

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

1 - - -

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

3 - - -

4 CHAIRMAN TREFZ: Seeing that it is
5 6:00, I'll call this meeting to order.

6 MR. GAYETSKY: And I'll call roll.
7 Mr. Trefz.

8 CHAIRMAN TREFZ: Here.

9 MR. GAYETSKY: Ms. Ross.

10 MS. ROSS: Here.

11 MR. GAYETSKY: Mr. Totzke.

12 MR. TOTZKE: Here.

13 MR. GAYETSKY: And Mr. Pax.

14 MR. PAX: Here.

15 MR. GAYETSKY: Ms. Sundar.

16 MS. SUNDAR: Here.

17 MR. GAYETSKY: We have everybody
18 present, with an alternate tonight. You can
19 take it away.

20 CHAIRMAN TREFZ: Alright. Anyone
21 who intends to testify, please raise your
22 right hand and be sworn.

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

1 the whole truth, and nothing but the truth;
2 state I do."

3 And when it's your turn to offer
4 testimony, please state your full name,
5 address and affirm that you've been sworn.

6 WITNESSES: "I do."

7 CHAIRMAN TREFZ: Thank you all.

8 MR. GAYETSKY: Alright. Thanks,
9 Mr. Chairman. We have three new items, three
10 items of New Business on the Agenda for
11 tonight. That would include one residential
12 case and two commercial cases. The Agenda
13 does have a certain order, but I will clarify
14 that we're going to move the order around just
15 a bit based on schedules and logistics.

16 So, if we have, let's see, Pullman
17 Drive, Panda Express applicant here. I will
18 go through the Staff Report first and then we
19 will move ahead with that case.

20 So that Case No. is VA-24-31. The
21 location for this is the future Panda Express
22 restaurant. The site address 6520 Pullman
23 Drive, Lewis Center, Ohio. So this site is
24 still undergoing construction and eventually

1 will be home to a 2700 square foot free
2 standing Panda Express restaurant. And that
3 was approved under Commercial Zoning Permit
4 20230687.

5 At last month's BZA meeting under
6 Case CU-24-28, the site was granted a
7 conditional use for the installation of a
8 monument free-standing sign. That's 20 feet
9 set back from the edge of Lewis Center Road at
10 the southeast corner of the parcel. The
11 applicant tonight is requesting four Area
12 Variances from the Orange Township Zoning
13 Resolution Section 22.03 to allow for four
14 wall signs to be added that exceed 15 feet 0
15 inches in height from the grade to the top of
16 the sign. I covered the subject parcel
17 location. It is owned by CFT NV Developments,
18 LLC.

19 The surrounding area looking north
20 of the property, the zoning district is PC,
21 and in fact, that theme carries for all the
22 other directions, the PC zonings surrounding
23 this parcel. To the north, the land use is
24 Olentangy Crossings Plaza. That includes

1 Kroger and other commercial uses. To the
2 south the land use is Lewis Center Road, and
3 just south of that is a currently undeveloped
4 commercial parcel. The east land use is
5 Olentangy Crossings Plaza, Ohio State
6 Outpatient Care and other commercial uses.
7 The west is U.S. 23, as well as Olentangy
8 Crossings West Development and other
9 commercial uses.

10 As I went through, you can see
11 this is a little bit dated, but there's now a
12 framed restaurant at the site and site
13 improvements are continuing. I'm not sure
14 about construction status, but it is moving
15 along there. All of the other parcels are
16 about what you see from this aerial view.
17 Moving on to the context view. There's U.S.
18 23 north, south and then Lewis Center Road
19 running east and west, so it's at that corner
20 of that intersection.

21 Alright. I will flip to the
22 Exhibits. Let's see, so for the first one we
23 have sign heights that are at 18 feet 0 inches
24 in height. This first sign is Wall Sign A and

1 it's on the south elevation. Again, 18 feet 0
2 inches from grade to the top of the sign. So
3 that means the variance of 3 feet 0 inches is
4 being requested. This represents a 20%
5 variance request from Orange Township Zoning
6 Resolution Section 22. Exhibit 2, it's Wall
7 Sign B. That's on the east elevation and it's
8 facing Pullman Drive. So this wall sign is
9 also like the last one, 18 feet 0 inches. A
10 Variance of 3 feet is being requested, which
11 is a 20% variance request.

12 Two more wall signs included in
13 this application, and both of those are
14 located on the north elevation. So, the next
15 one as described as Wall Sign C, it's the
16 Panda letter set that's a vertical arrangement
17 of letters. The applicant, just like the
18 other signs, is proposing that at 18 feet. So
19 3 feet is the variance and that's a 20%
20 variance request.

21 And last but not least, just a
22 little bit to the side of the Panda letters,
23 as the emblem, like the other signs, and that
24 is at 18 feet in height, Wall Sign D and a 20%

1 variance request for that, so.

2 I included Exhibit 5 for your
3 reference. It has some of the other sign
4 locations, not just the wall signs, but you
5 can get a better idea through that of
6 locations.

7 I believe that's all for -- I
8 think the next thing is the Board Analysis,
9 and then Motions for your consideration.
10 That's all. If you want to have the
11 Applicant.

12 CHAIRMAN TREFZ: Would you like to
13 present?

14 MR. MCARTHUR: Yes, please. Thank
15 you. Good evening, Board. Thank you for
16 seeing me. My name is Ross McArthur. I'm
17 from Charlottesville, Virginia, and I have
18 been sworn in.

19 As Eric has indicated, we are
20 asking relief from the current zoning bylaw to
21 allow us to place the signs at 18 feet off
22 grade to the top of the sign, for a number of
23 reasons. And for one of the reasons to the
24 north facing Pullman, the elevation of our

1 building is lower than grade, almost by 8 feet
2 from Pullman down to the actual level and on
3 the side as well. So if you can imagine
4 during the wintertime with the snow buildup
5 and that difference in elevation, you're not
6 going to see the back sign, the E sign or the
7 seventh. It can be very difficult.

8 So we're asking to allow us to
9 have all the signs at the same elevation all
10 the way around the building, to give
11 continuity to the building and to maintain our
12 national standard. We have 3400 restaurants
13 across the country. We would like to keep
14 that standard the same and the image the same.

15 I counted no less than six other
16 commercial entities in that development that
17 all had signs actually well above 18 feet on
18 the rear and side elevations as well. Of
19 course, you're allowed 23 feet on the --

20 MR. GAYETSKY: It's 24 facing U.S.
21 23.

22 MR. MCARTHUR: 24, yes. And we're
23 not going near that height on any of those
24 signs. So we're asking a favorable decision

1 from you folks in that regard.

2 CHAIRMAN TREFZ: Questions? Thank
3 you. Does anybody else want to speak on this
4 issue? Seeing none, I'll ask if anyone would
5 want to make a Motion?

6 MR. PAX: I'll make a motion.

7 CHAIRMAN TREFZ: Okay.

8 MR. PAX: Regarding Wall Sign A,
9 south elevation, I make a Motion to approve
10 based on factors presented by the Applicant
11 and discussed. I move to approve Case No.
12 VA-24-31 for the property located at 6520
13 Pullman Drive, Lewis Center, Ohio, 43035,
14 seeking an Area Variance from the Orange
15 Township Zoning Resolution Section 22.03,
16 Subsection C, to allow for the wall sign
17 identified in this report as Wall Sign A to be
18 3 feet 0 inches above the allowed 15 feet 0
19 inches in an area zoned Planned Commercial and
20 Office PC District.

21 MS. SUNDAR: I second.

22 MR. GAYETSKY: Motion made by Mr.
23 Pax, seconded by Ms. Sundar. Those voting:
24 I will start with Ms. Ross.

1 MS. ROSS: Yes.

2 MR. GAYETSKY: Mr. Pax.

3 MR. PAX: Yes.

4 MR. GAYETSKY: Ms. Sundar.

5 MS. SUNDAR: Yes.

6 MR. GAYETSKY: Mr. Trefz.

7 CHAIRMAN TREFZ: Yes.

8 MR. GAYETSKY: And Mr. Tetzke.

9 MR. TOTZKE: Yes.

10 MR. GAYETSKY: That Motion

11 carries. That's for Wall Sign A.

