



Trustee Ryan Rivers • **Trustee** Lisa Knapp • **Trustee** Debbie Taranto
Chair

Zoning Department
Michele Boni, Planning & Zoning Director

Orange Township Board of Zoning Appeals

Orange Township Hall - Moffett Room
1680 E. Orange Road, Lewis Center, OH 43035

Thursday, March 21, 2019

6:30 p.m.

1. Call roll for board members
2. Swearing in of witnesses
3. New Business

i. Variance Application #VA-19-04

Applicant:	Tyler Edwards
Owner:	Menards Inc.
Site:	7241 Graphics Way (PID# 318-230-01-003-012)
Zoning:	Planned Industrial (PID) District
Request:	Requesting an Area Variance from Section 17.07(h) in Zoning Case #11-0051 of Menards Creekside that will fail to meeting the minimum building setback requirement in an area zoned Planned Industrial (PI) District.

4. Approval of Minutes from December 13, 2018 (AP-18-27, VA-18-28, CU-18-29, CU-18-30, VA-18-31, VA-18-32, CU-18-34, VA-CU-18-35)
5. Approval of Minutes from January 17, 2019 (VA-18-25, VA-18-36)
6. Approval of Minutes from February 21, 2019 (CU-19-02, VA-19-02, VA-19-03)
7. Adjournment of meeting

Board of Zoning Appeals

1 **Application #'s AP-18-27, VA-18-28, CU-18-29, CU-18-30, VA-18-31,**
2 **VA-18-32, CU-18-33, CU-18-34, VA-CU-18-35**

December 13, 2018

LEGAL NOTICE

6 Notice is hereby given that the Orange Township Board of Zoning Appeals will hold a public hearing
7 on Thursday, December 13, 2018, beginning at 7:00 p.m. to consider the following application/s:

9 **Appeal Application #AP-18-27. Adam Radulovich.** Requesting an Appeal of the zoning
10 inspector's decision to issue a zoning violation from Section 25.02 of the Orange Township Zoning
11 Resolution to allow the placement of a shed to remain in its current location within the setbacks in
12 area zoned Single Family Planned Residential (SFPRD) District. The subject property is located at
13 4366 Lewis Center Road, Galena OH 43021, and having permanent parcel number 318-140-03-001-
14 000.

16 **Variance Application #VA-18-28. Speedway LLC.** Requesting an Use Variance from Section 22.06
17 (3) and Section 22.06 (4) of the Orange Township Zoning Resolution to allow LED fuel pricing in an
18 area zoned Planned Commercial and Office (PC) District. The subject property is located at 10330
19 Columbus Pike, Lewis Center OH 43035, and having permanent parcel number #318-334-01-007-000.

21 **Conditional Use Application #CU-18-29. H&D Holding Co. Inc.** Requesting a Conditional Use
22 from Section 22.04(a) of the Orange Township Zoning Resolution to allow the construction of a
23 monument style free standing sign in an area zoned Planned Commercial & Office (PC) District. The
24 subject property is located at 6975 Graphics Way, Lewis Center OH 43035 and having permanent
25 parcel number
26 #318-230-01-001-005.

28 **Conditional Use Application #CU-18-30. Orange Self Storage LLC.** Requesting a Conditional
29 Use from Section 22.04(a) of the Orange Township Zoning Resolution to allow the construction of a
30 monument style free standing sign in an area zoned Planned Commercial & Office (PC) District.
31 The subject property is located at 265 Orangepoint Drive, Lewis Center OH 43035 and having
32 permanent parcel number #318-230-01-011-015.

34 **Variance Application #VA-18-31. Lewis Center United Methodist Church.** Requesting Variances
35 from Section 22.06 (c(3)), 22.06 (e) and 22.04 (3(b)) of the Orange Township Zoning Resolution to
36 allow an Electronic Message Center (EMC) sign with a moving light source, more than five (5) colors
37 and the height to exceed eight (8) feet in an area zoned Farm Residential (FR-1) District. The subject
38 property is located at 1081 Lewis Center Road, Lewis Center OH 43035 and having permanent parcel
39 number #318- 220-01-063-000.

41 **Variance Application #VA-18-32. All Shepherds Lutheran Church.** Requesting a Use Variance
42 from Section 22.06 (c(3)) and 22.06 (e) of the Orange Township Zoning Resolution to allow an
43 Electronic Message Center (EMC) sign with a moving light source and more than five (5) colors in an
44 area zoned Farm Residential (FR-1) District. The subject property is located at 6580 Columbus Pike,
45 Lewis Center OH 43035 and having permanent parcel number #318-220-02-019-002.

47 **Conditional Use Application #CU-18-33. All Shepherds Lutheran Church.** Requesting a
48 Conditional Use from Section 22.04(a) of the Orange Township Zoning Resolution to allow the
49 construction of a monument style free standing sign in an area zoned Farm Residential (FR-1) District.
50 The subject property is located at 6580 Columbus Pike, Lewis Center OH 43035 and having permanent

Board of Zoning Appeals

51 parcel number#318-220-02-019-002

52
53 **Conditional Use Application #CU-18-34, CTD Olentangy LLC**, Requesting a Conditional Use
54 from Section 22.04(a) of the Orange Township Zoning Resolution to allow the construction of a
55 monument style free standing sign in compliance with Rezoning Case # ZON-16-03 in an area zoned
56 Planned Commercial & Office (PC) District. The subject property is located at 6589 Artesian Run,
57 Lewis Center OH 43035 and having permanent parcel number #318-220-01-058-037.

58
59 **Variance and Conditional Use Application #VA-CU-18-35, North Church**, Requesting an Area
60 Variance from Section 7.04 (c) of the Orange Township Zoning Resolution to allow a place of worship
61 on a lot less than five (5), in addition to a Conditional Use from Section 7.04(c) of the Orange
62 Township Zoning Resolution to allow a place of worship in an area zoned Farm Residential (FR-1)
63 District. The subject property is located at 1992 Lewis Center Road, Lewis Center OH 43035 and
64 having permanent parcel number #318-213-16-001-000.

65
66 The hearing will be held at the Orange Township Hall, 1680 East Orange Road, Lewis Center, Ohio,
67 43035.

68
69 The applications and plans are available for inspection for a period of at least 10 days prior to the hearing
70 at the Orange Township Zoning Office, 1680 East Orange Road, Lewis Center, Ohio, 43035. Zoning
71 Office hours are Monday through Friday, 8 a.m. to 4:30 p.m. except legal holidays.
72 Following this hearing the Board may have a meeting for general purposes to consider such business as
73 may properly come before it including, but not limited to, consideration and/or approval of minutes,
74 scheduling future hearing dates for this or other applications and like matters.

75
76 The person responsible for the publication of this notice is Jeff Beard, Orange Township Zoning
77 Department.

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

80
81 *Please publish one time, on or before Sunday, December 3, 2018 in The Delaware Gazette*

82
83 Mr. Ward called the hearing of the Orange Township Board of Zoning Appeals for December 13, 2018 to
84 order at 7:00 p.m.

85
86 Roll Call: Bruce Ward, Rick Oster, Punitha Sundar, Jerry Miller, Victoria Jordan

87
88 Township Officials Also Present:
89 Michael McCarthy Township Counsel
90 Jeff Beard Zoning Enforcement Officer
91 Riane Federman Planning and Zoning Intern

92
93 Mr. Ward: We have 9 applications this evening, so we are going to swear you in as your application or as
94 the subject comes up rather than doing a mass swearing. And, as you address the Board, please come to
95 the podium, identify yourself and your address for the record.

96
97 **Appeal Application #AP-18-27, Adam Radulovich**, Requesting an Appeal of the zoning in-
98 spector's decision to issue a zoning violation from Section 25.02 of the Orange Township Zoning
99 Resolution to allow placement of a shed to remain in its current location within the setbacks in area
100 zoned Single Family Planned Residential (SFPRD) District. The subject property is located at 4366
101 Lewis Center Road, Galena OH 43021, and having permanent parcel number # 318-140-03-001-000.

Board of Zoning Appeals

102 Mr. Beard presented the Staff Report and presentation. First violation letter was sent October 4, there was
103 communication between the applicant and myself regarding the violation, and then the appeal was applied
104 for. Surrounding the site to the north is Alum Creek Park; south, east and west is Single Family Planned
105 Residential. In reviewing the application for the appeal, we noticed the applicant provided the mortgage
106 survey that shows the shed in its location and it also says it's a metal shed with no foundation. In the
107 past, structures that have no foundation are not considered a structure, so if it has no foundation and not
108 considered a structure, a permit would not be required and this appeal would not be necessary and the
109 violation would be voided.

110
111 Mr. McCarthy: Does your shed have a foundation or not?

112
113 Adam Radelovich, Applicant, it does not.

114
115 Mr. McCarthy: On that basis, Mr. Beard, would you care to withdraw the violation?

116
117 Mr. Beard: Yes.

MOTION TO ACCEPT WITHDRAWAL OF APPEAL APPLICATION #AP-18-27

118
119
120
121 Mr. Ward made a motion to accept the withdrawal of violation against Appeal Application #AP-18-27,
122 Adam Radulovich; seconded by Mr. Oster.

123
124 Vote on Motion: Mr. Ward-yes, Mr. Oster-yes, Ms. Sundar-yes, Ms. Jordan-yes, Mr. Miller-yes
125 Motion carried

126
127 Hearing continued with Variance Application #VA-18-28

128
129 Minutes prepared by Cindy Davis, Zoning Secretary

130
131
132
133

Board of Zoning Appeals

1 **Application #VA-18-28**

December 13, 2018

2
3
4 **Variance Application #VA-18-28, Speedway LLC,** Requesting an Use Variance from Section 22.06
5 (3) and Section 22.06 (4) of the Orange Township Zoning Resolution to allow LED fuel pricing in an
6 area zoned Planned Commercial and Office (PC) District. The subject property is located at 10330
7 Columbus Pike, Lewis Center OH 43035, and having permanent parcel number #318-334-01-007-000.
8

9 Mr. Beard presented the Staff Report and presentation. Surrounding the site, north and east is Planned
10 Commercial, south and west is Highbanks Park. Applicant is proposing an LED fuel pricing sign on the
11 monument sign; this will just be a face change, so it will not need a Conditional Use changing the
12 locations or the dimensions of the sign.
13

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

15
16 A court report with Runfola Reporters administered the oath to Mr. Young.
17

18 Stanley Young, 220 Pontius Lane, Circleville, Ohio 43113. Speedway, like most petroleum distributors,
19 is upgrading their sites. Many gas stations have also begun this process of upgrading, going from the old
20 style manually changed gas price sign to LED. This one is no different except, according to your Code,
21 this does not scroll, rotate or flash; it's static in nature, it doesn't move. It's all one color and simply
22 displays fuel pricing, that is all. It's not any kind of message center, and as Mr. Beard indicated, we're
23 simply keeping the same size as what is there now, simply doing a face change. There is no change in
24 electric to these; they're all local LED, so we can use the existing electric.
25

