

# Board of Zoning Appeals

1 **Application #'s VA-20-07, VA-20-08, VA-20-09**

**June 18, 2020**

## 3 **LEGAL NOTICE**

4  
5 Notice is hereby given that the Orange Township Board of Zoning Appeals will hold a public  
6 hearing on Thursday, June 18, 2020, beginning at 6:00 p.m. to consider the following  
7 application/s:

### 8 9 **Variance Application #VA-20-07 Joseph and Julie Leonetti,**

10 Requesting an area variance from the currently effective development plan approved under application  
11 #3314 of Hills at Highland Lake to construct a deck that will fail to meet the minimum side-yard and  
12 rear-yard setback requirement. The subject property is located at 4900 Killarney Court, Westerville,  
13 OH 43082 and having parcel number 318-140-08-015-000.

### 14 15 **Variance Application #VA-20-08 Richard Schuen,**

16 Seeking an Area Variance from Rezoning Case 11-0055 of Creekside Industrial Park and the Orange  
17 Township Zoning Resolution Article XXI to allow for the lighting that will fail to meet the minimum  
18 foot candle level. The subject property is located at 850 Corduroy Road, Lewis Center, OH 43035 and  
19 having parcel number 318-230- 14-006-000.

### 20 **Variance Application #VA-20-09 Wesley Smith,**

21 Seeking an area variance from Rezoning Case ZON-18-07 Slate Ridge MFPRD to relocate temporary  
22 signage. The subject property is located at Emils Way, Lewis Center, OH 43035 and having parcel  
23 number 318-230-01-001- 000.

24  
25 The hearing will be held virtually using electronic means and can be accessed by the public on the  
26 internet on the Zoom application

27 at <https://us02web.zoom.us/j/81112084485?pwd=SFZhWk9EL2wzdlcvdzZudkRib2tPUT09.>

28 During the hearing the public may submit questions and comments to the Board by sending messages  
29 to Zoning Inspector, Jeff Beard via the Zoom meeting chat room.

30  
31 The application and plans are available for inspection for a period of at least 10 days prior to the hearing  
32 by e- mailing Jeff Beard at [jbeard@orangetwp.org](mailto:jbeard@orangetwp.org). The Zoning Office is closed to the public during the  
33 public health emergency, however zoning staff is available by e-mail during normal business hours of  
34 Monday through Friday, 8 a.m. to 4:30 p.m., except legal holidays.

35 Following this hearing the Board may meet for general purposes to consider such business as may  
36 properly come before it including, but not limited to, consideration and/or approval of minutes,  
37 scheduling future hearing dates for this or other applications, and like matters.

38  
39 The person responsible for the publication of this notice is Jeff Beard, Orange Township Zoning  
40 Department.

41  
42 *Rick Oster, Chairman*

43 *Jeff Beard, Orange Township Zoning Department*

44  
45 *Please publish one time, on or before Monday, June 8, 2020 in The Delaware Gazette*

46  
47 Mr. Oster called the hearing to order at 6:00 p.m.

## Board of Zoning Appeals

48 Roll Call: Rick Oster, Jerry Miller, Punitha Sundar, David Boyd, Rick Beer

49

50 Township Officials Also Present: Jeff Beard, Zoning Enforcement Officer

51

52 Variance Application #VA-20-07 Joseph and Julie Leonetti,

53 Requesting an area variance from the currently effective development plan approved under application  
54 #3314 of Hills at Highland Lake to construct a deck that will fail to meet the minimum side-yard and  
55 rear-yard setback requirement. The subject property is located at 4900 Killarney Court, Westerville,  
56 OH 43082 and having parcel number 318-140-08-015-000.

57

58 Mr. Beard presented the Staff Report and presentation. Property is located on the southwest corner of  
59 Killarney Court. Applicant is seeking a little over 6' variance from side yard setback and a little over 9'  
60 variance from rear yard setback. Surrounding area is all Single Family Planned Residential District. To  
61 the north and east is single family homes, south is HOA open space/single family homes, west is HOA  
62 open space. Current minimum side yard setback is 25' combined (12-1/2' each side); minimum for the  
63 rear is 25'. Applicant requests to allow construction of a deck that will encroach in side yard setback 6-  
64 1/10' and rear yard setback 9-2/10'. HOA has provided a letter giving approval for the deck.

