

## Board of Zoning Appeals

Application #'s VA-18-03

April 19, 2018

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

### **MOTION TO REMOVE VARIANCE APPLICATION #VA-18-03 FROM THE TABLE**

Mr. Ward made a motion to remove Variance Application #VA-18-03, 3 Pillar Homes, from the table; seconded by Ms. Hoffman.

Vote on Motion: Ms. Hoffman-yes, Mr. Ward-yes, Mr. Oster-yes, Ms. Sundar-yes, Mr. Miller-yes  
Motion carried

Ms. Boni presented Staff Report and presentation. Applicant is requesting a variance to remediate the construction of a concrete patio that was built without the knowledge of Staff that does not meet rear yard setback requirements. Staff denied the Certificate of Zoning Compliance, and that is why they are here. The patio has a rear yard setback of 34.3' to the rear yard lot line, thus a 0.7' variance is required. Another concern is the patio encroaches a 40' drainage easement, so we contacted Delaware Soil & Water and based on their inspection and review, they are ok with the patio being in the drainage easement. They don't want it to go out any further but it's fine as it exists. We don't require a permit for paver patios but we do for concrete, which is what this is.

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

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

Zenios Michael Zenios, 1759 Woodland Hall Drive, Delaware 43015, owner of 3 Pillar Homes representing client. This was a decision made during the build. The landscape designer controlled it, the project manager poured and it looks like we're into the drainage easement and rear yard setback. We're good with Soil & Water; we're 0.7' into your rear yard and we're asking that you consider a variance to allow that.

Ms. Hoffman: Was this just staked out incorrectly or when it was drawn, was it not reviewed for setback requirements?

Mr. Zenios: During the build, the homeowner contacted the landscape architect, they drew the pretty picture, went to the concrete guy, and it got poured without checking with the plot plan. We did not realize until after we received the as-built from Michele.

Mr. Miller: This patio was not in the original drawings when the house was designed?

Mr. Zenios: Correct. I know this wasn't the right process, but it wasn't until Michele came on board that we started looking at this process in Orange Township. It was relatively new to us to go back with the as-built, so now we have a checks and balance in place.

Mr. Miller: The patio was built as part of the construction of the house?

## Board of Zoning Appeals

52 Mr. Zenios: Correct.

53

54 Mr. Miller: How did Delaware County approve the final when the inspectors came out?

55

56 Mr. Zenios: It would be a Zoning matter; it wouldn't be a Code Compliance issue.

57

58 Ms. Hoffman: There are no final zoning complaints, right?

59

60 Ms. Boni: When they filed for a certificate of compliance, we noticed this error.

61

62 Ms. Hoffman: So there's not a final zoning certificate?

63

64 Ms. Boni: Delaware County does do inspection on the site for occupancy, and I think Mr. Miller was questioning how did that go thru with the County.

65

66  
67 Mr. Zenios: To the best of my knowledge, I don't think the certificate of occupancy is something that they check. They check the elevation of the swale to make sure that it meets grade, and that's a contingency to occupancy inspection. I think this is a zoning matter to them.

68

69 Mr. McCarthy: As things stand right now, there is no certificate of compliance that's been issued?

70

71 Ms. Boni: Not on our end.

72

73 Mr. Ward: The building is occupied without our compliance. The County has obviously given them compliance.

74

75 Ms. Boni: I went out there with the County.

76

77 Mr. Ward: And the patio is not within their realm?

78

79 Ms. Hoffman: I doubt they care how much the patio encroaches to affect occupancy.

80

81 Mr. McCarthy: The County used to make sure Zoning was ok before they theirs; have they stopped doing that?

82

83 Ms. Boni: For residential, yes.

84

85 Mr. Oster: So they are ok with that going over their 40' drainage easement also?

86

87 Ms. Boni: Yes; I have an email stating that. I went out there with Matt Lanum from Soil & Water too.

88

89 Mr. McCarthy: At the last hearing the point was raised as to the possibility of saw cutting the concrete.

90

91 Mr. Oster: Just a straight cut across it of 8" would alleviate that 35 and then there was that 40' easement that they said they're ok with, so that's quite a bit more right there.

92

93 Ms. Boni: If it was a deck there would be a little more concern, but not just having this concrete patio, was my understanding.

94

95 Ms. Hoffman: Has there been any exploration of getting rid of that extra 8"?

96

97

## Board of Zoning Appeals

103 Mr. Zenios: We discussed it with the client but I think the issue is there are patios on the other side of  
104 them that are different in nature but they are encroaching as much as this one is.

105  
106 Mr. Miller: How does the other patio encroach on it?

107  
108 Ms. Boni: We don't regulate paver patios.