26 Mr. Ward: Jeff, I know up to now we've been pretty strict on signs when we've had the opportunity.
27 There have been times when this type of sign does appear but it was normally because of previous zoning,
28 it was included in the agreement or whatever for the most part, correct?
29

30 Mr. Beard: They were approved in error by a former employee.
31

32 Mr. Ward: Part of what we use in our analysis when we look at these kind of situations has to do with are
33 there any special conditions that this sign should be used as opposed to the one you have.
34

35 Mr. McCarthy: On this parcel; the focus is really on the parcel. You already have a variance for the
36 setback on the building and sign, if I recall correctly. I'm just saying that's why I appreciate you're not
37 trying to make it bigger.
38

39 Mr. Young: I think too even if it was non-conforming, basically most cities and municipalities do allow
40 for things as face changes as long as you're not making it any closer to the road, not making it any bigger,
41 and that's the case here. We just want to work from within the existing size of the sign frame and help
42 make it more clear, more visible, consumers driving by want to know what the gas prices are. From a
43 consumer standpoint, it is a very good thing to have. You'll see most petroleum distributors' gas stations
44 have this type of signage, and we're just asking for the opportunity as a marketer of petroleum products to
45 even out the playing field so we have an opportunity to compete with similar type signage. I don't think
46 we're really asking anything more than what's the absolutely minimum required.
47

48 Ms. Sundar: Pardon me if I'm wrong, but you have another taller sign board which is digital, correct?
49

50 Mr. Young: Not at this site; this is the only freestanding sign on the site from what I understand.
51

Board of Zoning Appeals

52 Mr. Oster: Our problem is that everybody in our area wants to go to these non-conforming LED signs,
53 and we're just not opening that up yet to anybody because once you do, you're going to open it up to
54 everybody. And you being down at the end of the run, I can see where somebody across the street or
55 down the block that isn't in our area may be allowed to have that, and that just presents a problem but
56 they want these all over the place, not just gas stations, so that's our dilemma of opening this up to
57 anybody, or at least me, because then you're going to open the gate to they've got it, why can't I?
58

59 Mr. Young: I know there are other places within your Township, within your bounds, that do have this
60 type of signage. I'm not up to speed on exactly how they were approved, maybe Mr. Beard....
61

62 Mr. Oster: He said one was done by error.
63

64 Mr. Young: That may be true, but United Dairy Farmer's, Getgo and maybe Meijer all have this kind of
65 signage and when you consider commerce and business, even institutional uses, schools, churches, ways
66 to display and make messages clear are really things I think every community should take a hard look at
67 because it helps the consumer, it helps the person wanting to make a decision in a more clear and better
68 fashion, so sometimes it becomes necessary to look at how the Code is written. In this case, the only
69 thing that really doesn't comply is the fact that it's LED: it meets all your other requirements. It doesn't
70 scroll, flash, it doesn't do any of those things, so in this case, this is an extremely minimal type of thing,
71 and I don't think we're asking for anything more than what's absolutely minimally required to display
72 this fuel pricing. I believe it's reasonable, and I've done many of these and have not had many cities or
73 municipalities not approve these. It's been well received to be honest with you.
74

PUBLIC COMMENT

75
76
77 A court reporter from Runfola Reporters administered the oath to Mr. Griffith.
78

79 Sean Griffith, 240 Coal Bend, Delaware, I know you heard a lot from our neighborhood last night on
80 some of these similar type of issues, so I'll just reiterate a couple of those points from my side as well
81 as...
82

83 Mr. McCarthy: Mr. Griffith, I just want to indicate that if you want the point to count here, you have to
84 say it; we can't reference a different case; that wouldn't be fair to the applicant.
85

86 Mr. Griffith: Zoning is in place for a reason. Allowing LED lighting in one case just opens the flood
87 gates for everywhere. I don't know for our community that's what we're looking to have; that's why we
88 have this in place. As far as making it clearer to the consumer, I think at 45 or 55 miles per hour along
89 23, you're either going to stop or you're not going to stop at a gas station. I don't think making it slightly
90 more clear is going to make that much of a difference. In the end, I think it's more about, like we talked
91 last night, community standards as opposed to the industry standards in this particular case.
92

MOTION TO APPROVE APPLICATION #VA-18-28

93
94
95 Mr. Miller made a motion to approve Variance Application #VA-18-28, Speedway, LLC, since the
96 monument sign is not being replaced and with the industry turning toward all digital....
97

98 Mr. McCarthy: Mr. Miller, the signage not being replaced is really not a reason; the industry you can go
99 for.
100

101 Mr. Miller: The industry is going digital. With this not being flashing, it will be a static color, and it is
102 going to be the wave of the future. I make a motion to approve this. And I say this with one caveat; also

Board of Zoning Appeals

103 contact the Zoning Board to have such changes made to where if it's going to be a static change like this
104 is, where it's going from a manual to electronic as long as it's not flashing, as long as it's a single color,
105 etc., it is the future.

106

107 Mr. McCarthy: The Board is reminded it is not the job of this Body to rewrite the Code; it's the job of the
108 Body to apply the Code within its current language.

109

110 Mr. Oster: And I would say there's not going to be any hardship or drawbacks with him staying with the
111 white lettering. He wants to do it for convenience, I'm sure. A system's going to go in and keep that
112 updated for price changes instead of doing it with the white letters.

113

114 Mr. Ward: The motion's on the floor; we need a second on Mr. Miller's motion.

115

116 Seconded by Ms. Sundar.

117

118 Vote on motion: Mr. Ward-yes, Mr. Oster-no, Ms. Jordan-yes, Ms. Sundar-yes, Mr. Miller-yes
119 Motion carried

120

121 Hearing continued with Variance Application #CU-18-29

122

123 Minutes prepared by Cindy Davis, Zoning Secretary

124

125

126

127

Board of Zoning Appeals

1 **Application #CU-18-29**

December 13, 2018

2
3 **Conditional Use Application #CU-18-29, H&D Holding Co. Inc.**, Requesting a Conditional Use
4 from Section 22.04(a) of the Orange Township Zoning Resolution to allow the construction of a
5 monument style free standing sign in an area zoned Planned Commercial & Office (PC) District. The
6 subject property is located at 6975 Graphics Way, Lewis Center OH 43035 and having permanent
7 parcel number #318-230-01-001-005.
8

9 Ms. Federman presented the Staff Report and presentation. Applicant is proposing to install a
10 monument style free standing sign along property frontage adjacent to Graphics Way. Surrounding
11 area is an estate zoned Planned Commercial and surrounded by vacant land. The proposed sign will be
12 7' above grade, setback 108' from the street right-of-way of Graphics Way. The proposed sign will
13 have 2 sides, with a total sign area per side of approximately 40 square feet for a total area of
14 approximately 80 square feet. The applicant is permitted an aggregate sign area of 128 square feet at a
15 setback of 27' from the edge of the street right-of-way. The proposed sign will consist of 1 color,
16 beige.
17

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

19
20 A court reporter from Runfola Reporters administered the oath to Mr. Bower.
21

22 Bryan Bower, 3892 Bair Road NW, Dover, Ohio 44622, the sign is a 2 sided sign set in a planting bed.
23 The sign itself is flanked by 2 masonry piers, trails we're using on those for the sign base being a stone
24 material, piers with the materials being consistent with the same materials used on the building; we
25 want it to match the character of the building that is currently under construction. It will be lighted,
26 ground mounted lights. We have provided a cutoff on those lights to assure we aren't spotting someone
27 else's property. We anticipate construction to be done sometime around the end of June, so the sign will
28 probably be constructed in April, once the weather breaks.
29

30 Mr. McCarthy: You're requesting uplighting on the sign?

31
32 Mr. Bower: Yes.
33

34 Mr. McCarthy: And that's LED?
35

36 Mr. Bower: Yes.
37

38 Mr. McCarthy: On exterior lighting, the Township has asked, or I'll raise to the Board for possible
39 consideration, that the color temperature on the LED be kept at 3000.
40

41 Mr. Ward: Riane, you mentioned in your presentation that it meets all the qualifications as far as
42 signage requirements go.
43

44 Ms. Federman: Correct.
45

46 **PUBLIC COMMENT**

47
48 None
49

50 **MOTION TO APPROVE APPLICATION #CU-18-29**

51

Board of Zoning Appeals

52 Mr. Ward made a motion to approve Conditional Use Application #CU-18-29, H&D Holding Co. LLC,
53 with the condition that the LED lighting will not exceed 3000 Kelvin; seconded by Ms. Jordan.

54

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

56 Motion carried

57

58

59 Hearing continued with Conditional Use Application #CU-18-30

60

61 Minutes prepared by Cindy Davis, Zoning Secretary

62

63

64

65

DRAFT

Board of Zoning Appeals

1 **Application #CU-18-30**

December 13, 2018

2
3 **Conditional Use Application #CU-18-30, Orange Self Storage LLC**, Requesting a Conditional
4 Use from Section 22.04(a) of the Orange Township Zoning Resolution to allow the construction of a
5 monument style free standing sign in an area zoned Planned Commercial & Office (PC) District.
6 The subject property is located at 265 Orangepoint Drive, Lewis Center OH 43035 and having
7 permanent parcel number #318-230-01-011-015.
8

9 Ms. Federman presented the Staff Report and presentation. The surrounding area is Farm
10 Residential to the north, south and west is Planned Commercial, and east is Planned Industrial.
11 Applicant is proposing a monument style free standing sign 4' above grade, with 15' setback from
12 the right-of-way of Columbus Pike. The proposed sign totals approximately a total of 32 square feet.
13 The applicant is permitted an aggregate sign area of 32 square feet. The proposed sign incorporates
14 2 colors, light gray and orange.
15

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

17
18 A court reporter from Runfola Reporters administered the oath to Mr. Bunger.

