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BEFORE THE ORANGE TOWNSHIP
BOARD OF ZONING APPEALS

- - -

In the Matter of:
Public Hearing -
Variance Applications,
Conditional Use
Application

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PROCEEDINGS

before Members of the Orange Township Board of
Zoning Members; Chairman Kelvin Trefz,
Vice-Chair Sue D. Ross, Stacey Neff, Joseph
Pax and Steve Totzke, held at Orange Township
Hall, Moffett Room, 1680 East Orange Road,
Lewis Center, Ohio, called at 6:00 p.m. on
Thursday, July 18, 2024.

Also Present:
Eric Gayetsky,
Senior Zoning Officer
Robin Duffee,
Director of Development & Zoning.

- - -

1 AUDIENCE: "I do."

2 CHAIRMAN TREFZ: And when you come
3 up to testify, please state your full name,
4 address and affirm that you've been sworn in.
5 Even though I have had some mistakes in there.

6 MR. GAYETSKY: And I understand we
7 may have one applicant who's coming a little
8 bit late, so I already informed them that they
9 can expect to testify at the podium when they
10 come in.

11 CHAIRMAN TREFZ: Okay.

12 MR. GAYETSKY: And they can be
13 sworn in at that point.

14 CHAIRMAN TREFZ: Sworn in at that
15 point, yes.

16 MR. GAYETSKY: Alright. I will
17 take it away.

18 Good evening, Members of the Board
19 of Zoning Appeals. We have five cases on the
20 agenda for tonight. The first one, it's going
21 to be the longest Staff Report in front of
22 you, so I will do my best to move through that
23 one and answer any questions you have as I
24 finish out. Alright.

1 The applicant is requesting at the
2 site Franklin Street and Old Lewis Center with
3 six different Parcel IDs, multiple variance
4 requests. They're all area variances from the
5 Orange Township Zoning Resolution to allow for
6 the construction of a new home. And this is
7 an area zoned Farm Residential District. The
8 applicant is seeking multiple setback
9 variances, along with the coverage variance
10 for the lot.

11 Immediately to the east of the
12 subject parcels, and also fronting Franklin
13 Street, is a newly constructed one-story
14 residence of about 1900 square feet. And this
15 was approved under a Variance Case VA 22-12
16 for multiple setback and lot coverage
17 variances with the home being located on three
18 adjacent parcels. Among other setback
19 reductions, the home was granted side yard
20 setback reductions of four feet per side for
21 two parcels and front building setback reduced
22 to 26 feet and eight inches. And again, that
23 was for VA 22-12.

24 The surrounding area to the north,

1 the zoning district is Farm Residential
2 District. Actually, that theme carries for
3 the other directions as well. To the north
4 the land use is Franklin Street and Single
5 Family Residence. To the south, the land use
6 is Church Street and another Single Family
7 Residence. To the east is single family
8 residence. That's that new build property I
9 just referred to. And to the west is vacant
10 land, as well as Single Family Residence.

11 Okay. As you can see on the
12 screen, these are the six parcels that are
13 under this variance request. And if we zoom
14 in a little bit more, you will note it is
15 actually clearly visible, the new home that's
16 to the east on those three parcels. This
17 request is somewhat similar to that, in that
18 the three parcels on the north side of the six
19 are the ones that will accommodate the
20 proposed new home.

21 So if you want to keep panning to,
22 I think if you zoom in a little bit more on
23 the next page. Actually, there you go. You
24 can see the outline, the under construction of

1 the home to the east. This request, as I
2 stated, would be those three parcels where the
3 cursor is, and we'll go through multiple
4 variances based on the location and crossing
5 lot boundaries and so on and so forth for
6 these three parcels.

7 Before I get there, I wanted to
8 show you Exhibit 1 that's on the next page.
9 This is a quick look at the proposed new home,
10 the renderings. It is a two-story style home,
11 attached garage. I believe that's two or
12 three cars, and sidewalk leading to the front
13 entryway.

14 Alright. The next would be
15 Exhibit 2, an overall Site Plan, to give you
16 an idea of the new home. The parcel lines are
17 a little bit faint on this, but you will see a
18 little bit more clarity those set back
19 reductions, as I described the variances in
20 subsequent slides. The larger area to the
21 south on the, I believe that's crossing
22 slightly over two of the lots, two of the six,
23 is a proposed septic area that -- we're not
24 really talking about the septic area with this

1 request, as that doesn't require any zoning
2 variances. So, I will move right along.

3 Now to the Staff Review portion.
4 Variance request No. 1, I think we have 13,
5 this is for the west side yard setback. This
6 is Parcel ID 318-213-13-010-000. This is area
7 variance from Code Section 7.06(f), side yard
8 setback. The required side yard setback for
9 FR-1 is 25 feet. The applicant is requesting
10 12 feet and 10.5 half inches west side yard
11 setback of 318-213-13-011-000. This is
12 roughly a 49 percent variance request from
13 Orange Township Zoning Resolution Code Section
14 7.06(f). I tried to highlight the parcels so
15 you can follow along that way so we know which
16 one we're looking at.

17 Alright, moving along. A lot of
18 these are similar to each other. For Variance
19 Request No. 2, east side yard setback. This
20 is for the same parcel. Since this crosses
21 over to the east side, there would be the zero
22 feet based on the home being located in the
23 entirety of the side yard setback, and they
24 are requesting that zero foot east side yard

1 setback. And this is a 100 percent variance
2 request from Orange Township Zoning Resolution
3 7.06(f) Okay.

4 We should be on No. 3. That would
5 be the next parcel over. Alright. So
6 Variance Request No. 3, west side yard setback
7 from Parcel ID 318-213-13-010-000. The side
8 yard setback is required 25 feet. The
9 applicant is requesting a zero foot west side
10 yard setback of the parcel mentioned above.
11 This is again a 100 percent variance request
12 from Orange Township Code Section 7.06(f).

13 And Request No. 4, it's
14 essentially the same thing. This is the
15 middle parcel. The applicant is requesting
16 zero foot east side yard setback of Parcel No.
17 318-213-13-010-000. This is a 100 percent
18 variance request from Orange Township Code
19 Section 7.06(f).

20 Alright. Variance Request No. 5,
21 this is the third parcel, west side yard
22 setback. And this is Parcel ID
23 318-213-13-009-000. The side yard setback is
24 required at 25 feet. The applicant is

1 requesting a zero foot west side yard setback
2 of the above mentioned Parcel ID. This is a
3 100 percent variance request from Orange
4 Township Zoning Code Section 7.06(f).

5 Okay. Let's make sure I'm staying
6 on track. From Variance Request No. 6, this
7 is for the east side, so it will not be the
8 zero foot for this one. The east side yard
9 setback of Parcel ID 318-213-13-009-000
10 required at 25 feet. The applicant is
11 requesting a 12 feet 10.5 inches east side
12 yard setback of parcel 318 -- the above
13 mentioned parcel. And this is roughly a 49
14 percent variance request from the Orange
15 Township Zoning Code Section 7.06(f). So
16 you've noticed, the same thing with the first
17 parcel we were talking about, it is 12 feet
18 and 10.5 inches that they're requesting to
19 make the side yard setback.

20 Okay. We're on No. 7, over
21 halfway. So, for the rear yard setback, we're
22 kind of starting over to come back to the
23 first parcel. That's parcel
24 318-213-13-011-000. This is an area variance

1 from Orange Township Zoning Code Section
2 7.06(g) rear yard setback for the primary
3 structure is required at 80 feet. The
4 applicant is requesting a 25 and one-quarter
5 inches rear yard setback of the above
6 mentioned parcel. This is a 54 feet and 11
7 and three-quarters inches variance request
8 from the Orange Township Zoning Code Section
9 7.06(g). This represents a roughly 69 percent
10 variance request.

11 Okay. We're on Variance Request
12 No. 8. This is area variance from Orange
13 Township Zoning Resolution Code Section
14 7.06(g) as well, but for the middle parcel. I
15 won't, I guess, I won't read the parcel number
16 every time. The applicant is requesting a 28
17 foot rear yard setback request from the above
18 listed parcel. So this is a 52 foot variance
19 request from the Orange Township Zoning Code
20 Section 7.06(g). And this would represent
21 approximately 65 percent variance request.

22 Alright. I am on No. 9. Yep.
23 Okay. For Variance Request No. 9, the rear
24 yard setback. This is the third parcel over,

1 so the east-most parcel. It's area variance
2 -- it's from 7.06(g) as well. The required
3 setback being 80 feet. The applicant is
4 requesting a 28 foot rear yard setback from
5 this above listed parcel. It is roughly --
6 oh, it is a 52 foot variance request from
7 Orange Township Zoning Code 7.06(g). And just
8 like the last one, this is a roughly 65
9 percent variance request.

10 Okay. And No. 10, for Variance
11 Request No. 10, front yard setback
12 requirement. So, this is the west-most
13 parcel. The applicant is requesting a 40 foot
14 building setback of parcel 318 -- the above
15 listed parcel. This is a 20 foot zero inch
16 variance request from the Orange Township
17 Zoning Code 7.06(e), as well as 21.09, and
18 this would be a roughly 33 percent variance
19 request

20 For No. 11, the applicant is
21 requesting a 40 foot building setback from the
22 -- this is the middle parcel, both listed.
23 This is a 20 foot variance request from
24 7.06(e) and 21.09. This is a roughly 33

1 percent request.

2 Okay. Variance Request No. 12,
3 this is the east-most parcel. The applicant
4 is requesting a 43 foot and 6 inches building
5 setback of this parcel. Now this is a 17 feet
6 and 6 inches variance request from Orange
7 Township Code Section 7.06(e) and 21.09. This
8 is a roughly 29 percent request. Just to
9 highlight here, I believe it's about
10 three-and-a-half foot difference, the way that
11 the house is further set back than the first
12 two parcels, if you're looking at the front
13 portion of the home. That's the difference.

14 Alright. I believe this is the
15 last one, Variance Request No. 13, the lot
16 coverage. And we did, actually -- yep, this
17 should be the only lot coverage one we have.
18 Lot coverage from Parcel ID
19 318-213-13-011-000, area variance from Orange
20 Township Code Section 7.06(h), required lot
21 coverage is up to 25 percent and the applicant
22 is requesting a 41 percent lot coverage of
23 that above referenced parcel. This is a 705
24 square foot variance request from the Orange

1 Township Zoning Resolution Section 7.06(h) and
2 this is a roughly 64 percent request.

3 Alright. Last, it looks like I
4 stuck the septic area in here, a little closer
5 in view, by comparison to what you saw
6 earlier. It doesn't, as mentioned, it does
7 not require our consideration for any variance
8 tonight. Last but not least, is the Board
9 Analysis Criteria for consideration. Please
10 let me know if you have any questions.

11 MS. NEFF: On the GIS drawing,
12 what is in that upper-right area?

13 MR. GAYETSKY: As I understand,
14 there's no structure in that immediate area.
15 The applicant could further clarify when the
16 applicant presents.

17 MS. NEFF: Okay.

18 MR. PAX: Similar question on the
19 west parcel, both the north and the south
20 parcel, is that tree head grow, basically, in
21 that, those three parcels?

22 MR. GAYETSKY: To my
23 understanding, that is landscape area. In my
24 staff's review, I don't recall seeing anything

1 else. They're fully undeveloped parcels. The
2 applicant, if there is something beneath the
3 foliage that did not catch our attention, our
4 review, the applicant can go into that detail
5 for you. And I'm not sure if we have an
6 ability to look at, like a year ago there was
7 an aerial that was taken with no trees or
8 foliage. I'm not sure if that might give us a
9 better view. So through that period, that's a
10 tree line.

11 MR. PAX: So I guess I want to --
12 maybe, perhaps, the applicant can confirm
13 that. But they are requesting a setback of 12
14 feet from the property line, I believe, is
15 what that request was for the last properties
16 met.

17 MR. GAYETSKY: 12 feet and 10
18 inches, correct?

19 MR. PAX: So by scale on that,
20 that looks like you're off the centerline of
21 that tree road and then -- so I'm curious -- I
22 guess that just means that they're going to be
23 taking out all of the trees.

24 MR. GAYETSKY: Yeah, and it's not

1 a planned zoning district so tree removals,
2 they can occur. There's no zoning implication
3 for an FR-1, a property or trees that are
4 being removed.

5 MR. PAX: That's it. Thank you
6 for clarifying that, Eric.

7 MR. GAYETSKY: Uh-huh.

8 CHAIRMAN TREFZ: Does anyone have
9 a question? Is there someone here to speak on
10 this? Of is this the person we're waiting on?

11 MR. GAYETSKY: Yeah, wasn't
12 informed ahead of time that this application's
13 applicant would not make it on time. We were
14 expecting them to be here. Oh, yes, sir, that
15 is the gentleman who is associated with this.
16 Sorry, I didn't see you back there.

