

## Board of Zoning Appeals

1 Application #'s VA-18-03, CU-18-04, VA-18-05,  
2 VA-18-06 & VA-18-07

March 22, 2018

### LEGAL NOTICE

6 Notice is hereby given that the Orange Township Board of Zoning Appeals will hold a public hearing  
7 on Thursday, March 22, 2018, beginning at 7:00 p.m. to consider the following application/s:

9 **Variance Application #VA-18-03. 3 Pillar Homes.** Requesting an Area Variance from the approved  
10 Development Data Chart is Zoning Application #19680 of Jones/Lewis Center LLC to remediate the  
11 construction of a raised concrete patio that fails to meet the rear yard setback requirement in an area  
12 zoned Single Family Planned Residential (SFPRD) District. The subject property is located at 2475  
13 McCumber Lane, Lewis Center OH 43035, being Lot Number 7740 of Meadows at Lewis Center  
14 Section 1 Phase B Part 1 subdivision, and having permanent parcel number 318-210-12-027-000.

16 **Conditional Use Application #CU-18-04. Sean Clark.** Requesting a Conditional Use from Section  
17 22.04(a) of the Orange Township Zoning Resolution to allow the construction of a monument style  
18 free standing sign in an area zoned Planned Industrial (PI) District. The subject property is located at  
19 101 Green Meadow Drive, Lewis Center OH 43035, being Lot Number 412 of Green Meadows  
20 Business Center subdivision, and having permanent parcel number #318-342-03-014-000.

22 **Variance Application #VA-18-05. JK 2010 Properties LLC.** Requesting an Area Variance from the  
23 approved Development Plan in Zoning Application #547 of Metzger Brothers Company Inc to  
24 remediate the construction of four (4) decks that fail to meet the rear yard setback requirement in an  
25 area zoned Multi Family Planned Residential (MFPRD) District. The subject properties are located at  
26 47, 53, 57, and 61 Ravine Ridge Drive, Powell OH 43065, being Lot Numbers 600, 601, 602 and 603 of  
27 Highmeadows Village subdivision, and having permanent parcel number #318-323-07-135-000, 318-  
28 323-07-134-000, 318-323-07-133-000 and 318-323-07-132-000.

30 **Variance Application #VA-18-06. Robert D. Little.** Requesting an Area Variance from Section  
31 7.06(a) of the Orange Township Zoning Resolution to allow the construction of a garage that will fail to  
32 meet the required side yard setback requirement in an area zoned Farm Residential (FR-1) District. The  
33 subject property is located at 6680 Africa Road, Galena OH 43021, and having permanent parcel  
34 number #318- 411-03-001-003.

36 **Variance Application #VA-18-07. Northstar Realty.** Requesting an Area Variance from Section  
37 21.01(a) of the Orange Township Zoning Resolution to allow the construction of a parking lot that will  
38 fail to meet the parking dimension requirements in an area zoned Planned Commercial and Office  
39 (PCD) District. The subject property is located east of US 23 and south of Olentangy Crossings, being  
40 Lot Number 7510 of Olentangy Crossings Section 2 subdivision, and having permanent parcel number  
41 318- 220-01-058-023.

43 The hearing will be held at the Orange Township Hall, 1680 East Orange Road, Lewis Center,  
44 Ohio, 43035.

46 The applications and plans are available for inspection for a period of at least 10 days prior to the  
47 hearing at the Orange Township Zoning Office, 1680 East Orange Road, Lewis Center, Ohio, 43035.  
48 Zoning Office hours are Monday through Friday, 8 a.m. to 4:30 p.m. except legal holidays.

49 Following this hearing the Board may have a meeting for general purposes to consider such business  
50 as may properly come before it including, but not limited to, consideration and/or approval of

## Board of Zoning Appeals

51 minutes, scheduling future hearing dates for this or other applications and like matters.  
52 The person responsible for the publication of this notice is Michele Boni, Orange Township  
53 Zoning Department.

54  
55 *Genevieve Hoffman, Chairman*  
56 *Michele Boni, Orange Township Zoning Department*  
57

58 Please publish one time, on or before Monday, March 12, 2018 in The Delaware Gazette

59  
60 Mr. Ward called the hearing to order at 7:00 p.m.

61  
62 Roll: Bruce Ward, Jerry Miller, Rick Oster, Punitha Sundar, Victoria Jordan

63  
64 Ms. Boni: Before starting, I'd like to introduce our new Zoning Officer, Jeff Beard. He will be  
65 participating in a lot of our Board of Zoning Appeals meetings.

66  
67 Township Officials also present: Michael McCarthy, Township Counsel  
68 Michele Boni, Planning & Zoning Director  
69 Jeff Beard, Zoning Officer  
70 Laney Ellzey, Planning & Zoning Intern

71  
72 Mr. Ward: I understand that we have one application that's been rescheduled.

73  
74 Ms. Boni: Yes. Earlier today we received an email from the applicant from 3 Pillar Homes requesting  
75 the variance to be tabled until the next meeting. The reason behind that is they were not able to have a  
76 representative come this even

### 77 MOTION TO TABLE VARIANCE APPLICATION #VA-18-03

78  
79  
80 Mr. Ward made a motion to table Variance Application #VA-18-03, 3 Pillar Homes, until Thursday, April  
81 19, 2018 at 7:00 p.m.; seconded by Mr. Oster.

82  
83 Vote on Motion: Mr. Ward-yes, Mr. Miller-yes, Mr. Oster-yes, Ms. Sundar-yes, Ms. Jordan-yes  
84 Motion carried

85  
86 Hearing continued with Conditional Use Application #CU-18-04

87  
88 Minutes prepared by Cindy Davis, Zoning Secretary

89  
90 On May 24, 2018, Mr. Ward made a motion to approve the meeting minutes of the Orange Township  
91 Board of Zoning Appeals for Variance Application #VA-18-03, 3 Pillar Homes, dated March 22, 2018 as  
92 written; motion seconded by Mr. Oster.

93  
94 Vote on motion: Mr. Ward-yes, Mr. Oster-yes, Ms. Sundar-yes

95  
96 Motion carried

97  
98

## Board of Zoning Appeals

1 Application #CU-18-04

March 22, 2018

2  
3 Mr. Ward: Since we have a number of cases before us this evening, as the applicant comes up to make  
4 their case, we will swear you in on an individual case-by-case basis rather than doing a mass swearing as  
5 we have done in the past.

