

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

1 - - -

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

3 - - -

4 CHAIRMAN TREFZ: I call this
5 meeting to order.

6 MR. GAYETSKY: I'm going to take
7 roll. Ms. Ross.

8 MS. ROSS: Here.

9 MR. GAYETSKY: Mr. Trefz.

10 CHAIRMAN TREFZ: Here.

11 MR. GAYETSKY: Ms. Sundar.

12 MS. SUNDAR: Here.

13 MR. GAYETSKY: Mr. Pax.

14 MR. PAX: (No answer.)

15 MR. GAYETSKY: Alright. Well, we
16 have a quorum. We have three, so we can
17 proceed tonight.

18 CHAIRMAN TREFZ: Do we do the
19 swearing in?

20 MS. DONNAN: Well, would you like
21 for me to kind of give a rundown?

22 MR. GAYETSKY: Yeah.

23 MS. DONNAN: Okay. For those in
24 the audience, my name is Julie Donnan. I'm an

1 attorney with Brocious, Johnston and Griggs.

2 Our office represents Orange Township. We're
3 here to help the Board of Zoning Appeals.

4 I was telling the Board just
5 before we started today, so there are -- there
6 the Board sits five people and there are only
7 three people here, which three is a quorum,
8 but the way applications work is, any
9 application, regardless of how many Board
10 Members are here, requires at least three
11 votes. And so what that means for the
12 application tonight is that the applicant
13 would have to get three yes votes. And so in
14 situations like this, the Board likes to at
15 least offer the applicant the opportunity if
16 they want to request a continuance to next
17 month, if there are more Board Members.
18 They're welcome to do so. But if they proceed
19 tonight --

20 MR. GAYETSKY: She's having
21 trouble hearing.

22 MS. DONNAN: Oh, I'm so sorry.

23 AUDIENCE MEMBER: My husband
24 doesn't hear very well.

1 MS. DONNAN: Oh, and this is great
2 because I know who to actually talk -- you're
3 the applicant?

4 AUDIENCE MEMBER: No, we're not.

5 CHAIRMAN TREFZ: No. They're over
6 there.

7 MS. DONNAN: You're the applicant.
8 Okay. Wonderful. Can you hear me?

9 MR. PAOLI: I can, yes.

10 MS. DONNAN: Okay. Wonderful. So
11 basically, it takes three yes votes,
12 regardless if there are three people or five
13 people here. And so you are welcome to
14 proceed with your application, but because
15 there are three folks here, they just want to
16 provide with you the opportunity, you know,
17 you're welcome to present your application
18 tonight, but if you do, it just will require
19 unanimous approval. But they do want you to
20 know if you'd like to continue to next month
21 when more Board Members may be present, you're
22 welcome to do so, but it's your choice, again,
23 but just recognizing you've got to get three
24 yes votes, so.

1 APPLICANT: Okay. I will check
2 and make sure.

3 MS. DONNAN: Okay. Perfect.

4 CHAIRMAN TREFZ: Eric, before we
5 get started, at what time could they ask for a
6 continuance? Any time before we vote?

7 MR. GAYETSKY: I think that would
8 be the case. So I would be happy to go
9 through the Staff Report, which is the typical
10 order that we go through things.

11 MS. DONNAN: So, I mean, in terms
12 of efficiency, I think it probably makes -- I
13 mean, in terms of efficiency, I'd recommend,
14 or, you know, if the applicant wants to
15 consider, you know, I'd hate for everyone to
16 kind of get halfway through and then say all
17 right, we're going to press pause, we'll go to
18 next month. And so if the applicant wants to
19 come to the podium and have a discussion, I
20 don't know if you have, if you care, if you're
21 comfortable moving forward tonight, that's
22 absolutely your choice.

23 MR. PAOLI: We can proceed.

24 MS. DONNAN: Okay.

1 MS. SUNDAR: But just, you know,
2 how do they know, like, they need a
3 continuance, right? Because we need to
4 express some thoughts before the voting,
5 before the actual vote.

6 MS. DONNAN: So what I would say
7 is that the, you know, that you know if he's
8 proceeding with the application tonight, it's
9 with the understanding that this Board may
10 take action tonight as well, and it requires
11 three votes, three yes votes.

12 CHAIRMAN TREFZ: And the other
13 thing I would say is by asking for a
14 continuance, there's no additional monies,
15 it's just a delay to the next month, just in
16 case that was a concern. All right.

17 MS. DONNAN: Okay.

18 CHAIRMAN TREFZ: Let's get started
19 then. I'm going to swear people in. Okay.
20 Anyone who intends to testify, please raise
21 your right hand and be sworn.

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

1 "I do". And when it's your turn offer to
2 offer testimony, please state your full name,
3 address and affirm that you've been sworn in.

4 AUDIENCE: "I do."

5 CHAIRMAN TREFZ: All right. Thank
6 you.

7 MR. GAYETSKY: All right. So we
8 have the Staff Report on the screen for those
9 who would like to follow along with the text
10 format. I'm going to take us through our one
11 and only case tonight, which is a New Business
12 case. It's under Case No. CU-24-32. The
13 applicant and owner for this property is
14 Marcus and Candis Paoli. The site is at 2194
15 Pleasant Colony Drive in Lewis Center. Parcel ID
16 318-422-04-015-000. This lot is .3 acres,
17 approximately, in size, and the zoning
18 district is Single Family Planned Residential.

19 So this request is seeking a
20 Conditional Use from Section 10.04 of the
21 Orange Township Zoning Resolution to allow for
22 a home occupation in an area zoned Single
23 Family Planned Residential District. So under
24 the Summary, that in specific, the business is

1 to allow for the proposed home occupation is
2 to allow for an in-home body art and tattoo
3 business, stated the subject site.

