

Board of Zoning Appeals

Application #'s VA-18-25 & CU-18-26

December 12, 2018

LEGAL NOTICE

Notice is hereby given that the Orange Township Board of Zoning Appeals will hold a special public hearing on Wednesday, December 12, 2018, beginning at 7:00 p.m. to consider the following application/s:

Variance Application #VA-18-25, Buckeye Investment NWO LLC, Requesting a Variance from Section 14.07 (n) of the Olentangy Crossings South Rezoning Case 18517, and Sections 22.03 (c (1) and (4)), 22.06 (c (3) and (4)), (d), (e) and (j) of the Orange Township Zoning Resolution to allow non-conforming signage that will fail to meet the sign standards in an area zoned Planned Commercial and Office (PC) District. The subject property is located at 45 Coal Bend Road, Lewis Center OH 43035 and having permanent parcel number #318-220-02-017-002.

Conditional Use Application #CU-18-26, Buckeye Investment NWO LLC, 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 Commercial & Office (PC) District. The subject property is located at 45 Coal Bend Road, Lewis Center OH 43035 and having permanent parcel number #318-220-02-017-002.

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

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

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

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

***Bruce Ward, Chairman
Jeff Beard, Orange Township Zoning Department***

Please publish one time, on or before Sunday, December 2, 2018 in The Delaware Gazette

Mr. Ward called the hearing of the Orange Township Board of Zoning Appeals for December 12, 2018 to order at 7:00 p.m.

Roll Call: Bruce Ward, Rick Oster, Jerry Miller, Kelvin Trefz

Township Officials Also Present:

Michael McCarthy Township Counsel
Michele Boni Planning and Zoning Director
Jeff Beard Zoning Enforcement Officer

Ms. Boni: Ms. Sundar will not be attending this evening.

Mr. Ward: We are picking up on cases relative to the Beck Supply, Inc., Buckeye Investment.

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52 **Variance Application #VA-18-25, Buckeye Investment NWO LLC**, Requesting a Variance from
53 Section 14.07 (n) of the Olentangy Crossings South Rezoning Case 18517, and Sections 22.03 (c (1) and
54 (4)), 22.06 (c (3) and (4)), (d), (e) and (j) of the Orange Township Zoning Resolution to allow non-
55 conforming signage that will fail to meet the sign standards in an area zoned Planned Commercial and
56 Office (PC) District. The subject property is located at 45 Coal Bend Road, Lewis Center OH 43035 and
57 having permanent parcel number #318-220-02-017-002.

58
59

60 Mr. Beard presented Staff Report and presentation. To the north, south and east of the site is Planned
61 Commercial; west is Single Family. The applicant's request is for mixed use and area variance for
62 signage. Each sign will be discussed separately. There are a total of 12 signs, details of each in the Staff
63 Report. Sign 1 request is for a Use Variance for monument sign along US 23 with setback of 27' from
64 right-of-way displaying the name of the establishment along with fuel prices.

65

66 Mr. Ward: Before we get into any testimony, anyone at all who would like to speak to the issues this
67 evening need to be sworn in.

68

69 A court reporter with Runfola Reporters administered the oath to those wishing to speak

70

71 APPLICANT PRESENTATION/BOARD QUESTIONS & COMMENTS

72

73 Lee Beckham, Beck Suppliers, 1000 N. Front Street, Fremont, Ohio, this specific Use Variance is for a
74 sign that presents our fuel pricing out at the road. This project is a convenience store that offers food and
75 fuel, and based on industry standard, this is one of the items that is typical to this type of business. We
76 look at this as a safety factor for when you're driving at a high rate of speed on 23, having prices for fuel
77 out at the road that's easily accessible for our clients versus having to look back off the road to try and
78 find pricing on the building or canopy, that's the main reason we requested this Use Variance.

79

80 Mr. McCarthy: To remind the Board, the standards for a Use Variance is that it should only be granted
81 after there is no viable economic use along the property under the existing zoning.

82

83 Mr. Miller: Before you started with this project, did you not know or the company not know the zoning
84 regulations with regard to monument signage on 23?

85

86 Mr. Beckham: Yes we did.

87

88 PUBLIC COMMENT

89

89 John Fandrich, 200 Caboose Lane, Delaware, Ohio, when I bought my property, I had a set of standards
90 that I reviewed with my attorney, and I knew what I was and wasn't allowed to build. I don't think it
91 would be fair for the community surrounding it to say, I know I bought it this way; I'm not a fan of what
92 the industry standard is because our property isn't an industry standard, I don't think it makes sense to
93 change the rules just because you want to and it would set a horrible precedence for the rest of the
94 buildings being built, regardless if you want a gas station or not. The issue of it's for safety could be just
95 as much of a distraction causing less safety, so there's a lot of issues with the signage; what variances
96 have been approved for other businesses built there? I know Kroger doesn't have their signs....

97

98 Mr. Oster: They're in their own district. Their code is different than on this side; this is not allowed on
99 this side.

100

101 Mr. Fandrich: It looks a certain way, let's maintain that. The next thing is going to be another business
102 that wants a giant illuminated globe or something, so how far are we going to take this before we say no?
103 I knew what the rules were when I bought my house; I'd love to have a fence to the street, but I can't.

