

**ZONING COMMISSION JOURNAL OF ACTIONS  
FROM MEETING HELD OCTOBER 24, 2023  
ORANGE TOWNSHIP - DELAWARE COUNTY**

The electronic recordings of this meeting serve as the official meeting minutes.  
A full and accurate account of this meeting's audio and video can be found at [www.orangetwp.org](http://www.orangetwp.org)

Dennis McNulty called the meeting to order.

**ROLL CALL:** Dennis McNulty, Chair – Present  
Christine Trebellas, Vice-Chair – Present  
Les Pierce – Present  
Pamela Foster - Present  
Karthik Avadhanula – Present

**ALSO PRESENT:** Robin Duffee, Development and Zoning Director  
Eric Gayetsky, Senior Zoning Officer  
Andrew Koenig, Zoning Inspector

**OLD BUSINESS**

**Zoning Amendment Application #ZON-23-03, Orange Cove**, Requesting to rezone approximately 11.684 acres of land zoned Farm Residential (FR-1) to a Single Family Planned Residential District (SFPRD) for twenty-one (21) single family residential homes. The subject property is currently owned by John C. Wicks and is located at 2955 E. Orange Rd., Lewis Center, Ohio 43035 with parcel number(s) 318-134-02-028-000; 318-134-02-026-002; and 318-134-02-027-000.

The applicant, John Wicks, Real Property Design and Development, 2973 E. Orange Rd., Lewis Center, Ohio 43035. Since the previous meeting Mr. Wicks says he has met with several neighbors, submitted a revised development plan and text, a traffic analysis, fire department approval letter approving plan and layout and a lender letter. He states the new plan reduces the number of lot from 23 to 21 lots increasing open space from 25% to 28%. A Rectangular Rapid Flash Beacon (RRFB) and crosswalk from the entrance to the school has been added. To address many of the neighbors concerns he has also added privacy fencing along west and south and increased the tree preservation zone at north end. The main road has been shifted to the west and some green space and trees added along the east property line; wants to make it clear for the record that the intent of doing that was not to block access to the road but was at request of neighbor Gary Kociba. Mr. Wicks states stormwater management is controlled by the Delaware County Engineer's Office and who has issued a letter of support/feasibility. Mr. Wicks says property/home values will benefit the school system. He states the traffic study says no turn lanes are required on Orange Rd, however they are proposing to put turn lanes in and the Delaware County Engineer supports this.

**Board Comments:**

Mr. McNulty:

- Asks Mr. Wicks if he met with the neighbors
  - Mr. Wicks says he did meet with neighbors

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- Questions if Mr. Wicks addressed the Regional Planning Commission (RPC) comments
  - Mr. Wicks says he did not because the RPC did not address the cluster housing aspect of the Orange Township Zoning Resolution
- Asks Mr. Duffee if the cluster housing divergences meets the intent of cluster housing
  - Mr. Duffee confirms that it does, and confirms which lots are cluster homes
- Wonders what the county engineer says about the planned turn lane
  - Mr. Wicks says the county is in support

Ms. Trebellas:

- Asks if school is on board with removal of right-in right out
  - Mr. Wicks says the school has been quiet but it seems they are in support because it addresses existing issues
- Wonders if the cluster home divergences were designed with regard to the neighbors, specifically if the current code setbacks were met with the neighboring properties or if they were part of the divergences being asked for.
  - Mr. Wicks says certain accommodations were made, including increased side setbacks, privacy fences, and trees
- Asks if front yard setbacks were specified
  - Mr. Wicks says they are 25 feet from right of way
- Questions about 6 feet exception for porch
  - Mr. Wicks says it is a trend in homes to have custom living areas in the front of the home
- Asks about parking for cluster mailbox
  - Mr. Wicks says they can park safely along curb
- Wonders about benches along walking trail and ponds
  - Mr. Wicks says the HOA would decide that
- Asks about Fire Department approval
  - Mr. Wicks says they have approval for the previous 23 lot proposal

Mr. Pierce:

- Asks who pays for new restriping
  - Mr. Wicks responds that will have to be worked out with township and school
- Wonders if the lots in the back were designed with flooding in mind
  - Mr. Wicks states the area where those six lots are is higher ground and are outside of any flood zone
- Questions if Mr. Wicks is flexible on the privacy fence
  - Mr. Wicks says, yes, and they are also adding some trees there.

**Public Comment:**

Nazmun Saikat 6823 Casselbury Mills Ct.