6  
7 **Conditional Use Application #CU-18-04, Sean Clark.** Requesting a Conditional Use from Section  
8 22.04(a) of the Orange Township Zoning Resolution to allow the construction of a monument style  
9 free standing sign in an area zoned Planned Industrial (PI) District. The subject property is located at  
10 101 Green Meadow Drive, Lewis Center OH 43035, being Lot Number 412 of Green Meadows  
11 Business Center subdivision, and having permanent parcel number #318-342-03-014-000

12  
13 Mr. Beard presented the Staff Report and presentation. The sign meets all requirements of Section  
14 22.04(a) of the Orange Township Zoning Resolution.

### 15 **APPLICANT PRESENTATION/BOARD QUESTIONS & COMMENTS**

16  
17  
18 Oliver Holtsberry, filling in for Sean Clark this evening.

19  
20 A court reporter with Runfola Reporters administered the oath to Mr. Holtsberry.

21  
22 Mr. Holtsberry: There was an old sign put up there that you may be able to see in the corner of the  
23 drawing.

24  
25 Mr. Oster: It shows replacing a sign that was there prior?

26  
27 Mr. Holtsberry: Yes, the previous sign was not permitted and was constructed poorly. The only option  
28 we really have is to remove it and put a new sign there with an entire new foundation and put a steel pole  
29 there. The sign will be double sided, non-illuminated, colors were mentioned in Mr. Beard's report, do  
30 have the PMS colors marked out. The foundation will go 3-1/2' into the ground and the face of the sign  
31 will be painted aluminum, and the graphics on it where you see the Green Meadows Academy and 101  
32 will be 1/2" PVC and a little bit raised from the sub-straight. We also have a side angle that's only about  
33 4" deep since it's not illuminated and doesn't have lights inside of it.

34  
35 Mr. Ward: Michele, as Jeff mentioned, it does meet all of our requirements?

36  
37 Ms. Boni: Yes.

38  
39 Mr. Oster: It looks like it has 5 colors to me. That line going up to the building; is that a gray color or  
40 what is that?

41  
42 Ms. Boni: We counted 2 shades of green and 2 shades of blue.

43  
44 Mr. Oster: And then there's that. Even though 5 colors would be allowable, it looks like it has 5 colors.  
45 Is that correct?

46  
47 Ms. Boni: Yes.

48  
49 Mr. Ward: It still falls within our Code.

50  
51

## Board of Zoning Appeals

52 Mr. McCarthy: It will not be illuminated in any manner?

53

54 Mr. Holtsberry: It will not be.

55

56 Mr. McCarthy: Are you with the owner or the sign company?

57

58 Mr. Holtsberry: The sign company.

59

60 Mr. McCarthy: Will the sign withstand 30 pounds per square foot of wind pressure?

61

62 Mr. Holtsberry: I would have to check on that; I can't say for certain.

63

64 Ms. Boni: The wind load is on the exhibit in the packet; it says wind capacity of 90 mph.

65

66 Mr. McCarthy: As long as it's in the record; that's the question.

67

68 Mr. Holtsberry: The steel pipe will run thru the entire sign.

69

70 **MOTION TO APPROVE CONDITIONAL USE APPLICATION #CU-18-04**

71

72 Mr. Oster made a motion to approve Conditional Use Application #CU-18-04, Sean Clark, as presented;  
73 seconded by Mr. Miller.

74

75 Vote on Motion: Mr. Ward-yes, Mr. Miller-yes, Mr. Oster-yes, Ms. Sundar-yes, Ms. Jordan-yes

76 Motion carried

77

78 Hearing continued with Variance Application #VA-18-05

79

80 Minutes prepared by Cindy Davis, Zoning Secretary

81

82 On May 24, 2018, Mr. Ward made a motion to approve the meeting minutes of the Orange Township  
83 Board of Zoning Appeals for Conditional Use Application #CU-18-04, Sean Clark, dated March 22, 2018  
84 as written; motion seconded by Mr. Oster.

85

86 Vote on motion: Mr. Ward-yes, Mr. Oster-yes, Ms. Sundar-yes

87

88 Motion carried

89

## Board of Zoning Appeals

Application #VA-18-05

March 22, 2018

**Variance Application #VA-18-05, JK 2010 Properties LLC**, Requesting an Area Variance from the approved Development Plan in Zoning Application #547 of Metzger Brothers Company Inc to remediate the construction of four (4) decks that fail to meet the rear yard setback requirement in an area zoned Multi Family Planned Residential (MFPRD) District. The subject properties are located at 47, 53, 57, and 61 Ravine Ridge Drive, Powell OH 43065, being Lot Numbers 600, 601, 602 and 603 of Highmeadows Village subdivision, and having permanent parcel number #318-323-07-135-000, 318-323-07-134-000, 318-323-07-133-000 and 318-323-07-132-000.

Ms. Boni presented the Staff Report and presentation. Staff received a concern from the Delaware County Building Department regarding these decks. Upon further investigation, we realized permits were not filed at the time. We contacted the property owner and received a residential zoning permit for 4 of the decks, but after our review determined the decks were encroaching on the rear yard setback requirement of 20'. The applicant then submitted this variance request on February 21, 2018. I suggest the Board consider 4 different variance requests for each of the homes as it fluctuates within each of the units. The deck at 47 Ravine Ridge Drive has a rear yard setback of 19.5'; a variance of 0.5' is required. 53 Ravine Ridge Drive has a rear yard setback of 17.5'; a variance of 2.5' is required. 57 Ravine Ridge Drive has a rear yard setback of 19.5'; a variance of 0.5' is required. 61 Ravine Ridge Drive has a rear yard setback of 17.5'; a variance of 2.5' is required.

### **APPLICANT PRESENTATION/BOARD QUESTIONS & COMMENTS**

William Fergus, 4200 Regent Street, Columbus, Ohio 43219, attorney for JK 2010 Properties, LLC.

A court reporter with Runfola Reporters administered the oath to Mr. Fergus.