4 And for the surrounding area, to
5 the north -- well, in all four directions, in
6 fact, the zoning district is Single Family
7 Planned Residential. The same thing,
8 essentially, for the land use, all single
9 family residences. And Pleasant Colony Drive
10 is located to the north.

11 Alright. So for your context
12 views on using the map, there's Pleasant
13 Colony Drive to the north of this property.
14 You can see it's bounded on each side by other
15 residential, Single Family Planned Residential
16 properties, and it is located in the Wilshire
17 Estates subdivision. Here's a more zoomed-out
18 view coming up. So fairly centered in this
19 large, single family zoned subdivision. So
20 since this is a Conditional Use, I'll move
21 right along into the Staff Review portion.

22 The Conditional Use Section of the
23 Zoning Resolution is Section 10.04 for home
24 occupations in specific. So to start with

1 10.04(a) Home Occupations conducted by the
2 resident of the permitted, a dwelling subject
3 to the following restrictions. I did respond
4 to basically all of these criteria, just to
5 make sure we were being thorough. But for
6 your reference, these are the criteria that
7 need to be met in order for the home
8 occupation to proceed. Hopefully, I'm saying
9 that correctly. Alright.

10 So for No. 1, the home occupation
11 shall be carried out solely within the
12 confines of the residential structures and
13 architecturally compatible accessory
14 buildings, which are customarily associated
15 with residential use and character of the
16 neighborhood. The applicant indicated the
17 operation will take place entirely within the
18 confines of the home.

19 No. 2, only one sign, not larger
20 than six square feet and four feet in height
21 above grade of the surrounding yard may be
22 erected advertising the home occupation. The
23 sign may be located at eye level of mounted
24 flag against the building. Sign shall be

1 designed compatible with the residential
2 character and shall not be animated or
3 lighted. The applicant has indicated that no
4 signage is being proposed.

5 No. 3, the home occupation shall
6 occupy not more than 20 percent of the total
7 floor area of the dwelling unit, or 50 percent
8 of the combined floor space in any garage or
9 accessory building. The applicant indicated a
10 square footage of 144 square feet to be
11 utilized for the home occupation within a
12 dwelling, overall square footage of 1967
13 square feet. This represents roughly 7
14 percent occupation of the dwelling unit
15 meeting this standard.

16 No. 4, no more than one
17 non-resident employee shall work on said
18 premises. The applicant indicated that no
19 non-resident employees will work on the
20 premises.

21 No. 5, services may be rendered on
22 the premises or elsewhere. So all services
23 would take place on location, complying with
24 this standard.

1 No. 6, all parking events created
2 by the conduct of home occupation shall be met
3 off the street and other than in a front yard.
4 Off-street parking may be permitted in a side or
5 rear yard, but shall not be located in closer
6 to the street than this required setback line.
7 The required number of
8 off-street parking spaces shall equal the
9 spaces required for the residential use, plus
10 those required for the commercial use, which
11 constitutes the home occupation. If no
12 parking requirement is given for a particular
13 home occupation, parking requirements for the
14 most similar commercial use shall be used in
15 order to calculate the required minimum number
16 of spaces.

17 The applicant indicated that the
18 property has a designated parking area that
19 allows clients to park safely without
20 obstructing traffic on public roads or
21 interfering with surrounding traffic patterns.

22 Okay. This is a little bit longer
23 section, but I'll stay with it, and we have
24 three more. So No. 7, no equipment, process

1 or storage associated with the home occupation
2 shall create odors, noise, vibration, glare,
3 electrical interference or other nuisance
4 detectable for normal consents off the lot.

5 All activities, materials and equipment
6 associated with the business shall be totally
7 maintained within a building. In the case of
8 electrical interference, no equipment or
9 process shall create visual or audible
10 interference in any radio or television
11 receivers or other audio appliances used off
12 the premises, or cause fluctuation in line
13 voltage off the premises. No equipment
14 process or storage associated with a home
15 occupation shall create any fire or explosion
16 hazard or involve the storage or use of
17 hazardous materials in any concentration
18 greater than what would normally be found in a
19 dwelling containing no home occupation.

20 The applicant noted in their
21 application that the proposed use does not
22 create excessive noise, smoke, fumes or other
23 nuisances associated with the business.

24 No. 8, waste material, solid or

1 liquid, shall not be created upon the premises
2 at a level greater than normal to the
3 residential use unless provisions for the
4 disposition of said wastes are acceptable to
5 the Delaware County Health Department and do
6 not create a burden on adjoining property. In
7 their application, the applicant responds that
8 the proposed use will operate within all
9 health and safety regulations outlined by the
10 Delaware General Health District ensuring no
11 impact on public water or sewers.

12 No. 9, no activity shall be
13 conducted or permitted which creates a
14 nuisance to neighborhood properties. The
15 applicant noted in their application that the
16 proposed use will not pose any hazards to
17 nearby residences. The operational hours will
18 be designed to minimize potential disturbances
19 to the surrounding area.

20 And then finally, we have the tech
21 agency review. There were no comments
22 received from the Fire Department. I did want
23 to make note, after double checking with the
24 Fire Department that this type of a business

1 does not require them to inspect it, so no
2 inspection will be required.