12 MR. MCARTHUR: Thank you, Board.

13 MR. GAYETSKY: And I want to make

14 clear, we do have to do individual Motions

15 because you have four wall signs, so if you

16 wanted to stay put.

17 MR. MCARTHUR: I will stay over

18 here. Thank you.

19 MR. GAYETSKY: Okay.

20 MR. PAX: I'll make a Motion for

21 approval of Wall Sign B. Based on factors

22 presented tonight by the Applicant and

23 discussed, I move that we approve Case No.

24 VA-24-31 for the property located at 6520

1 Pullman Drive, Lewis Center, Ohio, 43035,
2 seeking an Area Variance from the Orange
3 Township Zoning Resolution Section 22.03,
4 Subsection C, to allow for the wall sign
5 identified in this report as Wall Sign B to be
6 3 feet 0 inches above the allowed 15 feet in
7 an area zoned Planned Commercial and Office
8 (PC) District.

9 MS. ROSS: I'll second.

10 MR. GAYETSKY: Motion made by Mr.
11 Pax, seconded by Ms. Ross. Those voting:

12 Ms. Ross

13 MS. ROSS: Yes.

14 MR. GAYETSKY: Mr. Pax.

15 MR. PAX: Yes.

16 MR. GAYETSKY: Ms. Sundar.

17 MS. SUNDAR: Yes.

18 MR. GAYETSKY: Mr. Trefz.

19 CHAIRMAN TREFZ: Yes.

20 MR. GAYETSKY: And Mr. Totzke.

21 MR. TOTZKE: Yes.

22 MR. GAYETSKY: Motion also

23 carries.

24 MR. PAX: Continuing on, I make a

1 Motion of approval of Wall Sign C. Based on
2 factors discussed tonight and presented by the
3 Applicant, I move to approve Case No. VA-24-31
4 for the property located at 6520 Pullman
5 Drive, Lewis Center, Ohio 43035, seeking an
6 Area Variance from the Orange Township Zoning
7 Resolution Section 22.03 Subsection C to allow
8 for the wall sign identified in this report as
9 Wall Sign C to be 3 foot 0 inches above the
10 allowed 15 feet 0 inches in an area zoned
11 Planned Commercial and Office (PC) District.

12 MS. ROSS: I'll second.

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

15 Ms. Ross.

16 MS. ROSS: Yes.

17 MR. GAYETSKY: Mr. Pax.

18 MR. PAX: Yes.

19 MR. GAYETSKY: Ms. Sundar.

20 MS. SUNDAR: Yes.

21 MR. GAYETSKY: Mr. Trefz.

22 CHAIRMAN TREFZ: Yes.

23 MR. GAYETSKY: And Mr. Totzke.

24 MR. TOTZKE: Yes.

1 MR. GAYETSKY: Motion carries.

2 MR. PAX: And finally, regarding
3 Wall Sign D, I make a Motion of approval based
4 on factors discussed this evening presented by
5 the Applicant. I move to approve Case No.
6 VA-24-31 for the property located at 6520
7 Pullman Drive, Lewis Center, Ohio 43035,
8 seeking an Area Variance from the Orange
9 Township Zoning Resolution Section 22.03
10 Subsection C to allow for the wall sign
11 identified in this report as Wall Sign D to be
12 3 foot 0 inches above the allowed 15 feet in
13 an area zoned Planned Commercial and Office
14 (PC) District.

15 MS. SUNDAR: I second.

16 MR. GAYETSKY: Motion made by Mr.
17 Pax, seconded by Mr. Sundar. Those voting:

18 Ms. Ross.

19 MS. ROSS: Yes.

20 MR. GAYETSKY: Mr. Pax.

21 MR. PAX: Yes.

22 MR. GAYETSKY: Ms. Sundar.

23 MS. SUNDAR: Yes.

24 MR. GAYETSKY: Mr. Trefz.

1 CHAIRMAN TREFZ: Yes.

2 MR. GAYETSKY: And Mr. Tetzke.

3 MR. TOTZKE: Yes.

4 MR. GAYETSKY: Motion carries.

5 MR. PAX: Thank you.

6 CHAIRMAN TREFZ: Thank you.

7 MR. MCARTHUR: Thank you very
8 much.

9 - - -

10 MR. GAYETSKY: Alright. Like I
11 said, we're out of order a little bit, but we
12 will jump back to the first case, which was
13 under Case No. VA-24-29, and this is for the
14 property at 277 Fox Ridge Circle. And that
15 location is seeking an Area Variance for the
16 side yard setback, based on the Applicant's
17 desire to install a new third car garage,
18 attached third car garage to an existing home.

19 So, in specific that would allow
20 for the 10 foot 8, so 10 feet 8 inches wide by
21 a 20 feet 8 inches long garage addition, which
22 will encroach 5 feet 2 1/2 -- if we round it
23 up to 5 feet 3 inches into the required 12
24 foot side yard setbacks in an area zoned

1 Single Family Planned Residential District.

2 And the current the property is currently
3 owned by Neal Tolman.

4 For the surrounding area, this is
5 in all directions a zoning district Single
6 Family Planned Residential. The land uses are
7 all single family residences, as it is in the
8 midst of the Fox Ridge neighborhood at the end
9 of a cul de sac street. And specifically, the
10 east direction is where Fox Ridge Circle
11 bounds the property and the driveway access is
12 located. So that is shown here fairly clearly
13 on the zoomed-in aerial. And then you can see
14 kind of to the south and east, I know it's an
15 angle, but the south and east side of the home
16 is where this third car garage proposal is
17 located. And then we can move to the
18 zoomed-out view.

19 And then we'll move right along.
20 The Staff Review portion is next. So this is
21 a Variance Request from the side yard setback
22 for the garage addition to encroach into that
23 side yard setback, which is 12 feet and 0
24 inches. The proposed garage addition will

1 encroach 4 feet 8 and 1/2 inches. I did have
2 to make that correction, so it's a 4 feet 8
3 and 1/2 inch encroachment into the required 12
4 feet and 0 inches side yard setback. The
5 garage will be set back 7 feet and 3 and 1/2
6 inches away from the side property line at the
7 closest point. This is a roughly 39% Variance
8 Request from Rezoning Case 1704 Fox Ridge.

9 The next page includes a few
10 elevation drawings for your familiarity. And
11 you can see the different sides of the home.
12 The first one being the rear and then the
13 front facade and kind of offset for the third
14 view. And Exhibit 3 is the Floor Plan showing
15 those dimensions of the new garage addition.

16 A new driveway will connect -- is
17 proposed to connect from the existing driveway
18 to this garage addition. Maybe just for
19 clarification, the driveway is not subject to
20 that side yard setback, so as long as it's on
21 the property, it is not outside of any
22 requirements.

23 And for your further familiarity
24 regarding the proposal, we took some site

1 photos. This first one, Exhibit 4, is facing
2 southwest. The black camera bag to the left
3 is the side property line. The small cone
4 represents the front corner of the addition.
5 The water bottle represents the side setback
6 line. While the large cone in the background,
7 you can kind of see that in the mulched area,
8 represents the addition's rear corner. This
9 one, similar view. It's just slightly offset
10 so you can see those cones and items more
11 clearly. This is the northeast view, so the
12 reverse view of what you just saw. And so
13 this large cone is the rear corner. We kept
14 the water bottle representing the side
15 property line in the same location, just to
16 keep that consistent.

17 And then we'll move along to two
18 more photos. This is a perspective view from,
19 I think it's close to the right-of-way, if not
20 in the right-of-way, so you can visualize
21 that. And the last one being essentially just
22 zoomed in view of the last one.