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104 Mr. Oster: I agree; I think when you allow stuff that's not allowed, you set precedence, especially in their
105 area, then here comes the next guy and they always point back to, he got to do it.

106
107 Mr. Fandrich: And I'm sure McDonald's is paying attention to see what happens here, and I don't want to
108 see giant golden arches. I just want to keep the area the way it is.

109
110 Mr. Miller: There are reasons for variances. For example, if there's a topography issue, if you've got
111 rolling hills, swales, streams, etc., that's sound reasoning for a variance.

112
113 Mr. Fandrich: If someone can present something that creates the need for the sign, I'm all ears. But I'm
114 hearing it's a safety and industry standard, and for me looking at it, that doesn't matter for this property.

115
116 Mr. Oster: I think it could be as much a hazard as it could be safety. It's a moot point in my opinion; it's
117 not a good reason.

118
119 Mike Schlaegel, 6765 Fall Brook Trail, I don't understand how we buy things and then we're allowed just
120 to change things. When I bought my home, they said you have to have so many square feet and brick on
121 the front, other rules, and I bought it knowing that. For these gentlemen to say they bought it knowing
122 there should be changes. I would like to see the report that states about the safety issue when there's tons
123 of kids in that neighbor, tons of people going in and out of it. I go down 23 quite a bit. There are
124 probably 2 accidents a day if not more just because the speed they travel, and I'm late for work, I've
125 missed flights because of 23 sometimes. This is the 5th meeting I've been in, McDonald's or other areas, I
126 don't know why we get called back in to change stuff. I bought knowing what the rules were, no
127 problem. My wife said last time their concern was making money; I could care less if they make money,
128 that's not my problem. I lost \$300,000 when I bought my house because of the real estate market; nobody
129 cared, so I think we should quit spending time and your valuable time going over stuff that they already
130 knew was in place.

131
132 Mr. Oster: That's why we appreciate you guys coming back in to have a say in your area.

133
134 Mr. Schlaegel: If you live in that development; that's the way we have to look at it. These gentlemen are
135 going to build this thing and go on to the next project. There's Kroger right across the street; I'd like to
136 know how these people think they're going to come into this neighborhood when you go across the street
137 to Kroger, get all the perk stuff, people going 55 mph; that sign's not going to stop them.

138
139 Robyn McComb, 6710 Fall Brook Trail, I just wanted to speak to the McDonald's thing. I had personal
140 conversations with McDonald's. They actually chose not to ask for a variance for the sign because their
141 building spoke for itself; it's only necessary for names that are not known. But once it becomes known,
142 it's not going to be necessary. Once people know there's a gas station there, they're going to stop for gas
143 regardless of the price.

144
145 Ashish Puarwal, 219 Coal Bend, you talk about industry standard; can you share what you mean by that?

146
147 Mr. Ward: Because it is claimed to be an industry standard does not necessarily affect the decision of
148 either the range of the regulation or the decision of the Board.

149
150 Mr. Puarwal: I know for a fact that's not industry standard. When they present it as an industry standard,
151 they are not presenting the facts.

152
153 Kevin Yarnell, 143 Long Branch Run, I just want to make sure that it's uniform throughout there. Just as
154 some others mentioned, once that sign goes in, everyone is going to try and put that in as a variance, just
155 like many of the other variances in there. The intent was not to have that kind of sign on that side of the
156 street just because the residences are also there, and I would like to maintain that uniformity throughout
157 that planned district area, it should not be there.

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158 Jason Zaycox, 6551 Old Ironside Lane, there was some noise and I couldn't hear, but what did you say
159 the setback would be?

160
161 Mr. Beard: 27' from the right-of-way of US 23.

162
163 Mr. Zaycox: So the right-of-way is....

164
165 Mr. Beard: 30' and then the sign would be 27' from that, so it would 57' from 23.

166
167 Mr. McCarthy: It was stated that it would be 27' from US 23 and is the intent of that to have it from the
168 right-of-way of US 23?

169
170 Mr. Beckham: It was from the right-of-way.

171
172 Mr. Ward: Understand that the right-of-way is not the pavement.

173
174 Mr. Zaycox: The other side of it, that's going to be a more informative sign or is that both sides?

175
176 Mr. Beard: That would be a different sign on that side.

177
178 Larry Gay, 169 Long Branch, Delaware, we moved in 6 months ago and like many people here, we
179 moved in with the idea, I realize development is going to happen, but I was told by people from the
180 neighborhood who had been thru this before that a gas station was not permitted on our side. Now we're
181 going thru that plus attempts to change the signage to make it less conducive to the neighborhood. I'm
182 very concerned about the lack of a right hand turn lane because everybody coming south on 23..

183
184 Mr. Ward: Again, we've got so much to go thru that we're limiting the conversation to the sign.

185
186 Mr. Gay: They want to be able to see that sign, I'm assuming that's the case. If that's true, why couldn't
187 they be concerned about the way they left their property throughout the summer without mowing it? I
188 don't see any consistency. We're concerned about the property, but we're not concerned enough to mow
189 it?.

