

# RECORD OF PROCEEDINGS

Minutes of

Meeting

ARB  
0211  
207

DAYTON LEGAL BLANK, INC., FORM NO. 1014E

## Etna Township Board of Zoning Appeals

Held April 25, 20 2022

**VA22-01 Mitchell 7586 Palmer Road**  
**VA22-02 TPA/Windfall Refugee Road**  
**VA22-03 TPA/Farmview Refugee Road**

The meeting was called to order by Chairman Reis on April 25, 2022 at 5:00 p.m. at the Township Hall. The roll call showed members Tommy Hunt, Shannon Mills, Greg Reis, Eric Nickolas, and Trent Stepp, present, along with Clerk Laura Brown.

Chairman Reis explained how the hearings will be conducted and the following people were sworn in: Zoning Inspector John Singleton, Gregory Mitchell, Brad Kaaber, and Chris Beck.

Chairman Reis called the adjudicatory hearing of the Etna Township Board of Zoning Appeals to order at 5:03 p.m.

The nature of the hearing is for area variance VA-22-01 submitted by Gregory Mitchell for 7586 Palmer Road from Article 10, Section 1005 Accessory Structures; No accessory structures are permitted within the front yard, except decorative fences located a minimum of one foot outside of the road right-of-way and low enough to ensure safe ingress and egress on a parcel adjacent to a public road.

Zoning Inspector John Singleton presented a written Staff Report. The property sits approximately thirteen hundred feet north of Palmer Road and has a shared driveway with six other property owners. The property is a flag lot and is the last house before the final split in the drive. The backyard of this property is not usable for the detached garage as it contains the septic system and a large drainage ditch that splits the property from the north to the south approximately seventy feet behind the house and stays wet. There is a wooded area that sits at the north end of the back yard which also stays wet most of the time. The south side of the home has the well and LP gas tank preventing constructing the garage here. The north side of the home is approximately thirty-nine feet from the drive and stays wet all the time. The only place available to construct this detached garage is on the south side of the drive in the front yard. There is one hundred and eleven feet from the road to the house so the garage will sit a good distance from the road. The detached garage is well under the square footage limitation. The building is required to be at least five foot off the property line. The applicant provided drawings of the building and location on the property. The variance is only needed because it sits in the front of the house, in the front yard.

Gregory Mitchell of 7586 Palmer Road was present for questions and felt Mr. Singleton covered the variance request.

Eric Nickolas moved to close the public testimony on this variance request at 5:10 p.m. The motion was seconded by Tommy Hunt and passed by unanimous affirmative vote.

The board discussed the circumstances and configuration of the property, and the proposed location appears to be the best for this structure. This location should not obstruct any views for the shared driveway. This property is unique with the two front yards along with the drainage issues.

Trent Stepp moved to approve Area Variance VA-22-01 submitted by Gregory Mitchell for 7586 Palmer Road from Article 10, Section 1005 Accessory Structures, Item G. No accessory structures are permitted within the front yard, except decorative fences located a minimum of one foot outside of the road right-of-way and low enough to ensure safe ingress and egress on a parcel adjacent to a public road and Table 1005B Location Standards of Accessory Structures in Business, Manufacturing, and Residential Districts; to be sized and placed as presented on the application no closer than sixty feet from the shared driveway because the Standards for 'Practical Difficulty' (Section 512.B.) have been met. The motion was seconded by Eric Nickolas. Discussion: The drawing from the application will be submitted as Exhibit 1. The motion passed by unanimous affirmative vote.

0212<sup>08</sup>  
208

# RECORD OF PROCEEDINGS

Minutes of

Meeting

## Etna Township Board of Zoning Appeals

DAYTON LEGAL BLANK, INC., FORM NO. 10148

Held

April 25,

2022

### VA-22-02 TPA for Windfall Custom Investment LLC & VA-22-03 TPA for Farmview

I call this adjudicatory hearing of the Etna Township Board of Zoning Appeals to order. Today is April 25, 2022 and the time is 5:22 p.m.

The nature of the hearing is to consider Area Variances VA-22-02 and VA-22-03 for the applications submitted by Brad Kaaber with TPA for Refugee Road west of Etna Parkway parcel #010-017562-00.000 owned by Windfall Custom Investments and Refugee Road and Etna Parkway parcel #010-018330-00.000 owned by Farmview/Refugee LLC from Section 909 Light Manufacturing District, General Requirements regarding Height limit to increase from thirty-five feet building height to a maximum fifty-five feet.

Zoning Inspector John Singleton presented written staff reports for both area variances. Mr. Singleton started with the Farmview parcel. The applicant provided a drawing in the applications showing the two parcels with Etna Parkway cutting the parcel in half. The applicant is only proposing to build on the west side of Etna Parkway on the Farmview Parcel. The Windfall parcel is west of the Farmview property. The request is to increase the building height from thirty-five feet to fifty feet to allow for the operational requirements for inside storage and distribution facilities. The fifty foot height is needed for the racks and amount of space needed for the sprinkler systems. This height request is similar to other buildings in the area. The property is zoned Manufacturing and will comply with the requirements for building height, setbacks, buffering, and lighting. The site will require a plan review with the Licking County Planning Commission prior to any construction being permitted due to the development being over one acre.

