

1 BEFORE THE ORANGE TOWNSHIP
2 BOARD OF ZONING APPEALS
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4 :
5 In the Matter of: :
6 :
6 Public Hearing - :
 Variance Applications :
7 :
8 :
9 - - -
10 PROCEEDINGS
11 before Members of the Orange Township Board of
12 Zoning Members; Chairman Aaron Shipley, Jr.,
13 Kelvin Trefz, Sue D. Ross, Stacey Neff and
14 Punitha Sundar, held at Orange Township Hall,
15 Moffett Room, 1680 East Orange Road, Lewis
16 Center, Ohio, called at 6:00 p.m. on Thursday,
17 September 14, 2023.
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1 P R O C E E D I N G S

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3 CHAIRMAN SHIPLEY: I'd like to
4 call to order the meeting of the Orange
5 Township Board of Zoning Appeals, Thursday
6 September 14th, 2023. Mr. Duffee, can we have a
7 roll call, please.

8 MR. DUFFEE: Mr. Shipley.

9 CHAIRMAN SHIPLEY: Here.

10 MR. DUFFEE: Mr. Trefz.

11 MR. TREFZ: Here.

12 MR. DUFFEE: Ms. Sundar.

13 MS. SUNDAR: Here.

14 CHAIRMAN SHIPLEY: Ms. Ross.

15 MS. ROSS: Here.

16 MR. DUFFEE: Ms. Neff.

17 MS. NEFF: Here.

18 CHAIRMAN SHIPLEY: All right.

19 We'll start with the swearing in of witnesses.

20 Anyone who intends to testify, please raise
21 your right hand to be sworn.

22 "Do you solemnly swear that the
23 testimony that you shall give, shall be the
24 truth, the whole truth and nothing but the

1 truth? Please state I do.

2 ALL: "I do."

3 CHAIRMAN SHIPLEY: And when it's
4 your turn to offer testimony, please state
5 your full name, address and affirm that you've
6 been sworn in. If you're going to offer any
7 testimony, I'd ask you to step up to the
8 microphone tonight so that the reporter can
9 get that, but it would be your full name,
10 address and affirm that you've been sworn in,
11 please. Thank you.

12 And our first order of business
13 this evening is a Variance Application VA
14 23-17.

15 MR. DUFFEE: Mr. Shipley, we will
16 start off with the Staff Report for Variance
17 VA-23-17. The applicant is Ms. Meaghan
18 O'Connor, who is present with us this evening.
19 This is for a property located at the
20 northeast corner of US 23 and East Orange
21 Road, having Parcel ID No. 318-234-04-003-001.
22 They are seeking a total of three area
23 variances from Rezoning Case 08-0610 Orange
24 Corporate Park, in an area zoned Planned

1 Commercial and Office District, or PC.

2 The two variances for setbacks are
3 to allow for the proposed daycare to encroach
4 27 feet and seven inches into the 75-foot
5 front setback along Orange Road and for the
6 daycare to encroach 5 feet and 10 inches into
7 the 30-foot perimeter setback. The applicant
8 is also requesting one area variance from the
9 Orange County Zoning Resolution Section 21.01E
10 to allow for a daycare to have fewer parking
11 spaces than the required one space per
12 employee plus one space for every five
13 children. The applicant applied for the
14 commercial permit on July 13th 2023 of this
15 year. The subject property again is located
16 on the northeast corner of US 23 and Orange
17 Road and it is owned by Orange 23 Group LLC.

18 On the following page of the Staff
19 Report, you can see the aerial of the
20 property, as well as the surrounding area. So
21 the property is surrounded to the north, south
22 and east by Planned Commercial and Office
23 Districts, and then to the west on the other
24 side of 23 is Farm Residential Property that

1 is currently undeveloped.

2 The next page of the Staff Report,
3 it goes through the variances one by one. So
4 the first variance request is for the front
5 setback. So the proposed daycare would
6 encroach 27 feet and 7 inches into the 70-feet
7 setback along East Orange Road. This is
8 roughly a 39 percent variance request from
9 Rezoning Case 08-0610 Orange Corporate Park.
10 Andrew, if you can scroll down just a little
11 bit, you can see the proposed site plan with
12 the front setback on the left-hand side of that
13 screen measured out.

14 The second variance is for the
15 perimeter setback, or essentially the side
16 yard setback. You can see on that drawing
17 that it is on the right-side of where Andrew's
18 mouse is now. So the proposed daycare would
19 encroach 5 feet and 10 inches into the 30-feet
20 perimeter setback. This roughly a 19 percent
21 variance request from Rezoning Case 08-06110
22 Orange Corporate Park.