3 I believe that covers the Staff
4 Review portion. At the request of one of the
5 BZA Members, I did want to make a discrepancy
6 or highlight a difference between HOA versus
7 you as the BZA and what requirements we're
8 looking at tonight. So we're only considering
9 the Zoning Resolution, and that's what we can
10 go by, basically, and make decisions off of.
11 So for the HOA and the HOA's processes, yes,
12 there is Wilshire Estates' HOA that this
13 property is located within, and I guess
14 technically, the homeowners would be subject
15 to the HOA requirements. That's something
16 that they would have to work out
17 independently. But we do not enforce, apply,
18 or even interpret HOA requirements when we do
19 the Zoning Resolution at the BZA so in the
20 Zoning Department. So I just wanted to
21 highlight that discrepancy. So, yeah, we
22 aren't looking at anything with the covenants,
23 deed restrictions, property code, none of that
24 tonight. Hopefully that helps clarify for you

1 all. And I'm happy to answer any questions on
2 my Staff Review or the Addendum, or whatever
3 you have.

4 CHAIRMAN TREFZ: Questions?

5 MS. ROSS: No questions.

6 CHAIRMAN TREFZ: The applicant is
7 here, correct?

8 MR. PAOLI: Yes.

9 CHAIRMAN TREFZ: Would you like to
10 address us?

11 MR. PAOLI: I would, yes.

12 CHAIRMAN TREFZ: Please state your
13 name and your address and that you have been
14 sworn in.

15 MR. PAOLI: Yes. Okay. My name
16 is Marcus Paoli. I live at 2194 Pleasant
17 Colony Drive, Lewis Center, Ohio. And yes, I
18 have been sworn in.

19 CHAIRMAN TREFZ: Thank you.

20 MR. PAOLI: Okay. So, first of
21 all, thanks for having me out here tonight. I
22 appreciate it.

23 My name is Marcus Paoli. I'm
24 going to give you a little bit of background

1 about myself. I am an Army Veteran. I went
2 in when I was 17, did my time, got out. I
3 have been a Corrections Officer for the State
4 of Ohio. I've been a sniper for the State of
5 Ohio, before going to the Sheriff's Department,
6 which is where I work now in downtown, Franklin
7 County, so I'm a Franklin County Sheriff's
8 Deputy. That being said, I've been with them
9 for almost 12 years. I've been on the Rescue
10 Dive Team with them. So I'm very involved with
11 everything that I do.

12 And on the other side of that,
13 too, and this business, I am very particular,
14 if you can imagine, of who I would be allowing
15 into my home anyway. I have three young
16 girls. They all go to school locally at
17 Freedom Trail and Orange Middle School. So
18 any concerns in that department, I think, with
19 my background, would be checked off our list,
20 or at least I hope they would be. Enough
21 about the background, I guess.

22 So I started tattooing as kind of
23 an art form for myself to -- I don't know,
24 I've always been involved in art, some kind of

1 art, sketching, drawing, painting. I do that
2 with my kids as well. And since I started
3 tattooing, I've also kind of shown them how to
4 do it as well. They like doing it. It's an
5 outlet for me, and a very good one, I think.
6 And also, to the people who I have tattooed
7 before, I've tattooed myself, I've tattooed my
8 wife, I've tattooed close friends, which that
9 is all of who would be coming to my home
10 anyway because I'm not going to let complete
11 strangers into my home. So it's all going to
12 be word of mouth.

13 Like we said in the packet,
14 there's not going to be any signage. I work
15 full time, sometimes more than full time,
16 because I do a lot of overtime. So it's only
17 going to be a Saturday and Sunday business by
18 word of mouth, basically. And I'm just too
19 busy during the week with my girls and home
20 life anyway.

21 So, going back to that, the people
22 who I have tattooed, I also want to get into
23 tattooing to help people heal, if that makes
24 any sense. Like one close friend of ours that

1 I tattooed, I did a sleeve, or a partial
2 sleeve, to cover up some scars from self-harm,
3 and that was a healing thing that her and I
4 got to do together. And she was grateful for
5 me to do it, but I was also grateful to be a
6 part of that for her. And some goals and
7 aspirations, I would like to get into
8 mastectomy tattooing because that is another
9 very, very difficult process for women to get
10 over.

11 But, other than that, like I said,
12 it's an outlet for me, and I think that's the
13 main reason why I got into it in the first
14 place. It's an art form. And I honestly can
15 say it's not going to generate traffic, maybe
16 one car one day a weekend because that's all
17 that I can actually have time for. You know,
18 I would like to think that people selling on a
19 Facebook Marketplace would generate way more
20 traffic than I ever would with this business.

21 I don't know what else to say,
22 actually. Do you guys have any questions for
23 me?

24 CHAIRMAN TREFZ: I do.

1 MR. PAOLI: Okay.

2 CHAIRMAN TREFZ: You said there's
3 parking. Where is the parking.

4 MR. PAOLI: Well, in the
5 neighborhood, we can park up front, along the
6 curb or in our driveway.

7 CHAIRMAN TREFZ: Okay.

8 MS. SUNDAR: So it's just a
9 regular, like --

10 MR. PAOLI: We don't have anything
11 in excess, no, to a normal residential
12 parking.

13 MS. SUNDAR: Normal residential
14 parking.

15 MR. PAOLI: Right.

16 MS. SUNDAR: There is no, like,
17 visitors parking or any of the sort in the
18 community?

19 MR. PAOLI: There's not, no.

20 MS. SUNDAR: Okay. That was my
21 question, too. What is the timings we are
22 talking about in the weekend, like, what is
23 the timing you have planned?

24 MR. PAOLI: Well, I'm off

1 weekends. I have Saturdays and Sundays off,
2 so unless I'm doing overtime on my days off,
3 I'm home all day with my girls. So, I would
4 probably say anywhere between the hours of
5 10:00 and 7:00, 10:00 a.m. and 7:00 p.m.
6 Just because that's also what works for my
7 family life, and that's first and foremost the
8 priority, so.