23 That's really what I had for the
24 Staff Report. I'll turn it back over to you

1 for any questions. If you want to bring the
2 Applicant up, feel free.

3 MR. TOLMAN: Is it okay if we both
4 approach?

5 CHAIRMAN TREFZ: Sure. Have you
6 been sworn in?

7 MS. TOLMAN: Yes, I was here.

8 CHAIRMAN TREFZ: Okay. State your
9 names.

10 MS. TOLMAN: I'm Kelly Tolman, 277
11 Fox Ridge Circle, Powell, Ohio.

12 MR. TOLMAN: Neil Tolman, 277 Fox
13 Ridge Circle, Powell, Ohio. I was sworn in.

14 MS. TOLMAN: Do you have one an
15 overhead of our cul de sac?

16 MR. GAYETSKY: Yeah, we can go to
17 that.

18 MS. TOLMAN: So the issue that --
19 the major issue that we're dealing with is
20 that because we live on a cul de sac, there's
21 no parking allowed on the cul de sac. Yes.
22 There. So within three or four years -- four
23 years, we'll have another driver and then --
24 we have four kids, so we're going to end up

1 having a lot of drivers. We're trying to plan
2 ahead. There's no parking in the cul de sac,
3 so they'd have to go way down there to park.
4 Or we thought we could put a driveway to the
5 side of our house. That way they can be close
6 to the house. They don't have to walk out of
7 our view to get to the car.

8 So if we're putting a driveway to
9 the side of our house, how could we make it
10 look as appealing as possible, best for the
11 neighborhood? We thought -- we're going to do
12 home remodel projects. If we're doing that,
13 the most -- I don't know. We thought the best
14 way to make it look nice would be to make it a
15 three-car garage rather than just a slab of
16 cement.

17 So it would -- I know one of the
18 letters from our neighbor, Kip said he's okay
19 with it, but he wants it to be continuous with
20 the architectural style of the house. So this
21 would be part of the remodel project. We're
22 residing the house. It would be continuous.
23 It wouldn't look like an afterthought.

24 Regardless, we need a place for

1 our kids to park. So the lawn to our side is
2 going to be replaced with the driveway area.
3 We'll get rid of that little mulch garden
4 space. Put in an area for them to pull around
5 the side. And we just want it to look as nice
6 as possible without having to park where it's
7 illegal or way down the road.

8 So the sign of where you can park
9 is probably the --

10 MR. TOLMAN: Close to the bend.
11 It's 100 to 150 yards, probably.

12 MS. TOLMAN: There's a fire
13 hydrant on the other side of the road.
14 Anyway, it's straight across from a fire
15 hydrant. Either way, it's quite a walk for
16 them to have to make each morning, or park
17 illegally, or put in the driveway. So, we're
18 thinking we have to put in the driveway.

19 MR. TOLMAN: And that's if none of
20 the neighbors who live there have already
21 parked in the street there.

22 MS. TOLMAN: It does encroach on
23 the easement. When we made up the plans, we
24 asked about High Meadows Village. We didn't

1 realize that we don't live in High Meadows
2 Village. We take High Meadows to get to our
3 house, but we're actually a different portion,
4 so it has bigger setbacks than High Meadows
5 Village as a whole.

6 MR. TOLMAN: Some of the concerns
7 that were expressed by the neighbors were
8 about the property value. We hired a real
9 estate attorney to look over this before we
10 submitted it. We wanted to make sure we
11 weren't doing anything unusual or -- other
12 than the variance. And both the attorney and
13 our real estate agent said this project should
14 increase values in the neighborhood, but I
15 didn't submit any of that information. It was
16 my understanding that the property values
17 aren't a consideration for variances, so I
18 didn't bring that information with me.

19 One of the concerns is green
20 space, probably that's why there's a 12-foot
21 setback is to have more green space. With
22 this project complete, there will still be 22
23 feet between the new structure and the nearest
24 neighbor's house, so that almost is the 24

1 feet that was intended by the neighborhood.

2 MS. TOLMAN: But regardless, we're
3 getting rid of grass. We're just trying to
4 make the third car area look as nice as
5 possible.

6 MR. TOLMAN: Yeah, I don't think
7 the neighborhood intended to have a parking
8 lot on the side of the house, which was why we
9 thought the garage would look nicer.

10 Also, with the -- there's still 22
11 feet between structures. There should still
12 be plenty of room for cars or equipment to get
13 to the back, if there's ever work that needed
14 to be done, this should have no effect on
15 that. And we respectfully request that you
16 grant our application for a variance, unless you
17 have other questions.

18 CHAIRMAN TREFZ: Just what I was
19 going to ask. Any questions?

20 MR. PAX: Is there anyone else who
21 wants to speak?

22 CHAIRMAN TREFZ: We can ask. Is
23 there anyone else that wants to talk on this?
24 Thank you. Come on up, sir.

1 MR. ARORA: My name is Rakesh
2 Arora. I'm a resident of 281 Fox Ridge
3 Circle. The property next to 277 Fox Ridge.

4 MS. SUNDAR: On your right side or
5 the left side?

6 MR. ARORA: On the left side. If
7 you looked at the Neal house, on the left
8 side. So I'm the property which is going to
9 be most affected.

10 MS. SUNDAR: I'm sorry. What was
11 your property address again?

12 MR. ARORA: 281 Fox Ridge Circle.

13 MS. SUNDAR: 281. Thank you.

14 MR. GAYETSKY: And it's on the
15 screen for you as well.

16 MS. ARORA: Good evening, Board
17 Members. My name is Monika and the owner for
18 address 281 Fox Ridge Circle. So we are
19 writing in reference to the Variance
20 Application No. 24-29 for 277 Fox Ridge
21 Circle. And the owners and the residents of
22 281 Fox Ridge Circle, which is adjacent to 277
23 Fox Ridge Circle, we will be significantly
24 impacted by this request. We have enjoyed

1 living on this Court for the last 20-plus
2 years. And while we share a great
3 relationship with our neighbors, who's
4 requesting the variance, we must strongly
5 object to this application and urge the Board
6 not to approve it.

7 The variance is not in the best
8 interest of us or our other neighbors. Our
9 primary concern is that one of the main
10 reasons when we purchased this property was
11 the spacing between those houses, which
12 ensures the privacy and the esthetic appeal of
13 the house. Approving this variance would
14 bring our neighbors' property uncomfortably
15 close to ours and adversely affecting the
16 visual appeal as well.

17 Additionally, the proximity of the
18 new structure would be highly visible from our
19 master bedroom and the living area, making the
20 wall appear much closer and impacting our
21 enjoyment of these spaces. So furthermore, this
22 variance could negatively impact the timely sale
23 and the value of the properties in the
24 neighborhood.

1 Please see attached the letter
2 from our realtor who has provided his
3 professional opinion on this matter.
4 Additionally, this change could impact the
5 delivery of the government and utility
6 services in the future. The encroachment
7 could restrict utility companies from placing
8 any future utility boxes in the easement area
9 in front of the proposed garage due to the end
10 of the property line.

11 We appreciate your consideration
12 of our concerns and hope that the Board will
13 take into account the hardship and adverse
14 affect this variance would have on the
15 property and the neighborhood as a whole. We
16 respectfully ask the Board not to grant an
17 exception to the Code and to deny this
18 variance request. Thank you.

19 CHAIRMAN TREFZ: You said
20 something about the utilities. Where are the
21 utilities located?

22 MR. ARORA: So we are talking
23 like, so on the left of our house we have this
24 kind of utility box.

1 CHAIRMAN TREFZ: Yeah, it's a
2 standard --

3 MR. ARORA: This is standard for
4 them. So we are saying is in future -- if you
5 could show the, you know, the main diagram.

6 MR. GAYETSKY: The Site Plan, one
7 moment.

8 CHAIRMAN TREFZ: It's just before
9 that, there you go.

10 MR. ARORA: So if you look at even
11 looking at this road, it's almost touching
12 the, you know, touching the 5-feet easement.
13 If you look -- so if you put a driveway in
14 front of it, which you need, right, so if the
15 utility company put any kind of boxes in front
16 of that easement, they will not be able to do
17 it because that's going to, you know, hinder
18 their entrance to the garage.