23 on the following page is the final
24 variance. This one is for the parking

1 requirement. So the parking requirements for
2 daycares, as listed in the Orange Township
3 Zoning Resolution Section 21.01E is that
4 daycares are required to have one space per
5 employee plus one space for every five
6 children. In their application, the applicant
7 specified that the daycare would have a
8 maximum of 28 employees and 232 students at
9 maximum capacity. At one spot per employee plus
10 one spot for every five children, the daycare is
11 required to have 75 parking spaces. This
12 calculation can be seen in Exhibit 2. So 75
13 parking spaces required. The site plan provided
14 by the applicant shows 50 parking spaces, which
15 is a shortage of 25 parking spaces. This is
16 roughly a 33 percent variance request from
17 Rezoning Case 08-06110 Orange Corporate Park.

18 I will note that, although it was
19 not included in the materials, I do believe the
20 applicant is also trying to work out some
21 offsite parking arrangements. I will let the
22 applicant give any details or updates on that
23 plan, or escalations. That is all I have for
24

1 now. The applicant is here, if the Board has
2 questions.

3 CHAIRMAN SHIPLEY: Ms. O'Connor.

4 MS. O'CONNOR: So my name is
5 Meaghan O'Connor. I have been sworn in. And
6 my company address 1695 Twelve Mile Road,
7 Berkley, MI.

8 So for our proposed site, we have
9 actually worked through multiple iterations of
10 this site plan. And what you're looking at is
11 the best we could come up with that would
12 allow us to meet our requirements as for play
13 space, as well as maximize the most parking
14 you could possibly provide, while allowing for
15 two site entrances, which was a requirement
16 from the Fire Marshal, navigated space.

17 We obviously are encroaching on
18 that front yard setback. I put that in quotes
19 just because the front yard is actually what
20 we are considering our rear yard, but it is
21 that Orange Road frontage. And we are
22 actually 70 feet removed from the internal
23 road, which is actually where the front of our
24 building is. So, we are meeting the intent for

1 the most part of that ordinance. But
2 obviously, the rear of the yard is what is
3 facing Orange Road.

4 As far as the parking goes, this
5 tenant has determined that based on their
6 experience, they are an international operator
7 so they've operated in Canada for many years.
8 They do have multiple sites here in the US.
9 And this would be their first build to suit
10 building, so they are creating it themselves.
11 We are developing it on their behalf, but they
12 are building it for themselves. After going
13 through that process, they determined that
14 between 35 and 40 spaces meets their needs. So,
15 the 75 requirement far outpaces what they
16 anticipate ever needing, and then 50 is sort
17 of the middle ground, so between what they
18 think they need and then what the ordinance
19 sort of calls for.

20 The other thing I do want to point
21 out is 232 Students would be the absolute
22 maximum, there would be no more allowed. But
23 that doesn't mean that that's actually what
24 will be there every day. Two hundred and

1 thirty-two students would be every single
2 possible spot is filled and every single
3 student showed up on the same day, so that's
4 not very realistic as to how the students
5 operate. Many students come, you know, a
6 couple days a week, 28 students could possibly
7 be in the after-school program, which would
8 mean they are not being dropped off in the
9 morning. They wouldn't factor into that.

10 And then obviously, most parents,
11 not most parents, some parents have multiple
12 children so it would be, you know, one car
13 picking up maybe one or two students at a
14 time. We also wouldn't very regularly have 28
15 staff members there at a time, so as students
16 go home, the staff can be reduced. So it all
17 sort of filters out together. We believe 50
18 spaces does meet our need.

19 As Robin alluded to, we have had
20 conversations with nearby property owners
21 regarding a shared parking agreement. At this
22 time, we don't have one in place, reason being
23 as we were able to get to 50 spaces. We have
24 really been pursuing it more closer to 35

1 spaces and now we think that with 50, we're
2 more than satisfied. But we do have a
3 connection with the seller of the property to
4 us does own a parking lot just adjacent to the
5 site. So if it ever were to become a concern,
6 we could pursue that avenue, but at this time,
7 we don't have that in place. Please let me
8 know if you have any questions.

9 CHAIRMAN SHIPLEY: So I guess the
10 starting question would be, you said that
11 you've worked every angle, just kind of a way
12 to put it. So what's the alternative? If the
13 variance is not approved to any of the
14 requests, what's the alternative?

15 MS. O'CONNOR: If we can't get the
16 variance for the setback, we don't anticipate
17 the site working. There are licensure
18 requirements for play space, which should be
19 the obvious place to move the building and
20 sort of adjust, but because it is a
21 requirement for daycare to have certain amount
22 of play area, we can't really reduce that.

23 The project does require having
24 the capacity for about 230 students for it to

1 be financially viable for the tenant and the
2 parking is really not up to us. So it does
3 come down to if it doesn't work on this
4 property, we still really like Orange
5 Township, we would perhaps try to find an
6 alternative location, if we could. But this
7 does -- it is sort of the ideal location from
8 the tenant's perspective.