190
191 Mr. Ward: I would entertain a motion on whether we accept this Use Variance on the monument sign.

192
193 **MOTION TO DENY MONUMENT SIGN FOR APPLICATION #VA-18-25**

194
195 Mr. Miller made a motion to deny the monument sign, Sign #1, requested for Use Variance Application
196 #VA-18-25, Buckeye Investment NWO LLC, based on they knew the requirements beforehand; seconded
197 by Mr. Trefz.

198
199 Vote on Motion: Mr. Ward-yes, Mr. Oster-yes, Mr. Trefz-yes, Mr. Miller-yes

200 Motion carried

201
202 Mr. Ward: As I understand it, the monument sign has been denied, therefore the next 2 requests are
203 moot?

204
205 Ms. Boni: Then we go onto the next sign.

206
207 Mr. Beard: That would be Sign 2, they are asking for a Use Variance from Section 22.06 c)3),
208 regulations for lighting. The applicant is requesting a digital LED reader board message center be located
209 on the building which will change periodically with store information, such as daily food specials or
210 sales. Next variance is from Section 22.06 d), lettering, requesting use of more than 2 types and more
211 than 3 sizes of lettering to display the store's advertisements. They're also asking for a variance from

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212 Section 22.06 e), requesting the use of more than 5 colors for the display of advertisements. They're also
213 asking for an Area Variance from Section 22.03 c)4), requesting that the bottom of the electronic reader
214 board message center be located 7' from the finish grade, projecting 10-1/2" from the wall which is
215 within the Code that allows 18".

216

217 Mr. McCarthy: Was there a Use Variance requested for the use of exposed LED lighting in a changeable
218 message?

219

220 Mr. Beard: It should be covered; it's going to have a clear cover on it.

221

222 Mr. Ward: A clear cover on the board with LED lighting behind it?

223

224 Mr. Beard: Yes; kind of like a TV.

225

226 Mr. Miller: Where does it state that it's going to be a clear cover?

227

228 Mr. Beard: I don't know if they have a detail.

229

230 Mr. Miller: Then how do you know it's going to be a clear cover?

231

232 Mr. Beard: Thru our discussions with the applicant when we told them what variances they needed.

233

234 Mr. Beckham: The reader board sign is a device we use to convey information to anyone who is under
235 the gas canopy' it's the main portion of advertising we do for those customers. About 40% of the
236 customers come into the building from the gas, the rest pay at the pumps, and we're really pushing to
237 refocus on our food program as this is the primary operation of this device.

238

239 Mr. Miller: How many changes do you propose per day on average on changing your advertising from
240 hot dog to burrito or whatever?

241

242 Mr. Beckham: The changes vary based on season but typically we're trying to get out 2 to 3 advertise-
243 ments during the time period they're pumping which is typically 5-10 minutes.

244

245 Mr. Miller: And the advertisements, is that strictly going to be block lettering type advertisement or
246 pictorial, showing a hot dog or whatever?

247

248 Mr. Beckham: Usually pictorial.

249

250 Mr. Oster: Is it going to be moving?

251

252 Mr. Beckham: Most of them are not.

253

254 Mr. Oster: So they're stationary pictures?

255

256 Mr. Beckham: Typically, yes, and in moving as graphics moving, typically no. When I say moving, it's
257 the change from one picture to the next.

258

259 Mr. Miller: So it's a loop system instead of a video system?

260

261 Mr. Beckham: Yes.

262

263 Mr. Miller: You're asking for 5 colors.

264

265 Mr. Beckham: Actually we're asking for more than 5; it's unlimited, like a TV; it varies; you can get as

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266 many as you want.
267
268 Mr. Oster: So it is a finer resolution sign?
269
270 Mr. Miller: It's a true monitor?
271
272 Mr. Beckham: It's almost but not quite the resolution of a monitor.
273
274 Mr. Trefz: What does almost mean?
275
276 Mr. Beckham: I don't know if we have the pixels listed.
277
278 Mr. Miller: You don't need the pixels; this is a standard Samsung, LG, Sony type of video that...
279
280 Mr. Beckham: No, it's called Watchfire, it's the highest clarity they have. Off the top of my head I don't
281 know what the actual clarity is but it's fine enough that we can show pictures and it looks like actual.
282
283 Audience Member: Sound?
284
285 Mr. Beckham: No.
286
287 Audience Member: How many sides of the building is this on?
288
289 Mr. Beckham: Just one, the north side.
290
291 Mr. Schlaegel: I think that's annoying but how do we know a lot more about this stuff? It looks like a
292 chalkboard and now they're asking for more colors. It's very similar to a TV and I know how annoying
293 those are when I just go to a gas station when they've got the TV by the pump. So now you're going to
294 have a 3 x 7' one there?
295
296 Mr. Oster: Right.
297
298 Mr. Schlaegel: And again, they knew before they bought the property you probably couldn't have this
299 kind of sign.
300
301 Mr. Ward: They say they did.
302
303 Mr. Fandrich: Just to try and move thru these, can we bring all of our comments to the Board for the
304 signs because it's pretty much going to be the same. It's a TV, it's a lit sign, it's against all the Codes that
305 we have, it's a variance, the way we bought our houses and things like that.
306
307 Mr. Oster: Everyone has to come up and testify themselves.
308
309 Mr. Fandrich: I bought my house, there was a Code I had to follow, I followed it. I want to build a fence
310 that goes to the street, I can't. I knew that, that's where we sitting. The bank, Panera, supposedly
311 McDonald's, they did not apply for these variances. Just to keep the street looking the same and
312 everybody happy, I don't think it's a good idea to start this precedence.
313
314 Mr. Miller: Is this signage going to be facing toward the pumps?
315 Mr. Beckham: Yes.
316
317 Mr. Yarnell: It was stated this sign is going to be on the north side. The north side is actually not 23
318 front facing. That makes this seem that the front facing is going to be more toward the north side than 23
319 so that kind of hurts the other variance that they were trying to do before, so I don't think based on where