109  
110 Mr. Miller: So the other ones were paver patios?

111  
112 Ms. Boni: Yes.

113  
114 Ms. Hoffman: Is there a reason for that?

115  
116 Ms. Boni: The Township and the County never considered them structures.

117  
118 Ms. Hoffman: But poured concrete they consider a structure?

119  
120 Mr. Oster: Is it a matter of cost because it would be easier to go out and just pluck up brick rather than to  
121 saw cut concrete?

122  
123 Mr. Zenios: That's an interesting question from a construction standpoint; because you start with a  
124 concrete base anyway and put the pavers on top.

125  
126 Mr. McCarthy: The first 2 Zoning Inspectors I dealt with both adopted that as Michele said.

127  
128 Ms. Boni: The County is the same with the pavers too.

129  
130 Ms. Hoffman: Given that there are pavers that are encroaching the same land, that there's no problem  
131 with the drainage easement, I don't have a problem with this because it's not substantial and there are  
132 properties right next door that are doing the same thing with just a slightly different kind. I don't think  
133 people are going to look at this and try to use this as something to leg up the system. If there's no other  
134 discussion, I'll make a motion.

135  
136 **MOTION TO APPROVE VARIANCE APPLICATION #VA-17-03**

137  
138 Ms. Hoffman made a motion to approve an area variance from the approved Developed Data Chart in  
139 Zoning Application #19680 of Jones/Lewis Center LLC to remediate the construction of a raised concrete  
140 patio that fails to meet the rear yard setback requirement as outlined in the request for the applicant  
141 identified in Variance Application #VA-17-03, 3 Pillar Homes; seconded by Mr. Oster.

142  
143 Vote on Motion: Ms. Hoffman-yes, Mr. Ward-yes, Mr. Oster-yes, Ms. Sundar-yes, Mr. Miller-yes

144  
145 Hearing continued with Conditional Use Application #CU-18-08

146  
147 Minutes prepared by Cindy Davis, Zoning Secretary

148  
149 On May 24, 2018, Mr. Ward made a motion to approve the meeting minutes of the Orange Township  
150 Board of Zoning Appeals for Variance Application #VA-18-03, 3 Pillar Homes, dated April 19, 2018 as  
151 written; motion seconded by Ms. Sundar.

152 Vote on motion: Mr. Ward-yes, Mr. Oster-yes, Ms. Sundar-yes  
153 Motion carried

## Board of Zoning Appeals

1 Application #'s VA-18-03, VA-18-07, CU-18-08  
2 VA-18-09 & VA-18-10

April 19, 2018

### LEGAL NOTICE

6 Notice is hereby given that the Orange Township Board of Zoning Appeals will hold a public hearing  
7 on Thursday, April 19, 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 **Variance Application #VA-18-07, Northstar Realty.** Requesting an Area Variance from Section  
17 21.01(a) of the Orange Township Zoning Resolution to allow the construction of a parking lot that will  
18 fail to meet the parking dimension requirements in an area zoned Planned Commercial and Office  
19 (PCD) District. The subject property is located east of US 23 and south of Olentangy Crossings, being  
20 Lot Number 7510 of Olentangy Crossings Section 2 subdivision, and having permanent parcel number  
21 318- 220-01-058-023.

23 **Conditional Use Application #CU-18-08, Lehner Signs.** Requesting a Conditional Use from Section  
24 22.04(a) of the Orange Township Zoning Resolution to allow the construction of a monument style  
25 free standing sign in an area zoned Planned Industrial (PI) District. The subject property is located at  
26 8288 Green Meadows Drive, and having permanent parcel number #318-313-02-001-000.

28 **Variance Application #VA-18-09, Dublin Building Systems.** Requesting an Area Variance from  
29 Section 21.01(e) of the Orange Township Zoning Resolution to allow the construction of a parking  
30 lot that will fail to meet the minimum parking space requirements in an area zoned Planned Industrial  
31 (PI) District. The subject property is located within the Creekside Industrial Development. The site is  
32 proposed to be split from parcel number 318-230-01-003-000.

34 **Variance Application #VA-18-10, Scott Consulting LLC.** Requesting an Area Variance from Section  
35 22.03(c(1)) of the Orange Township Zoning Resolution to allow the placement of two (2) wall signs  
36 that will exceed the maximum height requirement in an area zoned Planned Commercial and Office  
37 (PCD) District. The subject property is located at 99 Orangepoint Drive, being Lot Number 8455 of  
38 Orangepoint Outparcels subdivision, and having permanent parcel number 318-230-01-011-013.

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

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

45 Following this hearing the Board may have a meeting for general purposes to consider such business as  
46 may properly come before it including, but not limited to, consideration and/or approval of minutes,  
47 scheduling future hearing dates for this or other applications and like matters.

