

# Board of Zoning Appeals

1 **Application #CU-20-14**

August 20, 2020

## LEGAL NOTICE

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5 Notice is hereby given that the Orange Township Board of Zoning Appeals will hold a public  
6 hearing on Thursday, August 20, 2020, beginning at 6:00 p.m. to consider the following  
7 application/s:

8  
9 **Conditional Use Application #CU-20-14 Craig A Henderson and Cynthia Hall Henderson, and**  
10 **Caleb C Bale and Bailey L Bale**

11 Requesting a Conditional Use from Section 24.03 of the Orange Township Zoning Resolution to record  
12 a land transfer and lot line adjustment on two non-conforming lots. The subject properties are located at  
13 4620 and 4676 Big Walnut Road, Galena OH 43021 and having parcel numbers 318-140-04-003-000  
14 and 318-140-04-002-000.

15  
16 The hearing will be held virtually using electronic means and can be accessed by the public on the  
17 internet on the Zoom application at

18 <https://us02web.zoom.us/j/83030459479?pwd=cXN4ZjVsY2tPd3hyMXJ1a0pGTFZnZz09>.

19  
20 During the hearing the public may submit questions and comments to the Board by sending messages  
21 to Zoning Inspector, Jeff Beard via the Zoom meeting chat room.

22  
23 The application and plans are available for inspection for a period of at least 10 days prior to the  
24 hearing by e- mailing Jeff Beard at [jbeard@orangetwp.org](mailto:jbeard@orangetwp.org). The Zoning Office is closed to the public  
25 during the public health emergency, however zoning staff is available by e-mail during normal business  
26 hours of Monday through Friday, 8 a.m. to 4:30 p.m., except legal holidays.

27 Following this hearing the Board may meet for general purposes to consider such business as may  
28 properly come before it including, but not limited to, consideration and/or approval of minutes,  
29 scheduling future hearing dates for this or other applications, and like matters.

30  
31 The person responsible for the publication of this notice is Jeff Beard, Orange Township Zoning  
32 Department.

33  
34 *Rick Oster, Chairman*  
35 *Jeff Beard, Orange Township Zoning Department*

36  
37 *Please publish one time, on or before Monday, August 10, 2020 in The Delaware Gazette*

38  
39 Mr. Oster called the hearing to order at 6:00 p.m.

40  
41 Roll Call: Rick Oster, Jerry Miller, Punitha Sundar, Aaron Shipley, Kelvin Trefz-absent

42  
43 Township Officials Also Present: Jeff Beard, Zoning Enforcement Officer

44  
45 Mr. Oster: Anyone who intends to testify, please raise your right hand to be sworn in. Do you solemnly  
46 swear that the testimony that you are about to give is the truth, the whole truth and nothing but the truth,  
47 and state I do. And when it's your turn to offer testimony, please state your full name, address and affirm  
48 that you've been sworn in. Anyone who intends to offer comments or testimony through the online chat  
49 room function also needs to be sworn in remotely. Before your initial comment, please type in your name,  
50 address and the words "I affirm" to indicate you solemnly swear that the testimony that you are offering is  
51 the truth, the whole truth and nothing but the truth.

## Board of Zoning Appeals

52 Michael Hrabcak, I may offer comments, I won't offer testimony. Do I need to be sworn as counsel for  
53 the co-applicants?  
54

55 Mr. Beard: Yes. In case you're going to speak, it's just so you're on the record. You'll just have to agree  
56 to what was stated and state your name and address before you speak the first time. Presented Staff  
57 Report and presentation. The properties are located south of Big Walnut Road. Surrounding the site to the  
58 north is Alum Creek Park; south, east and west are Farm Residential District, all single family homes.  
59 The applicants are seeking to exchange a 30' strip of land from 4676 Big Walnut Road to 4620 Big  
60 Walnut Road. The first exhibit is what the existing lots look like; the second exhibit is what the proposed  
61 lots will be which shows the 30' strip on the west property.  
62

### APPLICANT PRESENTATION/BOARD QUESTIONS & COMMENTS

63  
64  
65 Mike Hrabcak, 67 E. Wilson Bridge Road, Suite 100, Worthington, Ohio 43085, and I acknowledge the  
66 oath or affirmation, I am counsel for the co-applicants. The Hendersons have used this portion of this 30'  
67 strip for the last 27 years. They owned 4676 and 4620, and just recently sold 4676 to the Bales. As part of  
68 that sale there was a real estate purchase contract in which this 30' section would be the subject matter of  
69 the application so that it could become a part of the Henderson parcel. We believe we meet all the criteria  
70 that are set forth in the Conditional Use application and the conditions waded therein. Essentially this  
71 property will be used as it's been used for the last 27 years; it doesn't present any issues with modifying  
72 the neighborhood in an objectionable way; it has no affect on the highways and streets, police, fire,  
73 drainage; none of those issues apply. We're just looking to formalize the way the Henderson property has  
74 been used for the last close to 30 years. I would like to take pause and thank Mr. Beard. He's been very  
75 helpful and has extended a lot of time, energy, effort and courtesy to us in this process, and we'd like to  
76 recognize that and indicate to the Board that the Board is well served with Mr. Beard's services.  
77