65

66 Mr. Miller: Exhibit 3 says HOA letter of approval, but the letter itself does not make any reference that it  
67 is the HOA.

68

69 Mr. Beard: It's from the Architectural Review Board; you can ask the applicant if that is in fact the HOA.

70

71 Mr. Miller: To me, that letter is from a designer or architect.

72

73 Mr. Beer: Did they provide an OUPS Report with it?

74

75 Mr. Beard: I'm not aware if they have; that's not necessarily something we look at for Zoning Permits.

76

77 Mr. Oster: What is an OUPS Report?

78

79 Mr. Beer: This is something I deal with every day. An OUPS Report just says what utilities are there and  
80 I have to go out and tell people to tear things down all the time after a Zoning Board has approved it. It  
81 has the utilities make sure there aren't any utilities underneath it.

82

83 Mr. Miller: Are you a government entity that you can go out and do that after Zoning has approved  
84 something?

85

86 Mr. Beer: No, utilities can.

87

### 88 APPLICANT PRESENTATION/BOARD QUESTIONS & COMMENTS

89

90 Joe Leonetti, 4900 Killarney Court, Westerville, Ohio 43082. Chris Vondran who sent us the email from  
91 the Vondran Design Group is with the HOA, and he had to send that response through his company email  
92 when he did it in September of last year. With respect to OUPS, there's nothing in the rear of our home,  
93 but it would be our expectation for our contractor to call OUPS before digging any post holes but the  
94 previous deck that was there before being removed because it deteriorated did have footers and post holes  
95 as well, but we would definitely have OUPS come out and do it again. When we originally built the  
96 home, we were a young family, the deck they built was small, it really didn't allow us to use it too much.  
97 We had safety concerns because we had young children, and if you put any furniture out there, they could  
98 easily get on a chair and go over the edge, so we didn't use it much and at the point which it was

## Board of Zoning Appeals

99 deteriorating, we removed it. Over the last couple of years we've wanted to rebuild it and make it a little  
100 bigger so we could make better use of it for our family and our community. The HOA did approve it and  
101 when you look at the pictures we provided, you'll notice the area to the rear of our house where the rear  
102 setback is and the side of our home where our side setbacks are is either non-buildable green space or  
103 woods, and the neighbors that would even be able to look at the deck are pretty far away. I don't think  
104 we're going to be encroaching too far towards them and I think it would actually make our house look a  
105 little bit better once we get a nice deck on there.

106  
107 Mr. Oster: It's a very odd shaped lot too and it looks like the house was built almost at the setback?

108  
109 Mr. Leonetti: Yes, you'd almost argue that the side setback should be the rear setback, depending on how  
110 you look at it.

111  
112 Mr. Oster: I was looking at the cluster of homes on this and I'd almost look at this like a cul-de-sac. Isn't  
113 there one common drive that feeds four of these houses?

114  
115 Mr. Leonetti: Yes, there's a common drive that falls under our property line and then there are three homes  
116 that have drives off of that, ours being one of them. The area in the left of the picture is a green space  
117 that's a 100 year flood plain and those are woods as well to the bottom of that that is all non-buildable.  
118 We would get nowhere near that water line. I've been there 16, 17 years, and even in the worst storms, the  
119 house is so high up that that water wouldn't even get near where the deck would be. To the right is mostly  
120 wooded and is also an area where the drainage comes through the community.

121  
122 Mr. Miller: Jeff, are these maps current?

123  
124 Mr. Beard: I don't know they have the house that is to the southeast of their property; there is a house  
125 being built.

126  
127 Mr. Leonetti: The map on the top looks fairly new because you can see the lots of the development there,  
128 and one of the pictures I took is facing our home. I'm taking it from a new build that's already built and  
129 you can see how far that it is from the home.

