

1 BEFORE THE ORANGE TOWNSHIP
2 BOARD OF ZONING APPEALS
3 - - -
4 :
5 In the Matter of: :
6 Public Hearing - :
7 Variance Applications :
8 :
9 - - -
10 PROCEEDINGS
11 before Members of the Orange Township Board of
12 Zoning Members; Chairman Kelvin Trefz,
13 Vice-Chair Sue D. Ross, Stacey Neff, Joseph
14 Pax and Punitha Sundar, held at Orange
15 Township Hall, Moffett Room, 1680 East Orange
16 Road, Lewis Center, Ohio, called at 6:00 p.m.
17 on Thursday, January 18, 2024.
18
19 Also Present:
20 Eric Gayetsky,
21 Senior Zoning Officer
22 Andrew Koenig,
23 Zoning Inspector.
24 - - -

1 - - -

2 P R O C E E D I N G S

3 - - -

4 CHAIRMAN TREFZ: Okay. I'll call
5 the meeting to order.

6 MR. GAYETSKY: Call the meeting to
7 order.

8 MR. GAYETSKY: Mr. Trefz.

9 CHAIRMAN TREFZ: Here.

10 MR. GAYETSKY: Ms. Ross.

11 MS. ROSS: Here.

12 MR. GAYETSKY: Ms. Neff.

13 MS. NEFF: Here.

14 MR. GAYETSKY: Ms. Sundar.

15 MS. SUNDAR: Here.

16 MR. GAYETSKY: Mr. Pax.

17 MR. PAX: Here.

18 MR. GAYETSKY: All right. Well,
19 we have a quorum.

20 CHAIRMAN TREFZ: Excellent.

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

23 "Do you solemnly swear that the
24 testimony you shall give will be the truth and

1 the whole truth and nothing but the truth? If
2 so, say I do.

3 AUDIENCE: "I do."

4 CHAIRMAN TREFZ: And when it's
5 your turn to offer testimony, state your full
6 name, address and affirm that you've been
7 sworn in. Thank you.

8 MR. GAYETSKY: All right. Well,
9 good evening, Board of Zoning Appeals Members.
10 Welcome to the new year and now that we're in
11 a new year, we're going to begin with the
12 elections of both the Chair and the
13 Vice-Chair. So I'm going to start with the
14 discussion of the Vice -- let's start with the
15 Chair, actually. Would anybody like to open
16 it up and make a nomination for Chair?

17 MS. ROSS: Yes. I would like to
18 nominate Kelvin Trefz as the Chair of the
19 Board of Zoning Appeals.

20 MS. SUNDAR: I second.

21 MR. GAYETSKY: All right. Motion
22 made by Ms. Ross, seconded by Ms. Sundar.
23 Those voting:

24 MR. GAYETSKY: Mr. Trefz.

1 CHAIRMAN TREFZ: That's odd.

2 MR. GAYETSKY: It's all right.

3 You can abstain.

4 CHAIRMAN TREFZ: I'll abstain from
5 that.

6 MR. GAYETSKY: Okay. And Mr. Pax.

7 MR. PAX: Yes.

8 MR. GAYETSKY: Mr. Sundar.

9 MS. SUNDAR: Yes.

10 MR. GAYETSKY: Ms. Ross.

11 MS. ROSS: Yes.

12 MR. GAYETSKY: And Ms. Neff.

13 MS. NEFF: Yes.

14 MR. GAYETSKY: All right. The
15 Motion carries, so that is Mr. Trefz as Chair.

16 CHAIRMAN TREFZ: Thank you.

17 MR. GAYETSKY: So we're going to
18 transition to Vice-Chair. And the same
19 question, does anybody want to make a
20 nomination?

21 MS. NEFF: I'd like to nominate
22 Ms. Ross.

23 MR. PAX: I'll second that.

24 MR. GAYETSKY: Okay. I will not

1 start with Ms. Neff. All right. Mr. Trefz.

2 CHAIRMAN TREFZ: Yes.

3 MR. GAYETSKY: Ms. Neff.

4 MS. NEFF: Yes.

5 MR. GAYETSKY: Mr. Pax.

6 MR. PAX: Yes.

7 MR. GAYETSKY: Ms. Sundar.

8 MS. SUNDAR: Yes.

9 MR. GAYETSKY: Ms. Ross.

10 MS. ROSS: Abstain.

11 MR. GAYETSKY: All right. And the
12 motion carries.

13 MS. SUNDAR: Congratulations, both
14 of you.

15 CHAIRMAN TREFZ: All right. Is
16 that all of the new business that we have?

17 MR. GAYETSKY: I think's that all
18 we have for new business.

19 CHAIRMAN TREFZ: That's all I saw,
20 but I just wanted to make sure there wasn't
21 something else burning in the back waters.

22 MR. GAYETSKY: No. The next one
23 will be the previous business of the variance
24 application for CME.

1 CHAIRMAN TREFZ: Old business,
2 Variance and Conditional Use VA-CU-2323
3 continued from 11/16/23 and 12/14/23.

4 MR. GAYETSKY: That's correct, Mr.
5 Chair. I will now go through more as a
6 refresher because this is familiar to, I
7 believe, all of you. The Case for CME Federal
8 Credit Union, this applicant is Rebecca Green
9 with Columbus Sign Company. The site is
10 located at 6459 Artesian Run, Parcel ID
11 318-220-01-058-042. The lot size is 1.3 acre
12 and then the zoning is Planned Commercial and
13 Office District.

14 So previously when the case was
15 originally presented to you, that was at the
16 November Board of Zoning Appeals hearing, and
17 the applicant requested five variances from
18 the Orange Township Zoning Resolution for five
19 wall signs that would exceed the maximum
20 allowable height of 15 feet 0 inches. The
21 applicant also requested Conditional Use
22 approval for a monument sign and requested
23 area variance approval from Rezoning Case
24 ZON-16-03 to allow for the monument sign to be

1 located adjacent to the U.S. 23 roadway
2 frontage. Variances were approved for Wall
3 Signs No. 2 through 5, while the variance for
4 the Wall Sign No. 1 and variance and
5 Conditional Use for the monument sign were
6 continued to December's meeting. That was
7 primarily to allow extra time for the
8 applicant to make revisions. So the case was
9 again continued to this meeting tonight upon
10 the request of the applicant.

11 The new submission shows no change
12 to the monument sign, including its location.
13 And the wall sign was lowered from the
14 originally presented 20 foot 4 1/4 inches in
15 height to a height of 16 feet 0 inches. The
16 monument sign will be two faced standing 7
17 feet 6 inches by 9 feet 4 inches wide with a
18 brick base and the sign display area will be 3
19 foot 10 inches, 10 3/8 inches tall by 9 foot 4
20 inches wide, totaling 16 1/2 square feet on
21 each side.

22 Summaries of the type, size and
23 locations of the two proposed signs are
24 contained within the following Exhibits. And

1 the subject site is located 6459 Artesian Run,
2 which is located on the west side of U.S. 23
3 within the Olentangy Crossing Shopping Center.
4 The site is currently owned by CME Federal
5 Credit Union and a freestanding commercial
6 building is currently under construction at
7 the subject parcel, which will house both
8 Crimson Cup Coffee and CME Federal Credit
9 Union.

10 So, just to take you through, there
11 is the site, the zoomed-out and then you can
12 see the next page includes the zoomed-in view,
13 pre construction of that structure. There it
14 is. So it's adjacent to Gallopers Ridge on the
15 south side and Artesian Run is on the west
16 side. You can go to the next slide.

17 All right. So the wall sign, Wall
18 Sign No. 1, which you had originally seen, 20
19 feet and some inches, has been revised to 16
20 feet from finished grade to the top of the
21 sign. On the north, this is Wall Sign No. 1,
22 on the north facade will be placed at a height
23 of 16 feet 0 inches and that is a variance of
24 1 foot 0 inches. This represents a roughly 7%

1 variance request from Rezoning ZON-16-03.

2 And our other Exhibit, so the
3 monument sign is being proposed to be
4 constructed roughly 36 feet from the
5 right-of-way of Columbus Pike and having a
6 display area of approximately 16 1/2 square
7 feet per side. The monument sign had a
8 setback of 16 feet and is allowed to have the
9 display area up to 20 square feet per side and
10 a total of 40 square feet; therefore, the
11 monument sign meets the allowable area as per
12 the Code requirement.

13 And the last item would be the
14 Conditional Use aspect. The applicant is
15 proposing the construction of a monument sign,
16 so Conditional Use authorization is required
17 for the monument sign.

18 And finally, we have the factors
19 for approval for both the area variance as
20 well as the Conditional Use. That's all I
21 have.

22 CHAIRMAN TREFZ: Is there anybody
23 here to speak?

24 MR. THIEDE: Yes.

1 MS. GREEN: Yes.

2 MR. GAYETSKY: Would that be the
3 applicant or -- yes.

4 CHAIRMAN TREFZ: The applicant is
5 what I was thinking. Yes. Please state your
6 name and that you've been sworn in.

7 MS. GREEN: Hi. My name is
8 Rebecca Green. Do I need my address, too?

9 CHAIRMAN TREFZ: Yes.

10 MS. GREEN: It's 74 Glen Drive,
11 Worthington, 43085, and I have been sworn in.

12 Thank you for allowing us the
13 continuances up til today, and we really
14 appreciate all of your assistance and insight
15 into allowing us the prior variances with
16 regard to this site.