17 MR. SNYDER: That's alright.
18 Hello. My name is Matthew Snyder. I live at
19 1226 Denmark Place, Westerville, Ohio, and
20 I've been sworn in. He explained it very
21 well. We're just trying to build a house for
22 our family. We navigated through all this,
23 the zoning stuff, so then that's it. It was
24 all pretty well explained, I think. Do you

1 have any questions for me?

2 CHAIRMAN TREFZ: Do you want to
3 ask about the trees?

4 MR. PAX: No. I think Eric
5 explained that fine.

6 CHAIRMAN TREFZ: Okay.

7 MR. PAX: My main question was
8 usually in a case like this, we can see like a
9 lot consolidation, which would fuse those six
10 parcels into one consolidated parcel. And
11 then this issue of setbacks from other
12 property lines would be avoided.

13 Now I was curious, was that a
14 possibility? Was that discussed with the
15 County?

16 MR. SNYDER: We're in a
17 contingency contract for it, so I'm not sure
18 we could -- it'd be pretty complex for us to
19 put all the parcels together while we don't
20 even own the land. And we had talked to the
21 neighboring neighbor who did the same thing,
22 so we submitted our work with Eric here to
23 submit the application. That's how it got to
24 where it's at now.

1 MR. GAYETSKY: And you would still
2 be looking at similar variances with setbacks
3 for the sides, for the front. I think even
4 for the rear. I want to say --

5 MR. SNYDER: It was mentioned, I
6 guess, the new -- there's a new Zoning Code
7 coming up and then mostly it's going to be
8 because there would be 5 foot setbacks in that
9 Lewis Center Village area for a side. I
10 don't, but that's off the topic, I guess.

11 CHAIRMAN TREFZ: Yeah. We've got
12 the current Zoning Code, so we have to deal
13 with that.

14 MR. SNYDER: Yeah.

15 CHAIRMAN TREFZ: My only thought
16 on that was that if all six were done, then
17 the front and back would have been wildly
18 different because you would have had that
19 extra space.

20 MR. DUFFEE: If I can jump in, Mr.
21 Chairman. So, a few things on the possible
22 combination of the lots. So the minimum lot
23 size in FR-1, which holds these six parcels
24 are zoned FR-1, the minimum lot size is 1.98

1 acres. These parcels are about .1 acres each.
2 So, even if you combine the six here, it's
3 less than a third of the minimum lot size.

4 CHAIRMAN TREFZ: Okay.

5 MR. DUFFEE: So in order for the
6 Township to sign off on the combination of
7 those lots, that would require more variances,
8 which would probably make this process just as
9 complicated.

10 CHAIRMAN TREFZ: Yes. Thank you.

11 MS. NEFF: Did you just say
12 another parcel or group of parcels had a
13 similar issue in this area with the combined
14 --

15 MR. SNYDER: The neighboring house
16 immediately to the east, I believe.

17 MR. GAYETSKY: It's immediately to
18 the east. So if you want to go back to the
19 aerial view, you can even see the outline of
20 that home under construction, which is a fully
21 completed residence today.

22 MS. NEFF: Oh, so that's what I
23 was looking at.

24 MR. GAYETSKY: Correct.

1 MR. SNYDER: There's a pile of
2 dirt there that's a mound from yesterday. And
3 they were using something else, like a newer
4 septic system. So we didn't really -- it's
5 not very technical, so to use a traditional
6 septic system, we would dig the parcel from
7 the back and have a big back yard, so.

8 MR. PAX: Well, I won't know what
9 the graph is that that proposed -- the
10 applicant's proposed residence is aligning
11 with the adjacent property, the adjacent
12 residence that is there. So that is, I don't
13 know if that is an extenuating factor or
14 consideration, however, if that is within
15 consideration of that other residence, that he
16 is aligning those, the front of his -- of the
17 residences.

18 MS. NEFF: They've got to be lined
19 up, is that what you're saying?

20 MR. PAX: Yes.

21 CHAIRMAN TREFZ: I was going to
22 say, I'm not sure they'll be lined up.

23 MR. PAX: I mean, I'm looking at
24 graphic at least on Exhibit 15.

1 CHAIRMAN TREFZ: 15, you say?

2 MR. PAX: Yes. I assume that is
3 intubating the residents, the adjacent
4 residents.

5 CHAIRMAN TREFZ: That's the lower
6 one for the septic system.

7 MR. PAX: No. I'm referring to
8 Exhibit No. 15 where you see the house in the
9 plan, and then the residence in question is to
10 the east --

11 MR. SNYDER: I think it's 35 and
12 we're 40 foot.

13 MR. PAX: So you're further away.

14 MR. SNYDER: He needed it a little
15 closer because his septic tank is in the rear
16 yard, so it would get set back a little bit
17 more.

18 MR. PAX: Okay. The only reason
19 that I brought that up was some consideration
20 of just the relevance of that. So you're not
21 getting a zig zag when it hits the road, the
22 frontage.

23 MR. GAYETSKY: Just to make
24 mention of the exact number. I looked into

1 this and sent the first portion of my report,
2 26 feet and 8 inches for that home. So, 26
3 feet 8 inches for the front setback, and then
4 for the sides for that home is 4 feet
5 reductions, which means 21 feet per each side.

6 CHAIRMAN TREFZ: 21 instead of the
7 12.

8 MR. PAX: Yes, that's correct.

9 MR. GAYETSKY: Well, I mean, 25 is
10 the requirement. But I mean, this request is
11 12 feet and 10 inches.

12 MR. PAX: Has there been any
13 consult with the resident -- or the property
14 owner to the west of the property? I don't
15 know what that property is, so.

16 MR. SNYDER: For the new
17 construction.

18 MS. NEFF: So, we received a
19 letter, right?

20 MR. GAYETSKY: Yeah. I'll back up
21 one moment. I did receive a couple phone
22 calls, nothing written down, from a couple
23 residents wanting some clarity. I think the
24 one was to the west, and they generally just

1 wanted more information but said they were not
2 opposed. They just wanted to know what was
3 being proposed and we clarified it's a new
4 home. One of them, I think, we forwarded the
5 plans at their request and they didn't have
6 any further comment or concern about that.

7 I believe it was a phone call,
8 maybe you can clarify, Robin, the homeowner of
9 the newly built home called in and at least
10 stated they were okay. They didn't have
11 concerns. If there's anything you can add on
12 to that.

13 MR. DUFFEE: No.

14 MR. GAYETSKY: Alright. And so,
15 that was a few of the correspondences. Again,
16 nothing written down, just phone calls, but we
17 did get the written correspondence that you
18 all were forwarded. Correct.

19 MS. NEFF: Okay.

20 MR. GAYETSKY: Yep.

21 CHAIRMAN TREFZ: Is there someone
22 back there?

23 MS. NEFF: Yes, there is someone
24 who wants to speak, I believe.

1 CHAIRMAN TREFZ: Yes.

2 MR. GAYETSKY: If we're all done
3 with the applicant's portion.

4 CHAIRMAN TREFZ: Yes. Thank you.

5 MR. MCCOY: My wife is on her way.
6 She's an owner as well. My name is Nick
7 McCoy.

8 CHAIRMAN TREFZ: Your address.

9 MR. MCCOY: I swore myself in
10 earlier, by the way, or you swore me in. I am
11 --

12 MS. NEFF: You need to state your
13 address for the record.

14 MR. MCCOY: That's what I'm going
15 to do. Thank you. I am a resident of 1201
16 Franklin Street, which is directly north of
17 this proposed build. I also represent my
18 wife, who is the owner of all the property
19 directly west of this proposed build. And I'm
20 also here representing, because I am an
21 attorney, I am here representing Bonnie
22 Scholl, who is the property owner directly to
23 the north right there. I live right there,
24 and then my wife owns all of the what are

1 effectively eight lots, five parcels to the
2 west of that property.

3 Like I said, I'm an attorney. I'm
4 a former engineer, and I'm also the Chairman
5 of the Delaware County Sewage Treatment
6 Systems Appeals Board, and I have been for the
7 past 14 years. So there is an objection in my
8 written report to the location of the septic
9 area based on the experience of living there
10 for 21 years that that is the wettest portion
11 of the six lots subject to the build. The
12 neighbor body has also been a resident of the
13 area for 17 years, and I'm representing her
14 interest as well.

15 You should have my written
16 objections. We're asking for the area
17 variance to be denied. Basically, the
18 objections center around that this build is
19 not consistent with or comparable to any build
20 in the Village of Lewis Center. By square
21 footage, by footprint, is what I call it,
22 footprint. If you take a picture, if you go
23 back to the picture where you have a pole barn
24 to the west, which my wife owns now. I'm on

1 the mortgage. She owns it. If you take that
2 pole barn footprint and place it in those
3 three lots, that is effectively the footprint
4 of what this house is going to be. That barn
5 is 80 feet wide by 64 feet deep. This house
6 at its widest area is 60 foot 3/4-inch deep
7 and 79 foot 3 inches wide. We've gone through
8 auditor records and looked throughout the
9 village and it would be the largest house, we
10 believe, built in the Village of Lewis Center
11 on -- relative to its size a smallest build
12 area.

13 A primary concern to us -- and I
14 also want to point out, I believe, I talked
15 about consistent with or comparable to any
16 build, I believe that the primary description
17 used in the zoning regulation is whether the
18 essential character of the neighborhood would
19 be substantially altered. And the answer, if
20 this build is approved and allowed to go
21 forward would be yes. Even simple things such
22 as it is a -- it is shown as a board and
23 batten sided house. There is not a single
24 board and batten sided house in the Village of

1 Lewis Center. Everything straight lap with
2 dutch lap siding. You have a couple of brick
3 homes, but there are no builds, other than
4 maybe barns, that look kind of board and
5 batten with metal siding in the entire
6 Village. There are some of those in Evans
7 Farm and probably across the street of Lewis
8 Center Road, but the Village has -- is and has
9 never been Evans Farm or anything built by
10 anyone affiliated with Evans Farm.

11 MS. NEFF: Sir, when you talk
12 about the Village of Lewis Center, that's the
13 small --

14 MR. MCCOY: That's the old
15 section.

16 MS. NEFF: That little area around
17 Franklin --

18 MR. MCCOY: Franklin Street,
19 Center Street, Church Street, First Street,
20 Second Street and you've the rail road tracks
21 that cut through, an old barbershop, a
22 mercantile store, et cetera.

23 MS. NEFF: Okay.

24 MR. MCCOY: I'm not going to get

1 into the septic issue, which I think is a huge
2 issue; one, its location in the wettest area
3 of the property. But since now my
4 understanding is, and it's been affirmed, that
5 that's not subject to something that this
6 Board deals with at this point.

7 So there's, three primary issues
8 that myself, my wife and my neighbor have, and
9 that's the size, which I've already talked
10 about, the size of this build. It is 2,566
11 square feet on the first floor. It's
12 footprint, not including a 20 foot by 20 foot
13 presumably concrete pad that would end up
14 maybe 5 feet from the property line, that
15 doesn't include the 70 -- that's not a part of
16 the 79 foot 3 inches. It actually extends
17 further.

18 We already have drainage issues on
19 Franklin Street that need to be addressed by
20 the township or the county. There's not a
21 culvert or ditch of substantial means on the
22 south side of Franklin Street. And when Mr.
23 Kasner built his 1,900 square foot house, for
24 some reason, and this would be a lot better if

1 you saw this in person, but I know that you
2 don't come there in person as a Board, Mr.
3 Kasner literally built that house by himself,
4 but he built it extremely high out of the
5 ground, higher than every single other house
6 around it. He's created a runoff, surface
7 runoff issue of water, both from his gutters
8 that don't -- that just spill out onto the
9 ground surface and a sump pump that's now
10 pumping towards Franklin Street. That Bonnie
11 across the street, her driveway floods if it
12 rains hard. I included one picture in the
13 document that I submitted that shows some of
14 the flooding across the street at the end of
15 June. This isn't March or April, a picture.
16 I can go on my phone, if anybody wants to sit
17 down for 30 minutes and give you probably 50
18 pictures of flooding. And you know where the
19 water comes from because it's all dirty water
20 because he hasn't planted any grass. It's all
21 dirt. Okay.

22 That is not something for you guys
23 to solve, but the location of this house and
24 the size of this house exacerbates, I believe,

1 substantially, an issue that is already there.
2 That it will either be solved by cooperation
3 of neighbors and the Township or it will be
4 solved by a lawsuit. Because it's standard
5 Property Law 101 that you can't modify your
6 property to affect the surface water runoff of
7 someone else's. And that's exactly what has
8 occurred with Mr. Kasner's build, and I'm
9 afraid that's what will occur and be
10 exacerbated by this building.