130  
131 Ms. Sundar: Jeff, I am assuming you notified the neighbors; do we have any letters from the neighbors?

132  
133 Mr. Beard: No, we did not receive any response from the neighbors; nobody contacted us with  
134 complaints.

135  
136 Mr. Miller: You're saying Chris Vondran is the President of the HOA?

137  
138 Mr. Leonetti: Yes.

139  
140 Mr. Beer: It looks like your HOA approved it and it looks like you're isolated enough, I don't see an issue  
141 with it.

142  
143 Mr. Oster: I don't either. It's an odd shaped lot and the setbacks are, like he said, it looks like the rear  
144 yard setback is actually to one of the angles. It's not a square or rectangle, but it looks like he's  
145 conforming to the land as best he can, and there is nobody behind or beside him.

146  
147 Mr. Beer: And there won't be because that's unbuildable.

148

## Board of Zoning Appeals

149 Mr. Miller: What are the buildings behind the house? On the aerial photo it shows a couple of small  
150 buildings.

151

152 Mr. Leonetti: Those are not buildings. I think two of them are picnic tables, one is an old tree fort and the  
153 other one is a soccer goal I think you're referring to.

154

155 Ms. Sundar: Who owns it; is it just common?

156

157 Mr. Leonetti: Yes.

158

159 Mr. Miller: The new development behind you, is that basically the dark line?

160

161 Mr. Leonetti: I think that would be in the white area; that's how far away it is. In fact, directly below us in  
162 that photo, there would be no homes; that's a low area. To the bottom right is the closest you would get to  
163 anything, but that's definitely in the white area of that picture.

164

165 Mr. Beer: That's your wetlands area; you're not going to be able to have any buildings in that wetlands  
166 area.

167

### **MOTION TO APPROVE VARIANCE APPLICATION #VA-20-07**

168

169  
170 Mr. Miller made a motion to approve Variance Application #VA-20-07, Joseph and Julie Leonetti, as  
171 written; seconded by Mr. Oster.

172

173 Vote on Motion: Mr. Beer-yes, Mr. Miller-yes, Mr. Oster-yes, Ms. Sundar-yes, Mr. Boyd-yes  
174 Motion carried

175

176 Hearing continued with Variance Application #VA-20-08

177

178 Minutes prepared by Cindy Davis, Zoning Secretary

179

180 On August 20, 2020, Mr. Oster made a motion to approve the meeting minutes of the Orange Township  
181 Board of Appeals dated June 18, 2020 for Variance Application #VA-20-07, Joseph & Julie Leonetti, as  
182 written; seconded by Mr. Shipley.

183

184 Vote on Motion: Mr. Oster-yes, Mr. Miller-yes, Mr. Shipley-yes, Ms. Sundar-yes

185 Motion carried

186

## Board of Zoning Appeals

1 **Application # VA-20-08**

**June 18, 2020**

2  
3 **Variance Application #VA-20-08 Richard Schuen,**

4 Seeking an Area Variance from Rezoning Case 11-0055 of Creekside Industrial Park and the Orange  
5 Township Zoning Resolution Article XXI to allow for the lighting that will fail to meet the minimum  
6 foot candle level. The subject property is located at 850 Corduroy Road, Lewis Center, OH 43035 and  
7 having parcel number 318-230- 14-006-000.  
8

9 Mr. Beard presented the Staff Report and presentation. The property is on the south side of Corduroy  
10 Road. The surrounding areas are all zoned Planned Industrial District. The Lighting Regulations from the  
11 Orange Township Zoning Resolution indicates a minimum light level of 0.5 foot candles at grade in all  
12 vehicular use areas and connecting pedestrian paths. The applicant is seeking a 3/10's or .3 variance from  
13 the minimum lighting level standard in all vehicular use areas in the southern portion of their parking and  
14 loading area to allow for a minimum foot candle of .2 at grade. There are seven light posts on the southern  
15 border in the site plan. Based on the statistics that were given with Exhibit 2, it would meet the minimum  
16 of .5 in the paved areas. I noticed the removal of the light poles on the southern portion of the paved area.  
17 Minimum for all paved areas is .2 foot candles, so that is what they're seeking from .5 and that area is in  
18 the truck court on the south and both buildings. Buildings 1 and 2 is where they would fail to meet the  
19 minimum foot candle levels.  
20