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320 the sign's supposed to be placed that it should be on the north side because it makes it seem like the front
321 facing side. It does set a dangerous precedence for having these kinds of signs all the way up and down
322 that corridor; I don't want it to be the next little Reno by having all these different pictures and graphics
323 coming up and down thru here and going into my neighborhood.
324

325 John Coggins, 151 Branch Run, I share many of the same issues the other speakers have but once we start
326 coming around to the north and west sides of the building, now you're talking about light, smell and
327 sound directly coming at the residents; the 23 side is at least facing the other way. On this particular sign,
328 which I understand will be facing north, and/or will there be another one coming up from the west? We're
329 going to be looking at a 3' TV with multi-color graphics flashing all night, right into our bedroom
330 windows, so future variances we'll be talking about later this evening, a lot of light, a lot of sound with
331 this particular one, it's the first one that's come up facing the houses, so I would ask the Board to consider
332 that as they consider this variance.
333

334 Amy Fidler, 335 Olentangy Crossings West, just to think about the television on the residential facing
335 side of the building and the fact that this is a 24 hour operation, this is going to be disruptive all night long
336 to the residents. If you pass this, we have a lot more lots there to be developed, and this sets a precedent
337 for all those lots to be developed. That will be terribly negatively impactful for the residential area.
338

339 Marchard Boyd, 269 Coal Bend, along with all the other comments made about setting a dangerous
340 precedent that will be set if this is approved, you used the argument to turn down the first variance
341 because of safety; that's on the ground. This is up high, facing northbound traffic coming south with
342 flashing signs. They're trying to position it as a little less than a TV; it's not, it's going to be very bright,
343 very colorful because they can't even tell you how many colors it has, basically unlimited, and the
344 brightness isn't even speeded out yet. It's going to burn the eye coming southbound at 55 mph. That's
345 pretty fast traffic coming down 23 and one quick eye, and there's another accident, hopefully not fatal,
346 but it can certainly happen. If you're using that same judgment and logic to turn down the first sign, it
347 should definitely apply to this one and likely to the rest of them as well. I haven't seen them but use your
348 judgment on this.
349

350 Mr. Zaycox: Echoing a lot of the things that have been shared already, I was thinking about the station
351 itself at night because you're going to have lights for safety and access which makes sense, but to have
352 this stand out, how bright is that going to have to be? What kind of island of light is that going to create
353 all thru the night because it's got to stand out for their pumps, signage and safety purposes, and this will
354 have to override it to be eye catching to be effective. I feel like it's going to be really bright and more
355 striking than you expect when you're just measuring specs on a wall.
356

357 Mr. Puarwal: Wonder if I am the Union Bank Company, can I get signs like that if this is approved?
358

359 Mr. Ward: I guess they could request it.
360

361 Mr. McCarthy: It's come up a couple of times as to why you have to come back. Under our Code
362 anybody can file an application, that application comes to this Board and has to be applied against the
363 Code and the law, and a decision rendered. But that is why you in all likelihood will be back some other
364 day on some other application.
365

366 Mr. Puarwal: What I'm trying to say is they are requesting for this one store but on that street there are
367 existing establishments, Union Bank, Panera Bread, they're going to come back on and want something
368 like this and this is 7' long, so 70' of vision board, bright lights on 24 hours. There are 142 units in that
369 area and many more to come. So it's not only a distraction but they want to change the zoning.
370

371 Mr. Ward: I understand your concern about precedent.
372

373 Mr. Oster: This isn't the first time and we have turned this down already on a much larger scale, and

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374 that's where I would invite all of you to not only monitor what's going on close to you but all of Orange
375 Township. Sign up on Orange Township so you're notified of everything coming in so that you can voice
376 your opinion even if it's not close to you to possibly help with another area.

377
378 Mr. Schlaegel: They control the sign, so from a compliance standard, who would watch it for the colors
379 and graphics and everything else?

380
381 Mr. Miller: Zoning enforcement.

382
383 Ms. Boni: They're submitting a variance to not have a 5 color limit.

384
385 Mr. Schlaegel: Once they do something, it's all over.

386
387 Mr. Oster: Not necessarily. They've gone back and done enforcement on what you were supposed to do
388 and either you didn't do it or you did it different; that has happened.