Mr. Fergus: My client needed to replace the decks on the rear of these rental properties. He contacted Josh Wiseman, who is the principle of MAC Services, the contractor who installed the decks, and is not with us tonight; Mr. James Bartlett is here on behalf of the contractor. I don't think he has a lot of firsthand knowledge and I've been told that the contractor's employee who was tasked with the project failed to obtain permits and is no longer with them as the result. My client did not know he violated the restrictions; if he knew, he wouldn't have done it. As far as the variances go, we're looking at 5% to about 12-1/2% variance based upon the 20' rear setback, which is relatively small. There's no real impact on the community; our property backs up to a reserve area. The neighbors all have decks, so these are very similar although they do vary in size quite a bit from unit to unit. If we don't get a variance, my client is going to have to have those decks replaced and hopefully the contractor will cooperate, but we don't know that for a fact.

Mr. Oster: Why couldn't these be trimmed down to meet the Code?

Jamie Bartlett, 3710 McCafferty Road, Rushville, Ohio 43150.

A court reporter with Runfola Reporters administered the oath to Mr. Bartlett.

Mr. Bartlett: If you look at the pictures on the screen and you go back to the decks that are built now, they have the 6x6 posts and they are 36" in the ground, so if we want to remove those, it would be a matter of pulling those completely out, and we would either have to take the decks completely down and rebuild completely or build a temporary wall underneath, dig down, take them out, and move everything

## Board of Zoning Appeals

51 back. The problem is, the utilities that run under, if we go back even further, we would actually be right  
52 on top of utilities.

53

54 Mr. Miller: This was a replacement of an existing deck and they replaced it in the same.....?

55

56 Mr. Bartlett: They weren't exactly the same size; I can't remember what the size was.

57

58 Mr. Fergus: I believe they were smaller.

59

60 Mr. Oster: They met the Code?

61

62 Mr. Bartlett: Yes.

63

64 Mr. Oster: I noticed they're kind of staggered.

65

66 Mr. Bartlett: That's the way all of them are. The buildings are kind of staggered, and they stagger with  
67 the buildings.

68

69 Mr. Oster: The ones that need the biggest variance look like they could be moved back to meet the other  
70 ones that are set back further. And there were no problems setting the posts on those?

71

72 Mr. Bartlett: The way the utilities run, there are electrical panels and right on the other side is another  
73 panel, so the way they're running in was the difference because there are actually 4 different meter bases  
74 set on that.

75

76 Mr. Oster: It seems that could be worked around and of course should have been thought of before they  
77 did it.

78

79 Mr. Ward: They should have gotten a permit and that probably would have given them their alternates.

80

81 Mr. Bartlett: I can't speak on the permits or anything like that; I didn't have anything to do with that  
82 issue. I'm just letting you know what it would take to fix this.

83

84 Mr. Miller: What would it cost to redo them?

85

86 Mr. Bartlett: It would probably cost at least a couple of thousand for each deck.

87

88 Ms. Jordan: And are you with the contractor?

89

90 Mr. Bartlett: Yes.

91

92 Mr. Ward: You indicated that it was in effect building new decks; taking these down and starting almost  
93 from scratch.

94

95 Mr. Bartlett: Pretty much is where you'd be at for us to do it safely.

96

97 Mr. Oster: You'd just have to take them down and reconfigure these decks; you wouldn't have to throw  
98 all that away.

99

100 Mr. Bartlett: The way they built them, they were built not to come down.

101

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102 Ms. Sundar: The temporary wall, would that be the first option?  
103  
104 Mr. Ward: The temporary wall I think was going to be a support wall so they could take that out.  
105  
106 Mr. Bartlett: Yes, it would be a support wall.  
107  
108 Ms. Sundar: That would cost the least, right?  
109  
110 Mr. Bartlett: Yes, maybe.  
111  
112 Ms. Jordan: How long have these decks been up?  
113  
114 Mr. Fergus: About 6 months.  
115  
116 Mr. Bartlett: I know Andy had submitted paperwork and stuff and had it all ok'd thru the HOA.  
117  
118 Mr. Fergus: Those are 2 different things.  
119  
120 Mr. Bartlett: But that was the only reason we went with that size of decks. If we would have known with  
121 a variance, Andy wouldn't have done them that big.  
122  
123 Mr. Miller: I don't understand why it would cost several thousand dollars for each one instead of putting  
124 a 6 x 6 in there as a support and just cut those out and move them, put 2 new ones in.  
125  
126 Mr. Oster: I agree. I think you could go in there with your end support to the length that you're going to  
127 make that, or the width, however you want to look at it, coming out from the building, put all that in  
128 place, put your supports in place under the new piece of wood and then cut off your overage.  
129  
130 Mr. Miller: A couple thousand dollars each seems excessive.  
131  
132 Mr. Fergus: Do you agree with that?  
133  
134 Mr. Bartlett: You would probably have a couple thousand dollars in it; we're going to have 4 guys out  
135 there for a whole week doing this, not to mention all the material costs.  
136  
137 Mr. Oster: He should have checked before he did it, especially if he was doing 4 of them. And he should  
138 have paid for permits. It would have alleviated his error most likely.  
139  
140 Mr. Ward: Although the impact to the setback may seem minimal, and certainly from your point of view  
141 I can understand that, but there is an impact there, there is a regulation in place and whether it was your  
142 former employee who operated out of ignorance perhaps, this, unfortunately is happening it seems more  
143 and more. This is not the first case of this type that we've had. Often times the impact is minimal so to  
144 look at it you think what's 1/2 foot, what's 2 feet here or there, but at some point we've got to say these are  
145 the regulations we have to make decisions about and that's why you're hearing a lot of questions about  
146 how did this happen and is there a mediation to this relatively simple short of tearing it all down and  
147 starting over from scratch. That's why I asked the question if that was the only option.  
148  
149 Mr. Bartlett: If you look at those decks from there to the road, it's like 100 yards away, so he was  
150 thinking that was all the property owned by them. The job supervisor that we had at the time told Josh  
151 that it was ok to do that and he didn't need a permit. If you would go back and look at anything MAC

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152 Services has ever done, we've always pulled permits on everything. If we knew we had to have permits,  
153 we would have done it. It's not that we were trying to get away with something; we weren't.

154

155 Mr. Fergus: It's just from my client's perspective one way or another this needs to be made right. The  
156 easier way would be for you all to take mercy on the contractor.

157

158 Mr. Oster: That's what everybody thinks, and we're seeing more and more of I'm just going to do it and  
159 then once somebody catches it, I'll beg for forgiveness.