21 Mr. Oster: Are there two buildings there where that one big footprint with all the lights and are they  
22 dropping that on all of these lights or just on the ones on the parking close to the street?  
23

24 Mr. Beard: It's on the southern end, so it would be at the bottom.  
25

26 Mr. Miller: Not have light posts that the original plan called for?  
27

28 Mr. Beard: Correct.  
29

30 Mr. Oster: But I didn't see exactly where that was. They are on the southern side of the street right behind  
31 Menards and there's nothing there yet?  
32

33 Mr. Beard: Correct.  
34

35 Mr. Oster: And they had some of these lights in some of those exhibits and I couldn't tell exactly what  
36 lights they were talking about.  
37

38 Mr. Miller: I couldn't tell even what the light output was.  
39

40 Mr. Beard: On the full size plans you received, the first one that shows all the numbers in black shows  
41 what is approved and it shows the seven light poles.  
42

43 Mr. Oster: It looked like it marked seven within the canopy and looks like there's three out front by the  
44 parking that's on the northern side of their structure. .  
45

46 Mr. Beard: The front of the buildings will be facing north toward Corduroy Road. To the east is Green  
47 Meadows, so the area on the south side is the truck docking area and right now they have seven lights at  
48 the edge of pavement. The rest of the area is their property line; it shows how much lighting will be on the  
49 rest of the property. They're not supposed to have lighting going on the other properties. Below those  
50 light posts is all going to be grass or landscaping, so the pavement is what we're concerned with. If you

## Board of Zoning Appeals

51 look at those, around the light poles, they're going to be 5.6, 4.7 as they show the minimum in the truck  
52 area is .5, so it's kind of in between the building and the poles.

53

54 Mr. Oster: I would think we have that standard for safety reasons, correct?

55

56 Mr. Beard: From our end, we don't know why that standard is in there. It could be for safety reasons.

57

58 Mr. Oster: So the south side is the docking side, for semi trucks, box trucks?

59

60 Mr. Beard: It just has truck court, and they said it's supposedly not going to be used a lot, so there's not  
61 supposed to be a lot of traffic back there. I don't believe the applicant is on here.

62

63 Mr. Miller: How can we approve this if we can't ask the applicant questions?

64

65 Mr. Beard: It will be up to the Board on how you want to proceed.

66

67 Mr. Miller: I'm not in favor of approving it without talking to them. In researching lighting for parking  
68 lots, whether it's considered a Zone 2 which is considered suburban or Zone 3 which is considered urban,  
69 this in my eyes would be considered a suburban entity and the national recommended average is .6 FC,  
70 not .2, so if they want to go down that low and we don't know what their future is going to be, if they  
71 don't want to put these in at all, which is how I'm taking it....

72

73 Mr. Oster: What they're asking is not putting them in at all? I thought they just wanted to drop the foot  
74 candles on that one side. Weren't they approved at .5 and now they want to drop it to .3?

75

76 Mr. Beard: Correct. The .5 is according to Code what is approvable.

77

78 Mr. Miller: That's a massive deviation from .5 to .2; that is like going from a 100 watt bulb to a 25 watt  
79 bulb, and without being able to talk to the applicant as to what's their justification? If this was approved at  
80 .5, why are they coming back to drop it?

81

82 Mr. Boyd: The application says the lighting we propose removing from the project is along the south  
83 property line, which it looks like from the drawings abuts that vacant property that's zoned industrial; it  
84 does not abut the street, it's on the south property line and removing it would aid the Township's dark sky  
85 policy. Under #4 of the application, it says it is the owner's opinion that there is no benefit in installing  
86 added pole lights along the south property line.