11 We would propose, because this
12 would now make the fourth residence drive --
13 no, no, no, fifth residence driveway on
14 Franklin Street, and there are only two
15 residence driveways on Church Street that this
16 build would be more appropriate on the south
17 side of the six lots and built along Church
18 Street. Franklin Street is also a narrow
19 street. Both of them have the same 50-foot
20 right-of-ways, but if you ever came to
21 Franklin Street, you would take a look of the
22 obstacles that would be in your way if you
23 decided to widen that street. Church Street,
24 there's only one obstacle in the way and it

1 actually protrudes out into the right-of-way
2 and it's the little red-roofed old wooden barn
3 that sits in the corner. It's literally
4 basically the only thing sitting in the way of
5 that street being widened. You cannot drive
6 two cars down Franklin Street at any one time
7 you have to sit in your driveway and make sure
8 the other car comes before you can get out.

9 The trees, the trees are important
10 to us, very important to us. Those trees are
11 not the best trees. They're American Sweetgum
12 Trees. They have horrible roots. The septic
13 system -- yes, to answer your question, I
14 would almost guarantee and bet money on, if I
15 was a betting man, that all 17 of those trees
16 would need to be cut down and removed to build
17 this house and to have that septic system
18 where it's proposed to be located. You cannot
19 locate a septic leech bed next to Sweetgum
20 trees because the roots will dig in and go to
21 it.

22 But those trees are important.
23 Those trees are important because they've cut
24 down every single tree around us everywhere.

1 There were trees across the street, across the
2 Lewis Center Road. Evans Farm came in one day
3 and they cut all those down and they built the
4 faux farmhouse recreation center and all the
5 little condominiums.

6 To the west of us where they're
7 building the, I don't even know what it is,
8 Marigold something now, it's Onyx East
9 Development, 130 some houses, 12 feet apart
10 from each other, we negotiated for four months
11 through zoning meetings to get them to take it
12 off the road and add a setback. Trustee
13 Grumbles and Trustee Knapp, Trustee Grumbles
14 at the time, Trustee Knapp were very
15 important, along with Trustee Fouss, in
16 getting them to back that development off of
17 the Green Meadows extension and take it 100
18 feet back with the concession that they would
19 leave trees. That they would leave a tree
20 preservation area. Well, when the clearing
21 company came in, the clearing company didn't
22 have the correct plans. They took every tree
23 out. There is no tree preservation area.
24 They cut them all down. They've cut every

1 tree down. The County is going to cut the
2 remaining trees down to extend Green Meadows
3 Drive.

4 And trees may not be important to
5 a lot of people, but a tree that -- a set of
6 trees, 17 trees that have been there for
7 probably 25 plus years, whether American
8 Sweetgums or Silver Maples or Red Oak Trees,
9 you don't get those back. I won't get them
10 back in my lifetime. They can cut all 17 of
11 them down and plant two little, two-inch
12 caliber trees and I'll be dead or moved by the
13 time that those trees get to the size of these
14 trees. And it's important to my wife and I
15 because my wife owns that entire property that
16 line those trees. And I can also tell you, to
17 the proposed property owner, you will want
18 those trees there. Because when they cut down
19 all the trees to the west of us when the
20 storms come through, you feel the formal wrath
21 of the storm because there's nothing blocking
22 it anymore.

23 So location of the home, size of
24 the home, the trees, those are very important

1 to us, adjacent property owners. We weren't
2 consulted by the proposed buyer, asked our
3 opinions or anything. Mr. Kasner was. But
4 Mr. Kasner, who is the son of Suzanne and the
5 late Ron Kasner, who a trust owns the property
6 to the south of his build, we lived there for
7 21 years. We had not seen Bradley Kasner for
8 19 in those 21 years, until two years ago he
9 showed up and suddenly he owned three parcels
10 of his mom's and he built on three parcels
11 with the house that he has, four foot extra
12 out of the ground, and that's guessing.

13 We oppose the side variances.
14 That's big to us, the 12 foot 10 1/2 inches,
15 because that guarantees every tree being cut
16 down. Without modifications to this area
17 variance request, we would ask that you deny
18 at least those two area variance requests
19 because there's multiple ones in here and I
20 understand how that works, but you would deny
21 that side yard east/west variance, and at a
22 minimum have them revisit this with side yard
23 variances that are more in tune with what Mr.
24 Kasner got a mere year-and-a-half, two years

1 ago.

2 Your zoning resolution speaks of
3 the spirit of this resolution. And as an
4 attorney, you look to try to find what the
5 definition of the spirit of a resolution is.
6 Hopefully they would just define -- when you
7 refer to a spirit of the resolution, and
8 hopefully you would. I'm not making fun of
9 anything. It's just, but my assumption is the
10 spirit of the zoning resolution is uniformity
11 to some extent, to keep somebody from building
12 a round house that's bright purple in an area
13 of all square houses that are beige. This
14 house, as it's presented with its different
15 physical surface, its size is out of place for
16 the Village. It's not -- it's not something
17 that is standard in the Village. It wouldn't
18 be an eyesore, so to speak. It's a nice
19 looking house. I would love to have it on
20 more than an acre out somewhere else, but it's
21 very big and it's completely different than
22 everything that surrounds it.

23 So I ask you to deny this variance
24 on behalf of myself, my wife, Jennifer, and my

1 dear neighbor, Bonnie. Thank you.

2 CHAIRMAN TREFZ: Thank you. Are
3 there other comments from other people in the
4 audience?

5 MR. SNYDER: My name is Matt
6 Snyder, and I'm the builder. And I would just
7 like to -- I mean, some of those things were
8 kind of extravagant and exaggerated, as an
9 attorney would do. But that neighboring house
10 is 1,900 square feet. Nick's is 2,400 square
11 foot, so we're talking about 500 square foot
12 different. The frontage, as you see, I mean,
13 there's a house here on the corner to the I
14 believe the east. I mean, it's right on the
15 property line of their house. I mean, on the
16 side set backs, I mean, we're not asking for
17 nothing that hasn't been granted before in
18 this area. I just wanted to add those
19 comments. Thank you.

20 CHAIRMAN TREFZ: Thank you.

21 MS. NEFF: I have a question.
22 Your entire house is 2,400 square feet?

23 MR. SNYDER: 2,568.

24 CHAIRMAN TREFZ: That's both

1 floors?

2 MR. SNYDER: It's one floor with a
3 little space over a garage. It's a ranch.

4 MR. PAX: The second floor is 842
5 square feet, is that area over the garage?

6 MR. SNYDER: Yes. It's like a
7 storage area.

8 MR. PAX: Okay.

9 MR. SNYDER: It's not like a huge
10 house.

11 CHAIRMAN TREFZ: Alright. Thank
12 you.

13 MR. SNYDER: Thank you so much.

14 MR. VIERS: I'm Phil Viers.

15 CHAIRMAN TREFZ: Do you need some
16 water?

17 MS. NEFF: Do you want to grab a
18 drink of water?

19 MR. VIERS: I'll be okay. I just
20 sold the barn and the house to these people
21 two months ago. I offered this to Nick at
22 that time and he didn't want it. I agree the
23 house is a little big, but I just think these
24 people in the -- I moved out and moved to the

1 country where I don't have to worry about this
2 stuff. This isn't the country. It's a
3 Village. It's been a Village for years. It
4 always will be. That's all I have to say.

5 CHAIRMAN TREFZ: Okay. Thank you.
6 Anyone else?

7 MS. NEFF: I'm sorry, did you say
8 -- I didn't catch your name. You're Mr.
9 Viers?

10 MR. VIERS: I'm the property
11 owner, yes.

12 MS. NEFF: Okay. Thank you.

13 MR. TOTZKE: Can I ask you a
14 question? Did you say you're with the
15 Delaware County Sewer Department?

16 MR. MCCOY: No. It's the Sewage
17 Treatment Systems Appeals Board. It's a
18 Statutory Board. I'm appointed by the
19 Delaware County Probate Judge. I've been on
20 it so long that I was appointed by Judge
21 Spicer, who hasn't been on the bench in ten
22 years.

23 MR. TOTZKE: You don't work for
24 Delaware County?

1 MR. MCCOY: No, I do not work for
2 Delaware County.

3 MR. TOTZKE: Thank you, appreciate
4 it.

5 CHAIRMAN TREFZ: Is there a
6 Motion?

7 MS. NEFF: I move that we now go
8 into Private Deliberation.

9 MR. GAYETSKY: It looks like we
10 would be able to do so. We might have to be
11 waiting just a few moments here. We should
12 have the room. Okay. Alright. Hold on a
13 second.

14 We have a Motion by Ms. Ross to
15 move into Private Deliberations, second by Mr.
16 Pax. Those voting:

17 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: Yes.

1 MR. GAYETSKY: And Mr. Tetzke.

2 MR. TOTZKE: Yes.

3 MR. GAYETSKY: Alright. We will
4 move into Private Deliberations.

5 CHAIRMAN TREFZ: We will be back.

6 (Entered Private Deliberation.)

7 - - -

8 MS. ROSS: I move we come back
9 into Public Session.

10 CHAIR TREFZ: I'll second.

11 MR. GAYETSKY: Moved to come back
12 into Public Session by Ms. Ross, seconded by
13 Mr. Trefz. Those voting:

14 Mr. Trefz.

15 CHAIR TREFZ: Yes.

16 MR. GAYETSKY: Ms. Ross.

17 MS. ROSS: Yes.

18 MR. GAYETSKY: Mr. Pax.

19 MR. PAX: Yes.

20 MR. GAYETSKY: Ms. Neff.

21 MS. NEFF: Yes.

22 MR. GAYETSKY: And Mr. Tetzke.

23 MR. TOTZKE: Yes.

24 MR. GAYETSKY: Okay.

1 CHAIR TREFZ: Go ahead.

2 MS. NEFF: So thank you for your
3 patience. We went into Executive Session and
4 discussed the variance and we are prepared to
5 vote, but I wanted to share a few thoughts and
6 then see maybe, Eric, if you could go over the
7 options.

8 So as we consider and have this
9 discussion, anything over a 25 percent
10 variance is considered substantial. So if
11 it's over that 25 percent, we're usually going
12 to have a conversation about whether that
13 makes sense.

14 I think several of us expressed
15 some concerns with this variance. The lot
16 coverage is at 41 percent, which seems quite
17 substantial, the side yard setbacks being what
18 they are in the proposal. And the variance
19 requests do seem to change the essential
20 character of the neighborhood, which is one of
21 the factors we look at, so. We are prepared
22 to vote, but Eric, I didn't know if you wanted
23 to discuss options on --

24 CHAIR TREFZ: Can we continue on

1 this hearing?

2 MS. NEFF: Yes.

3 MR. GAYETSKY: Sure. While the
4 continuance is ultimately something that the
5 applicant has to request of you, but it sounds
6 like that that's one of the things in your
7 mind, one of the possibilities in your mind
8 that you would have some openness to seeing.
9 Just for everyone's familiarity, a
10 continuation would basically give the time --
11 give some time for the applicant to go ahead
12 and make some revisions that they feel like
13 would be well received by the Board, and they
14 would send those to us. Staff would
15 disseminate those back out to the Board in
16 advance of the next meeting, ideally. And we
17 would set that date for that next meeting for
18 when the case would reappear before the Board
19 now, and then you would vote to approve that
20 continuance. So that's certainly an option.
21 Of course, approval, straight approval of the
22 application, as it's been presented tonight,
23 is an option, and then a denial of the
24 application, as it's been presented tonight,

1 so all of those things.

2 MS. NEFF: So it's up to the
3 applicant to decide how you want us to
4 proceed. We can go ahead and vote, or you can
5 request a continuance.

6 MR. SNYDER: My name is Matthew
7 Snyder. Which items in particular were
8 objectionable, the side yards?

9 CHAIR TREFZ: Side yard setbacks,
10 with the exception of where you're putting the
11 two lots together, that's fine. It's the 21
12 foot on the left and the right side of the
13 house, or the east and the west side of the
14 house.

15 MS. NEFF: And the percentage
16 coverage of the --

17 CHAIR TREFZ: The percentage
18 coverage of the entire lot was very high.

19 MS. NEFF: It was high. It was 41
20 percent.

21 CHAIR TREFZ: And there were
22 several other factors in our seven factors.

23 MR. SNYDER: I'm not sure the
24 percentage of the center lot could be reduced

1 much. The side yards could be. I mean, I'd
2 also, I mean, I'd point out the neighbors that
3 are in agreement with it, their own barn is
4 less set back than this and this is -- similar
5 variances have been approved for the neighbor.

6 CHAIR TREFZ: The one neighbor,
7 yes. I'm not sure about the others because
8 I've only been on the Board a short, limited
9 time compared to the existence of Lewis
10 Center.

11 MS. NEFF: But we look at, I mean,
12 they are variances so there's no rule on
13 precedence, so each case is looked at
14 separately.