48 The person responsible for the publication of this notice is Michele Boni, Orange Township Zoning  
49 Department.

## Board of Zoning Appeals

*Genevieve Hoffman, Chairman*  
*Michele Boni, Orange Township Zoning Department*

*Please publish one time, on or before Monday, April 9, 2018 in The Delaware Gazette*

Ms. Hoffman called the hearing to order at 7:00 p.m.

Roll: Genevieve Hoffman, Bruce Ward, Rick Oster, Punitha Sundar, Jerry Miller

Township Officials also present: Michael McCarthy, Township Counsel  
Michele Boni, Planning & Zoning Director  
Jeff Beard, Zoning Inspector

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

Ms. Hoffman: We will start with Application #VA-18-07 that was tabled at the March 22, 2018 hearing. We have an email from Jack Reynolds to the Township that is asking the Board to table this application for another 2 months which would put that to the June 21, 2018 hearing.

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

Ms. Sundar made a motion to table Variance Application #VA-18-07, Northstar Realty, until Thursday, June 21, 2018 at 7:00 p.m.; seconded by Mr. Ward.

Vote on Motion: Ms. Hoffman-yes, Mr. Ward-yes, Mr. Oster-yes, Ms. Sundar-yes, Mr. Miller-yes  
Motion carried

Hearing continued with Variance Application #VA-18-03

Minutes prepared by Cindy Davis, Zoning Secretary

On May 24, 2018, Mr. Ward made a motion to approve the meeting minutes of the Orange Township Board of Zoning Appeals for Variance Application #VA-18-07, Northstar Realty, dated April 19, 2018 as written; motion seconded by Ms. Sundar.

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

Motion carried

## Board of Zoning Appeals

Application #CU-18-08

April 19, 2018

**Conditional Use Application #CU-18-08, Lehner Signs.** Requesting a Conditional Use from Section 22.04(a) of the Orange Township Zoning Resolution to allow the construction of a monument style free standing sign in an area zoned Planned Industrial (PI) District. The subject property is located at 8288 Green Meadows Drive, and having permanent parcel number #318-313-02-001-000.

Mr. Beard presented Staff Report and presentation. The proposed sign meets all requirements.

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

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

Greg Bunger, 375 Sycamore Drive, Circleville, Ohio 43113. I was just in here, I did one across the street; this one is going directly across from the other one on the island. Basically the same sort of deal as the other one, a marker for the building; the building doesn't have any monument signage out front. They plan on having a couple of tenants, so they just wanted some signage out front to help traffic flow, so people can locate the business in the building.

Ms. Hoffman: The sign is very similar to the one you designed for across the street?

Mr. Bunger: This one just doesn't have a concrete base. The one across the street had a concrete base, so similar construction.

Ms. Boni: And we don't know exactly what's going into those tenant spaces.

Mr. McCarthy: Under the Code they're allowed 2 types and 3 sizes of lettering on the sign; what is the intent regarding the tenant names?

Mr. Bunger: We will stay within Code, whatever the fonts, colors and font size.

Ms. Boni: And that will be for the entire sign; it's not just for one tenant.

Mr. McCarthy: We have 2 sizes right now and it looks like maybe 2 fonts, but I'll leave that to Ms. Boni and Mr. Beard.

Mr. Bunger: When they do find a tenant, is that something I can come back for...

Ms. Boni: Not for a permit; as long as it meets the standards, but we do look at the entire sign.

Mr. Bunger: Do you want me to send in when there is a tenant?

Ms. Boni: Yes. I think the Board just wants to make sure that those tenants' faces would be in compliance because if they weren't, you'd have to come back here.

Mr. McCarthy: Would your department prefer that the applicant, prior to inserting the tenant signage, bring it to the Zoning Department for approval?

Ms. Boni: Yes; there's a requirement for that because we don't know what the faces are.

## Board of Zoning Appeals

52 Mr. McCarthy: Who is Daniel Heffernan?

53

54 Mr. Bunger: I think he's with Plymouth.

55

56 Mr. McCarthy: He's the one who signed the application individually, and it would be a good idea to have  
57 them bring a letter from the corporation indicating the authority for the application before the permanents  
58 go up.

59

60 Mr. Bunger: He's the property owner.

61

### 62 **MOTION TO APPROVE CONDITIONAL USE APPLICATION #CU-18-08**

63

64 Mr. Ward made a motion to approve Conditional Use Application #CU-18-08, Lehner Signs, with the  
65 condition that the inserted names of the tenants meet Zoning requirements representing the number and  
66 the size of the font and color, and that an example of that tenant information be submitted to the Zoning  
67 Office for approval; seconded by Mr. Miller.