87

88 Mr. Miller: That's where I picked up on them not wanting to put the light poles in.

89

90 Mr. Boyd: That is how I read it as well. It says the light required per Code adds lighting to the far edge of  
91 a large truck court which will experience minimal traffic. The foot candles required for this drive are  
92 achieved except for a small portion of the drive, including everything adjacent to the building where the  
93 trucks will be driving and parking. I think what they want to do is take those seven black dots along the  
94 south property line that abuts that vacant property and remove them altogether, leaving only the lighting  
95 where the trucks would be parking.

96

97 Mr. Oster: Out by the building.

98

99 Mr. Boyd: That's the way I read it. I think they're going to reduce the amount of lumens that hit the area  
100 in the south part of the parking lot by removing those.

101

## Board of Zoning Appeals

102 Mr. Oster: I think you're correct and I think what they're saying is the corners of that rear close to the  
103 canopy or building are going to have some light from everything that's there; it's just not going to radiate  
104 back to that drive because they want to remove the seven that will be close to the lot line.

105  
106 Mr. Boyd: If you look at the prints, the WP3Z is what they have attached to the southern border of the  
107 buildings which looks like LED, PA40KT3M, 47,000 lumens per lamp.

108  
109 Mr. Miller: That's a lot of light.

110  
111 Mr. Boyd: Yes, that sounds very bright, so I'm thinking that's the kind of industrial lighting that you put  
112 up right by the truck docks.

113  
114 Mr. Miller: That's also against Code.

115  
116 Mr. Boyd: The blueprints have the schedule at the bottom that shows what each of these symbols are and  
117 the ones they want to remove on the southern side are those P2's which are 18,318 lumens and run along  
118 the southern part of that lot where I'm guessing people would only be driving, not parking.

119  
120 Mr. Miller: There's zoning guidelines on how far light can disburse past any given property line, but as  
121 you pointed out, and I've got a big red circle around the 40 K.

122  
123 Mr. Oster: That's the PL2's, 40 K.

124  
125 Mr. Boyd: So it's going to be more a white, less of a warm.

126  
127 Mr. Beard: If we want to table this, once we discuss the next one, I can try and give the applicant a call  
128 and see if he'll join us.

129  
130 Mr. Miller: I would appreciate that because as it stands, the way it's written, I am adamantly against it  
131 because there is confusion and why would they come back after everything is approved and want to  
132 change it? Evidently they didn't read the specs to begin with when they bring in 40 K lighting.

133  
134 Mr. Oster: Obviously they got approved for those 40 K's because almost all of these, that whole list on  
135 the luminaire schedule.

136  
137 Mr. Miller: I'll make a motion to table Variance Application #VA-20-08 until either Jeff can get ahold of  
138 the applicant or deny it.

139  
140 Mr. Oster: We could make this easy and just disapprove and let them run with what was approved  
141 because it sounds to me like you're even questioning the brightness of what was approved, and that's not  
142 for us to do right now because that's already been approved.

143  
144 Mr. Miller: How can it be approved predicated on our zoning standards? That is way off kilter.

145  
146 Mr. Oster: Jeff, has this been through zoning?

147  
148 Mr. Beard: Yes.

149  
150 Mr. Oster: So everything they've got here has been approved and I'm sure this blacktop comes down both  
151 sides where there's parking to the back and they're just trying to kill some of the light in the rear.

152

## Board of Zoning Appeals

153 Mr. Boyd: Yes, the one that abuts the other property.  
154

155 Mr. Beard: According to their numbers, there's only five spots that come to the .2; most of them are .5's  
156 or .6's, there's a few .4, .3 along that southern side. The majority of the ones that don't meet the Code are  
157 .3 or .4; there are a few that are .2 but four of those are in the paved area in the southwest corner and then  
158 there's one toward the southeast corner.  
159

160 Mr. Boyd: It sounds like the bright lights on the building are providing coverage almost to standard  
161 almost to the edge of the lot.  
162