160

161 Mr. Bartlett: I assure you we were not there.

162

163 Mr. Oster: You ended up doing it, so no matter how it was done, it's pretty much the same thing; had  
164 you just replaced what was there, you would have been ok.

165

166 Mr. Bartlett: We didn't know we couldn't make bigger decks...

167

168 Mr. Oster: There's where you needed the permit and to check to see where you were going with how  
169 large you were going.

170

171 Mr. Ward: What do you want to do with it?

172

173 Ms. Sundar: They need to alter it.

174

### **MOTION TO DENY VARIANCE APPLICATION #VA-18-05**

175

176  
177 Mr. Miller made a motion to deny Variance Application #VA-18-05, JK 2010 Properties LLC, for Lot  
178 600, 47 Ravine Ridge Drive for an area variance for failure to meet not only the permits but also the  
179 setback requirements; seconded by Mr. Oster.

180

181 Vote on Motion: Mr. Ward-yes, Mr. Miller-yes, Mr. Oster-yes, Ms. Sundar-yes, Ms. Jordan-yes  
182 Motion carried

183

184 Mr. Miller made a motion to deny Variance Application #VA-18-05, JK 2010 Properties LLC, for Lot  
185 601, 53 Ravine Ridge Drive for an area variance for failure to meet not only the permits but also the  
186 setback requirements; seconded by Ms. Sundar.

187

188 Vote on Motion: Mr. Ward-yes, Mr. Oster-yes, Mr. Miller-yes, Ms. Sundar-yes, Ms. Jordan-yes  
189 Motion carried

190

191 Mr. Miller made a motion to deny Variance Application #VA-18-05, JK 2010 Properties LLC, for Lot  
192 602, 57 Ravine Ridge Drive for an area variance for failure to meet not only the permits but also the  
193 setback requirements; seconded by Ms. Jordan.

194

195 Vote on Motion: Mr. Ward-yes, Mr. Oster-yes, Mr. Miller-yes, Ms. Sundar-yes, Ms. Jordan-yes  
196 Motion carried

197

198 Mr. Miller made a motion to deny Variance Application #VA-18-05, JK 2010 Properties LLC, for Lot  
199 603, 51 Ravine Ridge Drive for an area variance for failure to meet not only the permits but also the  
200 setback requirements; seconded by Mr. Ward.

201

202 Vote on Motion: Mr. Ward-yes, Mr. Miller-yes, Mr. Oster-yes, Ms. Sundar-yes, Ms. Jordan-yes



## Board of Zoning Appeals

203 Motion carried.

204

205 Hearing continued with Variance Application #VA-18-06

206

207 Minutes prepared by Cindy Davis, Zoning Secretary

208

209 On May 24, 2018, Mr. Ward made a motion to approve the meeting minutes of the Orange Township  
210 Board of Zoning Appeals for Conditional Use Application #CU-18-05, JK 2010 Properties, LLC, dated  
211 March 22, 2018 as written; motion seconded by Mr. Oster.

212

213 Vote on motion: Mr. Ward-yes, Mr. Oster-yes, Ms. Sundar-yes

214

215 Motion carried

216

217

## Board of Zoning Appeals

1 Application #VA-18-06

March 22, 2018

2  
3  
4 **Variance Application #VA-18-06, Robert D. Little**, Requesting an Area Variance from Section  
5 7.06(a) of the Orange Township Zoning Resolution to allow the construction of a garage that will fail to  
6 meet the required side yard setback requirement in an area zoned Farm Residential (FR-1) District. The  
7 subject property is located at 6680 Africa Road, Galena OH 43021, and having permanent parcel  
8 number #318- 411-03-001-003.  
9

10 Ms. Ellzey presented the Staff Report and presentation. The applicant is proposing to construct a 1661  
11 square foot accessory building with a side yard setback of 5', thus a variance of 20' is required.  
12

13 Ms. Boni: In addition to Laney's presentation, we received a letter from an abutting neighbor sharing their  
14 concerns and that was received on March 21, 2018.  
15

### **APPLICANT PRESENTATION/BOARD QUESTIONS & COMMENTS**

16  
17  
18 Robert D. Little, 6680 Africa Road, Galena, Ohio 43021.  
19

20 A court reporter with Runfola Reporters administered the oath to Mr. Little.  
21

22 Mr. Little: I would like to amend my request from a 5' total side yard setback to a 10 after I realized it  
23 inflamed my neighbor. I purchased this lot in 2016; the seller had already subdivided the lot, so the  
24 Sanitary and Health Departments had already decided on the most suitable locations for the primary and  
25 secondary leach fields. I attempted to push my home as far to the north as possible, leaving minimal  
26 room for the septic tank itself; my home has an attached 3 car garage. I have a few recreational items,  
27 such as boat, trailer, an off-road vehicle. When I first bought, I wanted to build an outbuilding; I figured I  
28 would just put it in the back but as I thought more about it, I felt like the outbuilding barn structure was  
29 not as desirable given the area that we live in, so that's what made me decide that a carriage garage built  
30 similar to the home would look better. Since I'm only left with 46' to the side of my property to the  
31 home, the current side yard requirement just doesn't allow for it. My options include the following: build  
32 a 1 car garage which wouldn't be sufficient to hold what I'd like to put in it which then in turn would  
33 mean I'd have to leave things outside and in plain view of my neighbor as well as the community. I could  
34 build a garage in front of the home but I think it would be undesirable to block the view of the home. It's  
35 probably not very customary building practices in most municipalities anyway. If I build nothing at all, I  
36 will probably end up having to store my vehicles outside, and they would be in plain view of the rear of  
37 my neighbor's home along with all of the community as well. I feel like it's potentially a theft issue as  
38 well because my neighbors have a boat they left outside, and it was stripped by thieves. With people  
39 running up and down to Alum Creek, that could be an issue. Currently there is a 60' wide by 700' deep  
40 site next to me; a 1 acre property. My thought is, because of that strip being so narrow, that me getting  
41 closer to the side yard would be something to consider as given the size of that property I don't know  
42 what you could do with it. It's also my understanding that when you consider a variance decision, it's  
43 based on the current use or status of the property, which that one would appear to me difficult to do  
44 anything with. It's also my understanding that you consider specific questions from reviewing the  
45 variance. I researched them and answered them, the variance request stems from a condition which is  
46 unique to the property and not ordinarily found in the same zoning or district; I think that would apply.  
47 The hardship condition is not created by actions of the applicant; I didn't create the condition, it was the  
48 Health Department that determined the septic location. The granting of the variance will not adversely  
49 affect the rights of adjacent landowners. The adjacent parcel is approximately 60' wide, there's no  
50 structure. To the best of my knowledge it's unbuildable, but I don't know. The granting of the variance  
51 will not adversely affect public health, safety or general welfare; I don't believe it will. The variance will