9 MS. SUNDAR: Okay. Thank you.

10 CHAIRMAN TREFZ: Any questions?

11 MS. ROSS: No questions.

12 CHAIRMAN TREFZ: Alright. Thank
13 you.

14 MR. PAOLI: Thank you for your
15 time. Appreciate it.

16 CHAIRMAN TREFZ: Would anyone else
17 like to speak?

18 MS. ST. GERMAIN: My name is
19 Alecia St. Germain. I live at 2569 Pleasant
20 Colony Drive. I have been sworn in. I just
21 wanted to -- I live in the neighborhood and
22 there are many people who work from home, many
23 people who have home businesses. The reason
24 that they need to apply for this is so that

1 they can be completely compliant with the
2 health board and do everything above board.
3 And I just wanted to make sure that that was
4 conveyed as well, that this is not something
5 that doesn't happen in these neighborhoods.
6 It's just about being very compliant. That's
7 all I have.

8 CHAIRMAN TREFZ: Okay. Thank you.
9 Anyone?

10 MS. STITELER: My name is Kristyne
11 Stiteler. I live at 2909 Pleasant County
12 Drive. And I've been a resident there for 17
13 years now. And I appreciate the applicant's
14 service to the community as --

15 CHAIRMAN TREFZ: Were you sworn
16 in?

17 MS. STITELER: Yes, I was sworn
18 in.

19 CHAIRMAN TREFZ: Okay.

20 MS. STITELER: I appreciate the
21 applicant's service to the community and as a
22 Sheriff, but I do feel like this could be a
23 slippery slope to the neighborhood. To my
24 knowledge our HOA, I'm not on the board, but

1 our HOA says no home businesses. I feel like
2 if there's a zoning allowance for this, that
3 it could create more zoning allowances and
4 maybe undesirable activities that we would not
5 like in our neighborhood, so that's my
6 concern.

7 I understand that, you know, the
8 applicant says maybe one or two people coming
9 in, but what if his business grows and there's
10 more. We do have -- I'm on the end of
11 Pleasant County, that's a straight-a-way
12 towards Walker Woods Boulevard, and the
13 traffic is horrible there. The speed of
14 people is horrible there. It's going to be if
15 not -- it's going to be when not if an
16 accident happens in our neighborhood because
17 of the speeders, so that's a concern, too.
18 Again, if the business grows, or if other
19 businesses are allowed to make zoning changes
20 as well, what would happen to our
21 neighborhood? So, thank you for your time.

22 CHAIRMAN TREFZ: Thank you.

23 Anyone else? Yes, ma'am.

24 MS. MACKOVINE: Hi. I'm Lisa

1 Mackovine, 7740 Peck Court. I live in the
2 neighborhood. And I was sworn in. I have the
3 same concerns. We have other people in the
4 neighborhood; one who is trying to run a
5 repair shop on the corner, the other one who
6 supposedly runs beauty shop out of her house.
7 If we give -- you know, it's a residential
8 community. Our values are all 550 and above.
9 If we start allowing this, it's going to
10 create a slippery slope and let other people,
11 why not me, why can't I run a business out of
12 my house? And that's -- I just want to
13 protect our values in the neighborhood. I'm
14 in the real estate industry. And if there's a
15 lot of business, it will create traffic, and
16 could affect our values as well.

17 CHAIRMAN TREFZ: Thank you.

18 MS. ST. GERMAIN: Alecia St.
19 Germain, 2569 Pleasant Colony Drive. I have
20 been sworn in. I know that we're not here to
21 bring in the HOA piece. That's something that
22 has to be worked out with the HOA. But as
23 you're considering, I do want you to
24 understand that the HOA does actually allow

1 businesses. They do not allow businesses to
2 be run in the neighborhood that generate
3 traffic and follow many of the same guidelines
4 that were just covered regarding signage and
5 parking and traffic, and so there's actually
6 in our HOA, which I have here, if you need to
7 see that, as you're considering, that that's
8 actually something that they would have to
9 work out with the HOA and also that our HOA
10 actually has exceptions that allow for home
11 businesses, as long as they operate under
12 certain guidelines.

13 CHAIRMAN TREFZ: Thank you.

14 MS. STITELER: Kristyne Stiteler,
15 2909 Pleasant Colony Drive. And I understand
16 what she's saying. However, in our HOA, I
17 believe it's 70 or 75 percent of the residents
18 need to respond to a vote to make any changes.
19 When the high school approached us about
20 buying some of our land for practice fields,
21 our HOA leaders did a fabulous job of trying
22 to get everybody involved and get the votes
23 needed, whether yes or no, and they still
24 couldn't even get 70 percent people responding

1 to that. So, if they can't respond to that
2 for our schools, then I'm not sure how they're
3 going to respond to this. So, it doesn't seem
4 like the HOA has much power. There's been
5 other issues in the HOA that they've been
6 frustrated with. So, the zoning, I think,
7 would help protect us.

8 CHAIRMAN TREFZ: But the zoning
9 provides for lots of things, so I understand
10 what you're saying. Thank you.

11 MS. STITELER: Thank you.

12 MS. DONNAN: And Board, I think it
13 has been touched on, but just to really
14 reiterate, obviously, you folks are charged
15 with enforcement of the zoning resolution, the
16 homeowners association, the deed restrictions,
17 the declaration, that's obviously something
18 else, and that's something that the owner is
19 responsible -- he's got to comply with both.
20 But obviously, for your purposes, your concern
21 is the Zoning Resolution. So, again, I think
22 all valid comments and all that sort of thing,
23 but just to put a finer point on it all.

24 CHAIRMAN TREFZ: Ma'am in the

1 front.