15 MR. SNYDER: Okay. I'd like to
16 note that, I mean, we -- I am, if it was
17 granted, would comply with Delaware County
18 Engineer's storm runoff and their Delaware
19 Health Department's septic tank, you know,
20 requirements.

21 CHAIR TREFZ: Okay.

22 MR. SNYDER: So, those would be in
23 account.

24 CHAIR TREFZ: Would those both be

1 in building permits, if I'm correct?

2 MR. DUFFEE: Correct. So the
3 zoning permit for single family home that is
4 on Second, we could require a letter from the
5 Health Department. And then, as part of the
6 building permit, each structure has to go
7 through what's called a DESC process, which is
8 drainage erosion and soil control.

9 CHAIR TREFZ: Okay. So those
10 would be normal no matter what we do.

11 MR. SNYDER: Okay.

12 CHAIR TREFZ: Okay. Our concern
13 is the west side setback from that and the
14 east side setback. We're not as concerned
15 with the front and the back because we realize
16 that it gets a little congested anyhow. And
17 there's no problem combining the lots because
18 that has to be the sitting on zero -- setting
19 right next to each other. So it's just the
20 overall footprint, the -- does it fit well
21 into the community and the actual physical
22 side setbacks from the house.

23 MR. SNYDER: Okay.

24 CHAIR TREFZ: Okay. And so you

1 have an option to, you can allow us to vote or
2 you can ask for continuance and we would in
3 all likelihood grant you the continuance.
4 I've never known not to.

5 MR. GAYETSKY: And a continuance
6 also doesn't have to be to that next meeting
7 date. It could be another month. I could
8 give you the list through the end of actually
9 until January 2025, so.

10 MR. PAX: Eric, also, then the
11 applicant is not obligated to pay in for the
12 fees for --

13 MR. GAYETSKY: As long as it's a
14 continuance and we decide on the date,
15 correct.

16 MR. PAX: Okay. Thank you for
17 clarifying that.

18 CHAIR TREFZ: Do you want a second
19 to discuss?

20 MR. SNYDER: Yes, please.

21 CHAIR TREFZ: Not problem.

22 (Applicants discuss off record.)

23 MR. GAYETSKY: Do you want to
24 briefly do a recess while they discuss? Would

1 that help? It's up to you. I'm not sure when
2 they're going to come back in. If you want to
3 do a short recess, it's up to you. We can
4 pause the meeting again.

5 CHAIR TREFZ: If any of you would
6 like to take a short break, please do.
7 Hopefully they will be back in a few minutes.

8 MR. GAYETSKY: Alright. It looks
9 like the applicant is back.

10 MR. SNYDER: This is Matt Snyder.
11 I've been sworn in. We'll just ask for a --
12 we're going to go ahead and ask for a vote.

13 CHAIR TREFZ: Ask for a vote.

14 MR. SNYDER: Yes.

15 CHAIR TREFZ: Okay. Thank you.

16 MS. NEFF: Where do we start?

17 CHAIR TREFZ: And we have to give
18 the zoning each time, right?

19 MR. GAYETSKY: Correct.

20 MR. PAX: So I can write it?

21 MR. GAYETSKY: Oh, I'm sorry, if
22 you're -- let's see, depending on what you're
23 saying no to.

24 MR. DUFFEE: Yeah. So if the

1 Board feels that they're going to vote exactly
2 the same on all 13 variances, then you can
3 vote in one Motion and one vote count. If
4 you're going to vote separate, if you were
5 going to vote yes from one variance but no for
6 another variance, yeah, then you need to read
7 for each one.

8 CHAIR TREFZ: Yeah, that kind of
9 what concerns you. Okay. So you're going to
10 get 15 votes, or whatever it is.

11 MR. GAYETSKY: All of these do
12 correspond the exact same order and the same
13 parcel number for the way that we did our
14 Staff Review. If you need that visual, you
15 just need to flip back. It should be the
16 same.

17 MR. DUFFEE: And we'll have them
18 up on the screen as well.

19 CHAIR TREFZ: There's some we
20 could combine because we're going to vote the
21 same way. But is it all or nothing, or is it
22 two parts and two parts?

23 MR. DUFFEE: I'd say it's probably
24 easier at this point just to do them all

1 individually.

2 CHAIR TREFZ: Okay.

3 MS. NEFF: Okay. I can start with
4 1.

5 CHAIR TREFZ: Okay.

6 MS. NEFF: Okay. I move to deny
7 Case No. VA-24-21 Request #1 for property
8 located at Parcel 318-213-13-011-000, seeking
9 an area variance from Orange Township Zoning
10 Code Section 7.06(f) to allow for a 12 feet 10
11 1/2 inches west side yard setback of

12 318-213-13-011-000 in an area zoned Farm
13 Residential District. Because we feel that
14 the variance is substantial. We have concerns
15 about the wall coverage being at 41 percent.

16 CHAIR TREFZ: That's the next one.

17 MS. NEFF: I'm sorry. Skip that
18 one.

19 CHAIR TREFZ: Just on the side
20 yard.

21 MS. NEFF: Okay.

22 MR. PAX: I'll second that.

23 MR. GAYETSKY: Okay. Motion made
24 by Ms. Neff, seconded by Mr. Pax. Those

1 voting:

2 Mr. Trefz.

3 CHAIR TREFZ: Yes.

4 MR. GAYETSKY: Mr. Pax.

5 MR. PAX: Yes.

6 MR. GAYETSKY: Ms. Ross.

7 MS. ROSS: Yes.

8 MR. GAYETSKY: Ms. Neff.

9 MS. NEFF: Yes.

10 MR. GAYETSKY: And Mr. Tetzke.

11 MR. TOTZKE: Yes.

12 MR. GAYETSKY: Okay. Motion

13 carries. And that is to deny, correct?

14 CHAIR TREFZ: That's to deny.

15 MR. GAYETSKY: Alright. No. 2.

16 MS. ROSS: I move to approve Case
17 No. VA-24-21, Variance Request #2 for the east
18 side yard setback property located at Parcel
19 318-213-13-011-000, seeking an area variance
20 from Orange Township Zoning Code Section
21 7.06(f) to allow for zero feet east side yard
22 setback for Parcels 318-213-13-011-000 in an
23 area zoned Farm Residential (FR-1).

24 CHAIR TREFZ: I'll second.

1 MR. GAYETSKY: Okay. This Motion
2 is to approve made by Ms. Ross, seconded by
3 Mr. Trefz. Those voting: We'll start with
4 Mr. Trefz.

5 CHAIR TREFZ: Yes.

6 MR. GAYETSKY: Ms. Ross.

7 MS. ROSS: Yes.

8 MR. GAYETSKY: Mr. Pax.

9 MR. PAX: Yes.

10 MR. GAYETSKY: Ms. Neff.

11 MS. NEFF: Yes.

12 MR. GAYETSKY: And Mr. Tetzke.

13 MR. TOTZKE: Yes.

14 MR. GAYETSKY: Okay. That does
15 carry as well. So that is approved. No. 3.

16 CHAIR TREFZ: I moved to approve
17 based on these factors from Case VA-24-21,
18 Request #3 for the property located at Parcel
19 ID of 318-213-13-010-000, seeking an area of
20 variance from Orange Township Zoning Code
21 Section 7.06(f) and to allow for zero feet on
22 the west side, side yard setback of Parcel PID
23 318-213-13-010-000 in the area zoned as Farm
24 Residential District.

1 MS. ROSS: Second.

2 MR. GAYETSKY: Motion to approve
3 made by Mr. Trefz, seconded by Ms. Ross.

4 Those voting:

5 Mr. Trefz.

6 CHAIR TREFZ: Yes.

7 MR. GAYETSKY: Ms. Ross.

8 MS. ROSS: Yes.

9 MR. GAYETSKY: Mr. Pax.

10 MR. PAX: Yes.

11 MR. GAYETSKY: Ms. Neff.

12 MS. NEFF: Yes.

13 MR. GAYETSKY: And Mr. Totzke.

14 MR. TOTZKE: Yes.

15 MR. GAYETSKY: And that Motion
16 carries as well. No. 4.

17 MS. ROSS: I move to approve Case
18 No. VA-24-21 Request #4 for a property located
19 at Parcel 318-213-13-010-000 seeking an area
20 variance from the Orange Township Zoning Code
21 Section 7.06(f) to allow for a zero feet east
22 side yard setback of Parcel
23 318-213-13-010-000, in an area zoned Farm
24 Residential District (FR-1).

1 MR. PAX: Second.

2 MR. GAYETSKY: Motion to approve
3 made by Ms. Ross, second by Mr. Pax. Those
4 voting:

5 Mr. Trefz.

6 CHAIR TREFZ: Yes.

7 MR. GAYETSKY: Ms. Ross.

8 MS. ROSS: Yes.

9 MR. GAYETSKY: Mr. Pax.

10 MR. PAX: Yes.

11 MR. GAYETSKY: Ms. Neff.

12 MS. NEFF: Yes.

13 MR. GAYETSKY: And Mr. Totzke.

14 MR. TOTZKE: Yes.

15 MR. GAYETSKY: Motion carries.

16 Request #5.

17 CHAIR TREFZ: I move to approve
18 based on these factors Case VA-24-21 Request
19 #5, for property located at Parcel
20 318-213-13-009-00 seeking an area variance
21 from the Orange Township Zoning Code Section
22 7.06(f) to allow for a zero feet west side
23 yard setback from Parcel 318-213-13-009-000 in
24 an area zoned Farm Residential District.

1 MS. ROSS: I'll second.

2 MR. GAYETSKY: Motion to approve

3 made by Mr. Trefz, seconded by Ms. Ross.

4 Those voting:

5 Mr. Trefz.

6 CHAIR TREFZ: Yes.

7 MR. GAYETSKY: Ms. Ross.

8 MS. ROSS: Yes.

9 MR. GAYETSKY: Mr. Pax.

10 MR. PAX: Yes.

11 MR. GAYETSKY: Ms. Neff.

12 MS. NEFF: Yes.

13 MR. GAYETSKY: And Mr. Totzke.

14 MR. TOTZKE: Yes.

15 MR. GAYETSKY: Motion carries.

16 - - -

17 MR. GAYETSKY: No. 6.

18 MS. NEFF: I move to deny Case No.

19 VA-24-21 Request #6, for property located at

20 Parcel 318-213-13-009-000 seeking an area

21 variance from the Orange Township Zoning Code

22 Section 7.06(f) to allow for 12 feet - 10 1/2

23 inch west side yard setback of Parcel

24 318-213-13-009-000 in an area zoned Farm

1 Residential District.

2 CHAIR TREFZ: That's it.

3 MS. ROSS: She needs to state the
4 reason.

5 MR. GAYETSKY: Yes.

6 MS. NEFF: Yeah, because of the
7 narrow, small side yard setback.

8 MR. PAX: Second.

9 MR. GAYETSKY: Motion to deny made
10 by Ms. Neff, seconded by Mr. Pax. Those
11 voting:

12 Mr. Trefz

13 CHAIR TREFZ: Yes.

14 MR. GAYETSKY: Ms. Ross.

15 MS. ROSS: Yes.

16 MR. GAYETSKY: Mr. Pax.

17 MR. PAX: Yes.

18 MR. GAYETSKY: Ms. Neff.

19 MS. NEFF: Yes.

20 MR. GAYETSKY: And Mr. Totzke.

21 MR. TOTZKE: Yes.

22 MR. GAYETSKY: And that Motion
23 carries.

24 - - -

1 MR. GAYETSKY: No. 7 is next.

2 MS. ROSS: I moved to approve Case
3 No. VA-24-21 Request #7, for property located
4 at Parcel 318-213-13-011-000 seeking an area
5 variance from the Orange Township Zoning Code
6 Section 7.06(g) to allow for 25 and 1/4
7 quarter-inch rear yard setback of Parcel
8 318-213-13-011-000 in an area zoned Farm
9 Residential District (FR-1).

10 CHAIR TREFZ: Second.

11 MR. GAYETSKY: Motion to approve
12 made by Ms. Ross, seconded by Mr. Trefz.

13 Those voting:

14 Mr. Trefz.

15 CHAIR TREFZ: Yes.

16 MR. GAYETSKY: Ms. Ross.

17 MS. ROSS: Yes.

18 MR. GAYETSKY: Mr. Pax.

19 MR. PAX: Yes.

20 MR. GAYETSKY: Ms. Neff.

21 MS. NEFF: Yes.

22 MR. GAYETSKY: And Mr. Totzke.

23 MR. TOTZKE: Yes.

24 MR. GAYETSKY: That Motion

1 carries.