9 CHAIRMAN SHIPLEY: And I bring
10 that up because it's a substantial
11 encroachment into the --

12 MS. O'CONNOR: Yeah.

13 CHAIRMAN SHIPLEY: And you know
14 that. I'm not trying to point that out, but
15 it is a substantial encroachment at a busier
16 corner in Orange Township.

17 MS. O'CONNOR: Yeah. And if -- so
18 because that road that we will be entering off
19 of is sort of a private road, our frontage is
20 solely considered Orange Road. But if that
21 was a public dedicated road, which we don't
22 have the ability to make a public road, but if
23 it was, then our frontage would be along that
24 internal road and we would be meeting with

1 those setback requirements. Obviously, that's
2 not the case, but just from an experience
3 perspective, it would feel like similar to
4 other properties in the Township of the
5 70-foot setback.

6 CHAIRMAN SHIPLEY: Right. And
7 that's one of the reasons I said that, as you
8 pointed out early on that the back of the
9 building you looked at it a different, but
10 that's where it's measured from.

11 MS. O'CONNOR: Yep.

12 CHAIRMAN SHIPLEY: Okay. And one
13 more question with regard to parking spots. So
14 you settled on 50. So is 50 parking spots the
15 most parking spots you can get out of that?

16

17 MS. O'CONNOR: Yes. Yes.

18 MR. TREFZ: Where on this diagram
19 is the play area?

20 MS. O'CONNOR: So it's along the
21 side of the building and the back by Orange
22 Road.

23 MR. TREFZ: Okay.

24 MS. O'CONNOR: I have to orient

1 myself. North is up, so it would the south
2 and the west portions. It's sort of dotted.
3 So the fence does come up to essentially where
4 the property line will become.

5 MR. TREFZ: Okay.

6 MS. O'CONNOR: Yep.

7 CHAIRMAN SHIPLEY: The 19 percent
8 variance for the perimeter is actually based
9 upon the 70-foot, so what my point is, if that
10 wasn't that far forward, then that corner
11 wouldn't be that far forward. Is that true or
12 is that wrong?

13 MR. DUFFEE: I think not quite.
14 So it's a 30-foot setback and it's kind of
15 just a function of that oddly shaped parcel.

16 CHAIRMAN SHIPLEY: Right.

17 MR. DUFFEE: Just that that line
18 does trigger that additional, you know, if
19 this parcel was a perfect rectangle, then you
20 know, that side-yard perimeter setback would
21 not really apply. But you are correct in
22 saying that, yes, it would still be part of
23 the front yard setback.

24 MR. TREFZ: Is that based on the

1 length of the building at all or the width?

2 MR. DUFFEE: No.

3 MR. TREFZ: It's just --

4 MR. DUFFEE: It's just an X amount
5 of frontage to the right.

6 MR. TREFZ: Okay.

7 MS. SUNDAR: Do you have an
8 alternate plan in which doesn't require, you
9 know, simpler ones, like, fewer parking lots?
10 Do you have any plans already in place?

11 MS. O'CONNOR: We have an earlier
12 version. We still did have setback variances.
13 In that they were less, but that I think got
14 us at 38 parking spaces.

15 MS. SUNDAR: Okay.

16 MS. O'CONNOR: So, again, that was
17 an amount that the tenant is comfortable with,
18 but it does increase the variance for the
19 parking reduction that we would be requesting
20 from you.

21 MS. SUNDAR: Thank you.

22 CHAIRMAN SHIPLEY: Any other
23 businesses along Orange Road there that are
24 encroaching into the setback, that you're

1 aware of?

2 MR. DUFFEE: Not that I'm aware
3 of, and that is with the caveat that because
4 all of our commercial properties are in
5 planned districts, there are different planned
6 districts along Orange Road, so they may well
7 have different setbacks. There are standard
8 setbacks in our Zoning Resolution, which I can
9 pull up, that are separate from the setbacks
10 that are laid out in that Development Plan.

11 CHAIRMAN SHIPLEY: I guess the
12 reason I ask that, and I'm not trying to
13 compare it to anything, not significantly
14 trying to compare it, but we developed Orange
15 Road, along Orange Road, and so I guess the
16 planned district piece would be the difference
17 with regards to that.

18 MR. DUFFEE: Yeah. So the short
19 answer is that in Planned Commercial Office
20 Districts Orange Road's a Class B Road, as
21 defined by our zoning resolution and that
22 standard setback is 70 feet, which does match
23 this setback in the development plan.

24 MR. TREFZ: And the Post Office

1 is?

2 CHAIRMAN SHIPLEY: Businesses
3 further up are in a planned district setting.

4 MR. TREFZ: Yeah.

5 MR. DUFFEE: Correct. If you give
6 me 30 seconds, I can measure both sites.

7 MR. TREFZ: That's the only
8 building I can picture at the moment.

9 MS. NEFF: So because it's the
10 Orange address, it falls in the Orange Road
11 setback?

12 MR. DUFFEE: Yes and no. It's not
13 really the address. It's just any distance
14 from Orange Road, any structure has to be 70
15 feet, that is the setback.