2 MS. JONES: I wasn't sworn in. I
3 didn't raise my hand.

4 MR. GAYETSKY: Sure. You can go
5 ahead and do that.

6 CHAIRMAN TREFZ: Anyone who
7 intends to testify, please raise your right
8 hand and be sworn. Do you solemnly swear that
9 the testimony you shall give is the truth, the
10 whole truth, and nothing but the truth? State
11 "I do." And when it's your turn to testify,
12 state your full name and address and affirm
13 that you've been sworn in.

14 MS. JONES: I do. Yvonne Jones,
15 2187 Ben Brush Place, Lewis Center. And I was
16 sworn in. I just have a couple, I guess,
17 questions for clarification. The information
18 that is presented tonight on the application,
19 should the person decide, or business decide
20 to change, do they come back to request an
21 amendment to the application? And I'm
22 specifically thinking about there's no sign
23 now, what if they decide to put up a sign
24 later, must they come back? That's my first

1 question.

2 CHAIRMAN TREFZ: Eric, do you want
3 to field that one?

4 MR. GAYETSKY: Sure. Just to
5 drill down to the sign that is described as
6 No. 2 of Section 10.04(a) Criteria. And I'll
7 read it again so everyone is on the same page.
8 Only one sign not larger than six square feet
9 and four feet in height above grade of the
10 surrounding yard may be erected advertising
11 the home occupation. The sign may be located
12 at eye level, if mounted flat against the
13 building. The sign shall be of a design
14 compatible with residential character and
15 shall not be animated or lighted.

16 So, I think as long as they're in
17 compliance with that piece of Code, that's one
18 thing. But if we're talking about expanding
19 the business to be a bigger format than what
20 is being presented tonight, that -- so there
21 is code kind of in the heading of Section
22 10.04. It says that, if, generally, unless
23 the conditional -- let's see. So, they shall
24 be required to reapply for a continuation

1 and/or modification of such use of the -- from
2 the Board of Zoning Appeals. I'm trying to
3 see exactly where it states that when changes
4 are made to make it larger, they would need to
5 come before the Board again, but I'll see if
6 maybe Julie wants to step in.

7 MS. DONNAN: Yeah. And I agree
8 with Eric said. But at the end of the day,
9 what the applicants have submitted, that's
10 what the Board is being asked to approve. If
11 it is the will of the Board to approve the
12 application, that's what they're getting
13 approval for. If they want to change that,
14 they have to come back to the Township, so it
15 would be a bigger footprint. If it would be a
16 change in the business itself, all of those
17 things, they would have to come back. It's
18 not a situation of, I've got a home occupation
19 permit, I can now have any home occupation
20 there. It's just what they've presented,
21 that's what they would have approval for.

22 MS. JONES: That answers my
23 question.

24 CHAIRMAN TREFZ: Okay.

1 MS. JONES: I also, I have a
2 concern. We've been residents for 24 years,
3 and we have watched our development grow. And
4 I'm talking about growing in the sense of
5 toddlers to becoming preteens to now they're
6 drivers. So parking is a concern, because we
7 do have now there are multiple cars and homes,
8 from whereas 24 years ago it might have been
9 just one or two working. Now it's three and
10 four and parking on the street. And that's in
11 our entire development, so that is a concern.

12 CHAIRMAN TREFZ: Okay. Thank you.
13 Yes, sir.

14 MS. ROSS: Eric, I have a question
15 for you with regard to that. Under No. 6 it
16 says, in your Staff Review, it says all
17 parking demands created by the conduct of a
18 home occupation shall be met off the street.
19 So that means there will be no customer
20 parking on the street; is that correct?

21 MR. GAYETSKY: Yeah, that's a
22 correct interpretation of that. And so there
23 is a driveway, that driveway presents the
24 opportunity to park in it with enough space

1 for at least side by side vehicles.

2 CHAIRMAN TREFZ: Okay.

3 MS. ROSS: But they would not be
4 permitted to have customers parking on the
5 street. I mean, we can't enforce it, but --

6 MR. GAYETSKY: Yeah, parking
7 demand shall be met off of the street,
8 correct.

9 MS. ROSS: Okay. Thank you. I
10 just wanted you to clarify that.

11 MR. PAOLI: Marcus Paoli again,
12 2194 Pleasant Colony Drive, Lewis Center,
13 Ohio. I just wanted to address a couple
14 things that were said. As far as growth, like
15 I said before, I have a full-time, more than
16 80 hour -- or a 40-hour week job. Growth is
17 impossible for me right now. And I have
18 roughly 13, 14 more years until I retired.
19 And at that point, if I wanted to pursue
20 tattooing any more, then that would be a whole
21 different ball game. And I probably wouldn't
22 do it from home anymore because I wouldn't
23 have to be at home with young kids.

24 Like I said, I have almost

1 probably, roughly 13, 14 years before I even
2 retire from the Sheriff's Department. So
3 growth is -- it's really not an option for me,
4 period. So it would, like I said before, it
5 would be one person, one day on either a
6 Saturday or a Sunday parking in our driveway.
7 It would be like a friend coming over for a
8 cup of coffee or a hangout at night. We've
9 been in the neighborhood almost 11 years now.
10 We moved in in '14, so yeah, something like
11 that, November of '14. We keep to ourselves.
12 I always tell my surrounding neighbors, we
13 don't generate -- we don't have a lot of
14 people over all the time.

15 So, I would hope that that would
16 kind of cure any misconceptions about a
17 full-time tattoo shop with a parking lot and
18 who knows who's coming into the tattoo shops.
19 These will be close friends, close relatives,
20 friends of friends, word of mouth, no signage,
21 no advertising, simply word of mouth.