19
20 Greg Bunger, Lehner Signs, 2983 Switzer Road, Columbus, Ohio, 43219, double sided sign going
21 along 23, internally illuminated and will not exceed 3000 Kelvin. The entrance for the property is off
22 Graphics Way, nobody will know its back there, they'll see a building but the land has a small piece
23 that comes up to 23; the sign is going to go on top of that mound just in front of the retention pond. 15'
24 is about all we had to work with there, so it's going pretty much right in front of the pond along 23.
25

26 **PUBLIC COMMENT**

27
28 None
29

30 **MOTION TO APPROVE APPLICATION #CU-18-30**

31
32 Mr. Miller made a motion to approve Conditional Use Application #CU-18-30, Orange Self Storage
33 LLC, as presented; seconded by Mr. Oster.
34

35 Vote on motion: Mr. Ward-yes, Mr. Oster-yes, Ms. Jordan-yes, Ms. Sundar-yes, Mr. Miller-yes
36 Motion carried
37

38
39 Hearing continued with Variance Application #VA-18-31
40

41 Minutes prepared by Cindy Davis, Zoning Secretary
42
43
44
45

Board of Zoning Appeals

1 **Application #VA-18-31**

December 13, 2018

2
3 **Variance Application #VA-18-31, Lewis Center United Methodist Church.** Requesting Variances
4 from Section 22.06 (c(3)), 22.06 (e) and 22.04 (3(b)) of the Orange Township Zoning Resolution to
5 allow an Electronic Message Center (EMC) sign with a moving light source, more than five (5) colors
6 and the height to exceed eight (8) feet in an area zoned Farm Residential (FR-1) District. The subject
7 property is located at 1081 Lewis Center Road, Lewis Center OH 43035 and having permanent parcel
8 number #318-220-01-063-000.
9

10 Mr. Beard presented the Staff Report and presentation. To the north of the site is Single Family
11 Planned Residential, south and west is Farm Residential District, and east is Planned Commercial. The
12 applicant is requesting a 3'-1-3/4" x 7'-4-1/4" electronic message center included in part of the
13 monument sign face change. The proposal allows for changeable messages but none are defined
14 currently. The applicant is also requesting the use of more than 5 colors. The messages will change and
15 the number of colors per message may exceed 5 colors. The applicant is requesting to increase the
16 height of the sign from the current state to 8'-6", so a 6" area variance is requested. The top portion of
17 the existing monument sign will be the electronic message center and internally illuminated, and have a
18 31' setback from the right-of-way of Lewis Center Road. We received an email today from Robyn
19 McComb, 6710 Fall Brook Trail, Delaware, Ohio 43015, who is concerned with this case and other
20 cases that will be discussed later which states: Please accept this email as my statement against the
21 Variance and Conditional Use Variance request as work and family schedule preclude her from
22 attending tonight's meeting. Wants to find against the variances submitted on 23 north and close to
23 Olentangy Crossings neighborhood. She said as mentioned at last night's meeting, they're in opposition
24 of the monument EMC signs, the fear they will cause distraction issues while traveling at 55 mph zone,
25 especially considering multi-color and lighted features requested. Zoning rules are established and as a
26 homeowner they have learned they have to conform to these. They are hopeful the commercial
27 properties are also held to those same requirements. Monuments are not allowed facing the Olentangy
28 Crossings neighborhood and they asked to deny the variance for monuments and other graphic displays.
29

30 Mr. Ward: She is addressing not only this application but the other ones as well?

31
32 Mr. Beard: Yes, those being discussed later.
33

APPLICANT PRESENTATION/BOARD QUESTIONS & COMMENTS

34
35
36 A court reporter from Runfola Reporters administered the oath to Mr. Holtsberry.
37

38 Oliver Holtsberry, DaNite Sign Company, representing Lewis Center United Methodist Church, 1640
39 Harmon Avenue, Columbus, Ohio. We are proposing a new monument cabinet inside the existing
40 brick structure, main reason being that right now they have an old changeable copy sign where letters
41 have to be manually changed and it's causing some issues with the church having to constantly change
42 the messages. Also, especially in winter and rough conditions, it is becoming more and more
43 problematic for the church, so want to go digital to be able to do it in house and be able to have more
44 than 1 message at once which would allow them to show the community everything that's going on
45 there; in the past it has just been service times and things of that nature. The LED option would be
46 more practical for them but also for their pre-school as well. They want to put some different things on
47 the LED sign for that as well which they haven't been able to do in the past. At the top of the new sign
48 they want to include the header face with the pre-school and new logo. Right now, from the bottom of
49 the gray structure to the top of the sign it is 8-1/2' which is 6" taller than allowed. I think the main
50 thing is the LED electronic message center; they're just trying to be able to have a couple different
51 messages and be able to spread to the community what's going on. I know in the past year the Board

Board of Zoning Appeals

52 has been kind of tough on EMC's. We would be willing to work with you on colors allowed to be
53 used, we wouldn't want any flashing messages; we just want to rotate messages and definitely want to
54 hear your recommendations on how many seconds, how many times it can change, how many messages
55 can be shown at once; those are all things we would definitely be willing to negotiate on the EMC.

56

57 Mr. Ward: Your client is aware these signs are just flat out not allowed in the Township. Obviously or
58 you wouldn't be here, but I just wanted to make that part of the record.

59

60 Mr. Holtsberry: Yes, we are aware they are restricted in the Township.

61

62 Ms. Sundar: Looking at the sign, how do you think you can effectively match the Code up with the
63 colors every single time? How do you think you can achieve that?

64

65 Mr. Holtsberry: The software allows us to manipulate the different messages that we show on the sign,
66 so if we had a color restriction, we could abide by that. No messages would exceed 5 colors if that was
67 a stipulation. There are certain things we can edit with the software that would allow us not to go over
68 any boundaries per se.

69

70 Mr. McCarthy: The Board is reminded that the standard for Use Variances is that there be no viable
71 economic use of the property without the variance; Area Variance, the practical difficulty standards
72 apply.

73

74 Mr. Miller: Why would you need to increase the height?

75

76 Mr. Holtsberry: Typically with electronic message centers, we don't like to make them less than 3' in
77 height because it restricts the messages, the line items that can be on it, and with them wanting to have
78 the pre-school and new logo up top, this extra 6" really helps get us there. We tried to do it within 8'
79 and under, and everything was shrinking up too much and it wasn't working out well.

80

81 Mr. Miller: If something like that would be approved, by changing the font of Lewis Center itself
82 could reduce that down to keep that part within Code, to keep that within 8'.

83

84 Mr. Holtsberry: I'm sure the church would be willing to look at that if that was something that would
85 work for you because it is 6", so I think we could probably work with that.

86

87 Mr. Miller: What is your proposition in regard to changing the graphic? That's my biggest concern.
88 Moving digital imaging is not allowed; it's a massive safety issue, and with the huge expansion of
89 Lewis Center Road because of Evans Farm, etc., there's enough distraction along there anyhow.

90

91 Mr. Holtsberry: And that's why we don't want to do any flashing lights....

92

93 Mr. Miller: Just moving images.

94

95 Mr. Holtsberry: Moving as to where it's changing from one message to another?

96

97 Mr. Miller: Not only if it was changing once every minute or every three minutes, if this was a true
98 EMC where the children would be moving, for example, I would reject it in a heartbeat just because of
99 that from a safety standpoint.

100

101 Mr. Holtsberry: Correct, and we understand that and that's why we're willing to work with the Board.
102 If animation, like where children are moving or they have a flag that looks like it's blowing in the wind

Board of Zoning Appeals

103 where it actually is moving, we wouldn't want to do anything like that. The main purpose to this is to
104 have a static message and then another static message and then another static message, so there would
105 be no animation or movement of light; there would just be static messages, static messages.....

106
107 Mr. Miller: But how often are those static messages going to be changing and is it an instant change?
108

109 Mr. Holtsberry: It would be an instant change and we can edit how often it changes. With our software
110 we can edit if it's every 8 seconds to every 5 minutes.

111
112 Mr. Miller: If it was 8 seconds, I'd vote it down right now. We don't want Las Vegas.
113

114 Mr. Oster: We're not here to redesign the sign either. It's as presented.
115

116 Mr. Miller: I'm just trying to get an understanding of what their plan is as far as the static message.
117

PUBLIC COMMENT

118
119
120 A court report from Runfola Reporters administered the oath to Ms. Culler.
121

122 Stephanie Culler, 2026 Lewis Center Road, Lewis Center, Ohio 43035, as somebody who lives directly
123 across from Evans Farm entrance, I beg you, don't open this can of worms. Just this week I got a
124 traffic light in my front yard; that's going to be invasive enough. If you allow this, that's going to go
125 nuts with Evans Farm and all this, so please.
126

127 Sean Griffith, 240 Coal Bend, we were here last night also about this same type of thing, and you open
128 this up, you're opening it up to everybody and soon it's Las Vegas all along 23 outside of our com-
129 munity, distractions everywhere, concerns of safety and just the quality of life here for the residents.
130

131 Stanley Young, I'm a Christian, also a pastor, I've been involved in ministry over 15 years, and
132 churches and schools historically are non-profit. They do not have the advertisement budget or the
133 ability to have money to bring people in to their school or churches; they rely basically on the sign. I'm
134 also a member of Central Ohio's Dohm Association. I'm on the legislative committee and we have
135 helped countless cities and municipalities re-write their Codes that have to do with some of the issues
136 you are struggling with, so I offer our services to you at no charge, tell us when you would like to meet,
137 and we would be thrilled to meet and help you with your Code, to write something that you're com-
138 fortable with. You have some legitimate concerns, but you can have also the ability to fine tune or
139 restrict things within your Code that you and the community can live with. Remember that without the
140 churches and schools, you do not have a strong community. A sign is a way to bring people in, help
141 them to have moral clarity and straightness when it comes to living a life of quality, and that's what
142 communities need today more than ever.
143

144 Mr. Miller: I am also a Christian and actively involved in my church's ministries for 50+ years, and
145 have an extensive background in digital imaging, graphics and signage; that's been my entire career.
146 The issue we have here though is that the EMC's are a nightmare from a distraction and safety scenario,
147 and right now, we have to live within our Codes. Can Codes be changed, can they be modified based on
148 technology, etc.? Yes, but...
149

150 Mr. Ward: Not by us.
151

152 Mr. Miller: This Board cannot do this. This is the appeals Board; we don't write the zoning laws.
153

Board of Zoning Appeals

154 Mr. Young: I was offering that as something as consideration of you as a Board because your time and
155 energy as a Board is valuable. However, as communities grow, as commerce comes in, as businesses
156 evolve, you will be inundated with more and more cases that have to do with this particular type of
157 issue and I'm trying to make myself available, the association we're a part of. We have a gentleman
158 here that represents a manufacturer of LED's and I'm sure he would make himself available, and he is
159 well educated in the field of LED's and message centers. I have been a sign consultant for over 35
160 years, so we share a lot of the same concerns but cities and municipalities have been successful in
161 taking something that initially seems offensive and turning it around into something that can work for
162 the community and for you. Know that those things are available and businesses and communities
163 going to grow and this is not going to go away.

164
165 Mr. Miller: We recognize that. If you are willing to offer such services to the Township, please give
166 Mr. Beard your card. He's in the Zoning Department and if Codes are going to be changed, we
167 welcome your input.

168
169 A court reporter from Runfola Reporters administered the oath to Pastor Hanover.