78 Mr. Oster: What's the size of 4620 right now and was it too small before?  
79

80 Mr. Beard: Based on the Farm Residential Code, both of them are smaller than what the Code permits  
81 right now.  
82

83 Mr. Oster: I noticed the updated new would be 1.65 and then the new on the other one would be 1.456.  
84

85 Mr. Beard: It would go from 1.835 to 1.65 and then the other one would go from 1.269 to `1.456, which  
86 both are already legally non-conforming uses and they would still remain legally non-conforming.  
87

88 Mr. Miller: How did this happen in the first place?  
89

90 Mr. Beard: These were probably in place before the zoning restrictions were put into place.  
91

92 Mr. Oster: It looks like this strip is going to balance these two lots out to be close to 1.5.  
93

94 Mr. Hrabcak: The house Lot 1941, the 1.65 acres, is the old original farmhouse that goes way back on  
95 Mrs. Henderson's side of the family. There's an old barn that's been there for forever as well; it's a very  
96 old structure. I think Mrs. Henderson can comment on this; I'm thinking that was the original farmhouse.  
97

98 Cynthia Hall Henderson, 4620 Big Walnut Road, Galena, Ohio 43021, and I was sworn in. The old  
99 farmhouse was built in the 1830's, my parents moved in in the 1950's, I was raised there, and we built our  
100 house next to it. One reason for the request is getting out on Big Walnut Road is hazardous and this would  
101 allow us to back out or turn around easily enough to go heading out into the traffic. It's a terrible situation  
102 with Big Walnut Road there. We have a slight hill right in front of what was my parent's home and is

## Board of Zoning Appeals

103 now the Bales' home, and we cannot see when they come up over and very quickly from the freeway. It  
104 comes up to that little peak and it's very difficult to see.

105

106 Mr. Oster: The 30' lot line looks very reasonable to me, just to average both of those lots out to more of  
107 an equal size anyway.

108

### **MOTION TO APPROVE CONDITIONAL USE APPLICATION #CU-20-14**

109

110  
111 Mr. Oster made a motion to approve Conditional Use Application #CU-20-14, Craig A Henderson and  
112 Cynthia Hall Henderson, and Caleb C Bale and Bailey L Bale, as submitted; seconded by Mr. Miller.

113

114 Vote on Motion: Mr. Oster-yes, Mr. Miller-yes, Ms. Sundar-yes, Mr. Shipley-yes

115 Motion carried

116

### **APPROVAL OF MEETING MINUTES**

117

118

119 Mr. Oster made a motion to approve the meeting minutes of the Orange Township Board of Appeals  
120 dated June 18, 2020 for Variance Application #VA-20-07, Joseph & Julie Leonetti, as written; seconded  
121 by Mr. Shipley.

122

123 Vote on Motion: Mr. Oster-yes, Mr. Miller-yes, Mr. Shipley-yes, Ms. Sundar-yes

124 Motion carried

125

126 Mr. Oster made a motion to approve the meeting minutes of the Orange Township Board of Appeals  
127 dated June 18, 2020 for Variance Application #VA-20-08, Richard Schuen, with the following correction:

128

- Line 26: "but" should read "that"

129

130 Seconded by Mr. Shipley.

131

132  
133 Vote on Motion: Mr. Oster-yes, Mr. Miller-yes, Mr. Shipley-yes, Ms. Sundar-yes

134 Motion carried

135

136 Mr. Oster made a motion to approve the meeting minutes of the Orange Township Board of Appeals  
137 dated June 18, 2020 for Variance Application #VA-20-09, Wesley Smith, as written; seconded by Mr.  
138 Shipley.

139

140 Vote on Motion: Mr. Oster-yes, Mr. Miller-yes, Mr. Shipley-yes, Ms. Sundar-yes

141 Motion carried

142

143 Mr. Beard: Do we do both sets of minutes since I emailed the second set out?

144

145 Mr. Oster: I didn't look at the other set.

146

147 Mr. Miller: I didn't either; I only looked at the printed set.

148

149 Mr. Beard: We'll just extend those to the next hearing. Next month there are five cases, so if you want to  
150 split them up, we can. We have a variance request, three conditionals and a variance/conditional use  
151 for a church.