16 MS. NEFF: Gotcha.

17 CHAIRMAN SHIPLEY: And again, not
18 to prolong the -- the variance is substantial,
19 that's the discussion that we need to have to
20 kind of run that track line, I guess, for lack
21 of a better term.

22 MR. DUFFEE: For reference the
23 Post Office, a little farther down Orange
24 Road, is 125 feet from the right --

1 MR. KOENIG: Also, the Post Office
2 is in a Planned Industrial District.

3 MR. DUFFEE: I figured.

4 CHAIRMAN SHIPLEY: So most every
5 business, most every business along that, I
6 guess, the railroad tracks at 23 is in a
7 Planned Industrial.

8 MR. DUFFEE: Planned Industrial or
9 Planned Commercial.

10 MR. TREFZ: Yeah.

11 CHAIRMAN SHIPLEY: Yeah. Does
12 anybody have any questions? Does anybody want
13 to make a Motion?

14 MR. TREFZ: Yeah. I move to deny
15 Case VA-23-17 for the property located Parcel
16 ID 318-234-04-003-001 Lewis Center, Ohio,
17 seeking an area variance for Rezoning Case
18 080610 Orange Corporate Park, to allow a
19 daycare to encroach 27 feet and 7 inches into
20 a 70-foot front setback along Orange Road in
21 the area of zoned Planned Commercial and
22 Office District because of the reasons that
23 are stated above. Do you want me to read
24 those?

1 MR. DUFFEE: It's not necessary to
2 read those.

3 MR. TREFZ: Okay. That's my
4 Motion.

5 MS. ROSS: I'll second the Motion.

6 MR. DUFFEE: Motion to deny the
7 front setback variance made by Mr. Trefz,
8 seconded by Ms. Ross. Those voting:

9 MR. DUFFEE: Mr. Shipley.

10 CHAIRMAN SHIPLEY: Yes.

11 MR. DUFFEE: Mr. Trefz.

12 MR. TREFZ: Yes.

13 MR. DUFFEE: Ms. Sundar.

14 MS. SUNDAR: Yes.

15 CHAIRMAN SHIPLEY: Ms. Ross.

16 MS. ROSS: Yes.

17 MR. DUFFEE: Ms. Neff.

18 MS. NEFF: No.

19 MR. DUFFEE: Motion carries with
20 four to one. The front setback variance is
21 denied. We still have the other two
22 variances.

23 MR. TREFZ: Yes. Based on the
24 factors, I move to approve Case VA-23-17 for

1 the property located with the Parcel ID of
2 318-234-04-003-001 Lewis Center, Ohio seeking
3 an area of variance for Rezoning Case of
4 08-1610 Orange Corporate park to allow for the
5 daycare 5 feet 10 inches into a 30-foot
6 perimeter setback in the area zoned Planned
7 Commercial and Office District. That's the
8 motion.

9 MS. NEFF: Second.

10 MR. DUFFEE: Motion to approve the
11 variance for the perimeter setback made by Mr.
12 Trefz, seconded by Ms. Neff. Those voting:

13 MR. DUFFEE: Mr. Shipley.

14 CHAIRMAN SHIPLEY: Yes.

15 MR. DUFFEE: Mr. Trefz.

16 MR. TREFZ: Yes.

17 MR. DUFFEE: Ms. Sundar.

18 MS. SUNDAR: Yes.

19 CHAIRMAN SHIPLEY: Ms. Ross.

20 MS. ROSS: Yes.

21 MR. DUFFEE: Ms. Neff.

22 MS. NEFF: Yes.

23 MR. DUFFEE: Motion carries, the
24 perimeter setback variance is approved.

1 CHAIRMAN SHIPLEY: The last one is
2 VA-23-17, I would make a Motion to deny the
3 proposed seeking an area variance from
4 Rezoning Case 08-0610 Orange Corporate Park to
5 allow for a daycare to have 50 parking spaces
6 for the required 75 parking spaces in the area
7 zoned Planned Commercial and Office District.

8 MS. ROSS: I second.

9 MR. DUFFEE: Motion to deny the
10 variance request for reduction in parking
11 spaces made by Mr. Shipley. Those voting:

12 MR. DUFFEE: Mr. Shipley.

13 CHAIRMAN SHIPLEY: Yes.

14 MR. DUFFEE: Mr. Trefz.

15 MR. TREFZ: Yes.

16 MR. DUFFEE: Ms. Sundar.

17 MS. SUNDAR: Yes.

18 CHAIRMAN SHIPLEY: Ms. Ross.

19 MS. ROSS: Yes.

20 MR. DUFFEE: Ms. Neff.

21 MS. NEFF: No.

22 MR. DUFFEE: Motion carries four
23 to one. The parking variance is denied.

24 MS. O'CONNOR: Thank you for your

1 time and consideration.