17 Obviously, this is a site that
18 we're still working on. We're still in the
19 construction phase. It's a dual-use site, as
20 Staff indicated, it has the CME Federal Credit
21 Union and the Crimson Cup Coffee Shop.

22 We're here for just the two
23 remaining signs. The first one -- and I have
24 the presentation. So the first one is the

1 wall sign. It was designated as Wall Sign No.
2 1 in the Staff Report. It goes on this wall
3 right there. It goes on those -- one of those
4 two features, brick features there, the taller
5 one. Originally we had it at the very top of
6 the particular feature, which was the 20-foot
7 plus location, and now we're looking at
8 putting it along the roofline, at like the top
9 edge of the site, along the roofline there,
10 and that would be at a height of 16 feet, so
11 this would be a reduction from our prior visit
12 from our prior request. We think that will
13 still work aesthetically, that the alignment
14 with roof feature -- or the roofline would
15 give us what we needed there.

16 Here is the difference. You can
17 see that the first one is the taller one. The
18 second one is where we're hoping to put it,
19 and you can see that it is aligned with the
20 roof. We're hoping that it's something that
21 is a little more in line with what you're
22 looking for, as well as still have that
23 aesthetically-pleasing location on the
24 building.

1 This is a wall that is blocked in
2 part by the Sherwin Williams next to us, as
3 you are going down, as you're going down south
4 on U.S. 23. It is not as easily visible, so
5 we do appreciate the slight -- we would
6 appreciate to have a slight elevated height,
7 if you would, the usual Code.

8 The second sign is the monument
9 sign and the monument sign, and this is the
10 site plan for the site as a whole, it is a
11 36-foot setback from the right-of-way. And
12 then, yeah, there it is, that's what it's
13 going to look like. It's compliant in other
14 -- in area. It's compliant in height, but the
15 location is the issue. I think we talked
16 about that before.

17 As we stated, it is a -- it's not
18 in the location that is allowed by the
19 development text, but nonetheless, we are very
20 concerned that our customers, both for the
21 bank and for the coffee shop, would be --
22 would miss this turn. This sits on a
23 right-turn lane. As you go down south on U.S.
24 23 there is a right-turn lane that appears

1 somewhere around the beginning of the Sherwin
2 Williams building and then there's -- oh,
3 there it is. Very good. You can see the
4 Sherwin Williams building right there and our
5 building is behind it.

6 So we want to have some sort of
7 small, almost directional-type sign to indicate
8 that this is where you turn. You're going to
9 need to use this turn lane. This is going to
10 be Gallopers and that's how you access our site.
11 We would like to have it there so that folks,
12 as they're traveling down, and we're all
13 familiar with U.S. 23, as they are traveling
14 south that they don't miss this turn. Our goal
15 is not to add to the traffic that's already
16 binding on U.S. 23.

17 We can just kind of flip through
18 some of these. You can see where -- I
19 apologize the glare. It's in my eyes, too.
20 But you can see that there's a rendering of
21 what the sign would look like. Obviously,
22 it's nice and bright, but it's not going to be
23 nice and bright there. This is
24 non-illuminated sign, but it's just so you can

1 notice it in relationship to the other
2 buildings. And you know, it's not a
3 significant height, so even in a larger, a
4 larger -- so it is not a significant height.
5 So even when you have a larger car like this,
6 and it is going to affect how you see the
7 buildings and how you see that turnoff, we
8 would like to have this sign again like almost
9 like a directional to make sure people are
10 safely turning onto this site. And that's --
11 I'm happy to take any questions.

12 UNKNOWN AUDIENCE MEMBER: I just
13 have one quick question. With the cup --

14 CHAIRMAN TREFZ: You will get your
15 chance.

16 MS. NEFF: Can you go back a
17 slide, please.

18 MS. GREEN: I did not control
19 that.

20 MR. KOENIG: I have control of it.
21 Which one?

22 MS. NEFF: The one with the arrow.

23 MR. KOENIG: Which arrow?

24 MS. NEFF: With like the car

1 parked.

2 MS. GREEN: Indicating the height
3 of the car.

4 MS. NEFF: Yes, this one. And so
5 where is the sign out here? Is it a little
6 back?

7 MS. GREEN: Yes. Yes, ma'am.

8 MS. NEFF: Okay. I just wanted to
9 see that again.

10 CHAIRMAN TREFZ: And can you get
11 back to the site plan. Okay. Can you put a
12 circle around where that sign is going to be?

13 MR. KOENIG: So, I'm not sure if I
14 can mark it up. I can try.

15 CHAIRMAN TREFZ: Well, put your
16 cursor there. Yeah, okay. That's what I
17 thought.

18 MS. GREEN: It sits there at the
19 edge.

20 CHAIRMAN TREFZ: So the east edge
21 of the sign is at the east edge of the
22 building?

23 MR. GREEN: At the parking lot.

24 CHAIRMAN TREFZ: The parking lot,

1 okay.

2 MS. GREEN: That's correct.

3 CHAIRMAN TREFZ: Yeah. Sorry.

4 The building is way back.

5 MS. NEFF: And how many feet is
6 that from the building?

7 MS. GREEN: From the building, I
8 am actually not sure. I could estimate. It
9 would probably be --

10 (Board Members talking over each
11 other.)

12 MR. PAX: It's 105.

13 CHAIRMAN TREFZ: 105, okay, from
14 the building.

15 MS. GREEN: So we're 105, 110, I
16 think.

17 CHAIRMAN TREFZ: Okay.

18 MS. GREEN: Are there any other
19 questions I can answer?

20 CHAIRMAN TREFZ: Any other
21 questions?

22 MR. PAX: The one thing that I
23 will say, that is probably in excess of
24 overload parking that's going to be on the far

1 east side of that parking lot. And the irony
2 would be if that people are parking there,
3 that's blocking view of that sign so, I mean,
4 it's difficult. The only other thing that
5 applicant may want to do is push it further to
6 the east so that that would -- further that
7 wouldn't be blocked by potential cars parked
8 there. But they are pushing it to the west.
9 They're not extending it past that setback,
10 which I respect in that regard.

11 CHAIRMAN TREFZ: Yeah.

12 MR. PAX: It's just the reality of
13 it is that's something that we have to
14 consider for where they're putting it. It's
15 trying to see the best of both worlds there
16 for what that condition is. But they still do
17 run the risk frankly, obviously, that it's
18 going to be blocked on the left -- on a right
19 turn lane from cars being parked there, but
20 there is nothing that can be done, other than
21 lifting the thing up 15 feet in the sky, which
22 we are definitely not going to do that.

23 MS. GREEN: Yes, understood.

24 MR. PAX: But that's fine. I just

1 wanted to state the obvious, but that is the
2 condition that the applicant is addressing on
3 there.

4 MS. GREEN: That's right. Most of
5 our parking is up against 23 because we do
6 have that drive-thru on the other side.

7 CHAIRMAN TREFZ: Would you state
8 that again?

9 MS. GREEN: You can see that the
10 parking is mostly on the east side of the
11 building because our drive-thru is on the west
12 side.

13 CHAIRMAN TREFZ: Yeah, okay.
14 Anybody else on the Board?

15 Please tell us who you are.

16 MR. WELLERT: My name is Brian
17 Wellert. I'm with the Environmental Design
18 Group and Consultants. It's 450 Grant Street
19 in Akron. And yes, I was sworn in.

20 If we go back to the picture of
21 the actual site itself, either one is fine.
22 Yeah. One interest and aspect going back to
23 how it's set back on the parking. I just came
24 from that site and there were trucks, during

1 construction there was some trucks parked in
2 those first spots. The angle and viewing onto
3 that as you're coming over the bridge, you
4 would be able to see the CME Federal Credit
5 half of that sign and that truck was pretty
6 much blocking the view of the Crimson Cup
7 half. It does still provide as you approach
8 that angle increases and you can see more of
9 it. But as you're approaching the right turn
10 lane, you can see the CME, but the coffee cup
11 on that side of the building, you can't see
12 until you're almost in line with the
13 Starbucks. So that was what caught my
14 attention as we're kind of flipping through
15 the photos looking at the monument sign, is
16 how little view and the angle there really is
17 on the coffee cup, you know, both to the north
18 and it's almost like an east/west. It's
19 really small angles there that I can actually
20 see that.

21 One of the reasons that was
22 lowered, or placed where it was, was
23 aesthetically with the roofline, as she
24 mentioned. There's also a little bit of

1 clearance there over the viewing board, you
2 know, we didn't want to drop it down towards
3 packing our viewing board. So that was one of
4 the reasons there was some back and forth
5 there with Crimson itself about the benefit if
6 it ends up covering the viewing board, and so
7 we kind of squeezed it in between.