68

69 Vote on Motion: Ms. Hoffman-yes, Mr. Ward-yes, Mr. Oster-yes, Ms. Sundar-yes, Mr. Miller-yes

70

71 Hearing continued with Variance Application #VA-18-09.

72

73 Minutes prepared by Cindy Davis, Zoning Secretary

74

75 On May 24, 2018, Mr. Ward made a motion to approve the meeting minutes of the Orange Township  
76 Board of Zoning Appeals for Conditional Use Application #CU-18-08, Lehner Signs, dated April 19,  
77 2018 as written; motion seconded by Ms. Sundar.

78

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

80

81 Motion carried

82

## Board of Zoning Appeals

1 Application # VA-18-09

April 19, 2018

2  
3  
4 **Variance Application #VA-18-09, Dublin Building Systems**, Requesting an Area Variance from  
5 Section 21.01(e) of the Orange Township Zoning Resolution to allow the construction of a parking  
6 lot that will fail to meet the minimum parking space requirements in an area zoned Planned Industrial  
7 (PI) District. The subject property is located within the Creekside Industrial Development. The site is  
8 proposed to be split from parcel number 318-230-01-003-000.  
9

10 Ms. Boni presented the Staff Report and presentation. The applicant is Dublin Building Systems but  
11 we have questions on the ownership right now. Right now the property is going under final plat  
12 review, will be divided into 10 plots, and this development will be located on the south side of  
13 Kerbler Farms, east of Menard's, west of the railroad tracks, The applicant is requesting 24 parking  
14 spaces, thus a variance of the reduction of 20 spaces is required.  
15

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

17  
18 A court reporter with Runfola Reporters administered the oath to Messrs. Irelan and Peffly.

19  
20 Rich Irelan, 6233 Avery Road, Dublin; Gary Peffly, 710 Paddlewheel Drive, Westerville, Ohio.  
21

22 Mr. Irelan: We are the general contractor, Gary is my client; he is with Hoshizaki. We are proposing a  
23 25,000 square foot facility, 5,000 office, 20,000 warehouse. They have 9 employees, so we're proposing  
24 24 parking spaces. Our feeling is, it's a 20,000 square foot warehouse with 1 employee, 1 forklift, and the  
25 requirement for 20 spaces plus 1 for every 2 employees is a little excessive. Another thing we're battling,  
26 the more hard surface, the more storm water detention; they battle each other. We could show future  
27 parking, there is room to add parking, so if they were to sell, we can prove there is room for that future  
28 parking if the next user needs it.  
29

30 Mr. McCarthy: The Staff Report indicates that Hoshizaki was the owner but right now the title, according  
31 to our County Auditor, is with High DEV II LLC. Is Hoshizaki in contract, are they leasing or what's the  
32 situation?  
33

34 Mr. Peffly: We're preparing to sign a contract to buy the land but I understand we cannot buy the land  
35 until the road is completed which I guess is the end of June. On the original contract, Fred Hunt, who  
36 was our HR Director at Hoshizaki American Peachtree City, our parent company, retired amidst all this so  
37 our Corporate Office is trying to determine who should be put on there. I thought it was Hoshizaki  
38 America on the contract instead of Hoshizaki North Central Distribution Center, Inc., and that's what  
39 should be on the contract, so the seller is good with that change.  
40

41 Mr. McCarthy: The Code does say that the owner will or a lessee can submit an application. We're pre-  
42 contract, so I suggest if you move forward with an approval on this, we get something from High DEV,  
43 that part of the permit.....  
44

45 Mr. Irelan: I think there's a letter sent in that was notarized because that was a question during the  
46 application process.  
47

48 Ms. Boni: That was for the zoning permit, not for the variance.  
49

50 Mr. Irelan: Can we use that same letter?  
51



## Board of Zoning Appeals

52 Mr. McCarthy: Use that same form, just authorize the variance application if it goes that way. As you  
53 indicated, you do have room for the parking; this is not a peculiarity of the site that's requiring the  
54 request?

55  
56 Mr. Irelan: No.

57  
58 Ms. Hoffman: Is there anything special aside from just thinking that the Code is excessive?

59  
60 Mr. Peffly: We asked the programmer what their needs are; they need 10 parking spaces. We thought 24  
61 was sufficient for visitors and it seemed appropriate for the building.

62  
63 Mr. Oster: But the problem is, the Code doesn't think so.

64  
65 Ms. Hoffman: There's certainly room to put them.

66  
67 Mr. Irelan: The area would allow it but the problem is future expansion. The idea is to expand the  
68 warehouse to the west, so at some point the site would be restricted to how many parking spaces.