2 CHAIRMAN SHIPLEY: Thank you.

3 - - -

4 CHAIRMAN SHIPLEY: Our next
5 application is Variance Application 23-18.
6 Mr. Duffee.

7 MR. DUFFEE: Thank you, Mr.
8 Chairman. So this is Variance Case VA-23-18.
9 The applicant is 3-Pillar Homes for a property
10 located at 5504 Maple Drive, Lewis Center,
11 Ohio, having Parcel ID No. 318-210-20-002-000.

12 This property is zoned Single
13 Family Residential District. They are seeking
14 an area variance from Rezoning Case ZON-22-04
15 Evans farm for a home that encourages into the
16 rear yard setback.

17 The applicant is requesting an
18 area variance from the aforementioned rezoning
19 case to allow for a home to encroach 22 feet
20 and 8 inches into the 35-feet rear yard
21 setback in an area zoned Single Family Planned
22 Residential District. The applicant applied
23 for a permit for a new home on July 18th of
24 this year. After being informed that the

1 setbacks are oriented to the public road and
2 not to the private alley, the applicant
3 applied for the variance.

4 The property is surrounded on all
5 four sides by Single Family Planned
6 Residential District in Evans Farm. Some of
7 those lots are built with homes and some of
8 those residences are not yet built or
9 completed.

10 On the following page that the
11 Staff Report, you can see the aerial view of
12 this property 5504 Maple Drive. All right.
13 So this is a this little bit of an odd case.
14 So in terms of our review, rezoning text
15 specifies that the front setbacks are measured
16 from an internal public right-of-way. This
17 property only has public right-a-way frontage
18 on Maple Drive establishing the front setback
19 along this road. The rear and side setbacks
20 are then established in accordance with the
21 front setback. The orientation of the
22 setbacks can be seen in Exhibit 2.

23 On the following page, the rear
24 setback for primary structures is 35 feet.

1 The proposed home complies with all other
2 setbacks.

3 So again, the proposed home would
4 encroach 22 feet and 8 inches into the 35-foot
5 rear yard setback for primary structures.
6 This is roughly a 65 percent variance request
7 from Rezoning Case ZON-22-04.

8 So I do mention that this is an
9 odd case. So, Andrew, if you don't mind going
10 back to the Auditor's aerial real quick. So
11 you can see the kind of north/south road
12 there, which is Maple Drive, that is a public
13 roadway. That little diagonal connector road
14 between Maple Street and Linden Street to the
15 south, that is a private right-of-way. It was
16 built to public standards, but the ownership
17 remains private. Because our zoning text
18 states that the -- that all lots shall have
19 frontage on a public right-of-way, when
20 reviewing the zoning permit when it came in,
21 we realized that we would consider the front
22 setback to be along Maple Drive; however, the
23 home is oriented along the private drive so it
24 will face the private drive. So essentially,

1 this is almost a swapping of the rear yard
2 setback and the side yard setback, if that
3 makes sense.

4 Andrew, if you don't mind going to
5 Exhibit 2, I think that makes it pretty clear
6 as well. So, this is how we consider the
7 setbacks based on the language of the rezoning
8 that the front is along Maple Drive; however,
9 the home will be oriented such that it will
10 face the side yard setback, which is the
11 private alley and the rear yard setback, which
12 is way in the side yard setback is what they
13 are asking relief from.

14 MS. SUNDAR: Quick question on the
15 private access. So who will get to use that,
16 I mean, who will get the access to use the
17 private?

18 MR. DUFFEE: It is technically a
19 private street, but there are no blockades.
20 There's no gates. Essentially, if you drove
21 down it, you would not realize that it was
22 private. It looks like a public street.
23 Actually, Orange Township tends to pile snow
24 there already, but the ownership remains

1 private.

2 MS. NEFF: Are there other lots
3 that will have the same issue?

4 MR. DUFFEE: I am not 100 percent
5 sure on that. We anticipate no. And I think
6 this was -- I'm not sure about -- a brief
7 history lesson.

8 Evans Farm has had multiple
9 amendments to their zoning since it was first
10 zoned, you know, ten years ago or so. The
11 most -- well, not most reasons, but one of
12 those rezoning amendments was to essentially
13 compress everything from about a 500-page
14 document to a 50-page document. And that
15 500-page document included some terms, which
16 would allow this to happen without the need
17 for a variance. When that was compressed,
18 somehow that was lost, that language went away
19 and now in order to make these lots compliant
20 with our zoning, a variance is required.

21 And Mr. Dan Griffin is here
22 representing the applicant and Evans Farm, if
23 the Board has questions.

24 CHAIRMAN SHIPLEY: Mr. Griffin.

1 MR. GRIFFIN: Dan Griffin, 5672
2 Evans Farm Drive, Lewis Center, Ohio, 43035.
3 I've moved up here 11 years ago to do the
4 Evans Farm project.