163 Mr. Oster: Yes, I see the truck court south at .2.  
164

165 Mr. Beard: And that's the minimum but it has a maximum of 5.6; 5.7 is on building 2.  
166

167 Mr. Miller: National standards are nowhere near 5.6 or 5.2; they're down below 3.  
168

169 Mr. Beard: We have to go on what our Code states.  
170

171 Mr. Miller: Then let's make a motion to disapprove it unless you can get in touch with him. And I would  
172 politely ask that Zoning be cognizant of lighting issues.  
173

174 Mr. Oster: But you could also go the other way. If you think that's a lot of light, they are trying to help  
175 darken the skies and it's going to be more toward that next lot and who knows what's going to go in  
176 there.  
177

178 Mr. Boyd: That was kind of my thought.  
179

180 Mr. Miller: If they're putting this in the industrial parks, next thing there will be a nursing home in there  
181 and they'll come in and complain about the bright lights.  
182

183 Mr. Boyd: That's why I think we might be helping the public interest by allowing them to remove these  
184 seven from the bottom.  
185

186 Mr. Beer: I agree with that because if you're putting that light in and you have another company come in  
187 right beside it, you're going to be illuminating that lot more. But right now, I think we're safe to say that  
188 what's on the north side will cover that area.  
189

190 Ms. Sundar: Looking at the site for the public interest, for the people who are next, like a nursing home, I  
191 think we should probably deny this because I think we should really be concerned more than about these  
192 people; we should be concerned about the nursing home.  
193

194 Mr. Oster: I'm thinking we should approve it because they are removing lights that are close to the lot line  
195 and that will put most of the lighting up around their two buildings, canopy, and sidewalks and parking up  
196 by the street where you've already got Menards, Hoshizaki and Banyan.  
197

198 Mr. Boyd: The lights on the building are out of our purview, so denying it...  
199

### **MOTION TO APPROVE VARIANCE APPLICATION #VA-20-08**

200  
201  
202 Mr. Oster made a motion to approve Variance Application #VA-20-08, Richard Schuen, to lessen the foot  
203 candle towards the southern end of that lot; seconded by Mr. Boyd.

## Board of Zoning Appeals

204 Vote on Motion: Mr. Beer-yes, Mr. Miller-yes, Mr. Oster-yes, Ms. Sundar-yes, Mr. Boyd:-yes  
205 Motion carried  
206  
207 Mr. Miller: As frustrated as I am about the 40 K, I agreed because they are reducing the light but please  
208 let our partners know to be careful of lighting approvals.  
209  
210 Mr. Beard: I'll pass it on and that could definitely be something that we'll look at when we work on the  
211 Zoning Code update.  
212  
213 Mr. Miller: Not just the Zoning Code update but to make sure that they look at the Zoning Codes and  
214 don't put that much bright light out in the skies.  
215  
216 Hearing continued with Variance Application #VA-20-08\9  
217  
218 Minutes prepared by Cindy Davis, Zoning Secretary  
219  
220 On August 20, 2020, Mr. Oster made a motion to approve the meeting minutes of the Orange Township  
221 Board of Appeals dated June 18, 2020 for Variance Application #VA-20-08, Richard Schuen, with the  
222 following correction:  
223  
224       • Line 26: "but" should read "that"  
225  
226 Seconded by Mr. Shipley.  
227  
228 Vote on Motion: Mr. Oster-yes, Mr. Miller-yes, Mr. Shipley-yes, Ms. Sundar-yes  
229 Motion carried  
230  
231

# Board of Zoning Appeals

1 Application # VA-20-09

June 18, 2020

2 **Variance Application #VA-20-09 Wesley Smith,**

3 Seeking an area variance from Rezoning Case ZON-18-07 Slate Ridge MFPRD to relocate temporary  
4 signage. The subject property is located at Emils Way, Lewis Center, OH 43035 and having parcel  
5 number 318-230-01-001- 000.