22 What were the other concerns?

23 Sorry. The parking -- I think that's it.
24 yeah. And the only reason why this has been

1 brought to our attention and to this Township
2 anyway is so that we can do it the right way.
3 I'm a Deputy Sheriff. I like follow the
4 rules, so I'm trying to do things the right
5 way. Otherwise, I could have been just doing
6 it in my house for who knows how long and
7 nobody would ever be the wiser because there's
8 nobody coming over, not big groups of people.
9 And I just want to do things lawfully, the
10 right way, with approval, and especially for
11 the close friends and family that I do have
12 come over and be like, yeah, you know, I did
13 that. I got my certification. I got approval
14 from the Board. I got Delaware County Health
15 approval and it's all set to go. You have
16 nothing to worry about. So, thank you very
17 much.

18 CHAIRMAN TREFZ: Okay. Thank you.

19 Yes, ma'am.

20 MS. MACKOVINE: I just want to
21 add -- Lisa Mackovine, 7740 Pack Court. What
22 I'm afraid of is our HOA has no power and
23 precedent, like I said before that this sets.
24 In our HOA we're not allowed to have rentals.

1 People are renting their house. I live in a
2 double court. So the neighbor across the
3 street rented their house. The people they
4 rented to were running a church out of their
5 house. Every weekend we had 40 cars parked in
6 our courts that we could not even get an
7 emergency vehicle out. The HOA was helpless.
8 And that's why I'm hoping that you will not
9 start precedent of people running businesses
10 out of their house in a residential
11 neighborhood. Thank you.

12 MS. ROSS: Would you mind speaking
13 to the difference between a hearing here and
14 that we -- the way we address each case and
15 how precedence works.

16 MS. DONNAN: Absolutely. So, Ms.
17 Ross asked me to speak about precedent,
18 because that's a concern that comes up
19 frequently in these types of hearing. That if
20 you permit one thing, it just blows the door
21 open so the next person that comes in and asks
22 for something, you know, the concern is that
23 you have to grant it. And that's not the
24 case, especially with respect to Conditional

1 Uses. The purpose of a Conditional Use is the
2 Township has identified certain things in
3 certain zoning districts can be permitted and
4 approved and appropriate in certain
5 situations, if they meet the specific
6 guidelines. And if, for the BZA's purpose, if
7 a proposed -- a home occupation is identified
8 as a Conditional Use and if that use meets the
9 criteria, then the Board shall approve it.
10 But each application is different, just like
11 each home occupation is like each business.
12 Again, you can imagine a situation that, well,
13 and I think the applicant walked through a
14 couple of different scenarios where an at-home
15 tattoo establishment could look different in a
16 variety of ways.

17 So, it's a valid concern that if
18 the Board takes action tonight, that will set
19 a precedent one way or another, but at the end
20 of the day, your legal obligation is to review
21 each application on its own, to determine
22 based on the evidence and testimony provided
23 if it meets the criteria set forth in the
24 Code.

1 CHAIRMAN TREFZ: Thanks.

2 MR. GAYETSKY: Since we were going
3 through some public comment, if the Board
4 would like to hear the email comment from the
5 public that I received. I have four pieces of
6 public comment that I can share. And I will
7 also mention that these all should be printed
8 off and in your packets.

9 So, the first was -- or let's say.
10 I should say from 2204 Pleasant Colony Drive
11 owner, the owner Raj Yadav. He states, Dear
12 Zoning Board, I'm writing to offer my support
13 for Paoli use as they pursue approval for
14 their in home business. I have had the
15 pleasure of knowing them for four years and
16 can vouch for their integrity and commitment
17 to our community. Both Marcus Paoli and
18 Candis Paoli are dedicated First Responders,
19 which speaks to their strong character and
20 work ethic. I believe that this business will
21 have minimal impact on our neighborhood, as it
22 will operate as a side job. It is unlikely to
23 generate significant traffic or noise. I
24 trust that Paolis will conduct their business

1 in a way that respects the peace and well
2 being of our community. Thank you for
3 considering my endorsement of the Paolis
4 adventure.

5 The next one is from Mary Geller
6 at 2193 Pleasant Colony. She states, Dear
7 Zoning Board, I am writing to express my
8 support for Marcus and Candis Paoli as they
9 seek their approval of their in-home business.
10 Having known them for over nine years, I can
11 confidently say that they are upstanding
12 members of our community and both serving as
13 First Responders in their primary careers. I
14 believe this business will not impact our
15 neighborhood negatively, as it is intended to
16 be a side job and will likely not increase
17 traffic or disturbance in our area. Marcus
18 and Candis Paoli are responsible individuals
19 and I trust that they will manage their
20 business in a way that is considerate of all
21 neighbors. Thank you for considering my
22 support of Marcus and Candis Paolis' endeavor.

23 All right. And the third one
24 from, I noted this, although, it's on the

1 email 2207 Pleasant Colony Drive, Krista
2 Lowther. To whom it may concern, as a
3 neighbor of the apparent family, referring to
4 the Paoli family, I want to share that there
5 are no concerns about the new in-home
6 business.