5 CHAIRMAN SHIPLEY: You have been
6 sworn in, sir?

7 MR. GRIFFIN: Yes, I did.

8 CHAIRMAN SHIPLEY: Thank you.

9 MR. GRIFFIN: So sort of when
10 Robin called and this happened and the builder
11 called me and said, what the heck. I think
12 this is again a cleanup that made sense, and
13 Robin and I talked about it. Rather than
14 amend the zoning to meet the zoning that this
15 actually meets, we thought a variance made
16 more sense than amending the zoning. It meets
17 every other requirement.

18 Personally I built the streets in
19 public standards. I didn't know it got
20 platted as a private drive. And as you can
21 see, the middle lot to get frontage on a
22 public street actually owns that whole street.
23 We use it. The trucks and the garbage trucks
24 and everything pulls around. So as far as

1 maintenance of it, we consider it a public
2 street. But rather than go through the
3 process of amending everything and then asking
4 Orange Township to accept it as a public
5 street to meet all the requirements that we
6 anticipated anyway.

7 So it means everything else, it
8 just -- it sort of surprised us. And so we're
9 here to clean up we hope the last little
10 cleanup from Section 22, because that's what
11 I've been doing for the last five or six
12 years, so just cleaning up a long list of --
13 you know, they're still within the purview of
14 what we wanted to do at Evans Farm and create.

15 They're going to be all the front
16 yard, you know, 20 feet back, right behind the
17 sidewalk there will be the hedges, so visually
18 landscaping is going to meet all the design
19 requirements. So we were just made aware of
20 this and I think we felt this was the best way
21 to clean it up and come to you for a variance.

22 MS. SUNDAR: Tell me about the
23 drainage easement.

24 MR. GRIFFIN: Yeah, there's

1 drainage easements throughout Evans Farm that
2 have to be required to allow water to pass
3 through, surface water. There's actually
4 probably a storm sewer that goes there and
5 connects to the storm sewer on the -- that's
6 throughout the community.

7 We have a lot of lots that have
8 drainage easements in the back of them and
9 then storm sewer pipe that's actually on the
10 lots. Across the street on Linden, the same
11 thing, there's one all the way down from
12 Butternut to Linden.

13 MS. SUNDAR: How close is that
14 from the lot line, that drainage easement?

15 MR. GRIFFIN: Well, it runs -- how
16 close is it to the lot -- which lot?

17 MS. SUNDAR: The 9004.

18 MR. GRIFFIN: I mean, let me just
19 see what you're -- I have a drawing and it's
20 easier for me to see it from here. So how
21 close is it?

22 MR. TREFZ: Well, it's 50 feet,
23 isn't it?

24 MR. GRIFFIN: It's a 20-foot

1 sanitary easement and it looks like it's 10
2 feet off the 9001 this way.

3 MR. TREFZ: Okay.

4 MR. GRIFFIN: Yeah, we always try
5 to give a little, instead of putting them
6 right on the property line, we've always tried
7 to design so that way when people are digging
8 on the next lot that we don't have any pipe
9 near them.

10 MS. SUNDAR: Just because you're
11 here.

12 MR. GRIFFIN: Sure.

13 MS. SUNDAR: So what's going in
14 here, is that a park?

15 MR. GRIFFIN: That's a park, yeah.
16 That's a park.

17 MR. GRIFFIN: In fact, Friday
18 night if anybody wants to come out, we're
19 having a bonfire and smores for the kids. But
20 yes, it's -- I think this is just a normal
21 cleanup of language that we have in our zoning
22 text that didn't meet the private drive side
23 of it. It meets everything else, so.

24 CHAIRMAN SHIPLEY: The

1 Architectural Review Board Approval, that's
2 the permit there, a copy of it we have. As I
3 understand it, they approved it all, only to
4 find out that that setback didn't meet Orange
5 Township's.

6 MR. GRIFFIN: Yeah.

7 CHAIRMAN SHIPLEY: Okay.

8 MR. GRIFFIN: We didn't -- and I'm
9 on the Architectural Review --

10 CHAIRMAN SHIPLEY: Well, that
11 would have been my point. We have the Evans
12 Farm Architectural Board said, yes, this is
13 perfectly fine.

14 MR. GRIFFIN: Yes.

15 CHAIRMAN SHIPLEY: It's all
16 approved.

17 MR. GRIFFIN: Yeah. yep.

18 CHAIRMAN SHIPLEY: Okay.

19 MS. ROSS: So Robin, you said this
20 essentially cleans this up and swaps the
21 setbacks to just be on the other road. Other
22 than that, if you kind of look at it, if we
23 change, you know, if it's all changed, does
24 this building then sit in a similar setback

1 from the other houses in that area?