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52 be consistent with the general spirit and intent of the Zoning Code; it is my belief that the general spirit of  
53 the Zoning Code is to provide proper distance between structures, and given the circumstances, I don't  
54 think this applies. The variance is the minimum of which would afford relief to the applicant; it would be  
55 based on my initial comment again. And there is no other economically viable use which is permitted in  
56 the Zoning District which I don't believe there isn't. Mr. Klosterman is here this evening, and he made it  
57 very clear to me that he was going to oppose this. When I stopped over to see if he received the variance,  
58 he said yes and asked why did you ask for 5'. I said that's not really what I wanted; I was told to ask for  
59 more and see where things went. He asked why I put my house so close to him and I explained I didn't  
60 know that I had an option; the septic was designed the way it was. He said I could have put a mound  
61 system in; I have no knowledge of that. I've owned one home prior to this with a septic system and it  
62 wasn't a mound system. I didn't research that because I didn't think it was an option. Given the  
63 topography of my lot, the north side of the property kind of slopes downward and it makes sense to me  
64 that the leach fields curve around that for the primary and secondary. He told me that he would not  
65 support my request at all. The location of his home is well in front of mine. Whatever I do is in plain  
66 sight of the back of his home, and I'm not going to go on their property. My guess is this structure is 200-  
67 250' from the back of their home. I don't know that I could tell the difference if the structure was 10'  
68 closer from that distance but that's just my belief.

69

70 Mr. Oster: But that's just right now. What if they wanted to sell their property and someone wanted to  
71 utilize that property. That's why there's separation in place to keep you 25' off. Because he owns the  
72 next lot, it will affect his value and what you're asking for I think is way overboard. If you needed a foot  
73 or two, that's one thing.

74

75 Mr. Miller: Why couldn't you put it behind your house?

76

77 Mr. Little: I could. The challenge there is getting around it. At 25' it's going to be pushed into an area  
78 where it would be hard to get in and out of, especially with a boat and a trailer.

79

80 Mr. Miller: How far back is the leach field? According to the topo, the septic location is quite a ways  
81 back.

82

83 Mr. Little: It could be pushed back into the back lot.

84

85 Mr. Oster: It looks like you've got plenty to move this more centrally located in your lot and stay within  
86 the 25'.

87

88 Mr. Miller: The way you're requesting it is basically so you could have a straight shot pulling in?

89

90 Mr. Little: It would help trying to get into it and utilize it with the things I want to put into it. Unless I go  
91 way back, I've got to go around and somehow navigate it. That's why I was trying to get it in that spot in  
92 the lot; it's about 10' from the wall.

93

94 Mr. Oster: Where are you going in?

95

96 Mr. Little: Into the front.

97

98 Mr. Oster: Your doors are going to be on the side or the very front?

99

100 Mr. Little: The front.

101

102 Mr. Oster: So you're going length-wise.

## Board of Zoning Appeals

103 Mr. Little: For usage, it's easier to get in that way, so if it were moved over like I'm proposing, I could  
104 get back into it easy. If it's around the back, it's going to be extremely difficult to get around that.

105  
106 Mr. Miller: You would think that you would still have enough; you can easily go in just with a slight  
107 curve to go back somewhat behind it.

108  
109 Mr. Oster: Even if you stayed within the 25', it looks to me like that one side would be open for you to  
110 do that if you came straight up that driveway and straight into it after it's moved over.

111  
112 Mr. Little: Because the road we're talking about is 25 and 24, almost 50, we're at 46. The door itself is  
113 not as wide as the structure either, so the door is definitely going to be behind there.

114  
115 Mr. Miller: You want to put it in line with your arrow right there at the 46, to the left of that? What if  
116 you dropped it back 10, 15'? You would have more than enough room to come....

117  
118 Mr. Little: At that point it's behind the house and it's just how far back we go until it works.

119  
120 Mr. Miller: If it's back behind the house, you also eliminate the thought of somebody seeing it.

121  
122 Mr. Little: But that was the point, trying to do it in character and making it look like the house and look  
123 nice. Again, I started with the idea of a barn and thought this would be more attractive.

124  
125 Mr. Miller: I appreciate that you want it good looking to match your house but you've got plenty of room  
126 to move it back instead of requesting a 5' or 10' side setback.

127  
128 Mr. Oster: You've got plenty of land to do something different.

129  
130 Mr. Miller: You've got 3 acres.

131  
132 Mr. Little: I understand it's a 3 acre lot, it's just a matter of doing one behind the house, how far and the  
133 accessibility to get into it which is what you're pointing out. Is your main concern just pushing it back or  
134 that it's close to the property next to me?

135  
136 Mr. Oster: The main thing is you're breaking the Code and the Code is in there to protect everybody.

137  
138 Mr. Ward: I'd like to hear from the neighbor if the Board is agreed.

139  
140 Guy Klosterman, 6740 Africa Road, Galena, Ohio 43021. I am directly next to the lot and the 60' wide  
141 piece of land next to it. We bought the property with the intent to remodel the home, which we did, and  
142 we wanted to create a buffer between us and that north lot because we knew it was going to be developed  
143 at some point. After I got the application for variance, I did some research, I talked to the Ohio Health  
144 Department about the septic system which is approved by the Ohio Health Department. I found out the  
145 septic system is designed based on soil conditions. I talked to the individual who did the soil testing and  
146 it wasn't poor, it wasn't great, but it's kind of in the middle, so the size of the septic system was sized  
147 over. There were options to do a mound system which would have been lesser of a footprint and he could  
148 have continue that septic system north of his house which is where it is now but still have room to push  
149 that house over and build the garage within the required setbacks. We'd like to maintain that setback and  
150 the buffer.

151  
152 Mr. Oster: I don't blame you; that's way too close.