19 So this is again minor point we
20 try to make it because, again, in theory, you
21 know, I have other side of my property, I
22 could not make build this kind of garage if I
23 wanted to build it because the utility box and
24 in the future 5G technology who knows they

1 want to put some small boxes that will handle
2 ability for them to do it, because this is
3 going to, you know, obstruct their garage.
4 Right. So that was a point.

5 But, and also, I have the other
6 point we were trying to make it is not just
7 going to look esthetically bad from the cul de
8 sac, this is our view from our living room.
9 So bringing the garage close, it's going to
10 look bad for us in our view.

11 MS. ROSS: And that is a view from
12 your bedroom?

13 MR. ARORA: Yeah, that's a view
14 from our master bedroom and the same view is
15 from the living area.

16 MS. ARORA: The living area.

17 CHAIRMAN TREFZ: Downstairs.

18 MS. ARORA: Downstairs, yes.

19 MR. ARORA: And also the point I
20 think Mr. Tolman is making is like still 20
21 feet, but if you look at the angle, right, the
22 perception is always look closer, right. This
23 is what even when my realtor has written
24 because if you don't bring an angle, you know,

1 you always look from the side. If you could
2 see, if looking from the front, this line is
3 extending again. And it's again closer than
4 they actually are. And also, you know, having
5 the 20-foot space in the band because this
6 house is in a little bit further than my
7 house. My house is like this and his house is
8 further here, so yeah, you can see that, yeah,
9 at the bottom that this is this edge is not
10 doing it. But if you look at esthetically,
11 this is already looking closer and this is
12 going to look more closer. And also, you
13 know, having more space on my side should not
14 be the excuse because I have right to extend
15 to my property, too.

16 So, yeah, so our consideration --
17 and I want to be rational. We have been a
18 good neighbor. They have been very good
19 neighbor. And I've consulted with other
20 neighbors in the neighborhood, a realtor. All
21 is saying this is not going to look good. And
22 hopefully you guys have got the letters from
23 email. I know Jim and Joe and Mark, all of
24 them are not in favor for this change. This

1 is a beautiful cul de sac and you know, having
2 the change is going to be eyesore. Pardon my
3 language, but I think this is going to cause a
4 major shift in how this cul de sac look.

5 CHAIRMAN TREFZ: Okay. Thank you.

6 MR. GAYETSKY: Quick question.
7 You had also attached a letter. I didn't know
8 if you were going to go through that letter
9 from a real estate agent or I could read it.
10 Typically, I'll read it. I'll read this
11 letter and then we can let the next individual
12 come up.

13 CHAIRMAN TREFZ: Okay.

14 MR. GAYETSKY: The realtor's name
15 is Scott. You have it in front of you. Scott
16 Bookheimer. And it states, "Rakesh, after
17 looking at rendering of your neighbors'
18 potential garage addition and how it would be
19 situated in relation to your house, I do see
20 some potential risk for you. The potential
21 risk would be when you go to sell, as you
22 know, homes on cul de sac lots appear to be a
23 little closer due to the shape of the lot, if
24 the neighbors garage addition adds to that

1 look or feel, you may have buyers down the
2 road passing on your house for others that
3 have more space in between them. That could
4 lead to being on the market longer than
5 average, which leads to a lower sales price.
6 I noticed another potential negative effect to
7 this improvement. Marking the driveway on a
8 plat map is a commonplace. There is no
9 driveway marked on the plat map to this
10 garage. If the neighbor were to install a
11 driveway to get to the garage in order to get
12 around the corner of the house, the driveway
13 would likely come very close to your property
14 line. This would not only further the effect
15 of your two houses being closer together than
16 others, but take on a non-conforming look with
17 the subdivision. In actuality, based on how
18 the lots are, I see no potential upside to
19 this project for you or the neighbor. It
20 could negatively affect his resale down the
21 road also. Let me know if I could do anything
22 else."

23 MR. ARORA: So obviously, the
24 garage is going around, you know -- which is

1 going to be really close. I think it still
2 need more space to go around. That's my
3 personal opinion. Like, if you can show a
4 picture of the driveway. It's going to be cut
5 close to the house. It's not going to be that
6 easy to build this kind of driveway,
7 regardless, right. But even regardless, you
8 know, that's minor point, if it works. But
9 also, I want to make a point, the parking, you
10 know, everybody on the street at one time is
11 going to have more than two cars. People had
12 two cars, more than two cars. They have kids
13 and everybody went through the same pains.
14 It's not a hardship. It's an extraneous
15 they're asking, not a hardship.

16 And even the, you know, the
17 parking where it is, is two houses down. So
18 if you want to show the map with Mr. Tolman
19 was showing, the overview. The parking start,
20 you know, obviously, in the cul de sac the
21 parking is not allowed, but it's two houses
22 down from their houses. There are two houses
23 in the middle and then the parking can be
24 done. So if there's one, two and at the

1 corner, that's where the parking can be done.
2 So, it's not that far, in my opinion. And
3 also, like this is the problem on the whole --
4 every member on the cul de sac.

5 CHAIRMAN TREFZ: Okay.

6 MR. AURORA: Thank you.

7 Appreciate your time.

8 CHAIRMAN TREFZ: Thank you.

9 MS. ROSS: Eric, I have a question
10 for you.

11 MR. GAYETSKY: Yes.

12 MS. ROSS: So if I understand
13 correctly, the Applicant is saying that they
14 were planning on, they could put in a driveway
15 and just park a car next to their garage and
16 that they feel that this would be more
17 appropriate or look better to have a garage
18 there instead. So it would be within Code to
19 pull a car and park it in between two houses
20 like that?

21 MR. GAYETSKY: Yeah, as long as
22 they went through and got it -- I believe they
23 would submit a Residential Zoning Permit for
24 the garage extension. There is no minimum

1 required setback distance for driveways, so
2 they could do that if they wanted to through
3 an administrative process.

4 MS. ROSS: Okay. So the neighbors
5 could be looking at a car parked there or a
6 garage?

7 MR. GAYETSKY: If it's a driveway,
8 potentially a car could end up there, yeah.

9 MS. ROSS: Okay. Just wanted to
10 make sure. Thank you.

11 MR. GAYETSKY: You're welcome.

12 CHAIRMAN TREFZ: Does anyone else
13 want to --

14 MR. TOLMAN: Am I able to respond
15 to any of that?

16 CHAIRMAN TREFZ: Sure. Please
17 wait until you're at the mic.

18 MR. TOLMAN: Neal Tolman, 277 Fox
19 Ridge Circle. So, we put a lot of thought
20 into this, considering our neighbors, and I
21 pushed the garage back as far as I could, back
22 to an egress window. I can't go back any
23 farther without blocking an egress window.
24 And that was to prevent the frontage of the

1 houses from looking very different. As you
2 enter the cul de sac, most of the time you
3 will not even be able to see that garage on
4 the side. If I made it as small as I could,
5 that it would still fit a car inside. But I
6 just wanted to make sure you were aware, I've
7 already tried to make it as small and as far
8 back as possible to address any of those
9 concerns. I'm not sure it's a fair
10 characterization to say all the neighbors are
11 opposed to it. I spoke to some of them that
12 were in favor as well, so.