69  
70 Mr. McCarthy: The parking area is asphalt, you're not tearing down a structure. If the asphalt had to be  
71 removed, it could be taken out. Right now you indicate Hoshizaki has 1 employee. If that would change,  
72 what happens then? Or if Hoshizaki moves to another subdivision, a new user comes in; the variance you  
73 apply for is going to run with the land, so that's something to consider.

74  
75 Ms. Hoffman: What I'm having difficulty with is that the second criteria for granting an area variance is  
76 that the said variance is justified due to special conditions, and I don't see any special conditions aside  
77 from the fact that you just think it's too many spaces for right now.

78  
79 Mr. Miller: That and you were concerned about the runoff.

80  
81 Mr. Peffly: We've been in existence for 28 years; I opened the office in December, 1990. We have a 1  
82 person warehouse. We bring equipment in on trucks from Georgia, ship them all over the United States,  
83 it's pretty efficient in and out. We do UPS shipments of parts all over the country, and the rest of the staff  
84 are just internal customer service and admin.

85  
86 Mr. Miller: What happens if business grows and you add 4 more employees?

87  
88 Mr. Peffly: Our growth has been steady over the last 28 years; we've grown from 5 to 9 people in that  
89 span. I work for a Japanese company, and they're very efficient in operation, very stringent on hiring  
90 people, they never hire people and lay people off, so we run a tight ship in that matter. I would say in the  
91 next 2-5 years if we add 2 people, that would be dramatic.

92  
93 Mr. Miller: What type of components are in here?

94  
95 Mr. Peffly: We're a manufacturer in Georgia of ice machines and refrigeration equipment. We cover an  
96 area of Ohio, Michigan, northern Kentucky, and West Virginia; that's our distribution point, so we  
97 service large restaurant equipment dealers and ship all over the United States for them.

98  
99 Mr. Irelan: If you were to expand distribution, up to 15,000 square feet is all that could fit, so that's  
100 warehouse. Would the Code still be 20 plus 1 per 2 employees no matter how big the warehouse is?

101  
102 Ms. Boni: Yes.

## Board of Zoning Appeals

103 Mr. Peffly: My first building we rented was on Schrock Road; it was about 7500 square feet, maybe 1500  
104 of it was office. Then we moved to Lakeview Plaza and that was about an 8500 square foot building. In  
105 2012 we moved to Worthington Galena into a 14,500 square foot, and I think that 20,000 square foot is  
106 going to last us a long time with the expansion of potentially 15,000 more.

107  
108 Ms. Hoffman: Mr. McCarthy, does this Board have a history of granting a variance like requested?  
109

110 Mr. McCarthy: It has been pointed out that there are no special conditions, no special situation. I can't  
111 say there's a history of it.

112  
113 Ms. Hoffman: I can't apply the criteria to grant this request, as much as I understand what you are  
114 saying. You indicate there's room and you're able to have these spaces, you just think it's excessive, and  
115 we're supposed to grant these variances in special cases where you can't comply with the requirements.  
116 Here you can comply, you just don't want to.

117  
118 Mr. Irelan: I think adding 20 spaces will be difficult to the site with the plans of the future expansion. I  
119 was thinking we could add 10. Even the office area requirement; 1 space per 400 plus 1 space per  
120 employee. If we could go 1 space for 250 and that's it. For a 5000 square foot office to require 23  
121 spaces, so if we give you the part that's challenging that the site's restrictive to add that many spaces,  
122

123 Mr. Ward: You'd have to show us that you have some special conditions that won't allow you to add the  
124 required parking spaces, and it would have to be something unusual for us to take that into consideration.  
125

126 Mr. McCarthy: You indicate there would be a 15,000 square foot expansion and upon that expansion,  
127 there would still be no additional parking?  
128

129 Mr. Irelan: I think there could be room for more parking. There's a 15,000 square foot expansion  
130 planned.  
131

132 Ms. Boni: Would the second phase or future phase include more parking?  
133

134 Mr. Peffly: It could, but we haven't thought that far ahead.  
135

136 Mr. Miller: How far off are you looking at this expansion if you haven't even built this yet?  
137

138 Mr. Peffly: I think it would be at least 10 years out, but the efficiency in which we run our warehouse,  
139 the 20,000 is going to last us a long time but we wanted that extra room to expand in the future because  
140 our company is going to be around for a long time.  
141

142 Mr. Oster: So you've got the room and you can build this facility now the way it's planned with 44  
143 spots?  
144

145 Mr. Peffly: We could but it would be a waste of asphalt and like Mr. McCarthy said, we'd be tearing it  
146 up in the future to put up the building.  
147

148 Mr. Oster: The rules are in place. That's what they want there no matter if you continue to inhabit it or it  
149 gets sold and the next guy has it. At this point in time it will meet our Code of 44 spots. If you decide to  
150 change it down the road, they may decide not to expand it as much and still have room for your spots on  
151 that side, but we're looking at today.  
152

153 **MOTION TO DENY VARIANCE APPLICATION #VA-17-09**

## Board of Zoning Appeals

154  
155 Mr. Miller made a motion to deny Variance Application #VA-17-09, Dublin Building Systems, based on  
156 an inappropriate amount of parking per Code.