389
390 Mr. Schlaegel: I don't think we should have to go thru these issues because we know what the rules are
391 and I don't think there are great explanations from the gentlemen about what we have questions on, and
392 not having an idea of what it looks like is sort of embarrassing to me.

393
394 Mr. Miller: In regard to enforcement, today we are light years ahead of what we were 2 or 3 years ago in
395 regard to zoning enforcement, so if there is a building, setback, etc., we are actively enforcing it because
396 the community is asking for it.

397
398 Mr. Ward: Again keep our testimony focused on what the issue is.

399
400 Greg Watkins, 6593 Old Ironside, I'm right at the corner of Coal Bend and the stub, my house backs up to
401 that. Quite a few of us on Old Ironside put in patios and such, I spent \$25,000-\$30,000 on my patio, and
402 the neighbors and I went together and paid to put in trees back there, now this sign will be pointed right
403 into my patio every night and originally they put in trees to block that and we had to out of our pockets as
404 homeowners pay, not the Association, to block a lot of the signage from across the street I'm not against
405 these folks at all, it's just going to make it uncomfortable for me to be on that corner with a \$30,000 patio
406 and see a sign of what hot dogs for sale. I understand you've got business to do, but you've got to
407 understand that's where I live and I agree with someone who spoke earlier about 23, that everyone who
408 backs up to that has a complaint with that. I don't know what the Code is but when I had to get a variance
409 from you folks on my building, it was 3 colors, and I was a little shocked when someone said unlimited
410 colors. I've been thru this and we had a different set of rules maybe 10 years ago.

411
412 Kahli Mavuleti, 171 Coal Bend, I think it is my responsibility to make sure none of my neighbors come
413 across me, they are not inconvenienced because of whatever I am doing. So because of this establishment,
414 we have 140 families that are inconvenienced. How can this be approved? Generally, it is bad when 1
415 family is impacted but when 140 families are being impacted, the property will be inconvenienced 24
416 hours, how can that be approved? That is my question.

417
418
419 **MOTION TO DENY READER BOARD FOR APPLICATION #VA-18-25**

420
421 Mr. Miller made a motion to deny the reader board sign, Sign #2, requested for Use Variance Application
422 #VA-18-25, Buckeye Investment NWO LLC, based on concern for safety of a digital sign that large,
423 especially for traffic coming up 23, along with going against the number of colors specified in the Code;
424 seconded by Mr. Oster.

425
426 Vote on motion: Mr. Ward-yes, Mr. Oster-yes, Mr. Trefz-yes, Mr. Miller-yes

427 Motion carried

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428 Mr. Beard: Next is Sign #3, building sign on the north elevation of the building, asking for an Area
429 Variance from Section 22.03 c)1), requesting 2 building identification signs with a maximum height of
430 20' 1" from the top of the sign; a variance of 6' 1" is requested.

431
432 Mr. Beckham: We're talking about the height of our ID sign, and this sign will face both north and east.
433 It is a halo lit sign so the lighting is very minimal. The height of the sign is what we're asking for the
434 variance and, due to the aesthetics of the building and the design we have, lowering the sign to under 15'
435 would basically make the sign right at the top of the door which aesthetically just doesn't look right.
436 That's the main reason we're asking for this variance.

437
438 Mr. Oster: Isn't this going to be occluded from the canopy on the north side?

439
440 Mr. Beckham: The word "Friendship" on the Friendship logo but not the Friendship Kitchen.

441
442 Mr. Oster: Where it's at right now looks like it's going to be about the same height as your canopy.

443
444 Mr. Beckham: It's very close.

445
446 Mr. Oster: So it's going to be covered by the canopy if they're both at the same height.

447
448 Mr. Beckham: No. You're talking about the canopy fascia, it's a little bit higher than that and there's a
449 space between the canopy and the building.

450
451 Mr. Oster: Wouldn't it make sense to have it a little bit lower?

452
453 Mr. Beckham: No.

454
455 Mr. Oster: Then you could see it underneath the canopy.

456
457 Mr. Beckham: We've done 26 of these buildings; we've played with this, this is the optimal height for
458 view for a customer when they pull into the pumps. If we lower it, they would still be able to see it, but
459 aesthetically it doesn't look correct.

460
461 Mr. Ward: You're saying if you lower it to the regulation height it would be just above the door?

462
463 Mr. Beckham: To lower it to regulation, it would be just above the opening, you'd end up with a large
464 amount of masonry siding showing.

465
466 Mr. Oster: I think it would look better, but that's just me. It would put it in line with your blue trim and
467 be just about centered.

468
469 Mr. Beckham: The height of the signage, it's not contrary to the public interest. That distance we're
470 looking for, special conditions applies; we're just looking to match our standard that we have as a
471 company based on our elevations. We have looked to see if there are any other options to it and this has
472 always come up as being the best solution for the height of the sign.