170
171 Tom Hanover, Pastor, Lewis Center United Methodist Church, 754 Canal Street, Delaware, Ohio
172 43015. We are less interested in the graphics such as pictured here and more interested in lettering that
173 will communicate some of the services we offer to the community. For example, tonight we have a
174 group meeting at the church with a faith based 12 step program, trying to address the opiate concerns in
175 our community and have had remarkable success, but 80-90% of the people who participate are not
176 members of our church, hardly ever come to our church but how do we communicate to those people
177 driving by or sitting waiting for a train to pass, to get the message out that we have this service. There
178 are also several other services but that's our intention; how do we communicate to those driving by that
179 we have those services that would make our community a better place? It's less about pictures and
180 more about being able to rotate some of those announcements. Part of the reason for putting the pre-
181 school in there, it would eliminate a separate sign so it would combine the signage into the one space.

182
183 A court reporter from Runfola Reporters administered the oath to Mr. Hildreth.

184
185 Stan Hildreth, 6399 Freeman Road, Westerville, Ohio 43082, I'm a member of the United Methodist
186 Church. I was at one of your meetings about 4-5 weeks ago and you had a gentleman speaking who was
187 promoting Orange Township and Delaware County and how vibrant you are, trying to get companies
188 and different people into the community, and one thing I came away from this meeting was the com-
189 munity-based groups that, outside of our businesses, would be looking for, your churches, schools and
190 general community. As Pastor Tom just told you, we need to get the word out that we have all these
191 groups. We normally have 2 temporary signs and 2 permanent signs and with the digital, we can get by
192 without doing anything out there, so that would clean that up. In the meeting they announced that the Y
193 would be coming in on the Evans project, 70,000 square feet. I called the Y's and a lot of them have
194 digital signs out front, so they're going to be standing here looking for that exemption. The 6" on top,
195 we can shrink that down without any problem and we'd still come out looking nice lettering for the
196 height. And I think more rotating in an hour, not quick face, just something that sits there and puts out
197 our message and rotates every couple hours or something like that. Digitals are the big thing being
198 done. I just came by Orange High School and there's a digital sign out front. I understand there's a
199 law exempting churches, municipalities...

200
201 Mr. McCarthy: No, not exempted. In fact, there's a law that says you have to treat churches the same
202 as everybody else which is probably not a bad idea.

203
204 Mr. Hildreth: They wanted to promote the Orange Township area and this is a good way to promote

Board of Zoning Appeals

205 the different things that's going on at our location and it would be very beneficial to the community as a
206 whole.

207

208 Mr. Griffith: Again, what I've said before, it's nothing against the church or a gas station or whatever,
209 it's more about the precedent this sets for opening this up for everyone.

210

211 Ms. Sundar: I totally agree with you. It is so painful to say something against the church but it isn't
212 anything against the church, it's all about safety; the place, the location is so dangerous. I take my son
213 every day to Olentangy High School, so, I just want to make sure, it's nothing against the church; it's
214 just for the safety which is the main reason for all of this.

215

216 Mr. Griffith: They want to communicate their message out there but the sign it sounds like has
217 capabilities of more than just putting a message up there, that if they want to, they could theoretically
218 put pictures, they can change things however often they want, so while something you approve today,
219 thinking that's what they're going to have in mind, who is to say that might not change and the same
220 thing for other businesses who come along asking for the same thing, that they're just going to put a
221 message on there and over time they have the capabilities and who is to say they won't change that.

222

223 A court reporter from Runfola Reporters administered the oath to Mr. Fausel.

224

225 Tim Fausel, 303 Schrock Road, Worthington, Ohio 48085, 1:08, I'm an expert in the industry; I happen
226 to be with a manufacturer, and I respectfully speak to safety which seems to be a big issue. There's a
227 vast number of these signs across the United States. We as a manufacturer have 60,000 in operation, so
228 there's much industry information about safety. Signs can be regulated; you determine within your
229 Township speed limits that are appropriate for those areas. You may have used and seen definitely on
230 23 this type of device on a trailer used as a safety device, to tell us to slow down, move over. It's the
231 same technology, so the signs can be regulated and as Stan said, I'd make myself available to help re-
232 write the sign code. There's tons of information out there across the whole spectrum that would not be
233 skewed one way or another but give you options, the industry rights, code information for these kinds
234 of differences within appropriate areas. Brightness factor is another thing involved with these. Signs
235 can be adjusted appropriately, so just like speed limit, you can determine what's appropriate in that
236 area. I tell people that running them is like driving a car; you're running them appropriate to what the
237 regulation is.

238

239 Mr. Hildreth: About safety, a new roundabout's going in our area so we won't have the dipsy doodle
240 there at North Road and that's going to help a lot with safety because last year we had 13 cars go in our
241 ditch; this year we only had 3. We're hoping with the roundabout, that's going to improve that.

242

243 Ms. Jordan: Does your church have a website?

244

245 Mr. Hildreth: Yes.

246

247 Mr. Fausel: We've all had to learn to drive roundabouts, haven't we?

248

249 Mr. Oster: Not very well.

250

251 Mr. Fausel: There's an example of what's supposed to be safer.

252

253 Mr. Ward: There are several determinations that we use in our thinking when looking at this kind of a
254 situation. One is that the variance will not be contrary to public interest and we've debated that this
255 evening as to whether it would have a safety factor to it, pro or con. That said variance is justified due

Board of Zoning Appeals

256 to special conditions, and there are no real special conditions to this property. That the literal
257 enforcement of the resolution would result in unnecessary hardship. The church is there, people
258 already know it's there, it has signage. The desire for a new sign or different sign is for educational
259 reasons; I can understand that. That the spirit of the resolution will be observed and substantial justice
260 done. It's pretty black and white as far as that we are concerned and that we simply don't allow those
261 kind of signs, so by allowing it, we are flaunting it in the face of the spirit of the resolution. I mention
262 this only so that you know that we're not somewhat arbitrarily sitting here saying I like it or I don't like
263 it as to whatever my personal feelings might be.

264
265 Mr. Oster: I might add that we've gotten residents that have spoken against it which hold more weight
266 with me than any outside people who don't live here.

267
268 Mr. Ward: So I just lay that out for you as well as for members of the Board.

269 MOTION TO DENY APPLICATION #VA-18-31

270
271
272 Mr. Miller made a motion to deny from a safety standpoint Variance Application #VA-18-31, Lewis
273 Center United Methodist Church, seconded by Mr. Oster.

274
275 Mr. Oliver: Is it an option for me to table this application at this time.

276
277 Mr. Oster: You've got a first and a second already.

278
279 Mr. Ward: If you want to withdraw the motion, we can entertain whether or not to table it. I would ask
280 for the reason for tabling it.

281
282 Mr. Oliver: I think it would be possible at a later date that Orange Township may come to a different
283 Code with their position....

284
285 Mr. Oster: How long can you table it, indefinitely or until next month? They're not going to change
286 our Code in a month.

287
288 Mr. Beard: It would be up to the Board as to how long you can table it.

289
290 Mr. Oster: You're not going to table it and wait I don't think; has that ever been done?

291
292 Mr. Ward: Normally table it with a definite date in mind as to when to conclude....

293
294 Mr. McCarthy: You'd have to re-advertise, there's also a fee.

295
296 Mr. Oliver: If we were to table it, say 6 months down the road you have a different position on it, we
297 didn't have to file another variance application; that's basically my thought.

298
299 Mr. Miller: There is fee, Mr. Beard?

300
301 Mr. Beard: Yes, a tabling fee if the Board allows the tabling; it's half of the original application cost,
302 so it would be \$300.

303
304 Mr. Oliver: And that's for indefinitely or....

305
306 Mr. McCarthy: I advise clients not to do that because I've had that happen and people forget about it

Board of Zoning Appeals

307 and suddenly it's a year later; it's not a pretty way to operate a Board. If there's a period that you want,
308 we'll set it, but realistically it's too open. And 5 years from now they show up and want a vote, so
309 should we do that, well we continued it indefinitely; that's kind of a problem. I would say indefinitely
310 is probably not prudent; I won't say 100% of the entities I've counseled have gone with the advice, but
311 that would be my advice to both of you.

312
313 Mr. Oster: Do we proceed with the first and second?

314
315 Mr. Oliver: Yes, I don't see that we have any options.

316
317 Mr. Oster: I was asking the man who made the first. I don't think we're going to leave this open ended
318 until the Code changes.

319
320 Mr. Miller: I don't know if anything could be done in regard to changing the zoning within the next 30,
321 60, 90 days; it may take 6 months to a year to be realistic. I don't know that the Board would even go
322 along with tabling it for a year; I think that would be the wrong thing to do.

323
324 Mr. Ward: We would have to table it in such a timeframe that the existing Board would still be in
325 office because we're the ones who heard it and we are the ones responsible for voting on it. Six months
326 from now you may have a whole new Board or certain members of the Board may have moved off and
327 been replaced, and now we have a different make up of the Board. So if you want to table it to the next
328 meeting or even 2 months out, then there is a chance the Board will be the same. Go much beyond that,
329 some of our tenure is going to be up and who knows what's going to happen at that point, so you want
330 the same people here that already heard your testimony. And you've got half of your application fee on
331 line in order to table it. If you don't get a favorable vote tonight, I know you have to bring it back up
332 and it's another fee for the application but....

333
334 Mr. Oster: It gives you the luxury of waiting a long time until something does change.

335
336 Mr. Ward: And lobbying the Board of Trustees if that's your wish. Again, we read the Code and react
337 accordingly.

338
339 Mr. Miller: I wish I could say yes to 6 months, but I can't do it in my right mind, so I cannot withdraw.

340
341 Vote on motion: Mr. Ward-yes, Mr. Oster-yes, Ms. Jordan-yes, Ms. Sundar-yes, Mr. Miller-yes
342 Motion carried

343
344 Mr. Ward called for a 10 minute recess.