2 - - -

3 MR. GAYETSKY: No. 8.

4 MS. ROSS: I move to approve Case
5 No. VA-24-21 Request #8, for property located
6 at Parcel 318-213-13-010-000 seeking an area
7 variance from the Orange Township Zoning Code
8 Section 7.06(g) to allow for 28-foot rear yard
9 setback of Parcel 318-213-13-010-000 in an
10 area zoned Farm Residential District (FR-1).

11 MR. PAX: Second.

12 MR. GAYETSKY: Motion to approve
13 made by Ms. Ross, seconded by Mr. Pax. Those
14 voting:

15 Mr. Trefz.

16 CHAIR TREFZ: Yes.

17 MR. GAYETSKY: Ms. Ross.

18 MS. ROSS: Yes.

19 MR. GAYETSKY: Mr. Pax.

20 MR. PAX: Yes.

21 MR. GAYETSKY: Ms. Neff.

22 MS. NEFF: Yes.

23 MR. GAYETSKY: And Mr. Totzke.

24 MR. TOTZKE: Yes.

1 MR. GAYETSKY: That Motion
2 carries.

3 - - -

4 MR. GAYETSKY: No. 9.

5 CHAIR TREFZ: Based on these
6 factors, I moved to approve Case No. VA-24-21
7 Request #9, for property located at Parcel
8 318-213-13-009-000 seeking an area variance
9 from the Orange Township Zoning Code Section
10 7.06(g) to allow for a 28-foot rear yard
11 setback of Parcel 318-213-13-009-000 in an
12 area zoned Farm Residential District.

13 MS. ROSS: Second.

14 MR. GAYETSKY: Motion made by Mr.
15 Trefz, seconded by Ms. Ross. Those voting:

16 Mr. Trefz.

17 CHAIR TREFZ: Yes.

18 MR. GAYETSKY: Ms. Ross.

19 MS. ROSS: Yes.

20 MR. GAYETSKY: Mr. Pax.

21 MR. PAX: Yes.

22 MR. GAYETSKY: Ms. Neff.

23 MS. NEFF: Yes.

24 MR. GAYETSKY: And Mr. Totzke.

1 MR. TOTZKE: Yes.

2 MR. GAYETSKY: And that Motion
3 carries.

4 - - -

5 MR. GAYETSKY: Alright. We are on
6 10, #10.

7 MS. ROSS: I move to approve Case
8 Number VA-24-21 Request #10, for the property
9 located Parcel 318-213-13-011-000 seeking an
10 area variance from the Orange Township Zoning
11 Code Section 7.06(e) and 21.09 to allow for a
12 40-foot front yard setback of Parcel
13 318-213-13-011-000 in an area zoned Farm
14 Residential District (FR-1).

15 CHAIR TREFZ: I'll second that.

16 MR. GAYETSKY: Motion made by Ms.
17 Ross, seconded by Mr. Trefz. Those voting:

18 Mr. Trefz.

19 CHAIR TREFZ: Yes.

20 MR. GAYETSKY: Ms. Ross.

21 MS. ROSS: Yes.

22 MR. GAYETSKY: Mr. Pax.

23 MR. PAX: Yes.

24 MR. GAYETSKY: Ms. Neff.

1 MS. NEFF: Yes.

2 MR. GAYETSKY: And Mr. Totzke.

3 MR. TOTZKE: Yes.

4 MR. GAYETSKY: Motion carries.

5 - - -

6 MR. GAYETSKY: No. 11.

7 MS. ROSS: I move to approve Case
8 No. VA-24-21 Request #11, for property located
9 at Parcel 318-213-13-010-000 seeking an area
10 variance from the Orange Township Zoning Code
11 Section 7.06(e) and 21.09 to allow for a
12 40-foot front yard setback of Parcel
13 318-213-13-010-000 in an area zone Farm
14 Residential District (FR-1).

15 MR. PAX: Second.

16 MR. GAYETSKY: Motion to approve,
17 made by Ms. Ross, seconded by Mr. Pax. Those
18 voting:

19 Mr. Trefz.

20 CHAIR TREFZ: Yes.

21 MR. GAYETSKY: Ms. Ross.

22 MS. ROSS: Yes.

23 MR. GAYETSKY: Mr. Pax.

24 MR. PAX: Yes.

1 MR. GAYETSKY: Ms. Neff.

2 MS. NEFF: Yes.

3 MR. GAYETSKY: And Mr. Tetzke.

4 MR. TOTZKE: Yes.

5 MR. GAYETSKY: Motion carries.

6 - - -

7 MR. GAYETSKY: 11 down two to go.

8 No. 12.

9 CHAIR TREFZ: I move to approve
10 Case No. VA-24-21 Request # -- I've got 9
11 again.

12 MR. GAYETSKY: Okay. Maybe there
13 was a numbering -- that should state #12.

14 CHAIR TREFZ: #12 for the property
15 located at Parcel 318-213-13-009-000, seeking
16 an area variance from Orange Township Zoning
17 Code Section 7.06(e) and 21.09 to allow for a
18 43-foot and 6-inch rear yard setback on Parcel
19 318-213-13-009-000 in an area zoned Farm
20 Residential District.

21 MS. ROSS: I'll second.

22 MR. GAYETSKY: Motion to approve
23 made by Mr. Trefz and seconded by Ms. Ross.

24 Those voting:

1 Mr. Trefz.

2 CHAIR TREFZ: Yes.

3 MR. GAYETSKY: Ms. Ross.

4 MS. ROSS: Yes.

5 MR. GAYETSKY: Mr. Pax.

6 MR. PAX: Yes.

7 MR. GAYETSKY: Ms. Neff.

8 MS. NEFF: Yes.

9 MR. GAYETSKY: And Mr. Tetzke.

10 MR. TOTZKE: Yes.

11 MR. GAYETSKY: And that Motion

12 carries.

13 - - -

14 MR. GAYETSKY: Last and certainly

15 not least, #13.

16 MS. NEFF: I move to deny Case No.

17 VA-24-21 Request #13, for property located at

18 Parcel 318-213-13-011-000 seeking an area

19 variance from the Orange Township Zoning Code

20 Section 7.06(h) to allow for a 41 percent lot

21 coverage of Parcel 318-318-213-13-011-000 in

22 an area zoned Farm Residential District.

23 Because the variance is substantial and it

24 would alter the essential character of the

1 neighborhood.

2 MR. PAX: Second.

3 MR. GAYETSKY: I'm just double
4 checking that Parcel ID, so bear with me.

5 MS. NEFF: Did I misstate it?

6 MR. GAYETSKY: No. I just want to
7 make sure I got the number correct on your
8 Motion. It looks like --

9 MS. NEFF: Do you want me to
10 re-read it?

11 MR. GAYETSKY: I think that the
12 middle parcel is -- it should be the five
13 zeros -- I'm sorry, four zeros, but -- yeah,
14 let me just rewrite that parcel number so I
15 have it correct. It's the middle parcel, so
16 it should be 318-213-13-010-000. And then
17 we're correct.

18 CHAIR TREFZ: Okay.

19 MS. NEFF: Do you want me to
20 re-read it?

21 CHAIR TREFZ: If you wouldn't mind
22 re-reading it, I can help you with the parcel
23 number.

24 MS. NEFF: Thank you. I move to

1 deny Case No. VA-24-21 Request #13, for
2 property located at Parcel 318-213-13-010-000.

3 MR. GAYETSKY: Yep.

4 MS. NEFF: Seeking an area
5 variance from Orange Township Zoning Code
6 Section 7.06(h) to allow for a 41 percent lot
7 coverage of Parcel 318-213-13-010-000 in an
8 area zoned Farm Residential District. Because
9 the variance is substantial and it would alter
10 the essential character of the neighborhood.

11 MR. PAX: Second.

12 MR. GAYETSKY: Okay. This is
13 Motion to deny made by Ms. Neff, seconded by
14 Mr. Pax. Those voting:

15 Mr. Trefz.

16 CHAIR TREFZ: Yes.

17 MR. GAYETSKY: Ms. Ross.

18 MS. ROSS: Yes.

19 MR. GAYETSKY: Mr. Pax.

20 MR. PAX: Yes.

21 MR. GAYETSKY: Ms. Neff.

22 MS. NEFF: Yes.

23 MR. GAYETSKY: And Mr. Totzke.

24 MR. TOTZKE: Yes.

1 MR. GAYETSKY: And that Motion
2 carries and that variance is denied.

3 That wraps us up for all the
4 variance requests.

5 - - -

6 MR. GAYETSKY: Okay. I think
7 we're through the majority of our variance
8 requests this evening, but we have several
9 cases ahead, so I will lead into the next one.

10 So, this one is Case No. VA-24-22,
11 and the location is 1652 Summersweet Circle,
12 which is a residential parcel. The request is
13 seeking an area variance from Rezoning Case
14 No. 12451 Estates of Glen Oak for a sunroom
15 and deck to encroach into the 35-foot rear
16 yard setback.

17 For the summary, the applicant is
18 requesting an area variance from the above
19 mentioned Rezoning Case Estates of Glen Oak to
20 allow for a new 14 by 14 foot sunroom, as well
21 as a 12 foot by 14 foot deck. These both are
22 to encroach 5 feet and 0 inches into the
23 35-foot reared setback in an area zoned Single
24 Family Plan Residential District.

1 The property is located on
2 Summersweet Circle and currently owned by
3 Matthew and Angela Hance. The zoning to the
4 north and all directions, in fact, is Single
5 Family Planned Residential District. The land
6 use to the north is Single Family Residences,
7 as well as Summersweet Circle. To the south
8 is also Single Family Residences, and to the
9 east is Single Family Residences and to the
10 west. So we'll look at the aerial view next,
11 starting with the zoomed-in view. Really,
12 this property doesn't have development in the
13 rear yard, anywhere aside from a very small
14 concrete pad and stairs. So, you can see the
15 context in the neighborhood Estates of Glen
16 Oak right there.

17 And moving right along into the
18 Staff Review. So, this is the rear yard
19 setback encroachment request for the sunroom.
20 So I've broken these down. The proposed
21 sunroom would encroach 5 feet 0 inches into
22 the 35-foot rear setback. And this is a
23 roughly 14 percent variance request from
24 Rezoning Case 12451 Estates of Glen Oak. So

1 there's your reference for what they're
2 proposing to do. It shows kind of a
3 combination sunroom with an adjacent deck.
4 We'll get to the deck here in just a second.

5 Alright. And then the
6 encroachment doesn't have the line showing
7 here, but just as we've measured, the deck
8 would be encroaching that 35 feet -- 30 feet
9 and 0 -- I'm sorry. The measurement would be
10 30 feet and 0 inches away from the rear
11 property line, so that means the deck would be
12 encroaching 5 feet into the required 35-foot
13 rear setback.

14 Okay. Let's see if I'm going in
15 order or not. Okay. Did I miss the site
16 photos?

17 CHAIR TREFZ: No.

18 MR. GAYETSKY: Okay. Yep. So we
19 took a few photos. I just wanted to visualize
20 and make it clear that the large cone is where
21 the proposed sunroom would be located. That,
22 as stated, is encroaching about 5 feet into
23 the required 35-foot setback. This is panning
24 a little bit to the right, and you can see the

1 small cone in the distance represents the rear
2 property line. To continue, there's that from
3 essentially the exact opposite view, facing to
4 the northwest, and the small cone representing
5 the property line and the large cone
6 representing the proposed sunroom.

7 The next photo, this photo is
8 taken to the west. The measuring wheel is
9 representing the side edge and the extent of
10 the proposed deck approximately, and the large
11 cone in that background, again representing
12 the corner of the proposed sunroom. The black
13 bags is pretty faint. I should have pointed
14 that out. That's representing the 35-foot
15 rear setback line. Alright. I think that
16 pretty much covers the request.

17 The criteria for your
18 consideration are on the next two pages. And
19 let me see, I believe I broke this up to
20 include the sunroom as the first variance
21 request and then the deck as the second
22 variance request, since they're different
23 structures, so to speak. If you have any
24 questions, please, let me know. And then the

1 applicant should be here tonight.

2 CHAIR TREFZ: Please come on up.

3 Do you want to speak? Have you been sworn in?

4 MR. HANCE: No.

5 CHAIR TREFZ: Okay. I knew I
6 shouldn't have put that away.

7 MR. GAYETSKY: Don't put it away
8 yet.

9 CHAIR TREFZ: Anyone who intends
10 to testify, please raise your right hand and
11 be sworn. Do you solemnly swear the testimony
12 you shall give shall be the truth, the whole
13 truth, nothing but the truth. If so, state I
14 do.

15 MR. HANCE: I do.

16 CHAIR TREFZ: And then, when
17 you're here, give us your full name, your
18 address, and affirm that you've been sworn in.

19 MR. HANCE: Yeah. My name is
20 Matthew Hance. My address is 1652 Summersweet
21 Circle, Lewis Center, Ohio 43035, and I have
22 been sworn in.