473
474 Mr. Fandrich: The aesthetics of it, that's not my problem, and what your standard is, I'm not attacking
475 you, but you bought in our neck of the woods at standards of what these gentlemen have developed years
476 ago, they're our standards for this neighborhood, and that's what we're fighting. The fact that you're ok
477 with kitchen being covered but you said earlier that you're trying to drive that portion of the business but
478 you're covering up the kitchen. If you did lower it to what the rules are, it would be just above the sign
479 and right in line with everything. Again, the property was purchased with a set of standards to follow,
480 and it is very important for us to maintain that and not create a precedent for other companies that come in
481 and dictate what they want to do in our area.

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482 Scott Wallace, Senior Real Estate Manager for Beck Suppliers, Fremont, Ohio, I have talked to John a
483 few times and we had this discussion before. We want to be as aesthetic as possible with your nice
484 looking community, so to say aesthetics doesn't mean anything to you, I've talked to you before and you
485 never said that before. If you bring that sign down, you're going to have a bunch of empty space all the
486 way up to the top. It's just a big open gray space and to me that's not aesthetic, but we do care about
487 aesthetics.

488
489 Shawn Griffith, 248 Coal Bend, Delaware, I think I heard the benefit of having a sign up at the level was
490 for the benefit of the customer pulling into their lot. By the time they're pulling into their lot, they
491 already know where they're at; I don't know where having a sign up higher benefits that. The only thing
492 I see from having it up that high is they're trying to put it up above the canopy; that's more light facing
493 northward into our neighborhood. The other concern I have is there's a listing of each of the signs and the
494 Kelvin temperature and everything is listed at, 5700 Kelvin temperature which, from my understanding,
495 the Township recommends 2700-3000....

496
497 Mr. Miller: Don't mean to cut you short but the light levels, etc. have nothing to do with this part; that's
498 the next one.

499
500 Mr. Yarnell: They stated this is going to be on the north and east sides, and the north side is not road
501 facing, correct?

502
503 Mr. Oster: Not 23 facing.

504
505 Mr. Beard: It's facing Coal Bend.

506
507 Mr. Yarnell: Is the regulation for facing the road for 23 or facing Coal Bend?

508
509 Mr. Oster: Both. 15' for both.

510
511 Mr. Yarnell: The east side is more palatable from the residents' point of view but the north side one is
512 going to face all residents 24 hours a day, and I don't want to see that every day from my house. We
513 bought into the area not wanting to see that kind of signage on the residence side; I would prefer not to
514 see that unless it was shielded towards the neighborhood, and I don't see anything about shielding.

515
516 Mr. Beckham: As stated earlier, the canopy will be shielding part of it.

517
518 Mr. Oster: That's just from southbound traffic.

519
520 Mr. Yarnell: But the canopy is going to be covering it, why have it there?

521
522 Mr. Miller: You said the Friendship Kitchen was going to be somewhat of a subdued blue coloring or
523 light intensity, but looking at the specs, I couldn't find anything on it.

524
525 Mr. Beckham: We're within Code providing this.

526
527 Ms. Boni: The temperature is not a Code requirement.

528
529 Mr. Oster: We just make it a requirement generally?

530
531 Ms. Boni: We have been as a condition.

532
533 Ms. McComb: When I drive into Dublin, I know what businesses are there because of familiarity. I go to
534 McDonald's, there's no signs on it; you know its McDonald's just by driving past it all the time. One of
535 the things I liked when we bought our home is when I drove past that bank, it was a beautiful building, all

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536 downlighting, no signs on it, I know it's a bank, all of its customers know it's there. McDonald's has
537 very few signs, none on our side. The church, non-descript, you know it's a church, you know what
538 church it is. None of these signs are necessary once people know what this business is, so height, size,
539 color, they're not necessary. Maintain the face of the neighborhood which is beautiful brick buildings.
540

541 Mr. Watkins: Anybody along Ironside, we spent a lot of money and so did the Association for all those
542 trees along there. Anything that gets up, you're sort of telling us sorry about your luck, that anything on
543 the north or west side of that just goes into all our backyards. That's not your fault, it's just the way it was
544 designed, and when Planned Communities laid that out, I asked Jack (Brickner) about it. He said if we
545 have a problem, we'll plant your trees. I asked about the building there; he told me medical office
546 buildings. Most of the residents got told don't worry about that but when you drive in you see the big
547 hills on the one side, the grandkids have some Christmas decorations on it and looks nice, but my side has
548 got the retention pond and all the trees. My neighbor and I went together and put more trees in, and
549 anything that gets up above those, then we're done. You weren't told those stories, I'm sure, those were
550 medical office buildings only, and I even asked specifically, no gas stations, no fast food? Absolutely
551 not, not while we control it. And you know what happened there.
552

553 Mr. Boyd: Just like the first two, this variance request is not is not good for the neighborhood. There's
554 nothing that they have presented today that says that aesthetically or otherwise it warrants a change to the
555 Code. It doesn't fit into our neighborhood in one regard or another and it shouldn't be allowed.
556

557 Mr. Ward: Just to be clear, you understand that they are allowed a sign if it meets our Code. Some of
558 you are talking as though you are wanting the elimination of the sign.
559