2 MR. DUFFEE: Yes. Yes, it will
3 meet the other setbacks.

4 CHAIRMAN SHIPLEY: Any other
5 questions? Is there any public comment? No
6 other questions from the Board.

7 I'll make a Motion. I'll say the
8 65 percent jumps out at me, so it always does.
9 But with that said, I will make a Motion based
10 upon the presentation, based upon the
11 architectural review input and the Evans Farm
12 current setbacks, to approve a VA-23-18 for a
13 rear yard setback for a property located at
14 5504 Maple Drive, Lewis Center, seeking an
15 area variance from Rezoning Case ZON-22-04
16 Evans Farm, to allow for a home to encroach 22
17 feet and 8 inches into the 35-foot rear yard
18 setback.

19 MS. ROSS: I'll second the Motion.

20 MR. DUFFEE: Motion to approve
21 made by Mr. Shipley and seconded by Ms. Ross.

22 Those voting:

23 MR. DUFFEE: Mr. Shipley.

24 CHAIRMAN SHIPLEY: Yes.

1 MR. DUFFEE: Mr. Trefz.

2 MR. TREFZ: Yes.

3 MR. DUFFEE: Ms. Sundar.

4 MS. SUNDAR: Yes.

5 CHAIRMAN SHIPLEY: Ms. Ross.

6 MS. ROSS: Yes.

7 MR. DUFFEE: Ms. Neff.

8 MS. NEFF: Yes.

9 MR. DUFFEE: Motion carries.

10 CHAIRMAN SHIPLEY: Thank you very
11 much.

12 MR. GRIFFIN: Thank you. And
13 also, I just thought I'd, while I've got
14 everybody, it's nice to see everybody again,
15 and certainly meet some new people. October
16 29th we are having our Fall Festival and we
17 really want the whole community, Orange
18 Township, Delaware County to be there, so
19 you'll be getting an invite. I'll send it
20 through you and carry it on. Thank you very
21 much.

22 CHAIRMAN SHIPLEY: Okay. Our next
23 application, is Variance Application 23-19.

24 MR. DUFFEE: Yes, sir. All right.

1 So this is Variance Case VA-23-19. The
2 applicant is 3-Pillar Homes for a property
3 located at 2331 Linden Street, Lewis Center,
4 Ohio. I have the Parcel ID No.
5 318-210-20-003-000. This again is a Single
6 Family Planned Residential District. They are
7 seeking an area variance from Rezoning Case
8 ZON-22-04 Evans Farm to establish the front
9 building setback along a private alley.

10 So for a Summary, the applicant is
11 requesting an area variance from the
12 aforementioned rezoning case to establish the
13 front setback along the private alley in the
14 area zoned as Single Family Planned
15 Residential District.

16 After discussions with Zoning
17 Staff regarding the adjacent property 5504
18 Maple Drive, it was determined that this lot
19 would require a variance in order to build on it.
20 The subject property includes a lot, in quotation
21 marks, as well as the private alley that the lot
22 lies on. The lot has no public frontage and
23 requires an area variance to establish a setback
24 on the private alley to

1 make it buildable for a home. No building
2 plans for the home have yet been submitted to
3 the Zoning Staff at this time. The property
4 is currently owned by Zenios Development LLC.

5 Again, this property is surrounded
6 on all four sides by Single Family Planned
7 Residential District in Evans Farm. This is
8 also the adjacent property to the previous
9 case. So you can see there it is a little --
10 it's a bit of a funky lot, which is a
11 technical zoning term, because the lot legally
12 includes the private alley, which is marked as
13 a private right-of-way, so there is a
14 right-of-way easement along that alley.

15 So, our rezoning text specifies
16 that front setbacks are measured again from an
17 internal public right-of-way, not private.
18 This property only has public frontage where
19 the alley meets the public roads. In order to
20 establish feasible setbacks, the law requires
21 an area variance to establish a front setback
22 along the private alley easement.

23 The proposed area variance would
24 establish the front setback for the property

1 along the private alley easement line rather
2 than along a public road right-of-way. The size
3 of the setbacks would then be established in
4 accordance with the proposed front setbacks. So
5 once we have the front setback established, we
6 can then determine the side rear setbacks. For
7 this lot, the front setback would be 10 feet, the
8 side setbacks would be six feet, and the rear
9 setback for the primary structure would be 35
10 feet. All of those are standard for Evans Farm.

11 On Exhibit 1, you can see, if this
12 variance were to be approved, those would be the
13 setbacks for the property in question.

14 MR. GRIFFIN: So again, the same
15 thing, the same setbacks, everything else is met.

16 MS. NEFF: So this property owns the
17 private drive?

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19

20 MR. DUFFEE: Technically, yes.

21 MS. NEFF: How does that work for
22 road maintenance so when this needs repaved?

23 MR. DUFFEE: So, that is a good
24 question. I mean, the easements would be on

1 the property, which means that whoever owns
2 that property, you know, I'm assuming the
3 easement has terms for maintenance that it's
4 not only accessible on that private alley, but
5 maintenance as well, that people are allowed
6 to come in and maintain that road. And I am
7 assuming that, I have not seen the language,
8 but that that being a private drive, that it
9 would be maintained by the Evans Farm HOA.