8 And I think her pictures show on
9 that monument sign it's their best attempt at
10 not being obtrusive, while still providing the
11 building setback as far as it is, on this
12 building. Give me a little bit of time. And
13 I didn't realize, just from the plan view, I
14 didn't realize until I did the site visit
15 today, how far that really is setback as
16 you're approaching it. You come over the
17 bridge and you see Sherwin Williams and then
18 you go, oh, there it is. And even following
19 it in Google Maps, I kind of quickly cut over
20 into the turn lane. I actually took video of
21 it. So I went back and drove back around and
22 set my phone up on the thing so it picked it
23 up. The problem is, I would show it to you
24 but I was on a phone call during the time, so

1 you may hear more than you want.

2 But that's really the intent, is
3 like she said, provide a little bit of a safe
4 zone. And CME really is the primary client
5 here. They own the building. They're
6 building it. They are the most important
7 piece, so in that regard this split sign, if
8 their part can be seen, I think that they
9 would be satisfied with it.

10 CHAIRMAN TREFZ: Okay. Thank you.

11 MS. GREEN: Any other questions
12 that we can answer?

13 MS. NEFF: Not yet.

14 MS. GREEN: Okay. Great. I will
15 have a seat then. Thank you.

16 CHAIRMAN TREFZ: Thank you. Would
17 anybody else want to come?

18 COURT REPORTER: He was not sworn.

19 CHAIRMAN TREFZ: We'll take care
20 of that.

21 "Do you solemnly swear that the
22 testimony you are about to give is the truth,
23 the whole truth and nothing but the truth?"
24 If so, say I do.

1 MR. THIEDE: I do, so help me God.

2 CHAIRMAN TREFZ: Now, state your
3 full name, your address and affirm that you've
4 been sworn in.

5 MR. THIEDE: I affirm that I've
6 been sworn in. My name is Jon, J-o-n, last
7 name Thiede, T-h-i-e-d-e. I live at 6276 Fall
8 Brook Trail, Delaware. I'm in the subdivision
9 behind -- it's called Olentangy Crossings.

10 So a couple of questions I'm
11 coming up and ask, since this will be at least
12 the second time I've called, come in about
13 this particular issue itself.

14 So, there -- I'm going to read off
15 a couple of business names that are adjacent
16 to them on that same side of the road:
17 Tropical Smoothie, Bibibop, Hammer and Nails.
18 I don't know if you all know what Hammer and
19 Nails is, it's a male grooming shop, go get
20 your hair done and your nails done at the same
21 time. Okay. Panera Bread, Urgent Care, Union
22 Bank and Friendship Kitchen. Okay. You ask
23 why am I mentioning these names? What I would
24 like to ask, has any of those businesses at

1 anytime when they were wanting to build and
2 put their business in, did they ask for a
3 monument sign? Can you all answer any of
4 that?

5 CHAIRMAN TREFZ: I'm not sure I
6 can answer for all of those.

7 MR. THIEDE: Can you answer for
8 any of them?

9 MR. GAYETSKY: As far as I know,
10 this is the first time that there's been a
11 request for a monument sign of the adjacent
12 neighbors.

13 UNKNOWN AUDIENCE MEMBER: Friendship Kitchen.

14 UNKNOWN AUDIENCE MEMBER: we were
15 here for Friendship.

16 MR. GAYETSKY: You were talking
17 about the adjacent buildings that he just
18 mentioned.

19 MR. THIEDE: I said Friendship
20 Kitchen.

21 MR. GAYETSKY: That's on the other
22 side. I wasn't thinking about that.

23 (Talking over each other.)

24 MR. THIEDE: That's not on the

1 other side of the highway. It's on the same
2 side of the highway.

3 CHAIRMAN TREFZ: We can't have
4 conversation from people that aren't at the
5 microphone.

6 MR. THIEDE: Well, then he
7 shouldn't be speaking to me.

8 CHAIRMAN TREFZ: He's got a
9 microphone, so we're okay.

10 MR. THIEDE: And he shouldn't be
11 speaking to me as well, so.

12 CHAIRMAN TREFZ: Yeah.

13 MR. GAYETSKY: I just thought I
14 could help answer the question. I'm sorry.

15 MS. ROSS: We were appointed at
16 different times throughout the year and
17 throughout years, so some of us have been on
18 just newly appointed, some have been on for
19 several years, so we really can only address
20 the case before us because we have these facts
21 ahead of us.

22 MR. THIEDE: But I would also add
23 to that, there is precedence that has been set
24 by these other buildings being built along

1 there, taking them into account the rules and
2 the provisions that are within the Orange
3 Township of what you can and cannot build.
4 Okay.

5 MS. ROSS: Except that with the
6 Board of Zoning Appeals we are a little
7 different animal, in that we do not -- we only
8 take the facts of the case that are before us.
9 We do not look at other cases, there is no
10 precedence. We only take the facts and the
11 testimony that's given to us at the time of
12 the hearing.

13 MR. THIEDE: So, it's okay then
14 for anybody to come, after you set this up, it
15 will be okay for all those other businesses
16 that do not have a monument sign at all along
17 that part of the section of the road --

18 MS. SUNDAR: I would --

19 MR. THIEDE: Please let me finish
20 saying what I'm saying before you interrupt
21 me. Okay. Thank you. So, they can come
22 along, those businesses that hey, you know, we
23 wanted a monument sign back two years ago, we
24 wanted this built, so now they can come here

1 and say, hey, you just gave them -- you know,
2 you told us no and now we want one.

3 MS. ROSS: And we would look at
4 the facts of that case, just like we'll look
5 at only the facts of this case and we would
6 make a decision based on those facts.

7 MR. THIEDE: Okay.

8 MS. ROSS: Not on whether someone
9 else got a sign or not.

10 MR. THIEDE: Okay. So I'm going
11 to ask then the other question will be, what
12 does the current statutes or provisions for
13 Delaware County, what does it say about a
14 monument sign on that part of the road?

15 CHAIRMAN TREFZ: It says it's
16 prohibited but its Conditional Use that we can
17 grant.

18 MR. THIEDE: So then -- it
19 befuddles me why we would have had Friendship
20 Kitchen, we came in here and argued the exact
21 same thing to either your Board or the others,
22 I'm sorry I wasn't there when they did it, and
23 they were denied to have that Conditional Use.
24 Okay.

1 CHAIRMAN TREFZ: There were
2 several that were denied.

3 MR. THIEDE: So, now here's the
4 next question that I have. okay. I'm failing
5 to understand -- if you want to put up there
6 on the board the vertical view from the top of
7 the board there. So the setback of this
8 particular building is -- and I don't know
9 what the setback is of Sherwin-Williams. So
10 part of the complaint is, is that people
11 driving south on Highway 23 can't see the
12 building until almost when they're on top of
13 the building. So my question is, why was
14 there such a huge setback on this building
15 compared to Sherwin-Williams?

16 CHAIRMAN TREFZ: You would have to
17 ask the people who designed the plot for this
18 building.

19 MR. THIEDE: Okay. They're here.
20 So why is there such a big setback?

21 CHAIRMAN TREFZ: If you want to
22 reask it and then they can come up and answer
23 your question.

24 MR. THIEDE: So, I'll let them to

1 come up.

2 MR. GAYETSKY: It's up to the
3 Board ultimately if they want to hear from the
4 Applicant on that. Yeah, absolutely. Sure.

5 CHAIRMAN TREFZ: Okay.

6 MR. THIEDE: And the reason I'm
7 asking that is it's such a great setback. And
8 I can't disagree that I can't see the building
9 until I'm almost on top of the building on
10 Highway 23, but that's because the building is
11 set back that far. And it seems odd that it's
12 set back that far when other buildings don't
13 have that setback. And the only thing I can
14 figure is that I wanted to have extra parking
15 spaces over here. Well, they could have had
16 still other -- I don't know what that is and I
17 --

18 CHAIRMAN TREFZ: And we don't want
19 to get into design.

20 MR. THIEDE: Right, it goes into
21 the design of some of what they decided to do
22 but oh, we screwed up -- my feelings are, we
23 screwed up as a building, building that and now
24 we want to tweak that to be able to say, hey,

1 we want to get this use so somebody can see my
2 sign when they're there. Nobody else has a
3 sign there. It was put in there to say not to
4 have them, and others have not been there and
5 I'm totally confused why, oh, now somebody
6 else can. Okay. So if that's the case of how
7 this is going to work, let it be known that I
8 will do everything in my power, okay, to make
9 sure that if I have to file a lawsuit -- and I
10 know how much Orange Township is very lawsuit
11 scared, okay, because they've been sued before
12 for the same things. Okay. So I'm going to
13 let you know that I'm going to fight this
14 tooth and nail as much as I can. So, you
15 wanted to say something before when I
16 interrupted you.