7 And then the one that I received,
8 the last one that I received is from Thomas
9 Bechtel at 2186 Pleasant Colony Drive. He
10 states, I recently received notice of public
11 hearing about one of my neighbors requesting a
12 zoning variance on their property. I spoke
13 with them. They explained the situation. I
14 don't have concerns. I do have a couple of
15 points that I'd like to clarify from the
16 Township's perspective, what specific
17 limitations does this change require them to
18 abide by and what happens when they are no
19 longer owning the property? Does it retain
20 the new zoning or does it revert back to the
21 original SFPRD zone? And I responded to that
22 and stated, number one, Section 10.04 outlines
23 all of the criteria for consideration. So I
24 copied and sent him 1 through 9 for his

1 review. And then to speak to what happens if
2 they no longer own the property, you can think
3 of Conditional Use as running along with the
4 property unless specific conditions are put on
5 that Conditional Use to state that it would
6 not continue with the transference of the
7 property to new ownership. And what I wanted
8 to say to that is, I'll read the text for you
9 for your awareness, Conditional Uses shall be
10 considered and declared abandoned if said use
11 or uses are not commenced within one year or
12 are discontinued for a period in excess of two
13 years, unless the Conditional Use Permit
14 specifically provides that the grant shall be
15 permanent and shall run with the land, the
16 sale or conveyance of the land or structure,
17 wherein the same is located or upon which the
18 same is granted shall avoid the Conditional
19 Use Permit and the subsequent owners or his
20 agent shall be required to reapply for
21 continuation or modification of such use to
22 the Board of Zoning Appeals. So it's
23 ultimately up to you if you want to put the
24 condition or conditions on this Conditional

1 Use. But I hope -- if you wanted to kind of
2 reword what I, repackage what I said, but
3 that's how I was interpreting that it would
4 run with the land unless conditions were put
5 on it otherwise.

6 MS. DONNAN: Yeah, I think that
7 that's a -- I think the language of your
8 Zoning Resolution does permit the Board to, if
9 the will is to approve the application, you
10 are able to put additional conditions on the
11 approval. And one of those conditions can be
12 that the approval sticks with this property
13 owner and if the property is sold, the
14 Conditional Use Permit is null and void. And
15 if someone, the next owner of the property, if
16 they want to have the same home occupation,
17 they would have to come back here and reapply
18 and hold a hearing and all of that.

19 MR. GAYETSKY: And that's all I
20 have for the public comment.

21 CHAIRMAN TREFZ: Wouldn't this
22 same be true if they wanted to change business
23 or increase the square footage used or
24 anything like that, right?

1 MS. DONNAN: Absolutely.

2 CHAIRMAN TREFZ: Okay.

3 MS. DONNAN: So the application in
4 front of you is what they have -- they're
5 asking approval for. If they want to expand
6 that, expand the footprint in their house,
7 they want to change the business, they would
8 have to come back here. And everyone --
9 again, the same notices would go out, so the
10 community would be notified the same way.
11 Yep.

12 And in terms of next steps, again,
13 I know it's been a while since I've been out
14 here, you know, obviously the Board can
15 continue to ask questions. If you want to ask
16 the applicant if he has additional feedback
17 based on the public comment, that would be
18 fine. And then, just as a reminder, the Board
19 does have the ability to go into private
20 deliberations, if you'd like to, so.

21 CHAIRMAN TREFZ: Ma'am.

22 MS. JONES: Just one other
23 statement, well, maybe a couple. But thank
24 you for the clarification as far as the

1 homeowners and the trustee. Now I do have an
2 understanding of that. And I also wanted to
3 -- I can't quite get in my head the difference
4 between what he's asking, the conditional and
5 if someone had a childcare in their home, or
6 they actually, I'll just say babysitting that
7 goes on in their own home. Because our --

8 CHAIRMAN TREFZ: Ma'am, would you
9 state your name?

10 MS. JONES: I'm so sorry. Yes.
11 Yvonne Jones, 2187 Ben Brush Place.

12 CHAIRMAN TREFZ: Thank you.

13 MS. JONES: Okay. The difference
14 between those because I truly do believe, and
15 I have to, you know, I'm trying to be
16 equitable with this, thinking about the
17 homeowners, but also thinking about my
18 neighbor. Everything that he said was true.
19 You know, our yards have been bordering. My
20 husband keeps nudging me with, it's okay, so I
21 had to come up and say that and get that
22 verification.

23 MS. DONNAN: So, and obviously I
24 can't speak to if there's a particular

1 situation that --

2 MS. JONES: There's not.

3 MS. DONNAN: Oh, okay. Okay. But
4 so a, you know, a daycare in a home, I mean,
5 the -- so what your Zoning Resolution
6 anticipates a situation where somebody has a
7 home and they want to operate some type of
8 business out of their home. It doesn't --
9 your Zoning Resolution doesn't specify what
10 type of business that could be. There aren't
11 really limitations on that, to provide folks
12 with the flexibility of what business looks
13 like these days. But certainly somebody who
14 wanted to operate a -- I don't want to say
15 babysitting because that sounds so small, but
16 more of a daycare facility. They would also,
17 you know, they could, if it was a true daycare
18 facility, you know, they could apply for a
19 home occupation. They'd be subject to the
20 same criteria and that type of thing.

21 MS. JONES: Okay. Thank you.

22 That's what I wanted to know.

23 MS. DONNAN: Not a problem.

24 CHAIRMAN TREFZ: You're welcome.

1 Anyone else?

2 MS. ROSS: I'd like to move that
3 we enter into Private Deliberations.

4 CHAIRMAN TREFZ: I'll second that.

5 MR. GAYETSKY: Alright. Let's
6 take a vote, to enter into Private
7 Deliberation made by Ms. Ross, seconded by Mr.
8 Trefz. Those voting:

9 Ms. Ross.

10 MS. ROSS: Yes.

11 MR. GAYETSKY: Mr. Trefz.

12 CHAIRMAN TREFZ: Yes.

13 MR. GAYETSKY: Ms. Sundar.

14 MS. SUNDAR: Yes.

15 CHAIRMAN TREFZ: We'll be right
16 back.

17 (Enters into Private
18 Deliberations.)