The cut-out parcel with the green roof south of Refugee Road is owned by David Linke's sister, who did not want to sell her property at this time. All of the properties are Zoned light Manufacturing District (M-1). TPA is not purchasing the Farmview Property east of Etna Parkway at this time and will split the two properties along Etna Parkway.

The applicant confirmed that the building height variance request is for all of both parcels not specific to the buildings. In the drawing provided both buildings are labeled Building 1. The larger building will be labeled Building #2 and the drawing will be Exhibit 1.

The board was provided with the history of previously passed building height variances.

The board inquired how far off of Refugee Road the proposed building #2 will be located. Brad Kaaber believes the building are five to six hundred feet away. Mr. Kaaber would have to have their engineer provide exact measurements. John Singleton stated the building setback in M-1 is fifty feet so they have more than enough distance. The drawing appears to be six hundred and fifty to seven hundred feet off of Refugee Road.

Brad Kaaber with TPA Ventures, LLC thanked Mr. Singleton and the Board for hearing this height request. The request is for a height variance that is keeping with the standard design practices for warehouse buildings. These buildings would very much resemble those buildings already in the park. Mr. Kaaber stated TPA was very interested in purchasing the property and put a very fair offer into purchase the cut-out property which the owner is not interested in selling. At this time, the buildings would be specular but would be a build to suit prior to starting.

Chris Beck of 100 Bucrush Drive provided a few concerns from the residents in the Villas of Cumberland. They are concerned with this leading to apartments complexes in this area and using this as a justification for taller apartment buildings. They have environmental concerns specifically regarding the birds which will die out from disease and getting stuck in the buildings. Mr. Beck discussed developers purchasing farmland and developing it and then leaving the buildings sit empty. Mr. Beck just moved here a year ago and chose Etna to live in a farm town and does not want it to be fifty-five foot tall buildings around him. The traffic and noise pollution are also a concern.

The board discussed the warehouse buildings were already here a year ago and Mr. Beck said not right behind his house in the Villas of Cumberland. Mr. Beck discussed his concerns with the buildings becoming run down when the industry moves on. The board discussed the line of site from their neighborhood and the view with a fifty-five foot tall building.

The adjacent property owners were notified and nothing was submitted to be read into the record.

Brad Kaaber with TPA stated they have already completed the wetlands study and there are areas of the site that cannot be developed which include the large area of trees and wildlife. They might have to complete a bat study depending on the time of year the development would be completed. All the studies that are required will be done.

# RECORD OF PROCEEDINGS

0213  
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DAYTON LEGAL BLANK, INC., FORM NO. 10148

## Etna Township Board of Zoning Appeals

Held April 25, 20 2022

Mr. Kaaber is not aware of any impacts specific to the increased height that wouldn't be an impact without the additional height requested. The community to the east is a good quarter of a half a mile away from this building and with the tree lines they might not even see the building with the additional height requested. There is thirty to forty acres to the east, then a tree line, then the golf course, and then the community. This area is where the township has designated for this type of development.

The board confirmed what the developer needed regarding building height for the racking systems. The neighboring buildings in the area did the racking systems with fifty foot height variances. The fifty-five foot height request is to include an exhaust fan unit that would sit on top of the roof the building would only be fifty foot tall. John Singleton confirmed that the roof top units are excluded from the height requirements. Brad Kaaber stated the fifty foot height requirement should satisfy the needs for this building and they have no intentions of building them taller than they need with the cost to go taller. This is measured from finished floor to the top of the exterior wall not including any roof top units.

Eric Nickolas moved to close the public testimony portion of the hearings at 5:56 p.m. The motion was seconded by Trent Stepp and passed by unanimous affirmative vote.

The board discussed this property has been zoned for this use at least nineteen years ago and the Comprehensive Plan has shown this use for at least the past ten years. This board is looking at the request for a height variance and there is nothing they can do if the developer wanted to build it at thirty-five feet today. The Zoning Commission and Trustees are the boards that have authority over the zoning on the property. The developer is keeping the wetlands which is good for the area. The board discussed if granting fifty foot height limit would get them what they need.

Shannon Mills moved to approve area variance VA-22-02 for the application submitted by Brad Kaaber with TPA for Refugee Road west of Etna Parkway parcel #010-017562-00.000 owned by Windfall Custom Investments from Section 909 Light Manufacturing District, General Requirements regarding Height limit to increase from thirty-five feet building height to a maximum of fifty feet because the Standards for 'Practical Difficulty' (Section 512.B.) have been met, that would be building #2 on our exhibit. The motion was seconded by Trent Stepp and passed by unanimous affirmative vote.

The board discussed how the Farmview property will be split and the parcel number will possibly change during the lot split process.