23 CHAIR TREFZ: Thank you. What
24 would you like to tell us?

1 MR. HANCE: We want to put an
2 addition on our house. It's still pretty far
3 back from the center divide of our lots. Our
4 neighbor has something similar on the other
5 side, but just the patio, so. I think there
6 shouldn't be much to it.

7 CHAIR TREFZ: You're talking about
8 your neighbor on this side?

9 MR. HANCE: No, in front of us.

10 CHAIR TREFZ: Oh, in front.

11 MR. HANCE: Yeah, yeah,

12 CHAIR TREFZ: Okay.

13 MR. HANCE: and I've talked to my
14 neighbors and non one seems to have any issues
15 with it.

16 CHAIR TREFZ: And we didn't get
17 anything from the neighbors?

18 MR. GAYETSKY: Simply a phone call
19 clarifying what they were requesting, but no
20 objections.

21 CHAIR TREFZ: Questions from
22 Members? Thank you.

23 MR. HANCE: Thank you.

24 MS. ROSS: Is there anybody else

1 that would like to speak?

2 CHAIR TREFZ: Alright.

3 MR. PAX: Based on those factors,
4 I move to approve Case No. VA-24-22, for
5 property located at 1652 Summersweet Circle,
6 Lewis Center, Ohio seeking an area variance
7 from Rezoning Case No. 12451 Estates of Glen
8 Oak to allow for a sunroom to approach 5 feet
9 0 inches into the 35-foot rear yard setback in
10 an area zoned Single Family Residential
11 District.

12 MS. ROSS: I second.

13 MR. GAYETSKY: Motion made by Mr.
14 Pax, seconded by Ms. Ross. Those voting:

15 Mr. Trefz.

16 CHAIR TREFZ: Yes.

17 MR. GAYETSKY: Ms. Ross.

18 MS. ROSS: Yes.

19 MR. GAYETSKY: Mr. Pax.

20 MR. PAX: Yes.

21 MR. GAYETSKY: Ms. Neff.

22 MS. NEFF: Yes.

23 MR. GAYETSKY: And Mr. Totzke.

24 MR. TOTZKE: Yes.

1 MR. GAYETSKY: And that Motion is
2 approved.

3 MR. PAX: Also, can I make a
4 Motion on the deck?

5 MR. GAYETSKY: Yes.

6 MR. PAX: I move to approve Case
7 No. VA-24-22 for property located at 1652
8 Summersweet Circle, Lewis Center, Ohio seeking
9 an area variance and Rezoning Case No. 12451
10 Estates of Glen Oak, to allow for a deck to
11 encroach 5 foot 0 inches into the 35-foot rear
12 yard setback in an area zoned Single Family
13 Residential District.

14 MS. ROSS: I'll second.

15 MR. GAYETSKY: Motion made to
16 approve by Mr. Pax, seconded by Ms. Ross.

17 Those voting:

18 Mr. Trefz.

19 CHAIR TREFZ: Yes.

20 MR. GAYETSKY: Ms. Ross.

21 MS. ROSS: Yes.

22 MR. GAYETSKY: Mr. Pax.

23 MR. PAX: Yes.

24 MR. GAYETSKY: Ms. Neff.

1 MS. NEFF: Yes.

2 MR. GAYETSKY: And Mr. Tutzke.

3 MR. TOTZKE: Yes.

4 MR. GAYETSKY: That motion

5 carries.

6 - - -

7 MR. GAYETSKY: Alright. We're to
8 the third item on the Agenda tonight. Let me
9 get my page number correct. I'm almost there.
10 It's still back in a few variances behind.
11 Okay.

12 So this one is both a variance as
13 well as a conditional use request, as it's for
14 a new monument sign to be installed. It's a
15 monument style sign, and it is seeking the
16 area variance from Rezoning Case 8946 for a
17 monument sign on a property where it is
18 prohibited.

19 So, for the Summary, the applicant
20 is representing Another Broken Eight Cafe, and
21 they are seeking a conditional use from
22 Section 22.04, and that's of the Orange
23 Township Resolution, which is to allow for the
24 installation of a monument style sign. And

1 they are seeking that one area variance from
2 Rezoning Case No. 8946 to allow a monument
3 style sign on the property when it is
4 prohibited. The existing building has been
5 vacant for several years. We even identified
6 this in the last Staff Report, that it had
7 previously been a Panera Bread restaurant and
8 subsequently vacant. Another Broken Egg
9 received their permit for doing exterior
10 modifications back in March of this year, so
11 they've been approved for that. This included
12 upgrading the exterior, awning repairs and
13 cladding, as well as paint. On June 20th,
14 2024, the applicant requested variances
15 through this Board, and that was for two new
16 wall signs to exceed 15 feet in height. This
17 was a 4 foot variance request on the east
18 elevation, 2 foot 8 inches on the north, and
19 you all approved -- the Board approved those
20 requests.

21 The subject property is located at
22 8787 Owenfield Drive, Powell, Ohio, having a
23 Parcel No. of 318-324-11-004-000. The
24 surrounding area, the direction to the north,

1 or the property to the north, I should say, is
2 a Planned Commercial Office District zoned
3 property. The land use there is Pizza Cottage
4 and commercial uses around that. The property
5 to the south is also Planned Commercial and
6 Office District. The land uses include
7 Meijer, Fifth Third Bank and the proposed --
8 -- let's see if this is to the south. You can
9 disregard Another Broken Egg. The direction
10 to the east is also a Planned Commercial and
11 Office District zoned property. So in
12 addition, this is across U.S. 23, so that
13 includes Staples, a future Floor & Decor site
14 and some vacant commercial space. Finally, to
15 the west, there's plan -- I'm sorry, Route 23
16 Corridor Overlay District Zoning, that
17 specifically is the Cheswick Village
18 Development. You can kind of see that through
19 the aerial. I'm not exactly sure the year on
20 this, but it is fairly recent, as you can see,
21 the building belonging to Cheswick Village to
22 the west.

23 There's the zoomed-out -- there is
24 the zoomed-out context right along 23 and

1 Owenfield Drive immediately to the west. Now
2 we're to the Staff Review portion for the
3 conditional use. This fairly long portion of
4 text. You can read some of this at your own
5 leisure, but I'm going to jump down to our
6 responses, what's pertinent in particular to
7 this application.

8 Starting with No. 3, so that would
9 be 22.04(a)(3): So that's a determination
10 that the proposed sign meets all of the
11 following requirements. The sign is a
12 monument style freestanding sign.

13 i: Yes, the applicant is
14 proposing monument style freestanding sign, as
15 shown in Exhibit 1 below.

16 For Section b: The maximum height
17 of such a sign does not exceed 8 feet above
18 the average grade of the site, and the sign is
19 located at the distance from any street
20 right-of-way line as required.

21 i: So according to Exhibit 1,
22 the proposed sign will be 5 feet and 9 inches
23 tall. That's above grade. And the sign is
24 proposed to be set back 15 -- I believe that's

1 16, yep, 16 feet and 0 inches from the
2 property line adjoining U.S. 23. According to
3 Section 22.04(a)(3)(e), the minimum setback
4 and area permitted is 16 feet and 0 inches
5 from the right-of-way. So 16 feet 0 inches
6 meets this standard.

7 For c: The sign does not have
8 more than two sides of surfaces.

9 i: The sign as it is proposed
10 will have two sides, as shown in the
11 application

12 For d: The display area of any
13 one side or surface does not exceed one half
14 of the total display area permitted.

15 i: The sign, it's a single sign
16 face totals approximately 18 square feet,
17 while 20 square feet per sign face is
18 permitted. The proposed sign meets the sign
19 standard.

20 And then let's see, e) The total
21 area of all surfaces does not exceed 32 square
22 feet, or maximum of 16 square feet per side,
23 when the sign is located 15 feet from the
24 primary frontage of the street right-of-way.

1 For each additional one foot of setback from
2 the street right-of-way line, and an
3 additional 8 feet of total display area, or
4 maximum of 4 square feet per side or surface
5 will be permitted up to a maximum of 128
6 square feet total display area, or maximum of
7 64 square feet per side or surface as
8 permitted.

9 i: So the proposed one sided,
10 one side of the sign is what I'm trying to
11 say, will total approximately 18 square feet.
12 And then the total setback will be 16 feet 0
13 inches from the right-of-way of U.S. 23, so 40
14 square feet total is permitted. The sign
15 meets this standard.

16 f: Not more than five colors are
17 used for the purpose of this section. Black
18 and white shall not be considered colors.

19 i: The proposed sign meets the
20 standard.

21 g: No part of such sign will be
22 closer to any street right-of-way line than 15
23 feet, nor closer to any property line than the
24 applicable building setback line, if the

1 adjoining property is in a residential
2 district.

3 i: The proposed sign will be
4 set back 16 feet from the street right-of-way,
5 which meets this standard.

6 I think that -- you can read the
7 other standards at your leisure. So I think
8 that wraps up the Staff Review portion there.
9 And we've referred to it a few times, but
10 here's Exhibit 1 for the sign details, which
11 again meet the location requirements and the
12 size and height requirements for the sign.

13 Exhibit No. 2, that comes from the
14 application as well. And you can just be
15 reminded of the wall signs, which are not part
16 of this application, you already looked at
17 that last time. And by comparison, here's the
18 location for the proposed monument sign.

19 Alright. And then the last piece
20 is that area variance. This is where that
21 comes from Rezoning Case No. 8946 in Section
22 II(c)(2), No freestanding graphics shall be
23 permitted on any outlot. The proposed sign is
24 not permitted, as per the above referenced

1 development text. A variance is being
2 requested to add the freestanding monument
3 sign on the outlaw parcel. And that's
4 indicated the parcel with the red line, so you
5 have that reference.

6 I think that we're through with
7 analysis -- I'm sorry, Staff Review. Now we
8 listed out the conditional use analysis, as
9 well as the area variance analysis for your
10 convenience. If you have any questions, let
11 me know.

12 MS. NEFF: Eric, I was reading
13 their application. So, are monument signs
14 permitted on the east side, but not the west
15 side; is that true, of 23?

16 MR. GAYETSKY: This development is
17 its own. So 8946, to my knowledge, it doesn't
18 encompass anything on the east side of U.S.
19 23.

20 MS. NEFF: Okay.

21 MR. GAYETSKY: This is strictly
22 the west side with four or so outlots.

23 MS. NEFF: Okay.

24 MR. GAYETSKY: So if you refer to

1 Exhibit 3.

2 MS. NEFF: But over by Staples and
3 the new Chick-fil-A, are they permitted over
4 there? We don't have any, I don't think.

5 MR. GAYETSKY: We hadn't reviewed
6 in the context of any outlots there, but I
7 understand that there are two large-sized, you
8 know, multiple tenant freestanding signs.

9 CHAIR TREFZ: Yeah.

10 MS. NEFF: Okay. Thank you.

11 MR. GAYETSKY: My portion is over.

12 Correct.

13 CHAIR TREFZ: Is anyone here to
14 speak on this?

15 MR. PETRO: I have been sworn in.
16 My name is Brad Petro, 4330 N. Bend Road,
17 Ashtabula, Ohio. So as Eric just mentioned,
18 this parcel is part of what I guess is
19 determined the High Point Center Development.
20 And, back in, I think it was the late '90's
21 when this development came into effect or
22 resolution or whatever, it was determined that
23 the five parcels that front Route 23 would not
24 be allowed freestanding signs. The sign was

1 submitted. The parcels across the street are
2 allowed freestanding signs, McDonald's,
3 Wendy's. They all have -- multiple tenants
4 have signs out front. And the signs -- the
5 parcel behind this property is also allowed
6 freestanding signs, which they do as well. So
7 for whatever reason, these five parcels,
8 20-some odd years ago, were not allowed.

9 We've designed the sign to comply
10 with every aspect of what the Code would
11 allow. And we're asking for consideration to
12 allow this monument sign out front.

13 CHAIR TREFZ: Questions?

14 MR. PAX: I'm not clear on the
15 orientation of the sign, is it -- I'm looking
16 at the graphic here. I can't tell. Is it
17 parallel?

18 MR. PETRO: Perpendicular to the
19 road.

20 MR. PAX: Perpendicular to the
21 road.

22 MR. PETRO: Yeah. I was expecting
23 this to have, like, a Route 23 corridor
24 overlay like that --

1 MR. GAYETSKY: Not within the
2 Routes 23, no.

3 MS. NEFF: It's more north.

4 CHAIR TREFZ: It comes and goes.

5 MR. GAYETSKY: So the Route 23
6 that's closest is Cheswick Village. That's
7 the residential use immediately to the west.
8 It's not right off of 23.

9 MR. DUFFEE: So the overlay
10 district, there's essentially a hole up and
11 down 23 corridor in Orange Township.

12 MR. GAYETSKY: Yes.

13 MR. DUFFEE: This parcel
14 technically is included in the Overlay
15 District. The Overlay District is an opt-in
16 zoning. Because the property owner has not
17 opted into the overlay district, that means
18 that the baseline district applies and not the
19 overlay.