17 MS. SUNDAR: He answered that.

18 MR. THIEDE: So, that's all I have
19 to say about this. Thank you.

20 MR. WELLERT: Chairman, can I
21 quickly respond.

22 CHAIRMAN TREFZ: Yeah.

23 MR. WELLERT: My name is Brian
24 Wellert. Some of the design issues present in

1 a site like this that are -- do not apply to
2 the Sherwin Williams next door. Our firm
3 actually did the Sherwin Williams site design
4 as well. So, if it was possible to have that
5 pushed up to the road, we would. A couple
6 things to keep in mind, the right in, right
7 out only on the side street, that pushes the
8 building back because we can't direct
9 circulation in traffic into the building
10 itself. It needs to be able to circulate
11 around the building to be able to use the
12 drive-thru. Additionally, the number of
13 parking spaces dictated by the square footage,
14 the use of the building and not so much by the
15 client. So the additional parking shown on
16 the site really is a requirement of Orange
17 Township, Delaware County. So the intent is
18 to fit the circulation, allow the right in,
19 right out, maintain some front touch parking
20 or close to the building than we can for
21 customers and then the remaining parking, if
22 you see we stuffed it into the back to fulfill
23 Code and made that kind of an employee area.
24 So from a design standpoint, that is about as

1 far forward as we could get safely without
2 causing any circulation problems on site. If
3 it was possible, we'd love to be sitting up
4 like our neighboring businesses to the south
5 and like Sherwin Williams to the north to give
6 us as much visibility along Route 23 as we
7 could. We'd love to have nice big, large
8 signs along similar, you know, Dairy Queen and
9 some of those right across the street are kind
10 of towering over our site. We're also sunken
11 down in lower than all of the businesses on
12 the east side of 23.

13 Also, the design of that sign is
14 very similar to the existing monument sign
15 across the street at the Kroger, which is
16 sitting also above our site. So everything is
17 kind of designed around the location, safety
18 requirements, proper circulation on site and
19 existing Code for the area.

20 CHAIRMAN TREFZ: Thank you.

21 MS. MCCOMB: Robyn McComb, 6710
22 Fall Brook Trail, Delaware.

23 CHAIRMAN TREFZ: You were sworn
24 in?

1 MS. MCCOMB: I was sworn in, yes.
2 Thank you. We were pleased personally when I
3 saw CME Credit Union is going to build on that
4 lot. Those lots have been approved for
5 variations of different things, so we're very
6 pleased to see a coffee shop/credit union, so
7 not opposed to the business at all. Surprised
8 that we're fighting a monument sign issue
9 again for a bank because quite personally when
10 I look for a bank, when I look for a Chase,
11 who I bank with, I search Chase on my phone so
12 I know exactly it's telling me where to turn,
13 so I don't need any sign to tell me where to
14 go. I'm following my map. And I'm pretty
15 sure that's general consensus in the world
16 that we live in any more. Coffee, too, if I
17 drive past it and miss it, I'm going to see it
18 and then I'm going to remember next time
19 because that's a trafficked road, right, those
20 are coming and going, daily people going to
21 and from work or to school or the businesses
22 around them. So I may miss it today, but I'm
23 not going to miss it again. I'm not going to
24 remember it because of the monument sign. I'm

1 going to remember it because I got a cup of
2 coffee there the last time. Right. So, that
3 monument sign is really -- it seems like a
4 waste of money, quite personally.

5 The last point is I think that
6 this is a special condition they have to
7 prove, a special need. It's prohibited, but
8 they have to prove a special need. And
9 they're saying their special need is because
10 if you miss this right turn lane, oh, my
11 goodness, you're not going to be able to --
12 you're going to miss us. There's two turns
13 after it, there's one right at the corner of
14 Coal Bend where there's a Union Bank that
15 doesn't have a monument sign and it's been in
16 business since I've lived there since 2012.
17 It's doing perfectly fine. If you miss that
18 right after Friendship Kitchen right before the
19 church, there's another right turn lane. Those
20 both get you on Artesian, which that road also
21 gets you onto Artesian. You make a right, you
22 go through a stop sign and you're at their
23 business. So, the argument that they need to
24 get that right turning lane, literally

1 I could throw a rock and hit the next one and
2 then the next. From the same spot I could hit
3 both of them with a rock. So, while I
4 appreciate their business need, the practical
5 need is not existing. Thank you for your time.

6

7 CHAIRMAN TREFZ: Thank you.

8 MR. SCHATZ: Kevin Schatz, 6653
9 Old Ironside Lane, Delaware, Ohio 43015. And
10 yes, I've been sworn in. I guess my question
11 to Rebecca, right?

12 MS. GREEN: Yes.

13 MR. SCHATZ: Is the only one cup
14 sign that is there, that's a lit sign, right?
15 That one right there.

16 CHAIRMAN TREFZ: The one on the
17 north side is --

18 MR. SCHATZ: Is that a lit up
19 sign?

20 CHAIRMAN TREFZ: From behind, I
21 believe.

22 MR. SCHATZ: Okay.

23 CHAIRMAN TREFZ: It's more
24 shadowed.

1 MS. GREEN: It's red, yes. It has
2 lights.

3 MR. SCHATZ: Yeah. So that's what
4 I'm checking. That's what I'm just
5 clarifying, it does have lights, right?

6 MS. GREEN: It's not just a white
7 light. It is a red sign.

8 MR. SCHATZ: Okay. Okay. So my
9 argument to that is, I mean, one, you can't
10 even see the sign anyways. And what Rebecca
11 was saying at the last meeting was that
12 they're not open in the evenings. And what's
13 the point of the lighted sign? I would have
14 no problem with the sign if it's at that
15 level, if it wasn't lighted. So, what she was
16 saying before about the hours for the Crimson
17 Cup, it wouldn't need to be lit up. So, if
18 they can fix that and adjust that, I don't see
19 a problem with that.

20 Now, can we get a frontal view of
21 the building? Do we have any pictures of
22 that?

23 CHAIRMAN TREFZ: There was one on
24 the first slide, I thought.

1 MR. SCHATZ: Well, if we don't
2 have a front view, I'm in the same way, I
3 mean, I'm all for businesses coming in, but as
4 we've all stated, you know, doing it correctly
5 just like all before. And you know, we don't
6 want to waste your time, but a suggestion
7 would be to that building, and I know you said
8 you did Sherwin-Williams' building as well, is
9 why can't they just put up the front -- I
10 mean, I see Sherwin-Williams, as you were
11 showing on a drive, you can see it right
12 there, put a sign on the front. You know, do
13 like Sherwin-Williams did, follow the
14 variance, the guidelines, and put -- you know,
15 redesign that and have the name right on the
16 front and you'll see it. And if you do miss
17 that drive, you've got two more to go to catch
18 it.

19 And like Robyn was saying, I mean,
20 in today's world, we don't look at signs half
21 the time, you know, they're kind of a
22 distraction. And most of the time it's
23 usually on my GPS, my GPS on the phone or the
24 cars, you know, the car will tell you, you

1 know, here's the -- and as soon as you report
2 that to Google that this is a new build, it's
3 probably already in there. It's already in
4 Google Maps, so it will map you to that.

5 So, the biggest thing is, is, you
6 know, I just don't, you know, I mean, to your,
7 you set the precedent, and it's the me too
8 thing. And I know Frank was in here talking
9 the last time and saying, well, you know, the
10 Kroger across the street has a monument sign. So
11 I mean, you're going to get that and it's going
12 to be a waste of all your guys' time because
13 you have rules into effect so then you're going
14 to, you know, if you approve this one and then
15 it's going to be a trickle effect. I hate to
16 say it. I mean, we might as well face the
17 facts, it's going to happen. It's all the -- I
18 was here for the Friendship when they applied
19 for that. I was here for also the church when
20 they applied for it. And then there was of
21 course the Union, they applied for it. They
22 were all denied. I didn't hear anything from
23 Sherwin-Williams because they really don't need
24 signs because

1 it's all on the front. So I mean, that's just
2 my say and it was some suggestions. And back
3 on the monument part of it as an issue. Okay.
4 Thank you.

5 MS. SUNDAR: Thank you.

6 MR. PAX: I did see in the packet
7 Drawing 8, the applicant does indicate signage
8 on the east side of the building, which faces
9 23.

10 MR. KOENIG: That's correct.

11 There is signage on the east side of the
12 building.

13 MR. PAX: Correct. And so, it's
14 there. I don't know, is there any way we can
15 pull that up?

16 MR. KOENIG: Yeah, give me a
17 second.

18 MR. GAYETSKY: And on that sign, I
19 do want to make a clarification that that is
20 the only elevation per the development text
21 that does allow for a higher sign height. The
22 other ones are 15 feet, but because it faces
23 east, the development plan does allow for that
24 sign placement to be up to, let's see, I

1 believe it's 24 feet. Thank you.

2 MR. KOENIG: So, I will add, these
3 three signs have already been approved. They
4 do not need a variance. They're already
5 approved.

6 CHAIRMAN TREFZ: And they're
7 roughly at 17, almost 18 feet to the top of
8 them.

9 MR. PAX: I think the point being
10 the lot the resident was mentioning regarding
11 that signage and that it is there is important
12 because that's going to be clearly visible
13 from 23. The other issue, and a fact with the
14 design building, there is a tower that's on
15 the south side, that's Exhibit 7.