13 CHAIRMAN TREFZ: Okay. Thank you.
14 Anyone else, questions?

15 MR. GAYETSKY: I have two other
16 letters. If you would like me to read those,
17 unless the Board feels like they've reviewed
18 them already. You have the hard copies in
19 front of you for 276 Fox Ridge Circle and then
20 268 Fox Ridge Circle, but I'm happy to read
21 those if the Board would --

22 MS. SUNDAR: Does anyone here want
23 us to read them?

24 MR. GAYETSKY: All right. So I

1 have a taker. I will read the first -- the
2 276 Fox Ridge. This is an email from Charles
3 and Carol Kipfer. And they said in their
4 email, "We received your Notice of Public
5 Hearing that is scheduled for today's date,
6 October 17, and we support this request for
7 variance requested by Neal Tolman, who would
8 like to add a third car garage addition at his
9 home at 277 Fox Ridge Circle. Our home is
10 located in the cul de sac at the end of Fox
11 Ridge Circle. Our home at 276 Fox Ridge
12 Circle faces the Tolman home. We hope that
13 the garage addition remains architecturally
14 consistent with the home. The Tolman children
15 and our grandchildren attend the same school
16 and we greet their children at the bus stop
17 each day, school day. When our grandchildren
18 are in our care after school, they and the
19 Tolman children play together." That is their
20 letter. That was 276 Fox Ridge.

21 And the other one, 268 Fox Ridge
22 Circle, that was sent by Jim Schmidtke. He
23 says, "Dear Board, thank you for your hard
24 work. I am writing in reference to subject

1 Parcel 318-324-03-009-000, No. VA-24-29
2 regarding 277 Fox Ridge Circle. I live at 268
3 Fox Ridge Circle, which is directly across
4 from 277 on the circle. My wife and I
5 definitely have some concerns about the
6 request for a variance. We do love our
7 neighbors who are making the request. They
8 are great people and I feel bad to oppose the
9 variance. The space between the homes is
10 protected by the Code. It is one of the best
11 visual values of the neighborhood. It really
12 would be a sad thing to lose in a Court with a
13 small number of homes. The distance between
14 homes on this Court was one of the things that
15 attracted us to the neighborhood. It provides
16 excellent curb appeal. Realtors and many
17 people have appreciated the spacing. I have
18 evaluated what the construct in the variance
19 diagram would look like from various angles on
20 the circle, besides the fact that it would
21 infringe on the Code, the proposed variance
22 clearly gives the appearance of being
23 inordinately close to the neighbor's house. It
24 would cause a hardship through possible

1 loss of visual value and resale for that
2 neighbor and possibly for others. At this
3 time, all of the properties on the Court are
4 in compliance with the Code and it looks
5 great. So it is our clear opinion that such
6 variance should not be permitted. Thanks
7 again for your consideration and service."

8 That's all I received. So you can
9 move ahead.

10 CHAIRMAN TREFZ: Questions?

11 MR. GAYETSKY: If there are any
12 other photos, we can always scroll through to
13 them on the screen that you wanted to see
14 again.

15 CHAIRMAN TREFZ: Bring up the site
16 map, if you would. There you go. So the line
17 to the left, that is the property line, isn't
18 it?

19 MR. GAYETSKY: That's better,
20 yeah, that shows the property line.

21 CHAIRMAN TREFZ: Yeah. But that
22 doesn't show that the new driveway.

23 MR. TOLMAN: That one does not,
24 no.

1 MR. PAX: From what I can glean,
2 the new drive is straddling the easement at
3 that radius that we're seeing right there. So
4 right at where that arrow is basically is on
5 the 5 foot easement, maybe encroaching
6 slightly beyond it, actually. But that was
7 the one thing I was curious about, frankly.

8 CHAIRMAN TREFZ: Yeah.

9 MR. PAX: Now with an easement,
10 too, they can put the pavement over it. That
11 can always be with the utility company just
12 chopped up. It's not a permanent structure.
13 So that would not be an issue there by having
14 the pavement going over it. But it is right
15 on it, from what I can glean looking at the
16 scale of it.

17 The one other thing I will comment
18 about on that, I mean, the radius is a bit
19 aggressive that you're showing there on it, so
20 it almost seems whether the navigation of an
21 automobile that's going to be reversing out of
22 that and whether that, in reality, that drive
23 needs to taper more towards your existing
24 drive and a little less --

1 CHAIRMAN TREFZ: Towards the
2 street.

3 MR. PAX: Yes. Almost feathering
4 right down to the left side of your driveway
5 is what it seems like it's going to want to
6 do. But I'm not -- it just seems a bit severe
7 in a reality of navigating with a car to make
8 that turn.

9 MR. TOLMAN: Neal Tolman speaking
10 again. I agree the designer originally had it
11 tapering farther down the existing driveway.
12 I'm doing my best to attempt to preserve the
13 green space in favor of the neighbors, but
14 that may have to change at the time we
15 actually build so that we can navigate the
16 turn. I agree with you on that.

17 MS. TOLMAN: The driveway is not
18 subject to --

19 MR. TOLMAN: Yeah, the driveway is
20 not subject to the setback, so I don't think
21 that's set in stone on this drawing. Correct
22 me if I'm wrong.

23 MR. PAX: No. It's more, to your
24 point, the perception and the green space from

1 the pavement of the driveway. So, that's all.

2 I understand why you're trying to push it back

3 and that respect for that and that's all.

4 This is going to be a little different.

5 MS. SUNDAR: Can you go back to

6 the picture? That one.

7 CHAIRMAN TREFZ: The actual

8 photograph of the house?

9 MR. GAYETSKY: Yeah. That one?

10 MS. SUNDAR: No.

11 MR. PAX: Overhead.

12 CHAIRMAN TREFZ: The overhead lot

13 view, there you go.

14 MR. PAX: Can you zoom in, please?

15 Thank you.

16 MS. SUNDAR: Thank you.

17 MR. TOLMAN: I'm just waiting. If

18 you have more questions, or should I sit?

19 MS. SUNDAR: It's just going to be

20 a comment. Like, we, you know, as he

21 mentioned, even though it's going to be like a

22 curve, in reality, you know, it's going to be

23 really hard until -- because that easement is

24 like so close by, so.

1 MR. TOLMAN: I understand this is
2 complicated. That's why I'm leaving it in
3 your trusted hands to make a decision here.

4 MS. SUNDAR: I don't have any
5 questions.

6 CHAIRMAN TREFZ: Does anyone want
7 to make a Motion?

8 MS. ROSS: Do you have any other
9 comments?

10 MR. ARORA: No. Just the same
11 comment. I think the driveway is not going
12 to -- the driveway is close to the garage.

13 MS. ROSS: If you could, sir, if
14 you could come up and state your name. Our
15 recorder needs to be able to capture all the
16 comments correctly.

17 MR. ARORA: So, yeah, my comment
18 was about again the driveway. And anyway, not
19 even the driveway, the ingress and outgress of
20 the car garage is going to be on the easement,
21 right. And if utility company want to put
22 anything over there, they will block -- they
23 can't be able to utilize the garage or the
24 utility company will not able to provide

1 service. So that's my point regardless. This
2 is going to be, you know, providing of these
3 services.

4 And again, I understand your
5 point. Either I'll be steering the
6 driveway -- I'll be steering the driveway, if
7 neighbors still want to go ahead and make the
8 drive in. But I'll be steering the driveway,
9 which is not that objectionable than steering
10 the driveway and the garage, which is higher
11 and hiding.

12 CHAIRMAN TREFZ: Okay.

13 MS. ROSS: Thank you. If there
14 aren't any other questions, I'll make a
15 Motion. I move to deny Case No. VA-24-29. In
16 considering an application, we take into
17 account several different factors. And I move
18 to deny this case because I believe that the
19 property in question can yield a reasonable
20 return if this variance is not granted and
21 that they can park in the driveway. I believe
22 this is -- the variance is substantial and
23 that the essential character of the
24 neighborhood would be substantially altered

1 with this garage in the placement as
2 indicated. And I also believe that the
3 property owners' predicament can be obviated
4 by some other method other than a variance,
5 such as just parking within the garage and
6 driveway they already have existing on the
7 property.

8 So, for those reasons, I move to
9 deny Case No. VA-24-29 for the property
10 located at 277 Fox Ridge Circle, Lewis Center,
11 Ohio, seeking an area variance from Rezoning
12 Case No. 1704 Fox Ridge to allow for a garage
13 addition to encroach 4 feet 8 and 1/2 inches
14 into the required 12 foot 0 inch side yard
15 setback in an area zoned Single Family
16 Residential District.