153

## Board of Zoning Appeals

154 Mr. Little: Mr. Oster, when you say way too close, is there a number that's not too close?

155

156 Mr. Oster: 25.

157

158 Mr. Little: So you wouldn't give anything? I was just curious based on your comment.

159

160 Mr. Oster: Like I told the last people, if you run into a situation where you need a foot or so, you never  
161 know how that would look; he may not have been as opposed to that, but the way you've got it laid out is  
162 very excessive in my opinion.

163

164 Mr. Little: Even with changing it to the 10?

165

166 Mr. Oster: Absolutely, especially with the land you've got. You've got room to work around it and do  
167 something different.

168

169 Mr. Little: May I ask if you'd consider anything? Anything will help me. I would try to redesign the  
170 structure. Any leeway, I'd appreciate it.

171

172 Mr. Ward: That's not our job to finalize your design; it's our job to look at the ordinance, look at the law,  
173 approve as it's presented or not.

174

175 Mr. Miller: We can't tell you how to build it but we can say these are the rules, this is where it's  
176 supposed to be.

177

178 Mr. Ward: A comment in your letter, you were talking about drainage that there is a problem or...

179

180 Mr. Klosterman: We have excessively wet ground; we had some standing this year that we haven't had in  
181 years past. Rob's lot sloped away from our property at the time because he put the house in and  
182 backfilled and finished grade. There is a little bit of a slope which may have caused some standing water  
183 in that 60' swatch of ground that we have. I want to try and put some drainage in this summer to try and  
184 alleviate some of that problem and hopefully it was just an issue of an over wet winter. But with the  
185 construction of the out building, that's going to create additional drainage and maybe exasperate the  
186 problem.

187

188 Mr. Little: I talked to a guy about that because it was wet before we excavated the house. While the  
189 excavator was there, I offered to cut in a swale across because he has a small ravine and help drain that,  
190 and he declined. That was before we built the house.

191

192 Mr. Klosterman: I didn't want a swale on the property; it's pretty flat, it's easy to mow and I didn't want  
193 a situation where I was....

194

195 Mr. Ward: In building the house or adding the garage or whatever, Soil & Water looks at this and they  
196 base their decision on is this the natural flow and don't interrupt it or change it in some way. So is the  
197 natural flow toward that piece of land?

198

199 Mr. Klosterman: I think it is off of the south side of his home. That water, because of the backfill and  
200 finish grade, he's got to get the house opposite so the water drains away from the house. It's just because  
201 the house is there now more water is draining toward that lot than was before the house was there. There  
202 wasn't anything Rob could have done to alleviate that problem, but an additional garage 24' x 36' is  
203 going to create some additional runoff, causing gutters and where they run and is probably going to run  
204 toward that property as well or our property.

## Board of Zoning Appeals

205                                    **MOTION TO DENY VARIANCE APPLICATION #VA-18-06**  
206  
207        Mr. Oster made a motion to deny Variance Application #VA-18-06, Robert D. Little, as amended by the  
208        applicant; seconded by Mr. Miller.  
209  
210        Vote on Motion: Mr. Ward-yes, Mr. Miller-yes, Mr. Oster-yes, Ms. Sundar-yes, Ms. Jordan-yes  
211        Motion carried  
212  
213        Hearing continued with Variance Application #VA-18-07  
214  
215        Minutes prepared by Cindy Davis, Zoning Secretary  
216  
217        On May 24, 2018, Mr. Ward made a motion to approve the meeting minutes of the Orange Township  
218        Board of Zoning Appeals for Variance Application #VA-18-06, Robert D. Little, dated March 22, 2018 as  
219        written; motion seconded by Mr. Oster.  
220  
221        Vote on motion: Mr. Ward-yes, Mr. Oster-yes, Ms. Sundar-yes  
222  
223        Motion carried  
224  
225

## Board of Zoning Appeals

1 Application #VA-18-07

March 22, 2018

2  
3  
4 **Variance Application #VA-18-07, Northstar Realty**, Requesting an Area Variance from Section  
5 21.01(a) of the Orange Township Zoning Resolution to allow the construction of a parking lot that will  
6 fail to meet the parking dimension requirements in an area zoned Planned Commercial and Office  
7 (PCD) District. The subject property is located east of US 23 and south of Olentangy Crossings, being  
8 Lot Number 7510 of Olentangy Crossings Section 2 subdivision, and having permanent parcel number  
9 318- 220-01-058-023.

10  
11 Ms. Boni gave presentation and presented Staff Report. Our Code states all parking spaces shall be not  
12 less than nine (9) feet wide and twenty (20) feet long. Such parking spaces shall be measured  
13 rectangularly and shall be served by aisleways of sufficient width to permit easy and smooth access to all  
14 parking spaces; applicant is proposing parking spaces to be 9' wide and 18' long so either a variance is  
15 required for 2' for the parking length or 18 square feet is required for the entire parking spot size.

16  
17 Mr. Oster: I think the biggest concern here is the Fire Department and the width for them to get thru here  
18 with 2' less on each spot.

19  
20 Ms. Boni: The Fire Department has to approve the layout whether or not we approve this variance.

21  
22 Mr. Oster: Have they looked at this?

23  
24 Ms. Boni: I'm not sure. Their attorney is here if you have any questions.

### 25 **APPLICANT PRESENTATION/BOARD QUESTIONS & COMMENTS**

26  
27 A court reporter with Runfola Reporters administered the oath to Mr. Reynolds.