16 CHAIRMAN TREFZ: Exhibit 7.

17 MR. PAX: So there is the bank
18 signage that is there on the tower. That's an
19 iconic element for the building. That's also
20 there and approved at this point, so.

21 MR. KOENIG: That's correct.

22 MR. PAX: Okay. And that's the
23 southeast corner of the building that is a
24 high visibility point on the building. So, I

1 did want to just emphasize, I mean, when we're
2 in the consideration of the monument sign of
3 consideration of the applicant visibility,
4 there are -- the signage on the building is
5 doing kind of intuitively what it wants to do
6 even like the resident with the concern at
7 Artesian Way is bringing up, the east side has
8 signage, there is signage on the southeast
9 corner. So, it's just something for us to
10 consider as a Board with the monument sign.
11 The value that the establishments may be
12 getting from that monument sign, those are
13 going to be much more valuable. There's no
14 doubt about from the standpoint of visibility,
15 branding, everything about it, that are
16 approved to this point. So that's a
17 consideration for us. But those all are
18 illuminated signs also I noticed.

19 The point being, will those signs
20 be left on -- or what is the condition on the
21 illumination on those from the standpoint of
22 business operations and during the evening
23 hours?

24 MR. WELLERT: And circling back

1 quickly to the coffee cup on the north side
2 along the same issues. Really that works kind
3 of as an identifier for the where the part is
4 directional. So there's the -- if you go back
5 to the east elevation, so you can see to the
6 right the coffee drive-thru sign and then the
7 right cup is just a distinguishable feature
8 from where the main turn location is, what
9 really is the intent of that. That's not so
10 much an intended sign to advertise I'm off of
11 23. It's really a circulation onto the site.
12 Did you want to speak about that?

13 MS. GREEN: It's an -- it almost
14 acts as an internal circulation sign, but it
15 does in fact also signal folks from coming
16 down, when they're coming south on 23. It
17 does well.

18 CHAIRMAN TREFZ: Can you hear?

19 MR. PAX: I can, but --

20 MS. GREEN: I'm sorry, sir. I
21 apologize. I was just saying that it acts as
22 both an internal circulation way-finding type
23 sign and also a sign that shows, you know,
24 this is the Crimson Cup building as you're

1 going south on 23.

2 I also wanted to add that these
3 three signs here are not large signs. The two
4 signs on the right, the two Crimson Cup signs,
5 they're both 8 square feet. These are not big
6 signs. And the one, the CME there is 18
7 square feet. So again, you know, they're
8 there, they're illuminated, but they're not
9 really eye catchers when you're coming down.

10 CHAIRMAN TREFZ: The question on,
11 what was also asked, about when the signs are
12 on and illuminated.

13 MS. GREEN: Right. I know that
14 the Crimson Cup, there was some concern with
15 the drive-thru signs that were from the last
16 time. My understanding is that those would go
17 off after hours.

18 CHAIRMAN TREFZ: What about the
19 east elevation?

20 MS. GREEN: I don't know. I was
21 hoping he could answer that, if he knows.

22 MR. WELLERT: All of the signs are
23 on a timer, so they're all controlled by that
24 single timer so they're illuminated during

1 banking and coffee hours. And again, back to
2 the coffee cup. All of those signs, one of
3 the reasons they are lit is we're in Ohio,
4 winter hours to consider. So when it's dark
5 at 6:00 a.m. and it's dark at 5:30 p.m., we'll
6 get that extra hour and a half of business and
7 it's identifiable from the street. So, the
8 worst time of the year, they are only on for a
9 few hours day and they are controlled by a
10 timer. When the business is closed for the
11 evening, those signs will be turned off and no
12 longer be illuminated.

13 CHAIRMAN TREFZ: Thank you.

14 MS. MCCOMB: Can I add an
15 additional comment?

16 CHAIRMAN TREFZ: Yes, please.

17 MS. MCCOMB: Thank you.

18 CHAIRMAN TREFZ: Restate your
19 name, please.

20 MS. MCCOMB: Robyn McComb, 6710
21 Fall Brook Trail. They're saying, I just want
22 to be clear, they're saying because the intent
23 of these lit-up signs on the east side are
24 just for directional, that the patrons are not

1 going to see them as direct -- they're not
2 going to see them as, hey, that's where the
3 building is? That's no argument to me.

4 CHAIRMAN TREFZ: Okay.

5 MS. MCCOMB: They're saying it's
6 only for directional, those aren't intended to
7 draw attention to our sign, that's why they
8 need this monument sign. No, those signs are
9 going to be lit up and they're going to draw
10 attention to the building way more than any
11 monument sign down on the ground that's going
12 to be covered by a car parked in front of it.
13 So, while I appreciate his intent, those signs
14 that are lit up on the front of the building
15 are definitely going to draw a patron to them
16 as, hey, look, there's a building there, not,
17 hmm, I wonder if they put those signs so I
18 know where the drive-thru is.

19 MS. NEFF: She did say they were
20 less than 8 square feet, so that's less than 3
21 foot by --

22 MS. MCCOMB: One is like
23 six-and-a-half feet wide by --

24 CHAIRMAN TREFZ: Yeah, but she

1 said 18 square feet or 8 square feet.

2 MS. MCCOMB: They're at --

3 CHAIRMAN TREFZ: All we're trying
4 to say, they're not the same size as the
5 monument. That's all.

6 MS. MCCOMB: Right. But they're
7 lit, they're elevated to 10 plus feet. It
8 even looks like they go above the --

9 CHAIRMAN TREFZ: They're at about
10 18 feet tall.

11 MR. GAYETSKY: No, those are the
12 signs that meet the requirement for the Code.

13 CHAIRMAN TREFZ: Oh, okay. I'm
14 sorry.

15 MR. GAYETSKY: So, those are the
16 15's.

17 CHAIRMAN TREFZ: But that's the
18 east side, which is on 23, right?

19 MS. MCCOMB: So the monument is
20 going to be down here in front of that CME
21 one, if you come out from that, you're going
22 to see the monument that they want. Right.

23 CHAIRMAN TREFZ: Yeah, I
24 understand that.

1 MS. MCCOMB: So, it's going to be
2 this tall and then those are going to be at 18
3 feet up in the air lit, so it seems redundant
4 to have it when one is already not allowed by
5 Zoning Code. Thank you.

6 CHAIRMAN TREFZ: Any other
7 comments?

8 MR. THIEDE: Just real quick.
9 This won't take but a second, so I can make
10 sure that I'm pointing out what I see up here
11 again, my name is Jon Thiede, 6726 Fall Brook
12 Drive.

13 CHAIRMAN TREFZ: Thank you.

14 MR. THIEDE: Sorry, my eyesight is
15 not that good on that small of a print from
16 the distance. So, the bottom of the CME sign
17 says it's 12 foot 6 3/4 inches tall, right, so
18 that height, which this is 8 feet --

19 CHAIRMAN TREFZ: Please come back
20 to the mic.

21 MR. THIEDE: I've got to point out
22 also. So they also, the sign of Crimson Cup
23 says 13 feet 7 3/4 inches and that's the
24 bottom of the sign.

1 CHAIRMAN TREFZ: Right.

2 MR. THIEDE: The coffee cup
3 drive-thru is 12 foot 6 inches. So I want to
4 make sure -- I know we're saying they're small
5 square foot, but I don't remember the exact
6 square footage you said. It's still a fairly
7 decent-size sign that's on the east side.

8 CHAIRMAN TREFZ: Okay.

9 MR. THIEDE: If I'm driving south
10 on 23, I'm going to see that before I see a
11 monument sign that's this tall.

12 CHAIRMAN TREFZ: Okay.

13 MR. THIEDE: Okay. And that's the
14 point I want to point out. I think that's
15 more advertisement than the monument sign.

16 CHAIRMAN TREFZ: All right. Thank
17 you.

18 MS. MCCOMB: The sum of the square
19 footage is substantial.

20 CHAIRMAN TREFZ: Ma'am.

21 MR. FANDRICH: I have not been
22 sworn in.

23 CHAIRMAN TREFZ: Okay. Do
24 solemnly swear that the testimony you shall

1 give is the truth, the whole truth and nothing
2 but the truth? If so, state I do.

3 MR. FANDRICH: I do.

4 CHAIRMAN TREFZ: Now, state your
5 name and your address, please.

6 MR. FANDRICH: John Fandrich, 200
7 Caboose Lane, Delaware. So, are all signs --
8 all signage temporary or permanent needs to be
9 approved, correct?

10 CHAIRMAN TREFZ: Yes.

11 MR. FANDRICH: That's correct.
12 Okay. I'm just checking. I don't need to
13 ask, but we can go back and look at how
14 Panera's business has been or any of the other
15 businesses up front in terms of the reflection
16 of what the sign needs or the monument needs
17 as how it works. Also, I would like to ask
18 them how the applications have been coming
19 through for them because they have a temporary
20 sign out further than the monument sign is
21 proposed, so that's been there for a while.
22 That has not been observed by anybody else and
23 it hasn't been brought up.