560 Ashish Agarwal, 219 Coal Bend, why do you need to have that thing that is holding the sign that tall?
561

562 Mr. Beckham: You're talking about the sign?
563

564 Mr. Agarwal: There will be an empty space up there. If there is a functional need to have that height,
565 then I agree, but if there is no need...
566

567 Mr. Beckham: Apparently the height is required to the roof top which is part of the Code, and to get the
568 area for us to mount that sign to, we need the height to the parapet so it stands out.
569

570 Audience Member: What are the roof top units?
571

572 Mr. Beckham: HVAC; you're not allowed to have HVAC units exposed to the public.
573

574 John Coggins, 151 Branch Run, I'm going to speak for myself but I think I'm going to speak for maybe
575 everybody else in this room, but I've pulled into a lot of gas stations in my life and had no idea of the
576 name of the station and didn't know it when I pulled out, but as people travel on 23 on a regular basis,
577 that sign's not going to be what pulls them in; they're going to know there's a gas station there and they
578 don't need that sign. Once I'm in that lot, I don't need a sign necessarily for the door to induce me to
579 come in. That sign will be just fine a little bit lower, so it's not real high, shining in our bedroom
580 windows that are just a few feet away.
581

582 Audience Member: Is that backlit or just a stationary sign?
583

584 Mr. Oster: I believe they said it's just the Friendship that's backlit?
585

586 Mr. Beckham: They're not backlit, they're halo lit.
587

588 Mr. Oster: Inside halo?
589

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590 Mr. Beckham: Yes, so the light just shines back on the wall and you see a glow around the outside.
591
592 Mr. Oster: Is Kitchen and Friendship halo lit?
593
594 Mr. Beckham: Yes.
595
596 Mr. Oster: Blue and orange?
597
598 Mr. Beckham: Yes.
599
600 Ms. McComb: During the day it looks like its backlit blue but at night it's white. Is it white at night?
601
602 Mr. Beckham: There's a dot matrix system on the Friendship that in the day it looks blue and at night it
603 turns white.
604
605 Mr. Oster: So it is changing?
606
607 Mr. Beckham: No, it's simply the way the light comes thru the material. It has nothing to do with the
608 lights changing at all.
609
610 Mr. Trefz: You said now the light is coming thru the material not projected onto the wall and then; just
611 need clarification of which way the light's....
612
613 Mr. Beckham: The signs are internally lit and the signs are off the wall about 2" and that light that's
614 internally shines back on the wall and gives a glow.
615
616 Mr. Trefz: So there's no back panel on the sign to prevent the light from going out the back side?
617
618 Mr. Beckham: Just against the wall, correct.
619
620 Mr. Oster: So there's 2" leakage.
621
622 Mr. Beckham: Internal leakage.
623
624 Mr. Oster: Against the wall.
625
626 Mr. Trefz: So you have light both transmitted thru during the day and during the night, and then you've
627 got other lighting that's reflecting off the wall behind it and coming around it?
628
629 Mr. Beckham: Correct.
630
631 Mr. Trefz: So it's not just a halo, it is internally lit.
632
633 Mr. Beckham: Halo lit is internally lit.
634
635 Mr. Trefz: You brought it up; I was just asking for clarification.
636
637 Mr. Mavuleti: When it's lit at night and as it goes up, it's impacting us; if it's down, I think it would be
638 less impact., I know they're qualified to have it but I think at a lower level it would be less impact
639
640 Mr. Ward: Again, we're discussing the height of the sign, not necessarily its lighting.
641
642 Audience Member: Is there a difference between being on 23 and Coal Bend since Coal Bend turns
643 residential? Is it all the same whether it's a busy thoroughfare or less traffic?

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644 Mr. Oster: I believe the Code is the same on both of those streets on that side in that area.

645

646 Mr. Ward: No differentiation between whether it's on a major highway or a side street.

647

648 Audience Member: Does Orange do anything different between a residential street and a commercial
649 street?

650

651 Mr. McCarthy: It would be fair to say that some of the plans have treated the 23 side differently than the
652 other faces of the structure, and I believe that was true in Olentangy Crossings. As I recall, Olentangy
653 Crossings was given a divergence on the sign height on the 23 side but not on the other side. That was
654 the consideration of the Zoning Commission, they weren't in front of the BZA and rules applied, but the
655 rules have at times been promulgated with an eye toward the surrounding areas.

656

657 Mr. Schlaegel: He keeps mentioning their standard and their 26 stores, that's not our problem. We don't
658 want it at all, so them bringing up what they've done in the past doesn't matter. I drove 40,000 miles over
659 4 years and I never once went into somewhere because I saw a sign for a hot dog or a kitchen or whatever
660 this is going to be.

661

662 Mr. Ward: If this is denied, does that deny the sign or does that deny the height?

663

664 Mr. Beard: Height.

665

666 Mr. Ward: Just wanted to clarify.

667

MOTION TO DENY SIGN HEIGHT FOR APPLICATION #VA-18-25

668

670 Mr. Oster made a motion to deny the height for Sign #3 on the north elevation as requested for Use
671 Variance Application #VA-18-25, Buckeye Investment NWO LLC, as it would be best served at the
672 Code's 15' regulation; seconded by Mr. Trefz

673

674 Vote on motion: Mr. Ward-yes, Mr. Oster-yes, Mr. Trefz-yes, Mr. Miller-yes

675 Motion carried

676

MOTION TO DENY SIGN HEIGHT FOR APPLICATION #VA-18-25

677

679 Mr. Oster made a motion to deny the height for Sign #4 on the east elevation as requested for Use
680 Variance Application #VA-18-25, Buckeye Investment NWO LLC, as it would be best served at the
681 Code's 15' regulation; seconded by Mr. Miller.

