the two buildings on the property were already there when she purchased the property in 1969. Chairman Holloway asked if the building was ever used as an office and Ms. Gallina stated it was used as both an office and for living space. Her son was living there at the same time as using it as an office.

Freddie Latella gave a summary of the case. The house sits on 1.006 acres and is approximately 1,660 square feet. The house was constructed in 1948 with a two-car garage and a shed according to the Licking County Auditor prior to Etna Township adopting zoning. In 1981 Etna Township approved a 255 square foot house addition and in 1984 approved a 120 square foot house addition. In 1994 Etna Township approved a 100 square foot addition to a garage, this is the structure requesting to be a second dwelling. In 2005 Etna Township approved a 1,056 square foot garage but has no record of the conversion from a garage to a dwelling. Lance Schultz recommends doing more research considering the new evidence Exhibit 1 Page 2 of 2 of the Auditor's Office Information Card. Mr. Schultz stated that if the records are true from the auditor's office, the structure would have been allowed but non-conforming. Chairman Holloway would like to determine what the uses were of the building prior to Ms. Gallina purchasing the property in 1969. Ms. Gallina believes it should be grandfathered in under the ORC.

The board went into deliberations at 6:58 p.m. The board returned from deliberations at 7:30 p.m. Ms. Zelazny asked Ms. Gallina what improvements were made to the dwelling. According to Ms. Gallina, chair rails, paint and some interior remodeling were done. Ms. Gallina stated that there are two rooms and one large room. These are sectioned off by doors. The purpose of the variance was asked by Ms. Zelazny; Ms. Gallina is in the process of downsizing and selling the property. The plan is for Ms. Gallina to sell the property to a developer. Ms. Zelazny wondered if the variance would be needed if the developer intends to tear down the existing buildings. Ms. Gallina stated she is unaware of the plans the developer may have. Chairman Holloway stated the property is zoned GB1 and the buildings could have numerous uses. David Fulmer asked the zoning staff for clarification on losing the non-conforming status after two years. Mr. Schultz stated if the dwelling on the property has been vacant for two years it does lose its non-conforming status.

David Fulmer motioned to table the hearing for two weeks to give Lance Schultz time to research original permits with Licking County Planning Commission. Anthony Gilmore seconded the motion. Motion passed by unanimous vote. Chairman Holloway requested to hear back from Mr. Schultz within two weeks in order to set a continuation of the hearing. Jason Robinson moved to adjourn at 7:40 p.m. Rachel Zelazny seconded the motion.

Exhibit 1 – Page 2 of 2 Auditor's Office Information Card**Exhibit A – Zoning Department staff report**
Rachel Zelazny, Vice President