24 CHAIRMAN TREFZ: Okay.

1 MR. FANDRICH: So technically, if
2 we're saying that they need to show reasons as
3 to why they need to do this, they're already
4 not paying attention to the rules that are in
5 place.

6 CHAIRMAN TREFZ: Eric, we have a
7 permit for that temporary sign; do we not?

8 MR. GAYETSKY: For a temporary
9 sign advertising when a business is going to
10 be opened, yeah, they would have to follow a
11 temporary permit. Maybe Andrew, you can add to
12 that.

13 MR. KOENIG: I can't confirm
14 whether they do have a permit or not. But our
15 Code specifically allows people to have
16 temporary signs as places are being built that
17 advertises the businesses that are going in
18 there. It is in our Code and we issue permits
19 for those things all the time.

20 CHAIRMAN TREFZ: Okay.

21 MR. FANDRICH: So please apply
22 within, that's okay?

23 MR. GAYETSKY: What?

24 MR. FANDRICH: So, apply within,

1 come apply for a job, that falls under that?

2 CHAIRMAN TREFZ: I thought it was
3 construction signs more than anything else.

4 MR. FANDRICH: Okay. So there's a
5 sign out front that says, come apply, get a
6 job here.

7 CHAIRMAN TREFZ: Okay.

8 MR. FANDRICH: Something else I
9 wanted to point out, "Precedent is the
10 decision that is considered as authority for
11 deciding subsequent cases involving identical
12 or similar facts or similar issues."

13 CHAIRMAN TREFZ: Okay.

14 MR. FANDRICH: So, you are leaving
15 this up to interpretation previously and going
16 forward. Meaning, what you say today doesn't
17 matter tomorrow or yesterday. What the
18 decisions have been made in the past don't
19 matter because you want to listen to the facts
20 set forth every single time. So if I came in
21 and I wanted to provide or state that I'd like
22 to build an adult hotel, then you guys are
23 going to listen to that all the same as any
24 other time, right?

1 MS. ROSS: We're a Quasi Judicial
2 Board that operates different than a planning
3 and zoning and other types of zoning boards,
4 so we -- this is a fact-finding meeting where
5 we take testimony. That's why you're sworn in
6 and that's why you're not sworn in at a
7 planning and zoning board. So you're
8 providing testimony to us and the people who
9 are the applicants that are providing
10 testimony to us. And we take that and we try
11 to make a decision based on that testimony.

12 MR. FANDRICH: Why have bylaws or
13 a zoning code?

14 CHAIRMAN TREFZ: This Board only
15 operates when there is a dispute or a variance
16 between what was asked for and it was either
17 approved -- well, we don't see anybody that's
18 approved. But if someone was denied, then
19 they have a second chance to come to this
20 hearing.

21 MR. FANDRICH: Okay. Minus that
22 that makes a lot more sense then. Okay.

23 CHAIRMAN TREFZ: Okay. And
24 precedent for us doesn't hold where it would

1 in a full jury trial or something like that.

2 MR. FANDRICH: Gotcha.

3 CHAIRMAN TREFZ: You've read legal
4 definition for Ohio Code, I assume?

5 MS. NEFF: We're not making laws.

6 MR. FANDRICH: No, you're not.
7 But you're making a decision and sometimes
8 it's easy to look at the decisions that have
9 been made that were positive and carry a law.
10 Meaning, every single business outside of our
11 neighborhood has the exact same variance -- or
12 no variance. It is the same setup across the
13 Board, in that there has been a Board similar
14 to you guys that has sat here at one point in
15 time and discussed every single one that has
16 been there. So what I'm trying to -- what I
17 would like to do is not see 15 businesses line
18 up next month to ask for their variance
19 because somebody else got it.

20 MS. NEFF: We make a decision
21 based on this packet in front of us and what
22 we hear in this meeting, that's it. Like we
23 don't look at like what Panera did.

24 MR. FANDRICH: So the Code has

1 nothing to do with this?

2 MS. NEFF: Well, yeah, our
3 interpretation of the Code.

4 CHAIRMAN TREFZ: Yeah, that's how
5 we --

6 MS. NEFF: And that's in the
7 packet. We don't look at Panera or Friendship
8 Kitchen.

9 CHAIRMAN TREFZ: There is no
10 reason why any of the businesses on the east
11 or west side of 23 couldn't come in here
12 tomorrow with a request.

13 MR. FANDRICH: Okay. I don't
14 know what --

15 MS. ROSS: That's what you have to
16 consider as well is that we could tell them
17 yes or we could tell them no.

18 MR. FANDRICH: Right, that's my --
19 that's my giant fear is that the entire
20 process, what I've been told many times, is
21 that this Township took a moment and drove
22 down Morse Road and they realized how
23 disgusting, dirty it looked and the vacant
24 buildings and everything else, signs

1 everywhere, there's no neighborhoods. It's
2 just a bunch of signs, half of them are
3 working, half of them aren't, half of them the
4 timing works, some of them aren't, and the
5 idea was to keep this 23 corridor not to look
6 like that. That was the goal. So, when we're
7 looking at this on a piece by piece basis and
8 then you open the door to have every single
9 business, even the ones that have been denied
10 in the past, because that would be a
11 precedence, then you're asking them to come,
12 oh, you guys can all come back and do that.
13 Like, yes, you can tell them yes or no, but as
14 soon as one is told yes, that gives them the
15 precedence to come in. And then you open the
16 door for a legitimate Ohio case when you said
17 yes and no. That's our concern as the
18 neighbors.

19 And it has nothing to do with any
20 of the people here. I look forward to the
21 coffee cup. I also wonder why the tower sign
22 was a certain height for the top of the sign,
23 but now the sign has been lowered but the
24 height of the tower gets to stay. There's

1 questions in there, but at the same time,
2 we're wondering about precedence and it's not
3 a thing.

4 CHAIRMAN TREFZ: Very nice
5 questions. I can't respond to anything that's
6 not in this packet.

7 MR. FANDRICH: Gotcha.

8 CHAIRMAN TREFZ: Because that's
9 what we are limited to, so I can't redesign
10 the building. I can't redesign the parking
11 lot, anything like that. We have to go with
12 what's been asked of us.

13 MR. FANDRICH: And there's
14 interpretations that you're going to take from
15 the Code and the Zoning Code, right?

16 CHAIRMAN TREFZ: Well, Code, also
17 public comment. There's comments that came in
18 via email. We take our input from multiple
19 sources.

20 MR. FANDRICH: And is one of those
21 possibly, do you drive by to see --

22 CHAIRMAN TREFZ: Actually, we're
23 not allowed to.

24 MS. ROSS: We're not allowed to.

1 MR. FANDRICH: Okay.

2 MS. ROSS: Because that's not part
3 of the testimony and the facts that we have
4 before us right here.

5 MS. NEFF: So we each have these
6 facts and the information.

7 MR. FANDRICH: Wouldn't that be a
8 fact, though?

9 CHAIRMAN TREFZ: Sorry?

10 MR. FANDRICH: Wouldn't that be a
11 fact?

12 MS. ROSS: If you would bring us a
13 picture of it, it would be fact if we could
14 put into the record.

15 CHAIRMAN TREFZ: It's fine. But I
16 can't go out and take pictures. Our Staff can
17 go out and take site photos and things like
18 that, but we can't. We explicitly cannot do
19 anything like that.

20 MR. FANDRICH: Gotcha.

21 CHAIRMAN TREFZ: And we can't even
22 meet the two of us or three of us at a coffee
23 shop near there and discuss the case.

24 MR. FANDRICH: Well, you can just

1 go to their coffee shop when it is open.

2 CHAIRMAN TREFZ: Well, this is
3 true, once it's opened, but I still can't
4 discuss the case.

5 MR. FANDRICH: Right. Okay. That
6 clears things up, but it kind of unfortunately
7 makes things a little bit more
8 (indiscernible).

9 CHAIRMAN TREFZ: Yeah.

10 MR. FANDRICH: I feel for you guys
11 sometimes in that decision because it's -- it
12 does, like I said, it opens the door. You
13 know, if you can't look at what's there and
14 say, well, that's what's there.

15 CHAIRMAN TREFZ: Well, that's why
16 the packets are presented to us, so.

17 MR. FANDRICH: Okay. Understood.
18 Thank you for your time.

19 CHAIRMAN TREFZ: Thank you very
20 much.

21 MR. THIEDE: Another quick
22 question for the Board. Sorry. Again, my
23 name is Jon Thiede. The question I had of the
24 Board, you said that a decision has already

1 been made about the monument sign and you all
2 are here on the appeal sign, correct?

3 CHAIRMAN TREFZ: No.

4 MS. ROSS: No.

5 MR. THIEDE: So there have been a
6 decision made --

7 CHAIRMAN TREFZ: The request has
8 been made for a monument sign, which takes our
9 effort to either grant that request and then
10 make sure it's within certain criteria.