28  
29 Jack Reynolds, attorney with Smith & Hale, 37 W. Broad Street, Columbus, Ohio 43215 and I have Steve  
30 Fox, who is the engineer, here this evening. As Michele indicated, we are requesting a reduction of the  
31 parking space length. The rationale for the request is when the whole shopping center developed  
32 originally, as a part of that development, this lot was singled out to provide additional storm water  
33 detention for the rest of the center. When we started investigating the development of the site, we didn't  
34 know that there is a fairly large detention facility along the southern boundary of the property. It starts as  
35 kind of a tear drop at Pullman and comes down and becomes a bulb the closer you get to 23. The water  
36 comes off of the street area and pools, so what we were looking at was how we can maintain that storage  
37 space on our property and provide for our very own storm water detention because when you develop a  
38 property, you also have to provide storm water for the development. Steve met with the County Engineer  
39 and with their approval, they allowed us to take one area which is a fairly good chunk of the lot and  
40 transfer it to the front. We came up with a building envelope that we could operate within, trying to  
41 enlarge or deal with that envelope, keep the slope and detention facilities adequate and gain some  
42 additional square footage. By reducing the length of the parking space to 18, we came up with an  
43 additional 12' of green space, so instead of more hard surface, we're creating more green space on the site  
44 by reducing each row of parking spaces by 2'. There are 6 parking areas, you take 2 off of each one, and  
45 that's where we came up with the additional 12'. It's not something we anticipated when we started this,  
46 but it makes the lot usable because of having to provide the additional onsite detention, so we're trying to  
47 allow for a maximum use of the green space out front and serve the rest of the shopping center and the  
48 strip center we're proposing. 9 x 18 is a regular square footage, a regular parking space size. The Urban  
49 Land Institute's commonly used square footage sizes are 9 x 18. I actually Googled average car size in  
50 America, and what came back for sedans, the average was 190" which is 15'- 8" or, 9", a sub-compact is  
51

## Board of Zoning Appeals

52 177" or 15'-10" and the larger SUV was 208" and that's about 17' in length. So does it accommodate  
53 cars, SUV's, sub-compacts, sedans, etc.? Yes. We also provide 22' of area; most communities look at  
54 20', we're providing an extra 2' to allow for maneuverability, and that's more than adequate, more than a  
55 drive that you normally have to get in and out of a drive area. We're trying to accommodate that existing  
56 storm that we have to replace on site and our runoff. We thought saying we'd like to green up the lot to  
57 create some additional storm water detention is a reasonable request.

58  
59 Mr. Miller: In doing your research, did you consider all the pickup trucks that are all over 18' long  
60 because the generations are going toward SUV's and trucks. And your proposed design is all predicated  
61 on having a drive thru and if you do not have a drive thru restaurant or whatever the thing is, then there  
62 would not be an issue whatsoever, so has this been pre-sold with the concept of having a restaurant with a  
63 drive thru there?

64  
65 Mr. Reynolds: If you look at everybody along this site, they all have drive thrus, whether it be a bank or  
66 Dairy Queen or whoever, so they were predicated on having a drive thru.

67  
68 Mr. Miller: But they also knew the sizes of the lot and the Code required for parking, and my concern  
69 from a parking standpoint is the pickup trucks that are growing in population as well as the ability for the  
70 fire trucks to get thru there properly....

71  
72 Mr. Oster: And that was my first concern, I thought we've already had issues with the Fire Department  
73 requiring 25 for maneuverability thru these lots and buildings, etc. I know we ran into that with the car  
74 wash over there too, and I forget if it was 25 or 27 to get their trucks thru there in case of an emergency.

75  
76 Ms. Boni: And again, if the Fire Department doesn't approve this, it doesn't go.

77  
78 Mr. Oster: And there's 22 in between your spots the way they're configured right now?

79  
80 Mr. Reynolds: They're 20, so we're over.

81  
82 Mr. Oster: The Code is 20. I was thinking the Fire Department wanted more than that though.

83  
84 Ms. Boni: I think it depends on the use.

85  
86 Mr. McCarthy: That's on the private roads.

87  
88 Mr. Oster: We had that with the lot.

89  
90 Mr. McCarthy: Typically I think they require a 25' radius on the turn?

91  
92 Mr. Fox: It's more about the turn radius that they care about. I'll work with the Fire Department, but like  
93 she said if they don't approve it, it doesn't go. I don't think that affects the availability of the 18'; we  
94 could go down to 20 and say we had 19' stalls.

95  
96 Mr. Reynolds: What we're trying to do is maintain maneuverability within the drive aisles. We could go  
97 to 19' spaces with the 20' drive aisles and then the request would only be for 1'. And again, it's fairly de  
98 minimis in terms of when you take 1 by 9, it's 9 square feet and it makes or breaks the ability to move  
99 forward with this project. If we didn't have the storm water detention, we could do this because we're  
100 talking about a lot of water that we're have to accommodate.

101  
102 Mr. McCarthy: Is this property closed?



## Board of Zoning Appeals

103 Mr. Reynolds: The owner called and asked when the BZA hearing was because they have a closing  
104 coming, so it's not closed yet.

105  
106 Mr. McCarthy: And the buyer is aware of this easement now?

107  
108 Mr. Reynolds: Yes.

109  
110 Mr. McCarthy: And I assume the purchase price negotiated reflects the existence of that easement and  
111 the non-availability of that property?

112  
113 Mr. Reynolds: I don't know.

114  
115 Mr. McCarthy: You have a rectangle of a certain size and within that rectangle you are trying to put a  
116 certain size building with certain characteristics; apparently the building is too big or the description is too  
117 big. I understand you have 20' aisles potentially if you want them; that gets you to 19. I went on Ford's  
118 website; a full size F150 is 19'.

119  
120 Mr. Oster: And then you have the extra you need because not everyone's going to park exactly exact.

121  
122 Mr. McCarthy: We're not talking a difficulty in one area; this is a development-wide restriction. You're  
123 asking to have a larger structure or have the restaurant you're talking about with the characteristics that  
124 you want. The building could be reduced or you could eliminate one row of spaces. That would give you  
125 the room to spread out but still leave you enough room for a 156 seat restaurant. Or, as Jerry pointed out,  
126 you can eliminate the by-pass lane; that would also give you room.

127  
128 Mr. Fox: The by-pass lane doesn't affect anything.

129  
130 Mr. McCarthy: It would on that side. You could relocate the building, widen that aisle first of all to the  
131 west.

132  
133 Mr. Fox: The issue is more width.

134  
135 Mr. McCarthy: The by-pass is 10' wide, right?

136  
137 Mr. Fox: Yes. 10' and 10' for the drive aisle.

138  
139 Mr. Reynolds: Do we need a by-pass aisle?

140  
141 Ms. Boni: I don't know what the Fire Department will say about that.

142  
143 Mr. Reynolds: If you compress, you would still have access to the rear of the building, so that wouldn't  
144 be a problem.

145  
146 Mr. McCarthy: You would have access down the parking aisle which would be closer.

147  
148 Mr. Reynolds: Would you consider just a portion of it being a reduced size, like maybe all of the parking  
149 in the front be 20' and then maybe the units in the rear be 19'?