- Concerned about sanitation line that goes through his property and the trees located there. Has concern that his trees will be cut down or hurt
- Has concern about accuracy of sanitary line with the new development proposal
  - Mr. Wicks says the plat was used to develop the property, so it should be accurate
  - Ms. Trebellas and Ms. Foster provide information on how to understand his property
  - Ms. Trebellas explains that what they are looking at is the development plan, and that this has not been looked at by a Civil Engineer yet.

Karl VonValtier 6840 Casselbury Mills Ct.

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- Asks if additional trees will be planted in the tree preservation zone or if dead/dying trees will be replaced

- Mr. Wicks says additional trees will be planted

Kelley Shively 2841 E Orange Rd.

- Asked for more transparency with the greenspaces such as topographic map because it is mostly ravines which make it unbuildable

Kate Morrone 3227 Abbey Knoll

- Is not in favor of cluster homes in Orange Township

Gary Kociba 2975 E. Orange Rd.

- Has concern about the cluster housing meeting the character of the surrounding area
- Has concern about shared driveway. He says the proposed development encroaches on easement he has with shared driveway
- Requests that the encroachment of easement is not allowed
  - Mr. Wicks says he has had the property surveyed and there is 5 feet between the driveway and right of way
  - Mr. Wicks states the proposed right of way meets the intent of the shared easements

Hilary Houston 2789 E. Orange Rd.

- Has concern with the safety of traffic on Orange Rd.
- Concerned with the Township approval of infill housing

Todd Dove 2515 Seton Dr.

- Agrees with applicant that he has the right to develop
- Says the reduction of setbacks is concerning for this area

Phet Soungpradith 6819 Casselbury Mills Ct.

- Requests a mound be built along lot 20 and trees replaced
  - Mr. Wicks says dead and dying trees were removed and a mound cannot be placed without removing trees
- Asks if Mr. Wicks is working with arborists
  - Mr. Wicks says he is not

Hossein Qarib 2929 E. Orange Rd.

- Has concern with the density of the housing for homes 2-5. Would like lots to be of similar sizes. Says it does not match character of the area.

Scott Shipkowski 2883 E. Orange Rd.

- Is upset that the homes at the north (back) of the property get the preservation zone and the lots at the front do not. He says the 6 feet tall privacy fence may not be sufficient

**Public comment closed**

**Additional Board Comments:**

Ms. Trebellas

- Asks about new zoning code
  - Mr. Duffee explains that they have a draft and are reviewing and hope to adopt it next year
- Says the cluster housing in the code is a gray area and that divergences may not have been needed if the code were more clear

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- Mr. Duffee confirms that this is the case and staff chose to interpret the code to need to ask for divergences
- Mr. McNulty notes that this is a trend in housing
- Ms. Trebellas reads the cluster housing from the code and verifies that the request meets the code, but the code is unclear on what specific divergences are allowed.

Mr. Avadhanula:

- Asks if cluster housing is addressed in the new zoning code
  - Robin explains the new code is set up to be more flexible

Mr. Pierce:

- Questions if they need to account for the conditional approval (RPC) or when they (ZC) act does it account for everything that is presented
  - Mr. Duffee goes over the options the ZC has
    - Recommend to the Board of Trustees (BOT) to approve “as is”
    - Recommend to BOT to approve with modifications that are laid out by the ZC;
    - Recommend to BOT to deny
- Asks about the RPC conditional approval if the Zoning Commission approves “as is”
  - Mr. Duffee clarifies that approving “as is” would not be recognizing the RPC conditional approval, it would approve the way it is being presented, with the divergences.

**RESOLUTION TO RECOMMEND APPROVAL OF ZONING APPLICATION #ZON-23-03 OF JOHN WICKS**

Motion by Mr. Pierce to recommend to the Board of Township Trustees (the “Board”) the **APPROVAL** of Zoning Application #ZON-23-03 Orange Cove of John Wicks, the pages of which are each stamped received with ORANGE TWP. ZONING, requesting the rezoning of 11.684 +/- acres from Farm Residential (“FR-1”) to Single Family Planned Residential District (“SFPRD”), including requested divergences, upon finding that it is in the interest of the public convenience, comfort, prosperity, or general welfare, or sufficiently in accordance with the comprehensive plan.

Motion seconded by Mr. McNulty.

VOTE: McNulty - Yes, Trebellas - Yes, Pierce - Yes, Foster - Yes, Avadhanula – Yes

**MOTION TO APPROVE SEPTEMBER 12, 2023 MINUTES (ZON-23-03 Orange Cove)**

Motion by Pierce

Second by Foster

VOTE: McNulty - Yes, Trebellas - Abstain, Pierce - Yes, Foster - Yes, Avadhanula – Yes

Meeting adjourned.