11 MR. THIEDE: So the other Board,
12 the other Zoning Board.

13 MS. NEFF: It's these three signs
14 that have already been approved.

15 CHAIRMAN TREFZ: Yeah.

16 MS. NEFF: That's what we were
17 saying.

18 MR. THIEDE: That's not what I'm
19 asking, ma'am. Sorry. I think you're
20 misinterpreting what I'm asking. What I was
21 asking was the monument sign, had there been a
22 decision made on that by either your Board or
23 the other Zoning Board?

24 MS. ROSS: In order to get a

1 monument sign in this area under this
2 Development Plan, it has to come back to the
3 Board of Zoning Appeals for approval or
4 denial, which is us.

5 MR. THIEDE: So you are the final
6 decision maker, there's nobody else?

7 CHAIRMAN TREFZ: That's the only
8 way you can get to it.

9 MR. THIEDE: So it's not like they
10 went to one place and they were told no, they
11 come to an Appeals Board to get that appeal.
12 Okay. The other part I would like, you
13 just --

14 CHAIRMAN TREFZ: Hang on. Eric,
15 did you want to say something?

16 MR. GAYETSKY: Well, in this case,
17 I just want to remind the Board that because
18 the Development Plan states, and not all
19 Development Plans do, but this Development
20 Plan states that "monument signs are
21 prohibited along 23." There's the variance
22 and then what Ms. Ross just mentioned. If it
23 wasn't a development that did not have that
24 prohibition, it would still need a Conditional

1 Use, so that's why we're looking at a variance
2 and a Conditional Use.

3 CHAIRMAN TREFZ: Okay.

4 MR. THIEDE: Okay. The other
5 thing is you, Kelvin, you mentioned earlier
6 that you received comments via email.

7 CHAIRMAN TREFZ: Yes, sir.

8 MR. THIEDE: Will those be read
9 into the record tonight?

10 MS. NEFF: Yes.

11 MR. THIEDE: That was the next
12 question I was going to ask, will those be
13 read in. I'd be interested to hear what other
14 people had to say.

15 MR. SCHATZ: I just have one final
16 question. This is from the Township as a
17 whole. Kevin Schatz. I just wanted to know
18 that, I know the logging with typing it all in
19 there, is this -- I see online it's a video.
20 Is this all recorded, too, as well?

21 CHAIRMAN TREFZ: Yes.

22 MR. GAYETSKY: It's live right
23 now.

24 CHAIRMAN TREFZ: Yeah, like I say,

1 someone out there could be watching you. It's
2 all live.

3 MR. SCHATZ: That's all I wanted.
4 Thank you.

5 CHAIRMAN TREFZ: Anyone else?

6 MR. WELLERT: I'm Brian Wellert.
7 I just wanted to clarify and it may help
8 everybody in the room. If you did go to vote
9 and vote no, what is the timeframe on coming
10 back before the Board to try to appeal to put
11 in another monument sign?

12 MR. GAYETSKY: Well, you would
13 have two options at that point. You could
14 file for a brand new variance, but if you're
15 appealing the process, that wouldn't take
16 place with this Board. That would actually go
17 up to Delaware County's Common Pleas, so you
18 would have to put in an appeal with the Court
19 of Common Pleas.

20 MR. WELLERT: And then to refile
21 another variance, is there a timeframe, a
22 limitation on that when that can be filed?

23 MR. GAYETSKY: I don't understand
24 the -- there would be --

1 MR. KOENIG: There is one
2 stipulation that you can't come back and
3 request the same exact variance.

4 MR. GAYETSKY: Correct.

5 MR. KOENIG: It has to be a
6 substantial difference. In that case, I'm not
7 exactly sure what a substantial difference is.
8 If you're asking for --

9 MR. GAYETSKY: We would need some
10 additional clarification internally.

11 MR. WELLERT: Thank you.

12 CHAIRMAN TREFZ: It could be on
13 the size. It could be on the positioning of
14 it.

15 MR. GAYETSKY: We're not sure yet.

16 CHAIRMAN TREFZ: Yeah, it's
17 something like that, though.

18 MR. GAYETSKY: Sure. Yeah.

19 CHAIRMAN TREFZ: Lifepoint almost
20 came back.

21 MR. WELLERT: It goes to the
22 discussion of multiple or other businesses
23 revisiting and the precedent and idea, if one
24 is approved or others have come before,

1 coming back and revisiting and requesting
2 again, so just to get that clarification.
3 Thank you.

4 CHAIRMAN TREFZ: Okay.

5 MS. GREEN: I just wanted to say
6 that I believe that we have demonstrated the
7 practical difficulties for this site by being
8 compliant with the parking requirements and
9 our need for site circulation because it goes
10 -- you know, we do have traffic going around
11 our building that did push our building back
12 from U.S. 23. So I do think we have
13 demonstrated the need for this little -- it's
14 not a big sign, this little, non-illuminated
15 sign to try to get folks safely into our site.
16 That's all I have. Thank you.

17 CHAIRMAN TREFZ: Anyone else?
18 Does anyone want to make a Motion?

19 MR. GAYETSKY: Well, it gets to
20 that, I wanted to --

21 CHAIRMAN TREFZ: Sorry, yeah.
22 You're going to read the comments, right?

23 MR. GAYETSKY: I will go through
24 those comments, since we're on the topic.

1 CHAIRMAN TREFZ: Okay.

2 MR. GAYETSKY: So, you have them
3 in front of you, but I'll read them in the
4 order that you should have them.

5 The first comment was received
6 from Nathan and Elizabeth Wilbanks, that's 137
7 Coal Bend in Delaware, Ohio. "To Whom It May
8 Concern; we are residents of the Olentangy
9 Crossing neighborhood directly behind the site
10 of the proposed variance by CME Federal Credit
11 Union. We are ready to express our strong
12 preference that businesses who are building or
13 already exist at the face of our neighborhood
14 be held to the highest building and zoning
15 standards, which will reduce the light and
16 sound impacts on our neighborhood and the
17 preservation park that surrounds us.
18 Specifically, the variance is asking for a
19 wall sign to the above the allowed 15 feet, in
20 addition to a Conditional Use for a monument
21 sign. Also seeking an area variance from
22 Rezoning Case ZON-16-03 to allow for a
23 monument sign along U.S. 23, when it is
24 permitted. In an area with much commercial

1 building going on, we think it is very
2 important to respect and maintain precedence
3 on zoning standards and prohibitions. Giving
4 approval to even one business will create a
5 slippery slope, whereby other businesses new
6 and existing can use the example of a variance
7 being approved in order to further their cases
8 and not needing to adhere to zoning standards
9 put in place for good reasons. There is very
10 little separation between our neighborhood and
11 the businesses on Artesian Run. While we
12 understand that we purchased homes adjacent to
13 a commercial zone, we did so with specific
14 zoning requirements and restrictions for that
15 commercial zone in place. We simply ask that
16 businesses along Artesian Run be restricted to
17 the current zoning requirements under which
18 they agreed to when they purchased the land
19 and not be approved for variances. We will
20 not be able to attend the meeting on January
21 18th, 2024, but we ask this letter be noted to
22 the Zoning Board. We appreciate the support
23 given to our neighborhood in the past on these
24 issues and ask that the Board continue to deny

1 any variance request by businesses along
2 Artesian Run."

3 All right. And then the other
4 comments are from First Commonwealth Bank. I
5 don't have the address in front of me. I'll
6 read both. "Hi, Robyn and Eric. We have
7 recently received an additional Notice of
8 Public Hearing regarding this matter
9 previously discussed. In accordance with your
10 direction, we are submitting these comments.
11 Our opinion remains unchanged from what was
12 stated below." And he states, "thank you for
13 your time and explanation of the variance and
14 Conditional Use request referenced on the
15 subject application. These requests
16 contradict the established framework for land
17 use within Orange Township that provide
18 uniformity to commercial development. If
19 these variances are granted and offer unique
20 branding advantages, please reach out to me so
21 we may discuss similar opportunities at our
22 location across the street."

23 MS. MCCOMB: No precedence.

24 MR. GAYETSKY: I think that that

1 was a comment just stated again from the
2 original meeting, so. So, that's it.

3 CHAIRMAN TREFZ: Those are the
4 only two, right?

5 MR. GAYETSKY: Those are the only
6 two, yes.

7 CHAIRMAN TREFZ: Any questions
8 from the Board?

9 MS. ROSS: No.

10 MR. PAX: I would like for the
11 record to state there was concern, a question
12 raised about the signs on the north side of
13 the building. If we at the Board are
14 considering denying the Conditional Use and
15 the monumental sign, that sign on the north
16 then does have additional I'd say branding and
17 visibility need because that monumental sign
18 is being removed. It is something that I'm
19 considering, at least on my side of the floor,
20 and as a discussion to the Board Members, that
21 that sign warrants approval in consideration
22 of denying the monumental sign, if we were to
23 go that route.

24 And that it being illuminated and

1 what the applicant stated with the
2 illumination does not seem too obtrusive for
3 the neighbors on Artesian Way also. The fact
4 that it's facing north and it is not facing to
5 the west, which would be direct glare to those
6 residents, so I mean, a little bit but not
7 nearly to the extent of that. So that's
8 something that I wanted to -- the sign that's
9 for the north side of the building. I just
10 wanted to state for the record at least my
11 opinion on this.