17 CHAIRMAN TREFZ: I second.

18 MR. GAYETSKY: Motion made to deny
19 by Ms. Ross, seconded by Mr. Trefz. Those
20 voting:

21 Mr. Trefz.

22 CHAIRMAN TREFZ: Yes.

23 MR. GAYETSKY: Ms. Ross.

24 MS. ROSS: Yes.

1 MR. GAYETSKY: Mr. Pax.

2 MR. PAX: Yes.

3 MR. GAYETSKY: Ms. Sundar.

4 MS. SUNDAR: Yes.

5 MR. GAYETSKY: Mr. Tetzke.

6 MR. TETZKE: Yes.

7 MR. GAYETSKY: And that Motion to
8 deny carries, so the Variance is denied.

9 CHAIRMAN TREFZ: Okay.

10 MR. GAYETSKY: So we're all done
11 with that item. And we will move on to our
12 last item for this evening.

13 - - -

14 MR. GAYETSKY: Alright. So final
15 item of New Business for tonight is the
16 Variance and Conditional Use Application for
17 the site at 3855 Lewis Center Road. Let me
18 get my Staff Report. So the Applicant is
19 requesting a Conditional Use from Orange
20 Township Zoning Resolution Section 22.04(a) to
21 allow for the installation of a 6 by 8 foot
22 monument style sign. This includes a 2 foot 8
23 inch by 8 foot 0 inch display area at the
24 entrance of the Del-Co Water Company facility,

1 which is located on the primary parcel of Alum
2 Creek State Park property. Also being
3 requested as an area variance from Section
4 22.04(e) to allow the sign to encroach
5 approximately 17 feet into the required 17
6 foot front setback within the Alum Creek Park
7 open space. But the subject parcel is located
8 at 3855 Lewis Center Road, Galena, Ohio, and
9 Parcel No. 318-140-01-002-000.

10 So surrounding area to the north the
11 zoning is -- it's essentially Alum Creek State
12 Park so the land use would be both Alum Creek
13 dam and reservoir. To the south, the zoning
14 district is Single Family Planned Residential and
15 Farm Residential District, kind of a mixture
16 there. And the land uses include single family
17 residences and the Woodstone subdivision. To the
18 east, the zoning district is Alum Creek State
19 Park, so it's park area and then the Interstate
20 71 right-of-way. And so finally, to the west is
21 the zoning district Single Family Planned
22 Residential District, which includes land uses of
23 single family residences and the Park Shore
24

1 Subdivision.

2 So it is a large site. We a have
3 couple of zoomed-in aerials, but we also kept
4 them further in depth than usual. And I did
5 add that icon so you could see clearly what
6 side of the large parcel for Alum Creek State
7 Park this is going to be located on, again, the
8 south side near the dam and the reservoir.

9 I'm just going to jump through to
10 our responses for all of this criteria, since
11 you have it written out in front of you. So
12 for the sign, the style, the sign is a
13 monument style freestanding sign. The
14 Applicant is proposing a monument style
15 freestanding sign, so it does meet that first
16 item of which we responded to.

17 Scrolling a little bit further.
18 Alright. The maximum height of such sign does
19 not exceed 8 feet above the average grade of
20 this site, and the sign is located at the
21 distance from any street right-of-way line as
22 required. So according to Exhibit 1, the
23 proposed sign will be 7 feet and 2 inches
24 above grade. I believe that should be

1 corrected to 7 feet. And then the sign is
2 proposed to set back 0 feet, unless the
3 Applicant can clarify a minimal distance from
4 the property line adjoining Lewis Center Road.
5 According to Section 22.04(a)(3)(e), the
6 minimum setback in an area permitted that's 15
7 feet -- I think it should be 17 feet from the
8 right-of-way. And the sign, while it meets
9 the height standard, so with the height above
10 grade, it does not meet the distance away from
11 the street right-of-way line, which should be
12 17 feet. And that's for the minimum size
13 sign.

14 The sign does not have any more
15 than two sides. The sign as proposed has two
16 sides, which meets that standard. The sign
17 area of any one side or surface does not
18 exceed one half of the total display area
19 permitted. A single sign face totals about
20 21.33 square feet. And since it is set back
21 right at the right-of-way line, 0 square feet
22 is what is permitted for that face. The
23 proposed sign doesn't meet the above standard.

24 So this is similar, basically,

1 what I just read. I'll skip through the bulk
2 of that text, since I know you've all seen it
3 before and respond to it. The proposed
4 one-sided sign will be approximately -- so on
5 one side it will be approximately 21.33 square
6 feet, and the sign will be set back 0 feet
7 from the right-of-way of Lewis Center Road.
8 Zero square feet is permitted and the sign
9 doesn't meet the above standard.

10 And then I think we have just one
11 more. No part of such sign shall be located
12 any closer to the right-of-way line than 15
13 feet, nor closer to any property line than the
14 applicable building setback line, if the
15 adjoining property is in a residential
16 district. The proposed sign will be set back
17 0 feet from street right-of-way, therefore, it
18 does not meet the above standard.

19 So that was the Conditional Use.
20 I did include the details from the Applicant's
21 Exhibits. As you can see, the compliant base
22 with the stone, a solid base. It is what's
23 proposed for the sign, and it will be a
24 backlit style sign.

1 To continue, there's the Site
2 Plan. It doesn't show an exact setback
3 distance, but it is right up against that
4 right-of-way edge. You can see that notated
5 right-of-way there. And continuing, I took a
6 measurement, just if the Board had curiosity,
7 because it's just hard to tell if the roadway
8 is set back from pavement to the actual edge
9 of right-of-way line is about 41 feet.

10 So Staff Review for variance. The
11 face area, basically it shall not exceed 32
12 square feet, or maximum of 16 square feet per
13 side or surface. And this sign is located 15
14 feet from the primary frontage street
15 right-of-way line. And then there is that
16 additional calculation for if you're further
17 away, but that doesn't apply tonight.

18 The proposed sign would have a
19 setback of zero feet and zero inches from
20 Lewis Center Road and encroaching 17 feet 0
21 inches into the allowed minimum setback
22 distance from monument style sign of 21.33
23 square feet in size per side. And that would
24 make it 42.66 square feet total area. And the

1 sign does not meet the above standard as a
2 result.

3 That is all I have for Exhibits
4 and Staff Review.

5 CHAIRMAN TREFZ: Who is speaking?

6 MR. BRINKMAN: I'm Colin Brinkman.
7 I'm with DaNite Sign. I'm representing the
8 Del-Co Water. 1640 Harmon Avenue, Columbus,
9 Ohio.

10 CHAIRMAN TREFZ: And you've been
11 sworn in?

12 MR. BRINKMAN: Yes, I have. So,
13 this client of mine here, they've had a sign
14 on the other side of the road now since they
15 said like the 1990's, 1980's. I don't know
16 how long it's been there, but it's been a
17 while. And it's outdated. They want to
18 upgrade. They want to have consistent
19 branding throughout Delaware County. They
20 have another location in Liberty Township that
21 was approved for the same style of sign. Not
22 the exact same dimensions. The reason we're
23 going with a little bit of taller sign here
24 compared to one in Liberty Township is because

1 it is on the hill. The visibility is a little
2 bit difficult when you're on Lewis Center
3 Road. I believe the one in Liberty Townships
4 is like 4 feet tall with a 2 foot base, but
5 with the same size sign cabinet. Maybe it's 4
6 and 1/2 feet. So realistically, they're looking
7 to upgrade. Their current sign's on the other
8 side of the road, they said drivers get confused
9 driving by looking on the other side of the road
10 for the facility when it's actually on the other
11 side of the road.