682

683 Vote on motion: Mr. Ward-yes, Mr. Oster-yes, Mr. Trefz-yes, Mr. Miller-yes

684 Motion carried

685

686 John Kuhl, attorney for the applicant, 52 E. Gay Street, Columbus: Just for clarification, I think in the
687 application Sign 3 is actually considered both north and east elevation, there are 2 sign 3's listed, so for
688 clarity, so the Board is actually adopting what it's intending to adopt, I think we need to amend that
689 motion to reflect what it is you're actually denying because right now you're denying a variance on a sign
690 that hasn't been discussed which is Sign 4.

691

692 Ms. Boni: They can either call it Sign 3 or specify what the signage is.

693 Mr. McCarthy: You could call it Sign 3 building sign on the north elevation, Sign 3 building sign on the
694 east elevation.

695

696 Mr. Kuhl: Because Sign 4 relates to a canopy issue.

697

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698 Mr. Oster: Not in my documentation.

699

700 Ms. Boni: The way we organized the Staff Report, we did the monument and all the walls, so those
701 numbers are our Staff interpretation, so if we're going to call it a certain number, we should reflect the
702 application, not the Staff Report.

703

704 Mr. Oster: So they're both #3 in the application for north and the east?

705

706 Ms. Boni: Yes; the 4th sign is what we're going to be talking about.

707

708 Mr. Oster: So we'll amend that motion to reflect Sign #3 on the east elevation.

709

MOTION TO DENY SIGN HEIGHT FOR APPLICATION #VA-18-25

710

711
712 Mr. Oster amended the motion to deny the height for Sign #3 for the east elevation as requested for Use
713 Variance Application #VA-18-25, Buckeye Investment NWO LLC, as it would be best served at the
714 Code's 15' regulation; seconded by Mr. Ward.

715

716 Vote on Motion: Mr. Ward-yes, Mr. Oster-yes, Mr. Trefz-yes, Mr. Miller-yes

717 Motion carried

718

719 Mr. Ward called 10 minute recess

720

721 After recess:

722

723 Mr. Kuhl: On behalf of the applicant, we're hearing everyone's concerns, and the remaining issues with
724 respect to the canopy, and I know there are going to be concerns related to that. What we'd like to do is
725 ask that this variance be tabled, and we'll go back and see that if something that we come back with may
726 be more well received, so we ask the Board to table consideration of the remaining variances on tonight's
727 agenda until such time as we can work with Zoning Staff to set it for additional consideration.

728

729 Mr. Ward: Is staff ok with this?

730

731 Mr. Kuhl: I don't know that we would necessarily want it for the next meeting, we do want some time to
732 rework it, and obviously time for public notice, etc.

733

734 Ms. Boni: Our next meeting is January 17.

735

736 Mr. Ward: If that does not give you enough time, we'll table it until the next meeting.

737

738 Mr. Kuhl: We'll do the 17th.

739

740 Ms. Boni: And that's at 6:30 p.m.; we have changed the time. Also, we have a new fee schedule in place,
741 so if the applicant is requesting to table it, there is an additional fee that will apply.

742

MOTION TO TABLE VARIANCE APPLICATION #VA-18-25

743

744
745 Mr. Ward made a motion to table Variance Application #VA-18-25, Buckeye Investment NWO LLC at
746 the request of the applicant for Sign #'s 4, 5, 6, 10, 11 and 12 as stated in the applicant's application, until
747 Thursday, January 17, 2019 at 6:30 p.m. at Orange Township Hall; seconded by Mr. Miller.

748

749 Vote on Motion: Mr. Ward-yes, Mr. Oster-yes, Mr. Trefz-yes, Mr. Miller-yes

750 Motion carried

751

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752 Hearing adjourned at 9:45 p.m.

753

754 Minutes prepared by Cindy Davis, Zoning Secretary

755

756 On February 21, 2019, Mr. Miller made a motion to approve the meeting minutes of the Orange
757 Township Board of Zoning Appeals for Variance Application #VA-18-25 and Conditional Use
758 Application #CU-18-26, Buckeye Investors NWO LLC with the following corrections:

759

760 • Line 63 should read 27' instead of 23'

761 • Line 132 – the word “so” should be removed

762 • Line 170 should read: Mr. Beckham: It was from the right-of-way

763 • Line 237 – the word “and” should be changed to “as”

764 • Line 406 – the word “under” should be changed to “understand”

765

766 Seconded by Mr. Oster.

767

768 Vote on Motion: Ms. Jordan-abstain, Mr. Oster-yes, Mr. Trefz-yes, Ms. Sundar-yes, Mr. Miller-yes

769 Motion carried

770