157  
158 Ms. Hoffman: Joining in on Mr. Miller's motion, I would also add the following Findings of Fact:

159  
160 The variance failed mainly due to a lack of justification for special conditions as noted by the record. The  
161 applicant indicated there were no special circumstances as to why the variance was requested aside from  
162 the fact that they did not want to comply.

163  
164 Seconded by Mr. Ward

165  
166 Vote on Motion: Ms. Hoffman-yes, Mr. Ward-yes, Mr. Oster-yes, Ms. Sundar-yes, Mr. Miller-yes  
167 Motion carried

168  
169 Hearing continued with Variance Application #VA-18-10

170  
171 Minutes prepared by Cindy Davis, Zoning Secretary

172  
173 On May 24, 2018, Mr. Ward made a motion to approve the meeting minutes of the Orange Township  
174 Board of Zoning Appeals for Variance Application #VA-18-09, Dublin Building Systems, dated April 19,  
175 2018 as written; motion seconded by Ms. Sundar.

176  
177 Vote on motion: Mr. Ward-yes, Mr. Oster-yes, Ms. Sundar-yes

178  
179 Motion carried

180

## Board of Zoning Appeals

Application #VA-18-10

April 19, 2018

**Variance Application #VA-18-10, Scott Consulting LLC**, Requesting an Area Variance from Section 22.03(c(1)) of the Orange Township Zoning Resolution to allow the placement of two (2) wall signs that will exceed the maximum height requirement in an area zoned Planned Commercial and Office (PCD) District. The subject property is located at 99 Orangepoint Drive, being Lot Number 8455 of Orangepoint Outparcels subdivision, and having permanent parcel number 318-230-01-011-013.

Mr. Beard presented Staff Report and presentation. The applicant is proposing to construct 2 walls signs; 1 placed at 21'-11-1/2" above finished grade, with a variance of 6'-11-1/2" required, and the second placed at 16'-7" above finished grade, with a variance of 1'-7" required.

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

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

Scott Smith, Scott Consulting, Inc., 15700 County Road L, Wauseon, Ohio 43567. I represent Shoot Point Blank and their signage interests. This building is in several locations; it's pretty much the standard. We try to put the name above the entry canopy and as a tag line off on one of the weight walls, the tag line basically Range, Retail and CCW, standard for the classes that they have, so it is a retail, sales operation, class rooms and a shooting range.

Mr. Oster: Pistol and rifle?

Mr. Smith: I think pistol only, but I can't say for sure. I know they have rifle in some of them and that's based on the length of the building. They've gone thru all the soundproofing and exercises for the facility.

Ms. Boni: The commercial permit for the construction itself was approved which is why they started construction, and their next step is signage.

Mr. Smith: I can hardly find a building out in that region of these sizes and heights that don't have signs above the 15' limit. Mr. Beard was helpful in finding a couple cases I could review just exactly what has transpired because I did question him about different ones in the area. Above the canopy you can see the kind of heights we're looking at; putting the tag line down further would not be effective use of that. They really like to stress that. We started putting these up 5 years ago with no explanation of what a Point Blank was and there was Point Blank Exercise and all kind of different businesses, so they started using the tag line at that time, Range and Gun Shop, which changed because they wanted to make sure they emphasize the classes available, so Range, Retail, CCW and whatever the designation is for each state.

Ms. Hoffman: That second sign, you're only asking for 1'-7" for variance; that can't be bumped down to just over those windows?

Mr. Smith: There are our power elements right above these windows.

Ms. Hoffman: But it could go down some.

Mr. Smith: We could get a few inches out of it.

## Board of Zoning Appeals

52 Ms. Hoffman: It still looks like there's room to move it down to lessen the variance that's requested.

53

54 Mr. Smith: I don't think it's excessive, 1'-7" to the top of it. There's plenty of wall space here, We're at  
55 390-some square foot we're allowed on this building based on the size of the building at 3 square foot per  
56 lineal foot, so we're way under the allowable square footages; it's very conservative. I can see a few  
57 inches here or there.