12 CHAIRMAN TREFZ: So, do we
13 normally take public comments?

14 MR. GAYETSKY: Well, currently --
15 yes, public comment, we've closed down now.
16 Board discussion is what we're at.

17 CHAIRMAN TREFZ: Okay.

18 MS. NEFF: Thank you. Based on
19 these factors, I move to approve Case
20 VA-CU-23-23 for a property located at 6459
21 Artesian Way, Lewis Center, Ohio 43035 seeking
22 an area variance from Rezoning Case ZON-16-03
23 to allow for the wall sign identified in this
24 report as Wall Sign No. 1 to be one foot above

1 the allowed 15 feet in an area zoned Planned
2 Commercial and Office.

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

4 MR. GAYETSKY: Motion made to
5 approve by Ms. Neff, seconded by Ms. Ross.

6 Those voting:

7 MR. GAYETSKY: Mr. Trefz.

8 CHAIRMAN TREFZ: Yes.

9 MR. GAYETSKY: Mr. Pax.

10 MR. PAX: Yes.

11 MR. GAYETSKY: Ms. Ross.

12 MS. ROSS: Yes.

13 MR. GAYETSKY: Ms. Neff.

14 MS. NEFF: Yes.

15 MR. GAYETSKY: Mr. Sundar.

16 MS. SUNDAR: Yes.

17 MR. GAYETSKY: The Motion carries
18 and the variance is approved.

19 CHAIRMAN TREFZ: Does anyone want
20 to put forward the Motion for the area
21 variance, the monument sign?

22 MS. NEFF: Based on these factors,
23 I move to approve Case No. VA-CU-23-23 for
24 property located at 6459 Artesian Run, Lewis

1 Center, Ohio 43035 seeking an area variance
2 from Rezoning Case ZON-16-03 to allow for a
3 monument sign along U.S. 23 in an area zoned
4 Planned Commercial and Office.

5 CHAIRMAN TREFZ: Is there a
6 second? Okay. Is there a second? Hearing no
7 second, it dies.

8 MR. GAYETSKY: Yeah -- well, it's,
9 again, your call. If you need to have more
10 discussion, if somebody else wants to make
11 another Motion. Or I guess if you can't come
12 up with a decision, then you always have the
13 purview to continue that application, but you
14 have to make a decision one way or another on
15 that.

16 MR. PAX: Can I make a Motion?

17 MR. GAYETSKY: You may make a
18 Motion, yes.

19 MR. PAX: Yes. I make a Motion to
20 deny Case No. VA-CU-23-23 for property located
21 at 6459 Artesian Run, Lewis Center, Ohio
22 43035, seeking an area of variance from
23 Rezoning Case No. ZON-16-03 to allow for a
24 monument sign along U.S. 23 in an area zoned

1 Planned Commercial and Office PC, because
2 discussions -- based on one or more of the
3 area variance factors, there is beneficial use
4 of the property without the variance, the
5 variance is substantial, et cetera.

6 MS. SUNDAR: I second.

7 CHAIRMAN TREFZ: And also, the
8 public comment you can add.

9 MR. PAX: I'm sorry. Thank you,
10 Mr. Chairman.

11 MR. GAYETSKY: Okay.

12 MR. PAX: And the public letters
13 that were submitted by residents. Thank you.

14 MR. GAYETSKY: Okay. So we have a
15 Motion to deny made by Mr. Pax, seconded by
16 Mr. Sundar. Those voting:

17 MR. GAYETSKY: Mr. Trefz.

18 CHAIRMAN TREFZ: Yes.

19 MR. GAYETSKY: Mr. Pax.

20 MR. PAX: Yes.

21 MR. GAYETSKY: Ms. Ross.

22 MS. ROSS: Yes.

23 MR. GAYETSKY: Ms. Neff.

24 MS. NEFF: No.

1 MR. GAYETSKY: And Ms. Sundar.

2 MS. SUNDAR: Yes.

3 MR. GAYETSKY: All right. Motion
4 carries, so that means the variance is denied.

5 CHAIRMAN TREFZ: And that takes
6 care of the third one, does it not?

7 MR. KOENIG: I'm not sure. It's
8 probably best to vote.

9 CHAIRMAN TREFZ: Best to vote.

10 MR. KOENIG: I would say so.

11 MR. GAYETSKY: Because we have it
12 on anyway.

13 CHAIRMAN TREFZ: Yeah.

14 MR. GAYETSKY: I would say vote.

15 CHAIRMAN TREFZ: I just want to do
16 it correctly.

17 MS. ROSS: I move to deny Case
18 VA-CU-23-23 for the property located at 6459
19 Artesian Run, Lewis Center, Ohio, 43035,
20 seeking a Conditional Use of Orange Township
21 Zoning Resolution Section 2204 to allow for
22 the addition of a monument sign in an area
23 zoned Planned Commercial and Office. Because
24 it's contrary to the public interest presented

1 as testimony this evening through letters and
2 voice, the property in question will yield a
3 reasonable return without this sign and the
4 variance is substantial.

5 CHAIRMAN TREFZ: I'll second.

6 MR. GAYETSKY: Okay. Motion to
7 deny the Conditional Use made by Ms. Ross,
8 seconded by Mr. Trefz. Those voting:

9 MR. GAYETSKY: Mr. Trefz.

10 CHAIRMAN TREFZ: Yes.

11 MR. GAYETSKY: Mr. Pax.

12 MR. PAX: Yes.

13 MR. GAYETSKY: Ms. Ross.

14 MS. ROSS: Yes.

15 MR. GAYETSKY: Ms. Neff.

16 MS. NEFF: No.

17 MR. GAYETSKY: And Ms. Sundar.

18 MS. SUNDAR: Yes.

19 MR. GAYETSKY: Okay. So four
20 yeses, one no, the Motion carries, so that
21 would mean that it is denied.

22 And that is all. Those are the
23 votes. I don't have anything else.

24 CHAIRMAN TREFZ: To everyone out

1 there, the next bit is boring. It's minutes
2 and so on. You're welcome to leave or you're
3 welcome to stay.

4 MR. GAYETSKY: I want to clarify
5 that even though the minutes are on the
6 agenda, both set of minutes, at least one set
7 of minutes will be ready by next meeting, but
8 we don't have any minutes for approval
9 tonight. I'll be sure to send those to you in
10 advance.

11 MR. WELLERT: Just a quick
12 question. It made sense on the denial of the
13 variance. How does that affect the denial on
14 the Condition Use? My question is because it
15 makes sense as to the drastic or significant
16 change in variance request if we wanted to
17 come back, but how does that work on
18 Conditional Use? I'm kind of curious now that
19 that's been denied.

20 MR. GAYETSKY: Well, what do you
21 mean change --

22 MR. WELLERT: Meaning like
23 conditional uses idea. The conditional use
24 for Orange Township is any ground monument

1 sign anywhere requires a Conditional Use,
2 that's part of the Code. So Conditional Use,
3 would it be applicable to the whole property,
4 meaning certain monument signs or certain
5 allowances on Artesian Run, any other roads.
6 If the Conditional Use is denied for that lot,
7 does that affect coming back for any of those
8 other roads?

9 MS. ROSS: It was just for this
10 application.

11 MR. PAX: There's no precedence.

12 MR. WELLERT: It's just for the
13 application?

14 CHAIRMAN TREFZ: Yeah.

15 MR. GAYETSKY: The Conditional Use
16 is based on this application tonight, but you
17 know, we wouldn't have to --

18 MR. WELLERT: Just a
19 clarification. Okay.

20 MS. NEFF: A different spot would
21 be different --

22 MR. GAYETSKY: We would have to
23 look into it a little more closely if you had
24 a different proposal.

1 MR. WELLERT: And that's not so
2 much here. This is just kind of a legal
3 question, I'm wondering how it applies.
4 Because one Conditional Use is like a blanket
5 to the lot, and variance is to the original
6 application.

7 CHAIRMAN TREFZ: We might have to
8 consult our attorney to get a true definition.

9 MR. WELLERT: Okay.

10 MR. KOENIG: We can get back to
11 you, if you want, for the clarification.

12 MR. WELLERT: Thank you very much.

13 CHAIRMAN TREFZ: Thank you.

14 Since we don't have the minutes.

15 MR. GAYETSKY: We don't have any
16 other business.

17 CHAIRMAN TREFZ: No other
18 business. I declare the meeting adjourned.

19 (Thereupon, the proceedings
20 adjourned at 7:15 p.m.)

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CERTIFICATE

The undersigned do hereby certify that the foregoing proceedings were digitally recorded and transcribed via audible playback, and that the foregoing transcript of such proceedings is a full, true and correct transcript of the proceedings as so recorded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office on this 28th day of February 2024.

Sandra D. Kin

Sandra D. Kin,
Registered Professional Reporter,
Certified Digital Reporter,
Certified Digital Transcriber.
Notary Public - State of Ohio.

My Commission expires May 14, 2027.

- - -