345
346 Hearing continued with Variance Application #VA-18-32

347
348 Minutes prepared by Cindy Davis, Zoning Secretary

349
350
351
352

Board of Zoning Appeals

1 **Application #'s VA-18-32 & CU-18-33**

December 13, 2018

2
3 **Variance Application #VA-18-32. All Shepherds Lutheran Church.** Requesting a Use Variance
4 from Section 22.06 (c(3)) and 22.06 (e) of the Orange Township Zoning Resolution to allow an
5 Electronic Message Center (EMC) sign with a moving light source and more than five (5) colors in an
6 area zoned Farm Residential (FR-1) District. The subject property is located at 6580 Columbus Pike,
7 Lewis Center OH 43035 and having permanent parcel number #318-220-02-019-002.
8

9 **Conditional Use Application #CU-18-33. All Shepherds Lutheran Church.** Requesting a Conditional
10 Use from Section 22.04(a) of the Orange Township Zoning Resolution to allow the construction of a
11 monument style free standing sign in an area zoned Farm Residential (FR-1) District. The subject
12 property is located at 6580 Columbus Pike, Lewis Center OH 43035 and having permanent parcel
13 number#318-220-02-019-002
14

15 Mr. Ward called the hearing back from recess.
16

17 Mr. Beard presented the Staff Report and presentation. Surrounding area, north and east is Planned
18 Commercial Office District, and south and west is Farm Residential District. The applicant is
19 requesting an electronic message center included as part of the monument sign which will allow
20 multiple messages to be displayed with each message being able to change periodically. The applicant
21 is also requesting the use of more than 5 colors; this would vary depending on the type of message
22 being displayed, and the colors would also incorporate the All Shepherd's Lutheran Church logo in the
23 total number of colors. Proposed sign has multiple colors just on the All Shepherd's Lutheran part
24 which is backlit LED, and the electronic message center is the bottom part. The proposed sign is to be
25 setback 27' from the Columbus Pike road right-of-way.
26

27 Mr. McCarthy: Mr. Beard, this is simply on the colors and moving light, correct?
28

29 Mr. Beard: Correct.
30

31 Mr. McCarthy: And the second one is on the existence of a sign that would be presumably compliant.
32

33 Mr. Beard: Right.
34

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

36
37 A court reporter from Runfola Reporters administered the oath to Pastor Richter.
38

39 Craig Richter, Pastor of All Shepherd's Lutheran Church, 2454 Maxwell Avenue, Lewis Center, Ohio,
40 we have existed in this community since 1988, at our current location since 2002, and I've been here
41 the past 6 years during which I've seen many changes in this community. One of the nice changes
42 within our community of faith is the growing of partnerships we have with community organizations,
43 such as organizations for developmental disabilities, AA and others, so we have become that organi-
44 zation partnering with this community to build a community that is dignified, distinguished and also
45 current. When we started looking at new signage, we wanted to bring our brand current. Our old sign
46 and brand happened with a conversation with Zoning long before my time here. When that happened,
47 that was a very current sign and very much up to the things going on in the Township. Now there is
48 need for repair, need to make it current. The brand and logo, while nice, one of our goals was to move
49 toward something that would meet with current things going on in Orange Township but also meet
50 things in our current culture. We were aware of the zoning law and that's why we knew we would have

Board of Zoning Appeals

51 to go thru the variance process. It wasn't something we went into blindly, we reached out to the
52 Township office and learned of the process. As a member of this community, I don't want to see it
53 move toward something that is not dignified or distinguished, and I also want to see it keep current in
54 how we do those things together. I hear the concerns of the members here and members of the
55 community, and we weren't looking at something that would create a safety concern along 23, so when
56 we looked at 23 and at the cost and movement, we see this sign in much the same way we see our
57 current usage of signage. We take to heart safety issues; I don't want anybody out in front of our
58 church to have an accident even more than they already have, so we took into consideration and why
59 you'll hear us speak about how changing that even every 5 minutes is too much. Changing that maybe
60 every 4 hours, twice a day allows us to reapportion the sign in a way that still meets our needs and
61 adheres to safety concerns and creates a win/win for our neighbors, Township and ourselves.

62
63 A court reporter from Runfola Reporters administered the oath to Mr. Bierman.

64
65 Kerry Bierman, 5757 Olentangy Boulevard, Worthington, Ohio 43085, I am a graphic designer by
66 education. About 6 months ago we became aware of an anonymous donor, who is now deceased who
67 wanted us to refurbish our sign and use digital technology to add to the effect. As a designer I was not
68 thrilled taking on that assignment because I'm not big into things that do all that stuff and I'm more
69 about the dignity of what we can present as an organization, as a church to our community. Our group
70 has met for 6 months in the process of bringing this here tonight. What we cared most about were
71 issues of safety and distraction. Our church is a soft spoken group of people; we're not about things
72 that cause the kind of issues we have addressed here. We felt going into this that in some ways we
73 were compliant. We realize we have a full color image or type; Watchfire doesn't sell black and white.
74 We're happy to put that in our sign because we know we can utilize black and white as our imagery and
75 time. We know we can control, and maybe it's your regulations that control the timing of the way that
76 type changes. You create speed limits based upon issues and traffic, you can create stipulations as to
77 how fast typography can change, how fast the message can change. For us it's not real critical. We
78 have used marquee lettering for 17 years and our staff will tell you it's about rain, snow, sleet and hail.
79 It's hard to do it, especially when you have so many messages. We have a lot of community programs,
80 many activities and we need to get that out on the street so people can see it, but it's not important to us
81 to change every 10 minutes or even every day. If you look at that sign and think about the digital world
82 we live in, a white on black letter really isn't that much different than a marquee; we're just using
83 digital technology to help us get there. We will not violate that zoning ordinance and not use that
84 technology to do anything except put messages on that board. It's more important to get a message out
85 with a few words than to have a bunch of words poking in your face as you're driving by. That's really
86 our request. To honor the wishes of a donor, it's important to us to get a message out in a way that is
87 dignified, predictable and understood, and qualifies under whatever guidance you want to give us. It
88 seems it's just not that different and that's the case we want to bring to you tonight. And we know if
89 you were to do something different for us, it might backfire in terms of what you have already pro-
90 posed, and I appreciate your quandary but I also hope you'll appreciate that we really want this and
91 want to be in compliance. I'd like to introduce Jarrod Norton with Morrison Sign. Jarrod has some
92 examples that I think will help you. We were here last night and we felt there wasn't enough definition
93 to help you make a decision. We also have Tim Fausel who spoke earlier with Watchfire who is the
94 manufacturer of the sign. I was a little hesitant to bring the sign manufacturer and designer because I
95 didn't want to appear as though we're interested in them making money on this; this is about what we
96 want to say to the community.

97
98 Mr. Oster: What you're up against though is one lot down we've got a gas station that wants to be
99 Vegas, they want it all, and that's the problem. The way the Code is written, they had that messaging
100 part in mind; they didn't want you looking over here concentrating and trying to figure out the sign
101 while you're driving 55 miles an hour down the road, and that's where a lot of these signs are going to,

Board of Zoning Appeals

102 especially with moving, changing, getting your attention. To us, it's a lot of safety.

103

104 Mr. Bierman: We're not asking for that.

105

106 Mr. Oster: Yours is going to change at some point, correct?

107

108 Mr. Bierman: Hourly, daily, weekly; I hope we could find a way to regulate these because that's our
109 safety issue.

110

111 Mr. Oster: So does the gas station.

112

113 A court reporter from Runfola Reporters administered the oath to Mr. Norton.

114

115 Jarrod Norton, Morrison Sign Company, 2757 Scioto Parkway, Columbus, Ohio 43221, this sign has
116 been strategically designed to complement the church's building and not only fits the building, but also
117 works with the surroundings but the message center is not our main focus; our main task is we want a
118 more modern way of conveying messages. This is a full color message center but we are doing that so
119 we can match the 5 colors we have on the sign. I understand color is not your main concern, we can
120 match the color of the text to match the color of the white so we're not going over the limit, but I think
121 a lot of our focus is on the sign itself. I know safety is a concern, but a static message center with
122 electronic wording may be safer than your old fashion sliding letters that are blurry, may be black and
123 white so not easy to read, and people may focus on it for a longer period of time than a clear, bright
124 message on a sign. Mr. Fausel probably knows more about safety and the sign messages themselves

125

126 Mr. Oster: If you want to keep pushing this issue with everything in our community, you should start
127 somewhere else and get our Code changed because we don't allow it.

128

129 Mr. Miller: The sign itself is beautiful and I wish I would have said this to the previous applicant, these
130 signs can be built as is without the digital message and when zoning guidelines are changed, you can
131 easily drop in that 2' window or 2' sign section and make the sign digital if it's constructed properly
132 and the guidelines are changed. Right now, it can't be and as much as I'd like to see this move
133 forward, as I said with the previous applicant, I just can't do it. This also is against Code in being 5
134 colors or more, so there's multiple zoning scenarios that are not within the guidelines. Again, this and
135 the previous sign are beautiful ; it can be built, just don't have the digital screening in there yet. You
136 can easily put plexi-glass in there with the block lettering you want to put in, etc. That could easily
137 change 6 months from now.

138

139 Mr. Norton: Assuming the Code would change.

140

141 Mr. Miller: We're not going to guarantee that and whether it's 6 months, 9 months or 15 months from
142 now, we don't know.

143

144 Mr. Oster: Or never. And as that old sign's presented, it looked like it didn't meet Code either. Was
145 that approved to be suspended on the sides rather than mounted on the base?

146

147 Mr. Beard: That was approved under variances about a year ago, and it's actually closer to the road
148 than Code allows now for the right-of-way.

149

150 Mr. Miller: I've done a lot of work with Morrison Signs; they're a good company.

151

152 Pastor Richter: Morrison Sign did not reach out to us, we reached out to them. But it was said in the

Board of Zoning Appeals

153 record, they were moving this forward and trying to find an angle; they weren't trying to find an angle.

154

155 Mr. Oster: Not necessarily an angle, but I think they see an untapped market.

156

157 Pastor Richter: I think anyone can see that. But I wanted to make it clear that they weren't looking to
158 get into this market, we reached out to them. I can hear the frustration of the Board because of all the
159 things you experience, but I do want to set the record straight for their sake because they've been a
160 great partner to work with and they have bent over and went beyond to try to work with us to make this
161 work. And what you mentioned Mr. Miller, I think those things are very true and those are things
162 we've taken into consideration. We still thought bringing this up for the variance was worth it because
163 I'm not of the belief that never is a response our Township can do as we're moving toward the future. I
164 think never makes our Township archaic and before we know it, we're no longer a place where people
165 want to live. Doing it smartly, wisely and being considerate of all involved is important. There are
166 safety issues to both and to add to those safety issues, I see people gawking at me when I go change the
167 sign and they're going to gawk longer while I'm out there and it creates more of a safety issue,
168 somebody changing a sign on 23 because they're seeing people where they're not supposed to be. I
169 understand the position of the Board, challenges you're facing. Last night I was here for the whole
170 thing, I sat in the back and listened because I thought part of this was for you to understand where you
171 are in working thru these things. I felt there was an organization that came in that didn't know what the
172 position the Township was already taking. We're not trying to create the Las Vegas style signage. If
173 tonight's not the time for you to enter into this, then I hope when the time does come for this Board to
174 enter into it, you would consider us a part and when you put that sign in, you'd be able to look at ways
175 we could do that safely with someone you know so we're alongside you for the betterment of this
176 community because everything we do as a church is about community. So see us, whether it's tonight
177 or in the future, as a partner with you in this journey as we move into this technological age that is
178 moving at a rapid pace.

179

180 Mr. Oster: We don't do that. And that's what I was saying with these guys here; every business is in
181 business to make money.