58

59 Ms. Hoffman: Did you say there was some research done as to surrounding signs and what are those at?

60

61 Mr. Beard: There were some around there that were approved that are actually higher than these signs  
62 are.

63

64 Ms. Hoffman: What are those buildings?

65

66 Mr. Smith: Kerbler Farms, Menard's, the hospital, MTB, Lifepoint Church, pretty much all...

67

68 Ms. Hoffman: Do you want these marked as exhibits for the record?

69

70 Mr. Smith: Yes, you can leave them in the record.

71

72 Mr. McCarthy: If you want them in the record, we need to get them marked and you should identify them  
73 so if they read the record, they can figure it out.

74

75 Ms. Hoffman: One of his exhibits was Rite Rug; I believe we did that in the last 6 months. Do you  
76 remember what that was?

77

78 Ms. Boni: Yes, it was higher, it's at 28.

79

80 Ms. Hoffman: I know it was higher because there were places right on either side that were already  
81 higher.

82

83 Mr. Oster: Aldi was the same.

84

85 Ms. Hoffman: Aldi and GFS already had it higher. Is there anything directly right next to this now?

86

87 Ms. Boni: No, the self storage facility is under construction...

88

89 Mr. Oster: It really doesn't matter. Whatever goes in there commercially, once those rules are broken,  
90 everybody sees that they are, and everyone comes in and wants the same thing for the visibility. This is  
91 reasonable.

92

93 Ms. Hoffman: It is and that's why I was asking about that because when Rite Rug came in, it was coming  
94 into this open space where the 2 on either side already had the higher signs and that's another reason I  
95 thought it was justified.

96

97 Ms. Boni: On our newer zoning districts, they have....

98

99 Ms. Hoffman: Do they have higher signs?

100

101 Ms. Boni: They have divergences to our sign standards, but this is one of our oldest districts.

102

## Board of Zoning Appeals

103 Ms. Hoffman: Do you know what the newer....

104

105 Ms. Boni: I think we've permitted 20' in certain areas.

106

107 Ms. Hoffman: And this is 21'?

108

109 Ms. Boni: In the zoning text, but there are variances we have granted higher than that, not too much  
110 higher.

111

112 Mr. Smith: With the signage, I don't know what's going on with the storage place to the north. The only  
113 thing I know of is the Orangepoint monuments to the south of the development other than the front  
114 parking we're going to have and whatever vehicles they have parking there, whether they're vans,  
115 pickups, campers whatever.

116

117 Ms. Boni: And they don't have access on 23.

118

119 Mr. Smith: It's been very challenging getting into the property because until anything else happens out  
120 there, you enter on Orangepoint Drive, circle around to the back. I did want to introduce Exhibits A-D,  
121 which are photos of our site on Exhibit A; Mt. Carmel, Lifepoint Church, the tire distributor, the Mt.  
122 Carmel logo at the top of that facility, Pet Pal across the street and Menard's in the rear. I think Menard's  
123 is much higher.

124

125 Ms. Boni: Mt. Carmel did do a re-zoning for this.

126

127 Ms. Hoffman: I wondered because we didn't see Mt. Carmel and that's what I was curious about.

128

129 Mr. Smith: It's relatively conservative with the things that are around.

130

131 Mr. Oster: Is the entrance going to be solely off 23?

132

133 Mr. Smith: Only thru Orangepoint; there's not a curb cut directly on 23. I think there will be minimal  
134 signage on the site and hopefully we'll never have to add to it. We've talked to the developer who really  
135 wasn't interested, for a multi-use monument at one drive.

136

137 Mr. McCarthy: This building has a covered entry?

138

139 Mr. Smith: There is an awning out front and then there are the supports for it; we kind of push our signs  
140 above the anchors.

141

142 Mr. McCarthy: And what is that red line running across the....

143

144 Mr. Smith: I just wanted to show you where 15' was.

145

146 Mr. McCarthy: So that's not part of it?

147

148 Mr. Smith: No; it was just something to help you reference where that falls.

149

150 Ms. Boni: So there's no red line being painted?

151

152 Mr. Smith: No.

153

## Board of Zoning Appeals

154 Mr. Smith: We used to do larger Point Blank letters with the logo with the word Point Blank that was  
155 larger and single line so these letters are really much smaller than we used to use because we're forced to  
156 have a 3 word name now.

157

158 Mr. Oster: And the hoothas to be over Point Blank?

159

160 Mr. Smith: It is not part of the requirement but to fit on buildings, that is the way they are using it in  
161 marketing, so in keeping consistency with everything, that's what they do. I've looked at it linear on  
162 some buildings where we've bought existing buildings, and the Shoot with Point Blank next to it doesn't  
163 look very lineal.