150  
151 Mr. Miller: We can't give you suggestions on how to design it; we have to live within the Code.

152

## Board of Zoning Appeals

153 Mr. Reynolds: We've gotten some suggestions here; I get the flavor that there's not much support for the  
154 2' reduction per space or per wide. Maybe we go back and see what we can come up with in terms of  
155 additional footage to make the project work a little closer to Code.

156

157 Mr. Oster: If you eliminated one row, you'd have the feet you needed to maintain, correct?

158

159 Ms. Boni: But I don't think it would meet the parking space requirement; we require so many parking  
160 spaces.

161

162 Mr. Reynolds: You have a very difficult Code in terms of parking to work with when you start discussing  
163 restaurant use. Most communities we deal with give you a square footage so 1 parking space for every 75  
164 square feet is the City of Columbus. You have 1 space per seat and 1 space for every 3 employees on a  
165 shift, so it's very difficult for anybody to try and market space because you almost have to tell them  
166 where you're going to put your seats and how many employees you're going to have on a shift.

167

168 Mr. Oster: Are you right at the minimum right now?

169

170 Mr. Reynolds: We're pretty close. I can't give you an exact number but it was to the point where we  
171 need that number of parking spaces to feel comfortable leasing it to some of our tenants. It's just a  
172 function without some comfort level that you get in a lot of communities that say restaurant is 1 to 75 and  
173 we can tell you exactly how many square feet you can have as a restaurant. We're challenged by being  
174 told you've got to have a tenant, you've got to know how many seats there are and that's another  
175 challenge for us. We're trying to work with it and that's why we came with the number of parking spaces  
176 we did.

177

178 Mr. Oster: You only have to have 1 handicap spot per retail unit because you've only got 3 on here.

179

180 Mr. Fox: It's 1 per 25 spaces. If you have 75 spaces, you have to provide 3 spots.

181

182 Mr. McCarthy: I counted 127 spaces, I couldn't find the last 3, but your drawing indicates that you're  
183 planning a restaurant for 182 seats. If you lose that row, you'd still have room for 156 seats, so there's a  
184 potential there as well to consider reducing that restaurant.

185

186 Mr. Reynolds: You have given us something to ponder, so why don't we go back and sharpen our pencils  
187 and see if we can't work something out and come back next month. So we ask you to table it and we will  
188 have Steve sharpen his pencil and see what we can come up with.

189

190 Ms. Boni: And I would advise that you reach out to the Fire Department.

191

### **MOTION TO TABLE VARIANCE APPLICATION #VA-18-07**

192

194 Ms. Jordan made a motion to table Variance Application #VA-18-07, Northstar Realty, until the BZA  
195 hearing of April 19, 2018 at 7:00 p.m.; seconded by Mr. Miller.

196

197 Vote on Motion: Mr. Ward-yes, Mr. Miller-yes, Mr. Oster-yes, Ms. Sundar-yes, Ms. Jordan-yes  
198 Motion carried

199

200 Mr. Oster: If you do talk to the Fire Department and they agree to whatever, bring that with you.

201

### **APPROVAL OF MEETING MINUTES**

202

203

## Board of Zoning Appeals

204 Mr. Ward made a motion to approve the meeting minutes of the Orange Township Board of Zoning  
205 Appeals dated December 14, 2017 as follows:

- 206  
207
- 208 • Variance Application #VA-17-09, Russell C. & Joan L. Hill, as written
  - 209 • Variance Application #VA-17-10, Railroad Right-of-Way, as written
  - 210 • Variance Application #VA-17-11, Railroad Right-of-Way, as written
  - 211 • Variance Application #VA-17-12, Joseph T. Pichert III, as written
  - 212 • Conditional Use Application #CU-17-13, Heather J. Moore & Rowan Box with the following correction: Line 45,  
213 change the word “formally” to “formerly”

214 Secoded by Ms. Sundar.

215  
216 Vote on Motion: Mr. Ward-yes, Mr. Miller-yes, Mr. Oster-yes, Ms. Sundar-yes, Ms. Jordan-abstain  
217 Motion carried

218  
219 Mr. Oster made a motion to approve the meeting minutes of the Orange Township Board of Zoning  
220 Appeals dated January 18, 2018 for Conditional Use Application #CU-17-14, Orange Self Storage LLC,  
221 with the following corrections:

- 222
- 223 • Line 85: change the word “administerial” to “ministerial”
  - 224 • Line 216: the line should read “...that would not be a color under our Code”

225  
226 Secoded by Mr. Ward

227  
228 Vote on Motion: Mr. Ward-yes, Mr. Oster-yes, Mr. Miller-abstain, Ms. Sundar-yes, Ms. Jordan-yes  
229 Motion carried

230  
231 Mr. Miller made a motion to approve the meeting minutes of the Orange Township Board of Zoning  
232 Appeals dated February 15, 2018, as follows:

- 233
- 234 • Variance Application #VA-18-01, Carlo Silvestri, as written
  - 235 • Variance Application #VA-18-02, John Angelo Burke, LLC, as written

236  
237 Secoded by Ms. Sundar

238  
239 Vote on Motion: Mr. Ward-yes, Mr. Miller-yes, Mr. Oster-yes, Ms. Sundar-yes, Ms. Jordan-abstain

240  
241 Ms. Boni: We have our next meeting on the Orange Township Comprehensive Plan on Tuesday, April 3,  
242 2018 at 6:30 p.m. if anyone is interested in attending. Some of you have been showing up and we greatly  
243 appreciate that, so if you have any additional comments or questions, please feel free to attend or share  
244 them with me, and I will relay them to the Board.

245  
246 Mr. Ward: As I understand it the 3 Pillars Home case has been postponed until the next meeting.

247  
248 Ms. Boni: Yes, we will have 5 cases again.

249  
250 Hearing adjourned at 8:40 p.m.  
251 Minutes prepared by Cindy Davis, Zoning Secretary

252  
253

## Board of Zoning Appeals

254 On May 24, 2018, Mr. Ward made a motion to approve the meeting minutes of the Orange Township  
255 Board of Zoning Appeals for Variance Application #VA-18-07, Northstar Realty, dated March 22, 2018  
256 as written; motion seconded by Mr. Oster.  
257  
258 Vote on motion: Mr. Ward-yes, Mr. Oster-yes, Ms. Sundar-yes  
259  
260 Motion carried  
261