10 MR. GRIFFIN: You are correct.
11 So, I'm a real estate lawyer, too. You're
12 correct, that's how we're going to handle it.
13 The HOA is actually going to take over
14 maintenance of that because it's not fair to
15 put it on a lot. Just because when we did the
16 zoning -- and we build it to the public
17 standards.

18 Again, this is first time I saw
19 it, but it's not fair to put that on one lot
20 to maintain that and the other lots have
21 frontage on a public street or have three lots
22 participate, so the HOA is taking over
23 maintaining the street, taking care of any
24 repairs, in other words, the developers are

1 aware.

2 CHAIRMAN SHIPLEY: Any questions?

3 MS. SUNDAR: I will make a Motion.

4 CHAIRMAN SHIPLEY: Well, any
5 public comment?

6 MS. SUNDAR: Okay. I make a
7 Motion to approve based on these factors. I
8 move to approve Case No. VA-23-19 for the
9 property located at 2331 Linden Street, Lewis
10 Center, Ohio, seeking an area variance
11 Rezoning Case/ZON-22-04 Evans Farm to allow
12 for the front building setback to be
13 established from the private alley easement on
14 the property in an area zoned Single Family
15 Planned Residential District.

16 CHAIRMAN SHIPLEY: I'll second.

17 MR. DUFFEE: Motion to approve the
18 areas variance by Ms. Sundar, seconded by Mr.
19 Shipley. Those voting:

20 MR. DUFFEE: Mr. Shipley.

21 CHAIRMAN SHIPLEY: Yes.

22 MR. DUFFEE: Mr. Trefz.

23 MR. TREFZ: Yes.

24 MR. DUFFEE: Ms. Sundar.

1 MS. SUNDAR: Yes.

2 CHAIRMAN SHIPLEY: Ms. Ross.

3 MS. ROSS: Yes.

4 MR. DUFFEE: Ms. Neff.

5 MS. NEFF: Yes.

6 MR. GRIFFIN: Thank you very much,
7 you guys. I appreciate it.

8 CHAIRMAN SHIPLEY: You have a good
9 evening.

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11 CHAIRMAN SHIPLEY: All we have
12 left is the approval of the minutes, right?

13 MR. DUFFEE: Yes. So I believe we
14 set up the July meeting minutes. I received
15 the August minutes yesterday, and I apologize,
16 I did not get a chance to send them out to you
17 so we can kick that to the next meeting.

18 CHAIRMAN SHIPLEY: Did you receive
19 any corrections for the July minutes?

20 MR. DUFFEE: I have not received
21 any corrections, no.

22 MS. ROSS: I did not receive
23 those.

24 MR. DUFFEE: Okay. They should

1 have been on the email that I sent out with
2 all of the meeting materials. If they were
3 not, then I apologize.

4 MS. NEFF: Oh, yeah, I apologize,
5 I missed that.

6 MS. ROSS: I must have missed
7 them, too.

8 MS. NEFF: I thought they said
9 they were coming, so I didn't click on it.

10 MR. DUFFEE: My apologies for the
11 miscommunication. If the Board prefers to
12 kick those back to the next meeting, we can do
13 that as well.

14 CHAIRMAN SHIPLEY: Do we need a
15 Motion for that?

16 MR. DUFFEE: No.

17 CHAIRMAN SHIPLEY: So that means
18 the next meeting we'll have July and August
19 and possibly September.

20 If I can ask you that, it's
21 perfectly fine, it's a public meeting, but did
22 you have something specifically or were you
23 just stopping in to observe?

24 PUBLIC: Just stopped by.

1 CHAIRMAN SHIPLEY: Okay. Perfect.

2 Anything else?

3 MR. DUFFEE: No, sir.

4 CHAIRMAN SHIPLEY: All right.

5 Meeting adjourned. Thank you, folks.

6 (Thereupon, the proceedings

7 adjourned at 6:50 p.m.)

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1 CERTIFICATE

2 The undersigned do hereby certify that
3 the foregoing proceedings were digitally
4 recorded and electronically transmitted by
5 Jennifer Koontz, and transcribed via audible
6 playback, and that the foregoing transcript of
7 such proceedings is a full, true and correct
8 transcript of the proceedings as so recorded.

9 IN WITNESS WHEREOF, I have hereunto set
10 my hand and affixed my seal of office on this
11 11th day of October 2023.

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Sandra D. Kin

19 Sandra D. Kin,
20 Registered Professional Reporter,
21 Certified Digital Reporter,
22 Certified Digital Transcriber.
23 Notary Public - State of Ohio.

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My Commission expires May 14, 2027.

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