20 MR. GAYETSKY: It's in Cheswick,
21 in the immediate area, is the only property
22 owner that opted in.

23 MR. PETRO: But like the Overlay
24 District committee doesn't weigh in on whether

1 or not --

2 MR. DUFFEE: There is no Overlay
3 District.

4 MR. GAYETSKY: There is not.

5 CHAIR TREFZ: Anything else?

6 Thank you. Does anybody want to make a
7 Motion?

8 MR. PAX: I have a question. Not
9 illuminated, obviously, but no other lights on
10 the ground? Is there any uplighting?

11 MR. HANCE: I don't believe there
12 will be.

13 MS. NEFF: I'll make a Motion, if
14 you guys are okay with that.

15 CHAIR TREFZ: Yes.

16 MS. NEFF: Based on these factors,
17 I moved to approve VA-CU-24-23 for the
18 property located at 8823 Owenfield Drive,
19 Powell, Ohio, seeking an area variance from
20 Orange Township Rezoning Case 8946 to allow
21 for the construction of a monument sign on the
22 outlot identified in Exhibit 3 of this report
23 in an area zoned Planned Commercial and Office
24 District.

1 MS. ROSS: I'll second that.

2 MR. GAYETSKY: Motion to approve
3 made by Ms. Neff, seconded by Ms. Ross. Those
4 voting:

5 Mr. Trefz.

6 CHAIR TREFZ: Yes.

7 MR. GAYETSKY: Ms. Ross.

8 MS. ROSS: Yes.

9 MR. GAYETSKY: Mr. Pax.

10 MR. PAX: Yes.

11 MR. GAYETSKY: Ms. Neff.

12 MS. NEFF: Yes.

13 MR. GAYETSKY: And Mr. Totzke.

14 MR. TOTZKE: Yes.

15 MR. GAYETSKY: That Motion
16 carries. And again, that was conditional use.

17 MS. NEFF: I'll go ahead and move
18 the next one.

19 MR. PETRO: Did you say that was
20 for the variance or conditional use?

21 MS. ROSS: That was for the area
22 variance.

23 MR. GAYETSKY: Area variance.

24 Thank you. So now we have the conditional

1 use. You might have to scroll up. Yeah.

2 Thank you. If someone else wants to --

3 MS. ROSS: I move to approve Case
4 No. VA-CU-24-23, for the property located at
5 8823 Owenfield Drive, Powell, Ohio seeking a
6 conditional use for Orange Township Zoning
7 Resolution Article 22.04(a) to allow for the
8 construction of a monument sign in an area
9 zoned Planned Commercial and Office District
10 (PC).

11 MS. NEFF: Second.

12 MR. GAYETSKY: Motion to approve
13 made by Ms. Ross, second by Ms. Neff. Those
14 voting:

15 Mr. Trefz.

16 CHAIR TREFZ: Yes.

17 MR. GAYETSKY: Ms. Ross.

18 MS. ROSS: Yes.

19 MR. GAYETSKY: Mr. Pax.

20 MR. PAX: Yes.

21 MR. GAYETSKY: Ms. Neff.

22 MS. NEFF: Yes.

23 MR. GAYETSKY: And Mr. Tetzke.

24 MR. TOTZKE: Yes.

1 MR. GAYETSKY: That carries.

2 - - -

3 MR. GAYETSKY: Alright. Now we're
4 onto our last case. I have a few pages to go
5 through, that's for the application. Okay.

6 CHAIR TREFZ: We have two more.

7 MS. NEFF: Yeah, we have two more
8 cases.

9 MR. GAYETSKY: Oh, two more cases.
10 Sorry. I'm getting ahead of myself. So we're
11 on number three. Sorry, this last one was
12 number three. This is number four, and we
13 will have a number five. I apologize for the
14 confusion.

15 This is a similar sounding
16 request, since it's an adjacent parcel. This
17 is for what is known as Del Taco, the future
18 Del Taco restaurant. And the parcel being
19 located at 8787 Owenfield Drive. It's a .87
20 acre parcel. The request here is pretty much
21 what you just heard. It's both a conditional
22 use and an area variance being in the same
23 development. So, I will still go through our
24 summary for your familiarity.

1 The applicant is representing Del
2 Taco, seeking the conditional use from
3 22.04(a) for the allowing the installation of
4 a monument-style sign. They're also seeking
5 the one area variance from Rezoning Case 8946
6 to allow a monument sign on the property when
7 it is prohibited.

8 The building is located -- it has
9 been vacant and it was previously a location
10 for White Castle restaurant. Del Taco
11 submitted the zoning permit application for
12 exterior modifications in March 2024 and that
13 included exterior updates. This was some
14 awning repairs and some new paint. On the
15 20th of June, 2024, the applicant requested
16 variances before the Board of Zoning Appeals,
17 and that was for two wall signs to exceed 15
18 feet in height. These were both wall signs to
19 go 5 feet and 3 inches above 15 feet, and both
20 of those were approved. The subject property
21 is at 8787 Owenfield Drive, Powell Ohio,
22 having Parcel No. 318-324-11-004-000.

23 For the surrounding area looking
24 at the parcel to the north, that's a Planned

1 Commercial and Office District zoning. This,
2 like the last case, has Pizza Cottage
3 Commercial Uses. These are adjacent parcels,
4 as you can see from the below aerial. South
5 is also Planned Commercial and Office District
6 zoning. You have to the south the Meijer
7 store location, Fifth Third. And that is
8 correct, Another Broken Egg Cafe to the south.
9 To the east is Planned Commercial and Office
10 District zoning. Land uses include the
11 Staples. I could put in there McDonald's
12 because that's east, future Floor & Decor
13 kind of to the southeast and of course U.S. 23
14 to the west, Planned Commercial and Office
15 district zoning. And then to more the
16 southwest is the Route 23 Corridor Overlay
17 District Zoning. These land uses include just
18 to the west are Steak and Shake and Cheswick
19 Village.

20 Okay. So there's the context,
21 similar -- the same as the last one. And I
22 will go right into the Staff Review for the
23 conditional use. So, do what I did last time
24 for Section 22.04(a)(3)(a): The sign, so this

1 is a determination that the proposed sign
2 meets all the following requirements.

3 a) The sign is a monument
4 style-freestanding sign.

5 i) And the applicant is
6 proposing a monument-style freestanding sign,
7 as shown in Exhibit 1 below.

8 b) The maximum height of such sign
9 does not exceed 8 feet above the average
10 grade. And the sign is located at such
11 distance from any street right-of-way line, as
12 required.

13 i) According to Exhibit 1, the
14 proposed sign will be 7 feet and 2 inches
15 above grade. The sign is proposed to be a
16 setback of 16 feet from the property line
17 adjoining U.S. 23. According to Section
18 22.04(a)(3)(e) the minimum setback and area is
19 15 feet from the right-of-way, so the sign
20 meets the standard.

21 For c) The sign does not have more
22 than two sides.

23 i) The sign as proposed will
24 have two sides which meets the standard.

1 For d) The display area of any one
2 side or surface does not exceed one half of
3 the total display area permitted.

4 i) The single sign face totals
5 approximately 16 square feet, while 20 square
6 feet is permitted. So the proposed sign meets
7 the standard.

8 For e) The total display area of
9 all surfaces does not exceed 32 square feet,
10 or a maximum of 16 square feet per side or
11 surface when the sign is located 15 feet from
12 the primary frontage street right-of-way line.
13 For each additional 1 foot setback from the
14 street right-of-way line, and additional 8
15 square feet of total display area, or maximum
16 4 square feet per side or surface, will be
17 permitted up to maximum of 128 square feet in
18 total display area, or maximum of 64 square
19 feet per side or surface, as permitted.

20 i) The proposed one-sided sign
21 will total approximately 16 square feet. The
22 sign will be set back 16 feet and 0 inches
23 from the right-of-way line of U.S. 23, so 40
24 square feet total is permitted. And the sign

1 meets the standard.

2 f) Not more than five colors are
3 used for the purpose of the section, black and
4 white shall not be considered colors.

5 i) The sign meets the standard.

6 g) No part of such sign will be
7 closer to any street right-of-way line than 15
8 feet, nor closer to any other property line
9 than the applicable building setback line, if
10 the adjoining property is in a residential
11 district.

12 i) The proposed sign will be set
13 back 16 feet from the street right-of-way,
14 which meets the standard.

15 And I'll let you read the rest on
16 your own.

17 We'll move down to the Exhibit.
18 As you can see, the max -- the total height of
19 the sign from grade is 7 feet and 2 inches, so
20 that meets the maximum height allowed.

21 Moving on to the locations of the
22 signs. It's a little bit hard to tell. I'm
23 not sure. Maybe it's easier to see in person
24 -- I'm sorry, on your hard copy packets.

1 CHAIR TREFZ: We can see it.

2 MR. GAYETSKY: Okay. But that's
3 the applicant's drawing.

4 CHAIR TREFZ: Or I can see it.

5 MR. GAYETSKY: Great. And just
6 like for the last report, the variance request
7 is from Rezoning Case 8946 Section II(c)(2),
8 no freestanding graphics shall be permitted on
9 any outlot. The proposed sign is not
10 permitted at the above referenced as per that
11 above reference development text. A variance
12 is being requested to add the freestanding
13 monument sign on an outlot parcel, indicated
14 with the red outline. I tried to show that
15 clearly once again.

16 Okay. And the last two items
17 would be your Board Analysis, first being the
18 Conditional Use Board Analysis and Area
19 Variance following.

20 MR. PETRO: Brad Petro, 4330 North
21 Bend Road, Ashtabula. Yes, I've been sworn
22 in. Same argument as last.

23 CHAIR TREFZ: Okay. Any
24 questions?

1 MR. TOTZKE: So the Broken Egg One
2 you have within the setback, right, and then
3 this one is outside of it? Am I understanding
4 that right?

5 MR. PETRO: They're both the same
6 setback.

7 CHAIR TREFZ: Yeah.

8 MR. GAYETSKY: There might be an
9 arrow on the site plan that's a little bit
10 distorted. It doesn't show the accurate
11 location at the end of that arrow.

12 MR. TOTZKE: It is going to be
13 here.

14 CHAIR TREFZ: It's not going to be
15 there.

16 MR. TOTZKE: So it doesn't say
17 setback.

18 MR. GAYETSKY: I think it's the
19 arrow.

20 MR. PETRO: And it's out here at
21 16.

22 MR. TOTZKE: Okay. Thank you.
23 The arrows threw me a little bit.

24 MR. PAX: And again, no

1 illumination?

2 MR. PETRO: Correct.

3 MR. PAX: Correct.

4 CHAIR TREFZ: Alright. Thank you.

5 MS. ROSS: Any other questions
6 from the Board?

7 CHAIR TREFZ: No.

8 MS. ROSS: Based on the factors, I
9 move to approve Case No. VA-CU-24-24, for the
10 property located at 8787 Owenfield Drive,
11 Powell, Ohio seeking a conditional use from
12 Orange Township Zoning Resolution Article
13 22.04(a) to allow for the construction of a
14 monument sign in an area zoned Planned
15 Commercial and Office District (PC).

16 CHAIRMAN TREFZ: I'll second it.

17 MR. GAYETSKY: Motion to approve
18 the conditional use made by Ms. Ross, seconded
19 by Mr. Trefz. Those voting:

20 MR. GAYETSKY: Mr. Trefz.

21 CHAIRMAN TREFZ: Yes.

22 MR. GAYETSKY: Mr. Pax.

23 MR. PAX: Yes.

24 MR. GAYETSKY: Ms. Ross.

1 MS. ROSS: Yes.

2 MR. GAYETSKY: Ms. Neff.

3 MS. NEFF: Yes.

4 MR. GAYETSKY: And Mr. Totzke.

5 MR. TOTZKE: Yes.

6 MR. GAYETSKY: That Motion

7 carries.

8 CHAIRMAN TREFZ: I move to approve
9 Case No. VA-CU-24-24, for the property located
10 at 8787 Owenfield Drive, Powell, Ohio seeking
11 an area variance from the Township Rezoning
12 Case No. 8946 to allow for the construction of
13 a monument sign on the outlot identified in
14 Exhibit 3 of this report in the area zone d
15 Planned Commercial and Office District.