19

20 CHAIRMAN TREFZ: I move that we
21 come back into session.

22 MS. ROSS: I second.

23 MR. GAYETSKY: Moved to come back
24 into session made by Mr. Trefz, second by Ms.

1 Ross. Those voting:

2 Ms. Ross.

3 MS. ROSS: Yes.

4 MR. GAYETSKY: Mr. Trefz.

5 CHAIRMAN TREFZ: Yes.

6 MR. GAYETSKY: And Ms. Sundar.

7 MS. SUNDAR: Yes.

8 MR. GAYETSKY: Okay.

9 CHAIRMAN TREFZ: Last chance for
10 any comments. Okay.

11 I move to approve, based on these
12 factors, I move to approve Case No. CU-24-32
13 for the property located at 2194 Pleasant
14 Colony Drive, Lewis Center, Ohio, 43035,
15 seeking a Conditional Use from Section
16 10.04(a) of Orange Township Zoning Resolution
17 to allow for the operation of a home
18 occupation, in-home body art and tattoo
19 business, as outlined in the request above and
20 in the area zoned Single Family Planned
21 Residential District, SFPRD, subject to -- we
22 have two conditions. Number 1 is, the
23 Conditional Use Permit shall not run with the
24 land and shall terminate upon the sale or

1 conveyance of the land to another owner.

2 Number 2, all parking shall be within the
3 driveway and shall not be on the public
4 street.

5 MS. SUNDAR: I second.

6 MR. GAYETSKY: Motion to approve
7 with the two conditions, subject to the two
8 conditions made by Mr. Trefz, seconded by Ms.
9 Sundar. Those voting:

10 Mr. Trefz.

11 CHAIRMAN TREFZ: Yes.

12 MR. GAYETSKY: Ms. Sundar.

13 MS. SUNDAR: Yes.

14 MR. GAYETSKY: And Ms. Ross.

15 MS. ROSS: Yes.

16 MR. GAYETSKY: That Motion
17 carries.

18 CHAIRMAN TREFZ: Thank you. That
19 is the end of our official business, right?

20 MR. GAYETSKY: Yes.

21 CHAIRMAN TREFZ: Except we have a
22 few things to talk about, minutes and things.

23 MR. GAYETSKY: Sure. And I want
24 to mention with Mr. Pax here, he's welcome to

1 take a seat. I think we'll have a brief
2 discussion about minutes tonight, because I
3 hadn't heard from all of you on the minutes,
4 but we can allow Mr. Pax a seat.

5 CHAIRMAN TREFZ: And thank you
6 all. You do not have to stay for the boring
7 part of the meeting.

8 MR. GAYETSKY: So, I have just the
9 September minutes because those were the most
10 recent ones. September should be the most
11 recent ones.

12 CHAIRMAN TREFZ: Yes.

13 MR. GAYETSKY: And you all have
14 received those. If you wanted more time to
15 review, no problem at all. So I just wanted
16 to open it up to the Board to get your
17 opinion.

18 MS. ROSS: I have not reviewed
19 them. If other members of the Board are okay
20 moving forward with it, that's fine with me.

21 MR. PAX: I reviewed and had one
22 typo and I didn't find any other errors within
23 the minutes.

24 MR. GAYETSKY: Just to confirm,

1 Ms. Ross, she stated that she hasn't reviewed;
2 however, if the other Board Members are
3 feeling okay with approving those September
4 minutes, she is open to that as well.

5 CHAIRMAN TREFZ: Okay. Hang on a
6 second.

7 MR. PAOLI: Do I need anything? I
8 don't know the process from here on out.

9 MR. GAYETSKY: Well, we don't have
10 any kind of permit filing or anything like
11 that. We will be sending out a response
12 letter to confirm the outcome of tonight and
13 that will include the conditions as well. So,
14 you can expect to receive that via the mail.
15 If you need a digital copy, we'll get that to
16 you as well.

17 MR. PAOLI: Awesome. Thank you.
18 Thank you all for your time. I really
19 appreciate it. Have a good night.

20 CHAIRMAN TREFZ: You're welcome.

21 MS. SUNDAR: I'm okay to move on.

22 MR. PAX: I am also.

23 CHAIRMAN TREFZ: Okay. So we can
24 approve the Minutes as amended?

1 MR. GAYETSKY: Yep. And I did
2 receive at least one comment, so I'll double
3 check if there were any amendment. I mean,
4 they were all pretty short, so yep, you can
5 feel free to make a Motion on those lines.

6 CHAIRMAN TREFZ: Okay. I move
7 that we accept the September Minutes as
8 amended.

9 MS. ROSS: I second.

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

12 Those voting:

13 Mr. Trefz.

14 CHAIRMAN TREFZ: Yes.

15 MR. GAYETSKY: Ms. Ross.

16 MS. ROSS: Yes.

17 MR. GAYETSKY: Ms. Sundar.

18 MS. SUNDAR: Yes.

19 MR. GAYETSKY: And Mr. Pax.

20 MR. PAX: Yes.

21 MR. GAYETSKY: All right. And
22 those minutes are now approved. I don't have
23 any other items on the Agenda tonight.

24 CHAIRMAN TREFZ: All right. Do I

1 hear a Motion to adjourn?

2 MS. ROSS: I so move.

3 MR. PAX: Second.

4 MR. GAYETSKY: All in favor.

5 MEMBERS: "Aye."

6 CHAIRMAN TREFZ: That's one that's
7 almost assured. It always passes.

8 MR. GAYETSKY: Meeting adjourned.

9 (Thereupon, the proceedings
10 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 13th day of December 2024.



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

My Commission expires May 14, 2027.

- - -