Trent Stepp moved to approve area variance VA-22-03 for the application submitted by Brad Kaaber with TPA for Refugee Road and Etna Parkway parcel #010-018330-00.000 on the West Side of Etna Parkway owned by Farmview/Refugee LLC from Section 909 Light Manufacturing District, General Requirements regarding Height limit to increase from thirty-five feet building height to a maximum fifty foot building because the Standards for 'Practical Difficulty' (Section 512.B.) of the Zoning Resolution have been met, this would be building #1 on the exhibit and only on the west side of Etna Parkway. The motion was seconded by Eric Nickolas. Discussion: It was explained to the developer that the buildings were labeled on his exhibit that was provided. The motion passed by unanimous affirmative vote.

The board explained to the residents the process and the authority the Board of Zoning Appeals has and how the process works and what the Zoning Commission and Board of Trustees do along with what the Comprehensive Plan shows for Etna Township.

Trent Stepp moved to approve the minutes from the Board of Zoning Appeals meeting and adjudicatory hearing on March 30, 2022 as presented. The motion was seconded by Shannon Mills Discussion: The final order was signed on March 30<sup>th</sup>. The motion passed by unanimous affirmative vote.

Trent Stepp moved to adjourn the meeting at 6:15 p.m. Eric Nickolas seconded the motion and passed by unanimous affirmative vote.



Laura Brown, Clerk



Greg Reis, Chairman



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

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

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Members: Sarah Benoit-Shannon Milles-Eric Nickolas-Greg Reis-Trent Stepp  
Alternates: Tommy Hunt

## FINAL ORDER

The Etna Township Board of Zoning Appeals held an adjudicatory hearing on April 25, 2022 to consider the Area Variance request VA22-01 for the application submitted by Gregory Mitchell for 7586 Palmer Road from Article 10, Section 1005 Accessory Structures; No accessory structures are permitted within the front yard, except decorative fences located a minimum of one foot outside of the road right-of-way and low enough to ensure safe ingress and egress on a parcel adjacent to a public road.

The board moved to approve Area Variance VA-22-01 submitted by Gregory Mitchell for 7586 Palmer Road from Article 10, Section 1005 Accessory Structures, Item G. No accessory structures are permitted within the front yard, except decorative fences located a minimum of one foot outside of the road right-of-way and low enough to ensure safe ingress and egress on a parcel adjacent to a public road and Table 1005B Location Standards of Accessory Structures in Business, Manufacturing, and Residential Districts; to be sized and placed as presented on the application no closer than sixty feet from the shared driveway because the Standards for 'Practical Difficulty' (Section 512.B.) have been met. The motion passed by unanimous affirmative vote. Note: The drawing from the application was submitted as Exhibit 1.

Eric Nickolas

A blue ink signature of Tommy Hunt, consisting of several overlapping loops and a long horizontal stroke.

Tommy Hunt

A blue ink signature of Shannon Mills, featuring a series of connected, wavy loops.

Shannon Mills

A blue ink signature of Greg Reiss, with a large, stylized 'G' and 'R'.

Greg Reiss

A blue ink signature of Trent Stepp, with a large, stylized 'S' and 'T'.

Trent Stepp

The Final Order was approved and signed: 10-25-22

The Final Order was mailed/mailed to applicant on: 12-22-22



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Etna, Ohio 43018-0188

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

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Members: Sarah Benoit-Shannon Milles-Eric Nickolas-Greg Reis-Trent Stepp  
Alternates: Tommy Hunt

## FINAL ORDER

The Etna Township Board of Zoning Appeals held an adjudicatory hearing on April 25, 2022 to consider the Area Variance request VA22-02 for the application submitted by Brad Kaaber with TPA for Refugee Road west of Etna Parkway parcel #010-017562-00.000 owned by Windfall Custom Investments from Section 909 Light Manufacturing District, General Requirements regarding Height limit to increase from thirty-five feet building height to a maximum fifty-five feet.

The board moved to approve area variance VA-22-02 for the application submitted by Brad Kaaber with TPA for Refugee Road west of Etna Parkway parcel #010-017562-00.000 owned by Windfall Custom Investments from Section 909 Light Manufacturing District, General Requirements regarding Height limit to increase from thirty-five feet building height to a maximum of fifty feet because the Standards for 'Practical Difficulty' (Section 512.B.) have been met, that would be building #2 on our exhibit. The motion passed by unanimous affirmative vote.

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Shannon Mills

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Greg Reis

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Trent Stepp

The Final Order was approved and signed: 10-25-22

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Members: Sarah Benoit-Shannon Milles-Eric Nickolas-Greig Reis-Trent Stepp  
Alternates: Tommy Hunt

## FINAL ORDER

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The board moved to approve area variance VA-22-03 for the application submitted by Brad Kaaber with TPA for Refugee Road and Etna Parkway parcel #010-018330-00.000 on the West Side of Etna Parkway owned by Farmview/Refugee LLC from Section 909 Light Manufacturing District, General Requirements regarding Height limit to increase from thirty-five feet building height to a maximum fifty foot building because the Standards for 'Practical Difficulty' (Section 512.B.) of the Zoning Resolution have been met, this would be building #1 on the exhibit and only on the west side of Etna Parkway. The motion passed by unanimous affirmative vote.

Discussion: It was explained to the developer that the buildings were labeled on his exhibit that was provided.

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