12 And I do know we're in violation
13 of that setback requirement. We're just
14 looking to get as close as possible to that
15 right-of-way. Being 40 feet from the road,
16 they're kind of at a disadvantage already with
17 visibility, so they're just trying to get
18 close as they possibly can permissibly with
19 your guys' approval to put a monument sign as
20 close to the right-of-way as they possibly
21 can.

22 And again, the reason for that, I
23 believe you mentioned like a 50% -- was it,
24 you said 50% of the face, right. The reason

1 for that, again, is just the poor visibility
2 on the road, that's why we're having to make
3 that face so much larger than the sign face
4 itself.

5 So realistically, I believe that's
6 pretty much all I have currently. If you guys
7 have any questions, I'm more than happy to
8 answer.

9 MS. SUNDAR: Thank you. So I see
10 the switch, so if you could please explain to
11 me about that switch.

12 MR. BRINKMAN: The disconnect
13 switch?

14 MS. SUNDAR: Uh-huh.

15 MR. BRINKMAN: Yeah, that's just
16 so -- it's a -- I believe it's a building
17 requirement with Delaware County to have a
18 disconnect switch on a sign that's accessible,
19 so that's to turn the sign on and off
20 realistically.

21 CHAIRMAN TREFZ: That's not the
22 daily control?

23 MR. BRINKMAN: Right.

24 CHAIRMAN TREFZ: That's just the

1 emergency shutoff?

2 MR. BRINKMAN: Right, that's an
3 emergency. So they could have it on the
4 timer. We could put a photocell on it. I
5 haven't had the discussion about that with
6 them, but we usually don't do timers. They
7 can do that themselves with an electrician or
8 we could put a photocell on there ourselves.
9 So yeah, that's not how -- they're not going
10 to go out there every day and turn it on and
11 off. Yeah, it's just there for, like,
12 emergency, correct.

13 CHAIRMAN TREFZ: Okay.

14 MS. SUNDAR: And the letters, the
15 Del-Co, is there any lights involved, any
16 illuminated lighting or anything in there?

17 MR. BRINKMAN: Yeah. So that's
18 push-through acrylic. So the acrylic sticks
19 out from the back of the panel about a half
20 inch, and then there's vinyl over top of it.
21 It kind of gives it a halo effect. And like I
22 said, they have one in Liberty Township, too,
23 if you guys want a reference to see how it
24 looks at night. I don't have the address off

1 the top of my head, but they do have the same
2 exact sign graphic-wise in Liberty Township to
3 what we're going to be putting here in Orange
4 Township, hopefully.

5 MR. PAX: Is the image there,
6 basically the backlit illuminated letters with
7 the perimeters glowing, is that the night
8 light?

9 MR. BRINKMAN: Yes, that's the
10 night light.

11 MR. PAX: Basically what we're
12 going to be seeing?

13 MR. BRINKMAN: Correct.

14 MR. PAX: Okay.

15 MR. BRINKMAN: Yes.

16 CHAIRMAN TREFZ: And the address
17 numerals are not illuminated?

18 MR. BRINKMAN: They are not.

19 CHAIRMAN TREFZ: Okay.

20 MR. BRINKMAN: That's just like
21 dimensional lettering half inch PVC, yeah.

22 MS. ROSS: Will anyone actually
23 visit the Del-Co building at night?

24 MR. BRINKMAN: Great question.

1 Like I said, I know they're trying to have
2 branding consistently with their location in
3 Liberty Township. So, I mean, I guess I don't
4 know their hours off the top of my head, but
5 you know, maybe in the wintertime, December
6 21st, the shortest day of the year, I don't
7 know, yeah, they may have visitors at 5:00
8 a.m., so.

9 MS. ROSS: Just wondering why they
10 would even want it lit.

11 MR. BRINKMAN: Maybe they've got
12 money they want to spend. I don't know.

13 MR. PAX: One other question, too.

14 MR. BRINKMAN: Yeah.

15 MR. PAX: The disposition of that
16 existing sign, is that going to stay on the
17 opposite side?

18 MR. BRINKMAN: We are not removing
19 it, but they have indicated to me that they're
20 going to remove it themselves or hire someone
21 else to do it. Yes. But that is part of the
22 scope of the work, is that it will be removed.
23 We just haven't been contracted to that
24 ourselves.

1 CHAIRMAN TREFZ: Okay. Thank you.

2 Was there someone else that wanted to talk?

3 MR. WINTER: I'll just make a
4 couple of quick comments. I'm Kevin Winter,
5 3808 Lewis Center Road. And I am sworn in.

6 And I just think we answered the
7 question, your one question you asked about
8 the disposition of the existing sign. And so
9 I live right across from that so I'm very
10 familiar with the sign and wanted to make for
11 sure that the new sign is going on the north
12 side of the road, correct?

13 MR. BRINKMAN: Correct.

14 MR. WINTER: So, I mean, I think
15 I've seen where you've bottled the utilities
16 already out there.

17 MR. BRINKMAN: Yeah, we might have
18 just been -- yeah, we called in and said mark
19 it up, right.

20 MR. WINTER: Right. So, okay, so
21 that was my only question. I thought since I
22 sat through it, I might as well get up and
23 comment, so. We've always been good neighbors
24 with Del-Co, so it's okay. They didn't mow

1 around the old sign this summer, so I'd kind
2 of like it to go. Thanks.

3 MS. SUNDAR: Thank you.

4 CHAIRMAN TREFZ: Thank you.

5 Anyone else? Yes.

6 MR. BRINKMAN: I just make sure,
7 this is a double face sign, you guys are
8 aware, right?

9 CHAIRMAN TREFZ: Uh-huh.

10 MR. GAYETSKY: Yeah.

11 MR. BRINKMAN: Okay. Thanks.

12 CHAIRMAN TREFZ: Can you go back
13 to the last image, I guess I should say?
14 There. So the right-of-way is roughly 41 feet
15 from the edge of the black top, right?

16 MR. GAYETSKY: Correct. Pavement,
17 yeah.

18 CHAIRMAN TREFZ: Yeah, pavement.
19 That's a very big right-of-way.

20 MR. PAX: It is. To note, I mean,
21 two cars could be sitting there and preparing
22 to turn left or right and not be blocked by
23 that sign.

24 CHAIRMAN TREFZ: Oh, easy, yeah.

1 MR. PAX: And have any
2 obstruction. So, I mean, that's the other
3 thing that's of concern. And not much traffic
4 going into whatever this thing is, the water
5 treatment or I'm not sure, but that should not
6 be a case or an issue there.

7 CHAIRMAN TREFZ: No. But Lewis
8 Center Road, though, that can be busy. Yeah.

9 MS. ROSS: It's always busy.

10 MR. PAX: Getting busier, yeah.

11 CHAIRMAN TREFZ: Well, I don't
12 drive that routinely that stretch of it.

13 MS. ROSS: And there's quite a bit
14 of elevation difference just the road and
15 where that sign is going to sit.

16 CHAIRMAN TREFZ: Yes.

17 MR. PAX: The one other point, I
18 guess, or concern that I have is, and to the
19 resident who spoke and gave testimony is, can
20 we make a provision that that sign be removed
21 as contingency of approval of this?

22 MR. GAYETSKY: Sure.

23 CHAIRMAN TREFZ: Yeah.

24 MR. PAX: Okay.

1 MR. GAYETSKY: You can add the
2 condition that the new sign would only be
3 permitted or granted the variance and
4 permitted with the removal -- upon the removal
5 of that existing sign on the south side.

6 MR. PAX: Thank you.

7 CHAIRMAN TREFZ: Other things?

8 MS. SUNDAR: No. I can make a
9 Motion.

10 CHAIRMAN TREFZ: Go for it.

11 MS. SUNDAR: Based on the factors,
12 I move to approve Case No. VA-CU-24-30, for
13 the property located at 3855 Lewis Center
14 Road, seeking an Area Variance from Orange
15 Township Zoning Resolution Section 22.04(e) to
16 allow for a monument sign identified in
17 Exhibits 1 and 2 of this Report, to be located
18 0 feet 0 inches from the Lewis Center Road
19 right of line, upon -- Eric, I may need your
20 help on the language.