6  
7 Mr. Beard presented the Staff Report and presentation. The site is zoned Multi-Family Planned  
8 Residential District and is located on the east side of Columbus Pike. North of the site is Single Family  
9 Planned Residential, south is Planned Commercial and Planned Industrial Districts, east is Single Family  
10 and Planned Commercial Districts, and west is Planned Commercial and Office District. Part of their  
11 Rezoning Case ZON-18-07, they requested a divergence for the temporary signs; one sign would be off  
12 premise at the northeast corner of Graphics Way and Emils Way, and the second sign would be off the  
13 northeast corner of 23 and Slate Ridge Drive. The applicant is seeking to relocate the temporary signage  
14 from the northern side of Slate Ridge Drive to the southern side of Slate Ridge Drive at the intersection  
15 with US 23. They are also seeking to allow the sign to setback 25' from US 23 right-of-way and 33'  
16 from the Slate Ridge Drive right-of-way. The original approval of the development text was that it was  
17 located 25' from US 23 and Slate Ridge Drive.

18  
19 Mr. Oster: I noticed that note in there that says approval allows for both locations to be used at the  
20 developer's sole discretion; however, there'll only be one sign up at all times. So want they want is to be  
21 able to move that sign from one sign of Slate Ridge to the other?

22

23 **BOARD QUESTIONS & COMMENTS**

24

25 Don Hunter, Schottenstein Real Estate Group, 2 Easton Oval, Columbus, Ohio 43219; I'm sitting in for  
26 Wes Smith. This is in conjunction with our development Orange Grand Communities and the develop-  
27 ment is part of an overall public/private partnership with the Township and the County to get funding in  
28 place for the extension of Home Road. Since we are currently building and occupying units in the rental  
29 community without any access off Home Road, we're coming through Corduroy and then up Emils Way,  
30 and because we're setback and because Home Road is not completed, we asked for this temporary sign  
31 which was granted but it's just better located off the south side of this entryway as opposed to the north  
32 side.

33

34 Mr. Oster: So you want to move this one to the other side now that the monument sign is up?

35

36 Mr. Hunter: Yes. If we would have looked at it a little more closely in the beginning, it would have been  
37 better to have the temporary sign on the south side of the intersection.

38

39 Mr. Miller: How long is it going to be before Home Road is finished?

40

41 Mr. Hunter: The original completion date was September; I think it's going to be a little bit later.

42

43 Mr. Miller: Of this year?

44

45 Mr. Hunter: Yes. I can only answer your question with regard to the original completion date which was  
46 set for September.

47

48 Mr. Oster: I think Jeff mentioned that the setback on this sign to move it to the other side of the road was  
49 going to be larger at 25' than 33' rather than 25' and 25' I think is what he said the current is.

## Board of Zoning Appeals

50  
51 Mr. Hunter: I think so; I think that's what the package says.

52  
53 Mr. Miller: Help me understand this statement, and I'm reading from the variance application, under the  
54 "Describe the Project", the second sentence, the applicant would like the option to maintain the previous  
55 location on the north side of the intersection but at their discretion, move the sign to the south side of 23  
56 and Slate Ridge. I'm a little bit confused or concerned about at their discretion.

57  
58 Mr. Hunter: We're simply asking to have the sign on the north side or the south side. It's a temporary  
59 marketing sign and I don't know why that would be a concern.

60  
61 Mr. Miller: Based on how I'm reading this, it's at your discretion when you want to move signage around  
62 and doesn't state what sign is to be removed. To me, that's not a complete accuracy.

63  
64 Mr. Hunter: We have a sign on the north side, we'd like to have the ability to move it to the south side.

65  
66 Mr. Oster: You just want to move it from the north side to the south side at this time; you're not going to  
67 need to move it back, correct?

68  
69 Mr. Hunter: We could in the future and we don't want to have to go through a whole approval process to  
70 move it back.

71  
72 Mr. Miller: But that's part of my concern, at your discretion you can move the sign back and forth  
73 whenever you want.

74  
75 Mr. Beard: They would still have to have the temporary sign permit approved.

76  
77 Mr. Hunter: It's a temporary marketing sign for a multi-million dollar project that's financing the  
78 construction of a road and we don't have roadway access, so we're asking for slight flexibility on a  
79 marketing sign.