16 MS. ROSS: I second.

17 MR. GAYETSKY: Motion made by Mr.
18 Trefz, seconded by Ms. Ross. That's voting:

19 Mr. Trefz.

20 CHAIRMAN TREFZ: Yes.

21 MR. GAYETSKY: Ms. Ross.

22 MS. ROSS: Yes.

23 MR. GAYETSKY: Mr. Pax.

24 MR. PAX: Yes.

1 MR. GAYETSKY: Ms. Neff.

2 MS. NEFF: Yes.

3 MR. GAYETSKY: And Mr. Tetzke.

4 MR. TOTZKE: Yes.

5 MR. GAYETSKY: And that variance
6 is approved. Thank you.

7 CHAIRMAN TREFZ: Thank you.

8 MS. NEFF: Thank you.

9 - - -

10 CHAIRMAN TREFZ: Last, but
11 certainly not least.

12 MR. GAYETSKY: Let's make sure we
13 give you the summary of this location in this
14 case. So this is a variance, the final
15 variance case for tonight, VA-24-25. The site
16 is 55 Meadow Park Avenue. This is a
17 12.57-acre parcel, so it's the future location
18 of Floor & Decor.

19 The request here is requesting an
20 area variance from Orange Township Zoning
21 Resolution to allow one wall sign above the 15
22 foot 0 inches in height. The applicant, like
23 I stated, requesting that sign height variance
24 from Section 22 and that's for the proposed

1 wall sign over the primary entrance,
2 essentially to be located higher than 15 feet
3 and 0 inches above finished grade. The wall
4 sign is planned above the primary entrance on
5 the west building elevation and states Floor &
6 Decor.

7 The subject site is 55 Meadow
8 Park, and that's a 12.57-acre parcel on the
9 east side of U.S. 23 and south of Meadow Park
10 Avenue. Access to the parking area is served
11 from Meadow Park Avenue along the northern
12 boundary of the parcel. Floor & Decor
13 recently acquired the commercial space at the
14 address, which was previously vacant. And
15 before that, you may recall, was a Giant Eagle
16 grocery store.

17 The surrounding area, to the
18 north, parcel to the north is Planned
19 Commercial and Office District Zoning. And
20 that theme repeats itself, in fact, all
21 directions. So for the land use to the north,
22 there's the Kohl's, McDonald's, and that is
23 overall Northpointe Plaza with all those other
24 commercial uses; to the south, that's a Bob

1 Evans Restaurant; to the east, there's
2 Staples, vacant commercial shopping in that
3 same stretch of -- well, on the same parcel,
4 and some other vacant to the east. And
5 finally, to the west is the Meijer Gas and
6 Convenience Store. And I could have mentioned
7 that to the west is also U.S. 23. As you can
8 see here, so a relatively large parcel, but
9 includes all those commercial uses. Just move
10 along for a closer-in view; a lot of existing
11 parking area, some minor changes with the
12 drive aisle, I believe, on the south side of
13 the site, but otherwise, what you see here is
14 how it looks today.

15 Alright. The Staff Review, this
16 is a wall sign height variance request, and
17 the Exhibit is from the applicant's materials.
18 This shows the west front elevation with the
19 total height above the finished grade to the
20 top of that sign being 25 feet and 5 1/16
21 inches in height. So the sign standard that
22 this does not comply with this from Section
23 22.03.

24 I'll just jump into the response

1 portion. The applicant is requesting a
2 variance for the proposed wall sign on the
3 west elevation to be installed at a height of
4 25 feet 5 and 1/6 inches. Note that the
5 bottom portion of the wall where the sign is
6 proposed to be placed begins at a height of
7 roughly 14 feet 5 inches. And you can zoom in
8 or see in the applicant's materials that the
9 proposed sign is about 2 feet and 2 inches
10 above the bottom wall extent. So there is
11 that sign display area, if you're familiar
12 with the building, but I wanted to point that
13 out. So then with the proposed sign height of
14 25 feet 5 and 1/16 inches, a variance of 10
15 feet 5 and 1/16 inches is being requested.
16 This represents a roughly 69 percent variance
17 request from Section 22.03.

18 This is a -- the next page will
19 show a close-in view of the sign with all the
20 dimensions on it for your reference. The
21 applicant shows that the total side size of
22 this sign is 218.33 square feet.

23 So this is the only variance
24 request. Everything else complies, including

1 the size of the sign. I have the criteria for
2 consideration on the next page.

3 MS. NEFF: Where is this sign at
4 versus where the Giant Eagle sign was at?

5 MR. GAYETSKY: This would really
6 be in the same area that that used to be.

7 MS. NEFF: I guess I'm just
8 confused at to how it's 69 percent variance.

9 MR. GAYETSKY: I didn't really get
10 down into the detail about Giant Eagles'
11 process for approval, but they would have with
12 their sign, this development text does not
13 seem to have a provision to allow for the sign
14 height above 15 feet. Now, I'm not sure if
15 there was some kind of a divergence that was
16 looked at with the approval of the
17 development, but that could have been the
18 case. If you have anything, Robin, I'm not
19 sure that there is anything else that would be
20 possible there.

21 MS. NEFF: They're not asking for
22 anything higher than what it was before at the
23 Giant Eagle?

24 MR. GAYETSKY: It's really the

1 approximate, same location. I didn't pull the
2 file for the previous sign permit to see
3 exactly that height. But if you were to look,
4 and I looked at the previous imagery from
5 Street View, the appearance of it was in the
6 same area that this is the primary display
7 area for the wall sign.

8 MS. NEFF: Okay.

9 MR. PAX: Talking about height, I
10 guess I can -- well, one comment on it. I
11 understand the -- having two foot above that
12 soffit area that's indicated on their
13 graphics, so the bottom being at 16 7 seems
14 legitimate.

15 And I guess what I'm looking at
16 from the architecture is the fact of where
17 that spring and the gable goes up, there's a
18 line there that the signage is encroaching
19 above, and I would be -- the Giant Eagle sign
20 was ended down in line with that. And the
21 only saying from just the raw area of this
22 sign in that area that it's been positioned,
23 I'm just, that's the only concern I have as
24 far as the area, overall area of the sign.

1 That seems a bit large to me. That it could
2 in proportionate come down and still be
3 effective from 23 to see it. But it just
4 seems a bit -- a bit large for that edifice, I
5 guess, unfortunately. So I don't know that --
6 that's the one concern I have with it. I
7 think it -- for what's being sought.

8 I'm curious, again, I want to
9 understand from the standpoint of area. I
10 understand where they're going with a height
11 increase, but is the area in compliance?

12 MR. GAYETSKY: During Staff
13 Review, correct.

14 MR. PAX: Okay. Well, and that's
15 just esthetics and we're not an esthetic
16 board, so forget that statement in retrospect.
17 Just, I misread that about that it was over on
18 the area, so my mistake. I apologize.

19 CHAIRMAN TREFZ: Would you like to
20 enlighten us?

21 MR. POTTS: Sure. Gary Potts,
22 Owner of Professional Permits. Address is
23 58171 Dragonfly Court in Osceola, Indiana. I
24 have not been sworn in.

1 CHAIRMAN TREFZ: Oh, okay.

2 MR. POTTS: I was the late
3 arrival.

4 MR. GAYETSKY: That was the one I
5 warned you about. I'm sorry. I warned you he
6 was going to be a little late.

7 CHAIRMAN TREFZ: Yeah. Anyone who
8 intends to testify, please raise your right
9 hand and be sworn.

10 Do you solemnly swear that the
11 testimony that you shall give shall be the
12 truth, the whole truth, and nothing but the
13 truth, if so, state I do.

14 MR. POTTS: "I do."

15 CHAIRMAN TREFZ: Thank you. And
16 you've already given us your address.

17 MR. POTTS: I have. And that is a
18 factual statement.

19 CHAIRMAN TREFZ: Yeah.
20 (Laughter.)

21 MR. POTTS: I won't bore you with
22 going out over the same information that Eric
23 shared quite eloquently, so I'm just basically
24 here to answer any questions that the Board

1 may have, in interest of brevity. The first
2 one went a little long, so.

3 CHAIRMAN TREFZ: Do you know, were
4 -- compared to height where the Giant Eagle
5 sign was?

6 MR. POTTS: That is a fantastic
7 question. I do not know the height of that
8 Giant Eagle.

9 CHAIRMAN TREFZ: Okay. There's a
10 window, but I don't see the window in your
11 drawing.

12 MS. ROSS: If I remember
13 correctly, it was Giant Eagle.

14 CHAIRMAN TREFZ: Yeah, down this
15 way.

16 MS. ROSS: Right. So this one --

17 MR. POTTS: More of a linear.

18 MS. ROSS: Yeah, this has more
19 mass to it. But the trees -- yep.

20 CHAIRMAN TREFZ: This is what it
21 looked like.

22 MS. ROSS: Yeah. There are, I
23 drive past here all the time, and I've taken
24 quite an interest in everything in that area

1 that's happening because we've already
2 approved the Chick-fil-A, but there are some
3 pretty large trees you can see in the
4 zoomed-in aerial and there are the ones in the
5 parking lot are nicely grown. So it really
6 needs to be that high if people on 23 want to
7 see it.

8 MR. POTTS: Yeah, there are a lot
9 of visual encumbrances with the height of the
10 trees, so, which is a good thing because
11 they're mature and they're providing shade and
12 they're meeting their goal, but it's an offset
13 between sign visibility.

14 CHAIRMAN TREFZ: Did you already
15 fill in the window?

16 MR. POTTS: If they did, I don't
17 know. I don't have any renderings before the
18 building.

19 CHAIRMAN TREFZ: Yeah.

20 MR. POTTS: Of the before look
21 good. And that may just be an error on that.

22 CHAIRMAN TREFZ: In this image, it
23 looks like your sign will go over the window.

24 MR. POTTS: Yeah, it probably --

1 they may have redone that facade, that
2 entrance there. Do you know if there was a --

3 MR. GAYETSKY: I might be lumping
4 in a few together, but it doesn't ring a bell
5 that they already submitted for an exterior
6 modification to fill in the window. I think
7 at one point, maybe during the concept stage
8 it was discussed, but I can't remember
9 anything more concrete.

10 CHAIRMAN TREFZ: Yeah. I knew
11 there was something off when I saw this Floor
12 & Decor sign on there. I thought, it just
13 doesn't look right. Other questions? Thank
14 you.

15 MR. POTTS: No problem. Thank
16 you.

17 CHAIRMAN TREFZ: Does anyone want
18 to do a Motion?

19 MS. ROSS: Based on the
20 considering factors, I move to approve Case
21 No. VA-24-25, for the property located at 55
22 Meadow Park Avenue, Lewis Center, Ohio 43035
23 seeking one area variance from Orange Township
24 Zoning Section 22 to allow for the wall sign

1 identified in this Report within Exhibit 1 to
2 be 10 feet 5 and 1/16 inches above the allowed
3 15 feet 0 inches in an area zoned Planned
4 Commercial and Office (PC) District.

5 CHAIRMAN TREFZ: Second.

6 MR. GAYETSKY: Motion to approve
7 made by Ms. Ross, seconded by Mr. Trefz.

8 Those voting:

9 Mr. Trefz.

10 CHAIRMAN TREFZ: Yes.

11 MR. GAYETSKY: Ms. Ross.

12 MS. ROSS: Yes.

13 MR. GAYETSKY: Mr. Pax.

14 MR. PAX: Yes.

15 MR. GAYETSKY: Ms. Neff.

16 MS. NEFF: Yes.

17 MR. GAYETSKY: And Mr. Totzke.

18 MR. TOTZKE: Yes.

19 MR. GAYETSKY: Okay.

20 MR. POTTS: Thank you.

21 CHAIRMAN TREFZ: Thank you.

22 Did you drive from Indiana?

23 MR. POTTS: I did. I think every

24 road in the State of Ohio is under

1 construction.

2 CHAIRMAN TREFZ: Yes, in deed.
3 That's a law that we have to be somewhere and
4 you can't have a road without construction.

5 - - -

6 MR. GAYETSKY: So we have final
7 item. You might have seen it, but I didn't
8 get a whole lot of response, so I wanted to
9 talk amongst everybody about both May and
10 June. Have you had a chance to review May and
11 June? If you haven't, we can push that along
12 and we will bring it up next month. I welcome
13 your comments, so please let me know.

14 CHAIRMAN TREFZ: I've reviewed
15 them.

16 MR. GAYETSKY: Now, it sounds like
17 we have at least one of us who wants some more
18 time so we don't have to move ahead and
19 approve it tonight, if you're all okay with
20 approving next month.

21 MR. PAX: That's good.

22 MR. GAYETSKY: Okay. We'll do
23 that for both May and June next month. We may
24 have July's ready. We may just do May and

1 June.

2 CHAIRMAN TREFZ: Cool.

3 MR. GAYETSKY: I don't have
4 anything more.

5 CHAIRMAN TREFZ: Alright. Then we
6 stand adjourned.

7 (Thereupon, the proceedings
8 adjourned at 8:15 p.m.)

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2 CERTIFICATE

3 The undersigned do hereby certify that
4 the foregoing proceedings were digitally
5 recorded, 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 6th day of September 2024.

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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.

21 - - -