21 MR. GAYETSKY: Sure.

22 MS. SUNDAR: So, upon the removal
23 of the existing sign on south side.

24 MR. GAYETSKY: Yeah, on Lewis

1 Center Road.

2 MS. SUNDAR: On Lewis Center Road.

3 MR. GAYETSKY: Sure, yeah.

4 CHAIRMAN TREFZ: I'll second.

5 MR. GAYETSKY: Okay. Motion made

6 to approve with the condition stated by Ms.

7 Sundar, seconded by Mr. Trefz. Those voting:

8 Ms. Ross.

9 MS. ROSS: Yes.

10 MR. GAYETSKY: Ms. Sundar.

11 MS. SUNDAR: Yes.

12 MR. GAYETSKY: Mr. Trefz.

13 CHAIRMAN TREFZ: Yes.

14 MR. GAYETSKY: Mr. Pax.

15 MR. PAX: Yes.

16 MR. GAYETSKY: And Mr. Totzke.

17 MR. TOTZKE: Yes.

18 MR. GAYETSKY: That Motion

19 carries. So that's the Area Variance. One

20 down, one to go.

21 CHAIRMAN TREFZ: So now we're down

22 to --

23 MR. PAX: The second.

24 CHAIRMAN TREFZ: Yeah.

1 MR. PAX: I'll make a Motion.
2 I'll make a Motion to approve based on factors
3 discussed and presented today, and again,
4 testimony by a resident, to approve Case No.
5 VA-CU-24-30, for the property located at 3855
6 Lewis Center Road seeking an Area Variance
7 from Orange Township Zoning Resolution Section
8 22.04 Sub Section e, to allow for a monument
9 sign identified in Exhibits No. 1 and 2 of
10 this Report, to be located 0 feet inches from
11 Lewis Center Road right-of-way line.

12 MS. SUNDAR: I second.

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

15 Ms. Ross.

16 MS. ROSS: Yes.

17 MR. GAYETSKY: Mr. Trefz.

18 CHAIRMAN TREFZ: Yes.

19 MR. GAYETSKY: Mr. Pax.

20 MR. PAX: Yes.

21 MR. GAYETSKY: Ms. Sundar.

22 MS. SUNDAR: Yes.

23 MR. GAYETSKY: And Mr. Totzke.

24 MR. TOTZKE: Yes.

1 MR. GAYETSKY: Motion carries as
2 well.

3 CHAIRMAN TREFZ: Thank you all.

4 MR. TOLMAN: Am I allowed to seek
5 feedback, or ask a question or is it too late
6 for that?

7 MR. GAYETSKY: If you wanted to do
8 so of the record, it's at the Board's
9 discretion. We will be finishing with a
10 brief, short couple business items to finish out
11 the meeting, so it's up to you.

12 MR. TOLMAN: I can wait til the
13 end, if you'd like.

14 CHAIRMAN TREFZ: Okay.

15 MR. GAYETSKY: So let's see, the
16 only other items for the business tonight were
17 to cover the minutes, which I had sent out for
18 July and August. And I know I heard from a
19 couple of you that didn't have concerns or
20 changes for those minutes.

21 CHAIRMAN TREFZ: Yeah.

22 MR. GAYETSKY: If any of you
23 wanted to make a Motion for both the July and
24 the August minutes for approval, we can do so

1 one than the other tonight.

2 MS. ROSS: Did I send you comments
3 on July way back?

4 MR. GAYETSKY: I think you were
5 one of the ones did. It's been some time.

6 MS. ROSS: Okay. So there are
7 amendments to that one?

8 MR. GAYETSKY: Let me check on
9 that.

10 MS. ROSS: I don't think I sent
11 you anything on August or September.

12 MR. GAYETSKY: You're correct on
13 the August. And I don't think I've also sent
14 out the September -- maybe I did send out
15 September. But let me check on your comments
16 for July. Hold on. I'm not sure that I saw
17 anything. I got an email from you saying that
18 received them, but I didn't get anything.

19 MS. ROSS: Okay.

20 MR. GAYETSKY: As far as
21 conditions for those.

22 MS. ROSS: It's a while back. I
23 don't remember.

24 MR. GAYETSKY: You're fine.

1 MS. ROSS: Okay. I move to
2 approve the Minutes of July 18th, 2024.

3 CHAIRMAN TREFZ: I second.

4 MR. GAYETSKY: Motion by Ms. Ross,
5 seconded by Mr. Trefz. Those voting:

6 Ms. Ross.

7 MS. ROSS: Yes.

8 MR. GAYETSKY: Mr. Trefz.

9 CHAIRMAN TREFZ: Yes.

10 MR. GAYETSKY: Mr. Pax.

11 MR. PAX: Yes.

12 MR. GAYETSKY: Ms. Sundar.

13 MS. SUNDAR: Yes.

14 MR. GAYETSKY: And Mr. Tetzke.

15 MR. TOTZKE: I think I abstain.

16 MR. GAYETSKY: You're welcome to
17 vote. You can abstain as well.

18 MR. TOTZKE: I'll abstain.

19 MR. GAYETSKY: You'll abstain. So
20 that passes.

21 MS. ROSS: I move to approve the
22 Minutes of August 15th, 2024.

23 MS. SUNDAR: I second.

24 MR. GAYETSKY: Motion to approve

1 August Minutes made by Ms. Ross, seconded by
2 Ms. Sundar. Those voting:
3 Ms. Ross.
4 MS. ROSS: Yes.
5 MR. GAYETSKY: Mr. Trefz.
6 CHAIRMAN TREFZ: Yes.
7 MR. GAYETSKY: Mr. Pax.
8 MR. PAX: Yes.
9 MR. GAYETSKY: Ms. Sundar.
10 MS. SUNDAR: Yes.
11 MR. GAYETSKY: And Mr. Totzke.
12 MR. TOTZKE: Abstain.
13 MR. GAYETSKY: They pass as well.
14 And I do want to bring to your
15 attention one last item, which is those
16 binders in front of you. To confirm, you're
17 welcome to take those binders home, which has
18 the updated draft Zoning Code. So we had one
19 discussion so far. I wanted to make sure you
20 had hard copy that you could spend time with
21 the current draft. The Zoning Commission is
22 having meetings now considering what's in that
23 Code, that version of the Code. So please
24 take it home, spend some time with it and let

1 me know what you see. If you still have
2 questions, especially questions that I haven't
3 addressed from the last meeting that we talked
4 about it during, please let me know. And then
5 we will also be open to doing another --
6 commencing with another meeting to talk about
7 the Code like we did the last time. And I'll
8 be more than happy to spend time with you
9 between now and then, or if you want to let me
10 know your feedback on whether you would like
11 to have that meeting, just to put that out
12 there. You don't have to decide right here on
13 the spot, but you can write me an email or
14 give me a call and let me know.

15 CHAIRMAN TREFZ: Okay.

16 MS. ROSS: Thank you.

17 MR. GAYETSKY: Absolutely. Thank
18 you all. That's all the items of business I
19 have.

20 CHAIRMAN TREFZ: Anything else?

21 MS. ROSS: The gentleman asked if
22 he could speak with us.

23 CHAIRMAN TREFZ: Do you want it on
24 the record?

1 MR. TOLMAN: No, it's doesn't need
2 to be.

3 CHAIRMAN TREFZ: Okay.

4 MR. GAYETSKY: Okay.

5 CHAIRMAN TREFZ: Then I move that
6 the meeting is adjourned.

7 MR. GAYETSKY: All in favor say
8 aye.

9 MEMBERS: "Aye."

10 MR. GAYETSKY: Meeting adjourned.

11 (Thereupon, the proceedings
12 adjourned at 7:10 p.m.)

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CERTIFICATE

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office on this 18th day of November 2024.



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

My Commission expires May 14, 2027.

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