182

183 Pastor Richter: Maybe we need to go to the Trustees.

184

185 Mr. McCarthy: You need to visit the Zoning Commission first.

186

187 Mr. Ward: I understand what you're saying, Pastor; I would ask Jeff to carry that message to the
188 Zoning people.

189

190 Mr. McCarthy: The process for that initiates in a number of ways and typically it's a request shared
191 with the Zoning Commission members. If, and this is always an if, they determine to include that in
192 discussion, I know they are considering other matters right now, that doesn't mean next week, this
193 tends to be a long process, it gets included, I suggest you reach out to the Chair, maybe send the
194 Planning and Zoning Director or Mr. Beard an email requesting that that thought be shared. We also
195 have a list; I don't know if you've signed up there.

196

197 Pastor Richter: I have been on your Facebook.

198

199 Mr. McCarthy: That will put out the notices and agendas of the various meetings as well, but they are
200 the ones who will weigh the pros and cons and set the rules. The job of this Body is to take those rules
201 and apply what's brought to them, does it fit or not.

202

203 Pastor Richter: But when you're receiving an abundance of requests, there is always that

Board of Zoning Appeals

204 communication that goes back between organizations that work together, there's a synergy and that's
205 not to say that's your role to take up.

206

207 Mr. McCarthy: I don't have a problem with you folks participating or the other gentlemen. Probably
208 the most recent example would be the Planned Elderly Residential District, we had the representative of
209 the industry participate; I'm not saying they got everything they wanted, but they were heard. And
210 anybody is welcome to participate, I want to be very clear on that, but the place it's done is at the
211 Zoning Commission and not on a case-by-case basis at the BZA.

212

213 Mr. Miller: And I am not being critical about Morrison; their work is impeccable, but we have to abide
214 by the law, the guidelines, the rules.

215

216 Mr. Bierman: I would like some clarification on what happened here tonight with regard to the
217 Speedway gas station. Meijer, Getgo, UDF all have changing, very large 1', I measured them, red
218 numerals. We were told that happened in error and yet the Board passed that tonight within the
219 Township, a sign that changes electronically. I'm confused by that.

220

221 Mr. Miller: I strongly understand that digital graphics, signage is the way of the future. My reason for
222 making a motion to move forward with their sign was a), it was not replacing an entire sign; it was a
223 small segment of that sign. b), there would be a single color, not multi-color. Yes it's going to be
224 controlled digitally, it's not going to change every 5 minutes or once an hour; typically it may be every
225 couple days or whatever, and I'm going to contact the Zoning Department about moving forward with
226 it, and I've had some discussions with others in that regard because I understand it's the future. But,
227 they're both apples but a Jonathan apple or a Fuji apple is multi-colored, whereas a Granny Smith is a
228 single color. They're both apples, they're both signs but it was a single color sign and only single
229 letters will be changing and it would be changing once or twice a week or something of that nature;
230 that's why I moved forward.

231

232 Mr. Bierman: For the record, ours is in compliance with 5 colors; black, white, 4 shades of green. We
233 keep talking full color; ours is not full color.

234

235 Mr. Miller: You've got 4 shades of green plus black, white; theirs was only 1 color, and I know black
236 and white are not considered part of the color spectrum. I appreciate what you are trying to do and I
237 wish there were things we could do here; we can't, and I guess I have to end it at that.

238

239 Pastor Richter: Can I make one suggestion? What I'm hearing is that this doesn't go to this Body; it
240 goes to zoning. You're getting a lot of requests for these electronic signs. When these things come in,
241 it would be much easier, especially when we have to pay an \$800 fee, if I would have went to the
242 zoning person and been advised that, then I would have saved you time, you would have saved me
243 time, and we need to communicate that to one another. I don't want to burden you with something
244 that's not what you want to do but if people know that in the Township, you're going to save yourself a
245 ton of time on these electronic signs and we're actually going to bring about the change if we can in a
246 way that's current and in a different forum so you don't feel like you're in a constant tense environment
247 on these things. And that's a simple thing that could be done just by advising people when they come
248 in, we have to follow the law.

249

250 Mr. Oster: I figured you knew that and that's why you were coming to ask to change that. The rules
251 are in print and you know that you're asking for something that's different than in print.

252

253 Pastor Richter: A lot of people who come here don't know that if they want to change this, they need
254 to work with the zoning.

Board of Zoning Appeals

255 Mr. Oster: To get the zoning to change the resolution, I imagine it's going to be quite tough and that's
256 why I told these guys, have at it. You know where you need to go.

257
258 Mr. Bierman: Please give us the opportunity to do that, to educate them, because I can guarantee you
259 400 people in Danville, Illinois don't want to be producing a product that people die from

260
261 Mr. Miller: Go to Las Vegas; that's where all the digital signage started.

262
263 Mr. Bierman: But are people dying on the streets of Las Vegas because of the digital signage?

264
265 Mr. Miller: They have had a lot of people killed because somebody saw a flashing sign and paid
266 attention to that and hit somebody on the curb or someone who was crossing.

267
268 Mr. Oster: They kind of proved that when your sight goes off to the side and you're holding the
269 steering wheel and you think you're going straight, as soon as you look this way, you steer that way.

270
271 Mr. Ward: Members of the Board and audience, this is not the place for this debate. We're here to
272 look at this ordinance; does it apply or doesn't it?

273

274 PUBLIC COMMENT

275 None

276

277 MOTION TO DENY APPLICATION #VA-18-32

278

279 Mr. Miller made a motion to deny Variance Application #VA-18-32, All Shepherd's Lutheran Church,
280 seconded by Mr. Ward.

281

282 Vote on motion: Mr. Ward-yes, Mr. Oster-yes, Ms. Jordan-yes, Ms. Sundar-yes, Mr. Miller-yes
283 Motion carried

284

285 Mr. McCarthy: You have another one.

286

287 Pastor Richter: I was not aware that we could do that one.

288

289 Mr. McCarthy: Do you still want the new sign?

290

291 Mr. Bierman: I think we have to forget that sign.

292

293 Mr. Oster: So the digital part of it would completely eliminate you doing a new sign?

294

295 Mr. Beard: They don't have another design that would replace the digital part.

296

297 Mr. Ward: Would you like to withdraw Application #CU-18-33?

298

299 Mr. Beard: That was dependent upon the variance being approved, it was the same sign for the
300 Conditional Use, so we won't even hear this case. Possibly they might come back with a different sign
301 option at a later date.

302

303 Mr. Bierman: And I assume \$600 still remains in your hands after tonight.

304

305 Mr. Beard: That will go towards if you come back with another sign rendering.

Board of Zoning Appeals

306 Mr. Ward: This particular Conditional Use could be tabled for a month or two if that would give you the
307 time to redesign if that's the issue.

308
309 Mr. McCarthy: That would save you the application fee.

310
311 Mr. Ward: If that's part of your thinking. If it's all or nothing at all, certainly that's your decision.

312
313 Mr. Beard: They had an anonymous donor that wanted an electronic digital sign so now they have to go
314 back to that family or whoever is in charge of that donation to see if they can use that toward a different
315 type of sign.

316
317 Mr. Oster: We're not here to design your sign, but you still could design this sign to where it could be
318 altered down the road, whenever that may be, with this guy knowing the dimension that now we're going
319 to take this out and put this in if it is allowed down the road. So that's still a possibility but you just won't
320 have the digital part of it yet.

321
322 Mr. Ward: We wanted you to know that was an option and the Board was open to that.

323
324 Mr. Bierman: I also heard Jeff say that the application fee would carry forward to another, so the tabling
325 doesn't necessarily save us \$600. I don't want to just talk about money but that's a lot of money.

326
327 Mr. Beard: If it hadn't been heard, we would have to refund them the money.

328
329 Mr. McCarthy: Maybe it would be more straight forward in case it takes them a period of time, staff
330 changes, and everyone's saying what \$600. If they would withdraw it, that would be the practice of the
331 Zoning Department then to refund the funds.

332
333 Mr. Beard: Right.

334
335 Pastor Richter: I respectfully request that we withdraw Conditional Use Application #CU-18-33, All
336 Shepherd's Lutheran Church.

337
338 Mr. McCarthy: And that is with the understanding that the application fee would be refunded.

339
340 Pastor Richter: Yes.

341
342 **MOTION TO ACCEPT WITHDRAWAL OF APPLICATION #CU-18-33**

343
344 Mr. Miller made a motion to accept the withdrawal of Conditional Use Application #CU-18-33, All
345 Shepherd's Lutheran Church; seconded by Ms. Jordan.

346
347 Mr. Ward-yes, Mr. Oster-yes, Ms. Jordan-yes, Ms. Sundar-yes, Mr. Miller-yes
348 Motion carried

349
350 Hearing continued with Conditional Use Application #CU-18-34
351 Minutes prepared by Cindy Davis, Zoning Secretary

352
353
354
355

Board of Zoning Appeals

1 **Application #CU-18-34**

December 13, 2018

2
3 **Conditional Use Application #CU-18-34. CTD Olentangy LLC.** Requesting a Conditional Use from
4 Section 22.04(a) of the Orange Township Zoning Resolution to allow the construction of a monument
5 style free standing sign in compliance with Rezoning Case # ZON-16-03 in an area zoned Planned
6 Commercial & Office (PC) District. The subject property is located at 6589 Artesian Run, Lewis
7 Center OH 43035 and having permanent parcel number #318-220-01-058-037.
8

9 Ms. Federman presented the Staff Report and presentation. To the north, south and east of the site is
10 Planned Commercial, to the west is Single Family Planned Residential. The applicant is proposing a
11 monument style free standing sign 5' above grade, setback 18' from the right-of-way of Artesian Run.
12 A sign setback at this distance is permitted a maximum area of 40 square feet; the display area of each
13 half of the sign is approximately 12 square feet for a total area of approximately 24 square feet. The
14 proposed sign will be 1 color.
15

16 Mr. McCarthy: There were some modifications made to those standard sign provisions in the zoning
17 itself?
18

19 Mr. Beard: Yes, this complies with Rezoning Case #ZON-16-03.
20

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

22
23 A court reporter from Runfola Reporters administered the oath to Mr. Petro.
24

25 Brad Petro, Cieogna Electric & Sign, 4330 North Bend Road, Ashtabula, Ohio, I don't have a lot to
26 add. We worked closely with Mr. Beard to insure that this sign complied with this parcel. We
27 designed this sign size, height, stone structure to comply with the rezoning.
28

29 **PUBLIC COMMENT**

30
31 Shawn Griffith, 240 Coal Bend, this isn't on 23 but Artesian. Is it on the property or is it at the corner
32 of Coal Bend.
33

34 Mr. Beard: On Artesian, 18' from the right-of-way line; and it's allowed to be 15' from the right-of-
35 way line.
36

37 Mr. Griffith: Is the sign lit?
38

39 Mr. Beard: No, it's an unlit sign.
40

41 Mr. Griffith: There are no lights shining on it at night?
42

43 Mr. Beard: No.
44

45 Mr. Griffith: This variance is because a monument sign is not allowed?
46

47 Mr. Beard: It's a Conditional Use.
48

49 Mr. Ward: All monument signs in the Township have to have a Conditional Use.
50

51 **MOTION TO APPROVE APPLICATION #CU-18-34**

Board of Zoning Appeals

52
53
54
55
56
57
58
59
60
61
62
63
64
65

Mr. Miller made a motion to approve Conditional Use Application #CU-18-34, CTD Olentangy LLC, as written; seconded by Ms. Sundar.