80  
81 Mr. Beer: I respect the fact that you actually took into account the line of sight. A lot of times they'll put  
82 these temporary signs up which block the line of sight.

83  
84 Mr. Hunter: We just want a little flexibility when we don't have a direct roadway access into our site. It's  
85 a bit of a challenge to build a multi-million dollar project and not have a road to it, and the fact we're  
86 building the project is what is financing the road. That's all we're looking for, a little flexibility.

87  
88 Mr. Miller: But you're only going to have one sign at each intersection?

89  
90 Mr. Hunter: We're not asking for two temporary signs, we're not increasing the signage, we're just asking  
91 for some flexibility to be able to move them around.

92  
93 Mr. Miller: My question is, you're only going to have one sign at each intersection; you're not going to  
94 have the monument sign plus the temporary sign together and 20' apart.

95  
96 Mr. Hunter: We already have that; that's the problem.

97  
98 Mr. Oster: That's the picture you're looking at.

99 Mr. Hunter: The picture is what we have today. The monument sign is the permanent sign; the sign to the  
100 right of the monument sign is the temporary sign.

## Board of Zoning Appeals

101  
102 Mr. Oster: I would be in favor of you moving it to the south side now that the monument sign is done and  
103 leave it there, but not go back and forth. I think that would benefit you more of having it on the south side  
104 and having them separated; that way you've got two markings of "we're here".

105  
106 Mr. Hunter: If you want to qualify an approval that if we move it to the south side, we lose it to the north,  
107 that's fine.

108  
109 Mr. Beer: I don't have a problem adding that flexibility because I can see there might be a need for that  
110 sign on the south down the road. Since you have to go through the permit process anyhow, I don't see  
111 what the issue is with the flexibility.

112  
113 Mr. Hunter: We would like the flexibility; it helps us.

114  
115 Mr. Beard: And they would have to go through the temporary sign permitting process and which that  
116 permit actually needs to be renewed, so that's why they're going through this, so they don't have to renew  
117 it at the old location so they can move it to the south so they can get better visibility.

118  
119 Mr. Oster: And, Jeff, did you say if they move that to the south side of Slate Ridge that it would be 25'  
120 from 23 right-of-way and 33' from Slate Ridge?

121  
122 Mr. Beard: I think it's actually 32'. I think I hit the wrong number on there. But right now it is 25' and  
123 25'.

124  
125 Mr. Miller: As long as you have the ability to control that the signs just don't move back and forth  
126 without review, then I'm in favor of it.

127  
128 Mr. Beard: And this was determined through the Zoning Commission when they went through the  
129 rezoning process, and they deemed it as an off premise sign so that's why they had to get a divergence to  
130 locate it at this location because typically the temporary signs would not have to go through this process  
131 as long as it met our temporary sign standards.

### **MOTION TO APPROVE VARIANCE APPLICATION #VA-20-09**

132  
133  
134  
135 Mr. Miller made a motion to approve Variance Application #VA-20-09, Wesley Smith, allowing the  
136 applicant to move the temporary sign to the south of Slate Ridge Drive pending it has valid permits and  
137 can only be moved when the permit is approved; seconded by Mr. Beer.

138  
139 Vote on Motion: Mr. Beer-yes, Mr. Miller-yes, Mr. Oster-yes, Ms. Sundar-yes, Mr. Boyd-yes  
140 Motion carried

141  
142 Minutes prepared by Cindy Davis, Zoning Secretary

143  
144 Meeting adjourned at 7:15 p.m.

145  
146 On August 20, 2020, Mr. Oster made a motion to approve the meeting minutes of the Orange Township  
147 Board of Appeals dated June 18, 2020 for Variance Application #VA-20-09, Wesley Smith, as written;  
148 seconded by Mr. Shipley.

149  
150 Vote on Motion: Mr. Oster-yes, Mr. Miller-yes, Mr. Shipley-yes, Ms. Sundar-yes  
151 Motion carried