164

165 Mr. McCarthy: The signs are all internally illuminated?

166

167 Mr. Smith: Yes.

168

169 Mr. McCarthy: And there's no exposed LED involved or neon or anything of that sort?

170

171 Mr. Smith: No. They're lit with LED but they have plastic over them.

172

173 Mr. McCarthy: On the plan you have an indication of a monument sign?

174

175 Mr. Smith: I don't know why that was on there; they're not planning a monument sign at this location. I  
176 think they knew the Code allowed a monument sign so originally when they laid out the plot they showed  
177 where a monument sign could go but there's no purpose for a monument sign there. If they had a curb  
178 cut, then I'd probably say a monument sign to identify an entry drive.

179

180 Ms. Boni: And I think we may have explained to you the conditional use.

181

182 Mr. Smith: Yes, that's a conditional use; I'd have to come back for an approval. So there was  
183 conversation about it.

184

185 Mr. Miller: What's the height of the canopy?

186

187 Mr. Smith: It's a 7' door, so I'm guessing probably about 12' to the bottom.

188

189 Mr. Miller: Can that canopy be dropped down?

190

191 Mr. Smith: That I can't tell you because those are engineered structures, so I'm not sure what they're  
192 fastening to inside that structure. The canopies are attached to the building.

193

194 Mr. Oster: The small windows, do they have little canopies?

195

196 Mr. Smith: Those are soldier coarse brick, so it's different. You try to put extra spacing in the letters, etc.  
197 because of the angle views. When you look at signs, they tend to run together. But I can't answer if that  
198 canopy can be moved; that was part of their original building plans, and as an engineered building, I  
199 would guess that it's going into a fixed point because this is one of their standard building designs.

200

201 Mr. Miller: From the size of the lettering, 3' lettering at the top and 26" lettering for Point Blank, it still  
202 seems like you should be able to lower that down than at the 20' level.

203

204 Mr. Oster: For a building that tall.

## Board of Zoning Appeals

205 Mr. Smith: The building height is set at 22'-4" and really that 21" isn't to the top of the lettering; the top  
206 of my lettering is 20'.

207

208 Mr. Miller: That's the brick face, right?

209

210 Mr. Smith: Yes.

211

212 Ms. Boni: Well, it is to the top of that....

213

214 Mr. Smith: Yes, to the cross, so really we're at 21'. Lowering 1' would be problematic; we'd have to  
215 shrink proportionately, so we couldn't just shrink Shoot. We might be able to get a few inches, get closer  
216 to those canopy supports, but when you look at things from the ground view up, it's going to start looking  
217 like my canopy supports are running into my letters.

218

219 Mr. McCarthy: Could you reduce the height of the Shoot to center it a little more vis-a-vie the door?

220

221 Mr. Smith: If I reduce the word Shoot, I have to reduce Point Blank. Right now they're at the set 1.33%  
222 we're forced to use.

223

224 Ms. Boni: The building is set back almost 100' from 23.

225

226 Mr. Smith: Without a monument, 23's our only real advertising. We did reduce Retail and CCW, so  
227 those are 24" letters. We have lighting fixtures on the building as part of the design plan, so we're trying  
228 to stay in between the mid-point.

229

230 Ms. Hoffman: Given the surrounding properties, this isn't problematic to me.

231

232 Mr. Oster: Me neither. We've done it at a lot of other places and they actually had more building room  
233 to move their stuff up where this building really doesn't, and it looks proportionate and it looks good to  
234 me.

235

### **MOTION TO APPROVE VARIANCE APPLICATION #VA-18-10**

236

237  
238 Mr. Oster made a motion to approve Variance Application #VA-18-10, Scott Consulting, LLC, for the  
239 Shoot Point Blank sign, requesting an area variance to allow the sign be placed at 21'-11-1/2" above  
240 finished grade; seconded by Ms. Hoffman.

241

242 Vote on Motion: Mr. Ward-yes, Ms. Hoffman-yes, Mr. Oster-yes, Ms. Sundar-yes, Mr. Miller-yes

243

244 Mr. Ward made a motion to approve Variance Application #VA-18-10, Scott Consulting, LLC, for the  
245 second sign, Range, Retail, CCW, to allow the sign be placed at 16'-7" above finished grade; seconded by  
246 Ms. Hoffman.

247

248 Vote on Motion: Ms. Hoffman-yes, Mr. Ward-yes, Mr. Oster-yes, Ms. Sundar-yes, Mr. Miller-yes

249

250 Hearing adjourned at 8:30 p.m.

251

252 Minutes prepared by Cindy Davis, Zoning Secretary

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-18-10, Scott Consulting LLC, dated April 19,  
256 2018 as written; motion seconded by Ms. Sundar.  
257  
258 Vote on motion: Mr. Ward-yes, Mr. Oster-yes, Ms. Sundar-yes  
259  
260 Motion carried  
261