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

Hearing continued with Variance Application/Conditional Use Application #VA-CU-18-35

Minutes prepared by Cindy Davis, Zoning Secretary

DRAFT

Board of Zoning Appeals

1 **Application #VA-CU-18-35**

December 13, 2018

2
3 **Variance and Conditional Use Application #VA-CU-18-35, North Church.** Requesting an Area
4 Variance from Section 7.04 (c) of the Orange Township Zoning Resolution to allow a place of worship
5 on a lot less than five (5), in addition to a Conditional Use from Section 7.04(c) of the Orange Township
6 Zoning Resolution to allow a place of worship in an area zoned Farm Residential (FR-1) District. The
7 subject property is located at 1992 Lewis Center Road, Lewis Center OH 43035 and having permanent
8 parcel number #318-213-16-001-000.
9

10 Mr. Beard presented the Staff Report and presentation. Surrounding the site to the north is Single
11 Family Planned Residential and Planned Commercial; to the south, east and west is Farm Residential.
12 For the Area Variance, the applicant is proposing to place a church or place of worship on a .877 acre
13 lot, requesting a variance of 4.123 acres. For the Conditional Use, the applicant is requesting to use the
14 church or other place of worship for offices, a meeting space, an accessory use in association with the
15 church services currently held at Orange High School.
16

APPLICANT PRESENTATION/BOARD QUESTIONS & COMMENTS

17
18
19 A court reporter from Runfola Reporters administered the oath to Pastor Pastevora.
20

21 Vinnie Pastevora, one of the Pastors of North Church, 915 Antar Place, Columbus, Ohio 43240. The
22 purpose of this facility is to serve as a church. You guys hear from a lot of churches and our vision is
23 similar to all of those, to be a pillar of the community, to be able to serve. This place serves as a place
24 for us to meet and use as offices, small group gatherings, prayer gatherings, other gatherings our church
25 has as we pursue building our first permanent campus off Africa Road which is a site this Board
26 approved last spring. In between, this is a place for us to house ourselves until we are able to build and
27 open that facility.
28

29 Mr. Oster: Didn't this just get turned down?

30
31 Pastor Pastevora: It did not; we withdrew the application.
32

33 Mr. Oster: But it's exactly the same, right?
34

35 Mr. McCarthy: It's a little different. Before they were asking for a Use Variance; in this case they're
36 asking for a Conditional Use and threw in the religious aspect. For zoning purposes, the church isn't
37 limited to simply being a house of prayer. They indicate they'll have meetings here which can include
38 social gatherings for youth and adults, and it also may include some offices, but those activities or use
39 must be closely related in substance and in space to the church's purpose, but this is the same property.
40

41 Mr. Beard: The previous one was for a home occupation and nobody lives there.
42

43 Mr. Oster: The reason this came about was the Fire Department complained there were so many cars
44 parked there, so it's not conducive to all the cars and parking either, and it's way under the 5 acres.
45

46 Mr. Beard: The Fire Department didn't necessarily complain; they just noticed the amount of cars and
47 found out what they were doing and have been in contact with them and working with the County
48 Building Department to set up a time to look at it to make sure it meets Code.
49

50 Mr. Miller: Has that been done yet?
51

Board of Zoning Appeals

52 Mr. Beard: It has not as the Fire Inspector who would do this is on medical leave. There's another place
53 that might be in this same situation and there was a previous one that was approved a couple of years ago
54 that was brought up the last time we talked about home occupation. That is why they went this route
55 because that was approved 2 years ago thru the BZA for the same use in the same area.

56

57 Mr. Oster: So what we've got to look at and approve is do we let them consider this as a church and
58 their use for less than an acre when it's supposed to be at least 5 acres?

59

60 Mr. Beard: That's for the Area Variance. The Conditional Use is to allow....

61

62 Mr. McCarthy: There's also a Conditional Use that's required to allow it to be a church property.

63

64 Mr. Beard: And the Code states church or place of worship.

65

66 Mr. Miller: If I'm not mistaken, this is primarily used as an office and for some meetings of your elders,
67 deacons, etc.

68

69 Pastor Pastevora: That's one of the functions. In the basement area, our band will play and rehearse
70 there, we have had high school students meet there in small groups for meetings and gatherings.

71

72 Mr. Miller: How many people would typically be there when the band is playing and meetings there?

73

74 Pastor Pastevora: Typically our band is 5-6 individuals, a maximum would be 4 meetings and those are
75 around 7 board members.

76

77 Mr. Oster: So this doesn't come close to meeting either the Area Variance or Conditional Use Variance
78 because it's a house, it doesn't have the 5 acres, the 100 permanent seats or 300 in the main area, right?
79 I think it's a pretty far stretch.

80

81 Steve Snowball, 6404 Bale Kenyon Road, Lewis Center, Ohio 43035, Elder Chair for the church, to Mr.
82 Miller's point, this house is to house our staff and the board meets there every other week and that's the
83 main purpose. To the point of Mr. Oster, we would never have a time where we would have a 100 seat
84 worship service here because it's for the use of staff function and offices.

85

86 Pastor Pastevora: Part of the reason for coming back and reapplying for it this way is based on the
87 church and the neighborhood around there that had a similar situation that was approved in 2009 and
88 reaffirmed in 2016. Their properties did not hit the 5 acre requirement but that residence was .198 acres
89 and it was a similar purpose, to serve as an accessory use.

90

91 Mr. Miller: But wasn't that adjacent to the church?

92

93 Mr. Beard: The site was diagonally across the street from it but it was never lumped into that acreage, so
94 it was still a smaller lot than what this house is on so the variance was larger.

95

96 Mr. Miller: When you were here before, there were some issues with parking or trucks unloading things.

97

98 Pastor Pastevora: I think what was brought up was that a few times a year there's a truck that comes to
99 transport different gear and items to support different programs we do, one being our Christmas Eve
100 service, another a camp for special needs students and another is a fall community event that we
101 typically hosted at Highbanks Metro Park.

102

Board of Zoning Appeals

103 Mr. Snowball: And those trucks are not stored at this property. They are currently at the Anchors Away
104 storage facility.

105

106 Ms. Jordan: When you're having meetings like that, I understand the elders but with your youth groups
107 and things like that, how many cars are parked in your driveway?

108

109 Pastor Pastevora: Typically 7 or 8 at the most.

110

111 Mr. Snowball: When we purchased the property there was a paved driveway and to the west of the
112 driveway was an asphalt portion that fits 3 or 4 cars. Where the landscape truck is parked at the moment
113 we've added to the asphalt portion of the parking lot, so it appears there could be 8-10 cars total.

114

115 Mr. Oster: And this was the complaint I believe the last time it was here was all the cars.

116

117 Ms. Jordan: And how many spaces do you figure you have?

118

119 Mr. Snowball: 8.

120

121 Mr. Ward: You're in the process of at some future date building a church?

122

123 Mr. Snowball: Yes.

124

125 Mr. Ward: What happens with this property once the church is completed?

126

127 Pastor Pastevora: Our hope was for this space to always be temporary and likely going to sell this in
128 order to build that future campus on Africa Road.

129

130 Mr. Snowball: Before we sell, we would remove the gravel portion of the lot.

131

132 Mr. Miller: That gravel portion, what was that before?

133

134 Mr. Snowball: It's what we added, so our intent would be to restore that back to grass and sell the home.

135

136 Pastor Pastevora: There are some trees out front that got cut down in the process with Evans Farm and
137 we've done our best to replace those but it will take some time for those to grow.

138

139 Mr. Ward: How late in the evening are your meetings?

140

141 Mr. Snowball: The elder meeting is every other Wednesday; we start at 5:30 and adjourn at 8:00.

142

143 Mr. Ward: Are there other church services, like Sunday school or anything like that?

144

145 Mr. Snowball: No. Monday the staff is off, Saturday and Sunday there's only typically 1 car and that
146 would be a pastor preparing a message, so it's really a Tuesday-Friday scenario that there might be
147 multiple cars. The weekend is pretty unoccupied other than the pastor that's there.

148

149 Mr. Oster: So this could exist for a lot of number of years before you ever do....

150

151 Mr. Snowball: We just finished conversations with the County on the turn lane on Africa Road in front
152 of our property. It is our intent to start early in the spring of '19 with what would be a 1 year building of
153 the building. Our hope is to be in our church the spring of 2020, and at that point when the church staff

Board of Zoning Appeals

154 can reside in the church building on Africa Road, we need to sell the house on Lewis Center.

155

156 Mr. Miller: There's nobody living physically in this place now? All the bedrooms and everything were
157 converted to office space?

158

159 Mr. Snowball: Correct.

160

161

PUBLIC COMMENT

162

163 Stephanie Culler, my home is to the east of this business and as stated, this is a massive variance they are
164 requesting. By withdrawing the previous application and relabeling this, they're not changing what
165 they're doing there. It hasn't suddenly become a house of worship just because they were told they
166 couldn't have an office there. The use has not changed at all. I have businesses in front of me, I don't
167 want businesses beside me; this is a residential area. My highest count there is 11 cars, and I don't know
168 how they get in and out of there because Lewis Center Road, it's pretty risky to back out of there. But we
169 have rules for a reason, this is not a church, this is an office, and I would not like to have a business
170 beside me.

171

172 Ms. Sundar: Do you have any plans to have signage or anything?

173

174 Pastor Pastevora: We do not and part of that is to respect the neighborhood.

175

176 Ms. Sundar: The parking, are you sure it's going to be 8 cars because....

177

178 Ms. Culler: I've been keeping track for years, and it's usually 6-8.

179

180 Ms. Sundar: Can you explain that?

181

182 Mr. Snowball: There are currently 5 staff members in the office Tuesday-Friday, so at the most it will be
183 5 cars in that lot at one time. Are there people who visit the church and staff? Absolutely. 11 cars would
184 be when we have the high school ministry there which would be either parents dropping their kids off, we
185 don't park on the streets at all but we park in the lot that is there and has been created. If that's a nightly
186 number, I would be shocked because we only meet on the elder side to it once every other week, and that
187 is when there's the most cars there, 8, 9 maximum at that time.