152

153 Mr. Miller: Split them into two different nights?

## Board of Zoning Appeals

154 Mr. Beard: If you want to. We've done more than five before; I think we did six or seven last year.

155

156 Mr. Oster: In the Township Hall we did, but things seem to go a little smoother in there than virtual.

157

158 Mr. Miller: I don't know how involved they are, but if they are somewhat involved, I think you'd be  
159 better off over two different nights.

160

161 Mr. Beard: One is a variance with a setback request, one a conditional use which is a non-conforming lot  
162 to add on to an existing building, two are conditional uses for monument signs, the other is a variance/  
163 conditional use. We're still ironing out what the variances are for sure for the North Unitarian Church  
164 expansion.

165

166 Mr. Miller: Monument signs typically get pretty actively discussed. I personally would like to have it as  
167 two meetings instead of one, unless you think we can breeze through it quickly. I don't want to breeze it  
168 and miss something.

169

170 Mr. Beard: I haven't gotten to review all the applications; we received three of them today.

171

172 Mr. Miller: And if you get more well....

173

174 Mr. Beard: The deadline was today, so we won't get anymore.

175

176 Mr. Miller: If we changed it to two nights, maybe we could do it that following week to give other people  
177 and that way we can do three and three or three and four or something like that.

178

179 Mr. Oster: In this case, three and two.

180

181 Mr. Shipley: Unless one was added he was saying.

182

183 Mr. Miller: Yes.

184

185 Mr. Beard: The applicants are all aware of the calendar and they know that date.

186

187 Mr. Oster: Since Jeff does a great job of coordinating and lining up everything, I say we just leave it to  
188 him if he thinks we're able to blast on through the five and not be around at 11:00 at night.

189

190 Mr. Shipley: That's important and some of these folks might be waiting on that date. We do this once a  
191 month but again we don't want to be up until 11:00. The Unitarian Church is a return, right, where they  
192 were trying to get some land from Del-Co?

193

194 Mr. Beard: Yes and they haven't really changed anything. They got the five acres now we just have to  
195 determine what exactly they have to have.

196

197 Mr. Miller: With it being a month out though, if we do split it up, that still should give them plenty of  
198 time to know we want to change it from the 17<sup>th</sup> to the 18<sup>th</sup> or whatever.

199

200 Mr. Shipley: I agree. If we're going to change it, just change it a day or two and not push it too far out.  
201 But I'm with Rick; I'll do whatever you want to do, Jeff.

202

203 Mr. Beard: And I'll be on vacation starting September 4, that Friday and the following week, so I'm  
204 going to try and have everything done by the 3<sup>rd</sup> so we can get everything out to you.

## Board of Zoning Appeals

205 Mr. Oster: Actually you wouldn't have to provide me with printed material; the digital copies are just fine  
206 as long as these pdf's work. You could save the paper and the printing costs, and I'm just fine with the  
207 digital email.

208  
209 Mr. Miller: So the 17<sup>th</sup> is the next meeting?  
210

211 Mr. Beard: Yes, September 17<sup>th</sup>. If you guys want to move the date, I can reach out to the applicants and  
212 see if any of them are okay moving the date. If we move it sooner, I would give it to the people who  
213 applied first.

214  
215 Mr. Miller: Just shoot us an email and let us know which way you want to go.  
216

217 Mr. Shipley: I'm good with whatever you decide.  
218

219 Mr. Oster: I'm good with whatever Jeff wants to do. Ads have to be put in the paper for people to respond  
220 that may want to respond.  
221

222 Mr. Beard: Based on what they're proposing, I think we can do all five in one night, but I'll look at the  
223 applications a little more.  
224

225 Hearing adjourned at 6:35 p.m.  
226

227 Minutes prepared by Cindy Davis, Zoning Secretary  
228

229 At their October 15, 2020 meeting, Mr. Oster made a motion to approve the meeting minutes of the  
230 Orange Township Board of Zoning Appeals dated August 20, 2020 for Conditional Use Application  
231 #CU-20-14, Craig A. Henderson and Cynthia Hall Henderson, and Caleb C. Bale and Bailey L. Bale with  
232 the following corrections:  
233

- 234 • Correct the spelling of the Legal Counsel from Hravcak to Hrabcak throughout the document
- 235 • Line 85: remove the extra apostrophe
- 236 • Line 111: correct the font used for Craig Henderson's name
- 237 • Line 172: add the word "well" to the end of the sentence

238  
239 Seconded by Mr. Shipley

240 Vote on Motion: Mr. Oster-yes, Mr. Miller-yes, Mr. Shipley-yes, Mr. Trefz-abstain, Ms. Sundar-yes  
241 Motion carried  
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243