188

189 Mr. Oster: Is it ok with the Code to park 10, 11 cars in your front yard?

190

191 Mr. Ward: There's nothing in the Code that says you can't on a temporary basis.

192

193 Mr. Miller: I thought there was something about how many cars you could put in a driveway per house.

194 Mr. Beard, are they in violation, parking that many cars on a daily basis, 5-8 cars?

195

196 Mr. Beard: From what we've been told, this was approved to allow them to do this operation years ago
197 by zoning staff and it just got brought up because the Fire Department noticed all the cars.

198

199 Mr. McCarthy: Was there a permit issued at that point?

200

201 Mr. Beard: I don't think so. Ms. Culler stated that she had made numerous complaints over the years.

202

203 Ms. Culler: Yes, Mr. Farahey back in '12 when they purchased it and he told me he was informed the
204 pastor lived there.

Board of Zoning Appeals

205 Mr. Miller: You've owned this since 2012?
206

207 Mr. Oster: Yes. It's been operating since 2012 which was the first time they came in, but it still just
208 doesn't meet any, it's not even close to anything. I think the parking, size, permanent seats are issues, and
209 if you approve this, it could go on forever.
210

211 Mr. McCarthy: The seating language, isn't that related to parking? You have 5 acres plus so many acres
212 for so many seats.
213

214 Mr. Oster: This just says, 7.04 c), churches or other places of worship, provided they occupy a lot not
215 less than 5 acres plus 1 acre for each hundred permanent seats over 300 in the main assembly.
216

217 Mr. McCarthy: So that would be making it more than 5 acres is the purpose of that.
218

219 Mr. Oster: That's to grow it and make it bigger but this one isn't even an acre.
220

221 Mr. McCarthy: That's the only point I wanted to clarify.
222

223 Mr. Ward: Does it matter that this is not the gathering place for the church? This is not a church, this is
224 an office building.
225

226 Mr. Beard: It says place of worship.
227

228 Mr. Oster: Yes, but that could be my house.
229

230 Mr. Beard: But that's the issue, it says other places of worship; it does not define what other places of
231 worship are. It could be a prayer house, they could hold Bible studies there, you could consider that
232 worship.
233

234 Mr. Ward: The business they're conducting there, although it may be administrative in nature, is directly
235 related to the work of the church; that gives them church status.
236

237 Mr. Oster: This is a Residential District.
238

239 Mr. McCarthy: Let me just read the pertinent part, it's an Ohio law: For zoning purposes, a church is not
240 limited to being a house of prayer but may include social programs for youths and adults. In a zoning
241 context, the church cannot enjoy completely unfettered use of its property just because the activities
242 conducted on the property bear some relation to a church purpose to fit within the definition of a church
243 or church use, the activities or the use to which the property is devoted must be closely related in its
244 substance and its base to the church's purpose.
245

246 Mr. Miller: If you had a 2 car garage and a 16' wide driveway which is the minimum, that means you
247 have to have parking for 4 vehicles; is that not correct?
248

249 Mr. McCarthy: In most areas of the Township there are people that it's not going to be a problem; this is
250 in Lewis Center; Lewis Center was developed long before we had Township zoning. Typically what you
251 have in the zoning would be both parking and a building setback. Here we have only a building setback
252 because per se there is no parking setback; is that correct Mr. Beard?
253

254 Mr. Beard: FR1 just has a minimum of parking spaces, 4 per dwelling unit.
255

Board of Zoning Appeals

256 Mr. McCarthy: I cannot think of a parking setback that would open up large parts outside of the right-of-
257 way. I think we've got a 6' limit on setback from the right-of-way paving and that would be back in 21,
258 2101 maybe.

259
260 Mr. Beard: 6' is from the side and rear line.

261
262 Mr. McCarthy: The parking you have right now, is that photo accurate as to the space you've set aside for
263 parking?

264
265 Mr. Snowball: That is correct.

266
267 Ms. Sundar: Do you have any other pictures other than this one showing parking?

268
269 Ms. Culler: They usually have cars also parked on the grass too; I have pictures of that.

270
271 Mr. Oster: And I'm concerned with the cars and box trucks as far as getting in and out on Lewis Center,
272 especially being across from the main drag of Evans Farm. Is that creating a disinterest to the public
273 that's around it that has to navigate thru there?

274
275 Mr. McCarthy: Ms. Culler, is parking allowed along roads in Lewis Center?

276
277 Ms. Culler: Not that I know of.

278
279 Mr. McCarthy: That's only 10' wide in many areas and I thought it wasn't but I wanted to ask you.

280
281 Mr. Miller: That came up with the area right across the railroad track.

282
283 Mr. Oster: That was in the old side; this is in the Lewis Center main drag, the new Lewis Center main
284 drag, Evans Farm.

285
286 Ms. Culler: Downtown Lewis Center.

287
288 Mr. Oster: What we had before was a rental in the old side that was down by the EMS station, a couple
289 businesses and the church.

290
291 Mr. Beard: The Unitarian Church is the church in Lewis Center.

292
293 Mr. Miller: That's across the railroad tracks.

294
295 Mr. Ward: This is before the railroad tracks. The difficulty here Board members is they have been in this
296 location doing this since 2012.

297
298 Mr. Miller: I don't know how you've been able to do it.

299
300 Mr. Oster: Because nobody addressed it.

301
302 Ms. Culler: I did.

303
304 Mr. Oster: I mean in Orange Township; they let it go on and no one did anything about it.

305
306 Mr. Ward: I would assume if this is not approved it's going to create quite a hardship for the church.

Board of Zoning Appeals

307 Pastor Pastevora: Yes. Not just in the present but thinking about that future building.
308
309 Mr. Miller: How are you going to start the new building in the spring of 2019? You said you were going
310 to use this as collateral or something to build the new church.
311
312 Mr. Snowball: No, we would sell it after we move into that building which would create additional funds.
313 The church, thru fund raising and giving, we're prepared to start the building.
314
315 Ms. Culler: What was the Fire Department's concern that was brought to your attention?
316
317 Mr. Beard: They noticed the number of cars that were parked there and they were trying to figure out
318 what the location was.
319
320 Mr. Miller: When the gentleman comes in from the Fire Department and finds you in violation and shuts
321 you down, then what?
322
323 Mr. Ward: If they do.
324
325 Mr. Snowball: We're in the same compromising position as if you deny it.
326
327 Mr. Miller: So if we approve it tonight and the Fire Department comes in and shuts you down, then....
328
329 Mr. Snowball: My assumption is thru the Fire Department's inspection if there are things that are in
330 violation of their Code, those can be improved.
331
332 Mr. Miller: But you've basically been in violation for the last 7 years.
333
334 Mr. Beard: Technically they're probably in violation but when you have a zoning staff that allows them
335 to do it and gave them permission but there's nothing in writing, because if there was something in
336 writing from previous zoning staff, we would not be here.
337
338 Mr. Ward: So technically they're here to correct that.
339
340 Mr. Beard: In conversations from the concerned resident and the church that have dealt with previous
341 zoning staff members, they knew it was going on and allowed it to continue.
342
343 Pastor Pastevora : On our side from the church, the powers and leadership that had those conversations
344 with whoever Mr. Beard's predecessor was, they're no longer with us at the church, so the only thing we
345 knew for those of us who were here and stepped into leadership was that we had been given the OK by
346 Orange Township so we are truly here just to make things right.
347
348 Mr. Oster: Should we ask the Fire Department to look at this for the business of a church to see if it
349 meets their approval for structure, parking and everything?
350
351 Mr. Beard: You could put that as a condition.
352
353 Mr. Oster: Or should we have that looked at first before we even vote on it?
354
355 Mr. Ward: That's not necessary.
356

Board of Zoning Appeals

357 Mr. Beard: We've been dealing with this since before they applied for the home occupation. The Fire
358 Department has known about it since the individual noticed that it had been there, and I've had conver-
359 sations with them and they really didn't seem concerned about it.

360
361 Mr. McCarthy: Looking at the two options, and this is for discussion, it isn't law, if you approve it
362 tonight with a condition that there'll be no certificate of compliance issued until the Fire Department
363 approves, is that use going to stop? Probably not.

364
365 Mr. Miller: Then they'd be in violation again.

366
367 Mr. McCarthy: Looking at a resolution that says no certificate, are you going to do an enforcement or
368 what if the Fire Department, the condition gets worse, we've had people out for a year. It seems to me,
369 whatever information you're going to have you should try and get before you conclude this process.

370
371 Mr. Oster: That's what I thought because you're going to allow it to be used as the business of a church
372 and I'm sure there are going to be a lot of issues that may arise from so many people being in there all day
373 long, in certain areas of the house and is that all in their approval? And then, the parking issue of 8-10
374 cars in front of that house.

375
376 Mr. Ward: I don't know that the parking is really an issue for us.

377
378 Mr. Beard: Not with the Code; our Code only has the minimum standard, we don't have a maximum.

379
380 Mr. Oster: It's an issue for her.

381
382 Mr. Beard: We don't have anything specific that says only 6 cars can be parked on a Farm Residential
383 lot. Our Code says it has to have a minimum of 4 parking spots.

384
385 Mr. Oster: But that's for Farm Residential and now you're going to change it.

386
387 Mr. Beard: You're not changing the zoning.

388
389 Mr. Oster: But you're going to change it to a church conditional use.

390
391 Mr. Ward: It's still Farm Residential.

392
393 Mr. Beard: Most churches are in Farm Residential now. The one we just approved last month was, and I
394 believe the church they were approved for on Africa Road is.

395
396 Mr. Ward: The issue before us is whether or not we should approve this Variance and Conditional Use on
397 this piece of property. This will be in essence correcting a situation that's existed for a number of years.
398 There has been a tendency in the Township to give churches somewhat of a benefit of the doubt as to its
399 usage.

400
401 Mr. Oster: Would that decision throw this into a tax free church situation for the whole property?

402
403 Mr. McCarthy: If they've got the entire property and the proper filing, which it's not specified. I'm
404 assuming the one on Africa you're planning on being tax exempt.

405
406 Pastor Pastevora: Yes.

407

Board of Zoning Appeals

408 Mr. Beard: They already own the property.

409

410 Mr. Oster: But they're probably paying tax on it right now or is it tax free?

411

412 Mr. Snowball: The property is registered in the church's name and it's a non-profit.

413

414 Mr. McCarthy: Do you get a tax bill twice a year?

415

416 Mr. Snowball: The Auditor's site would probably be the only one that would have that for us but I'm
417 assuming it is.

418

419 Mr. Beard: On the Unitarian Church the first time it was approved, they put a condition on how many
420 years they were allowed to have that before they had to come back to the Board. In 2016 there was no
421 condition put on it for how long they could have it. A stipulation could be on it that you could only have it
422 for this many years, then once it comes up, if you're still occupying it, you have to come back.

423

424 Mr. Ward: I thought they said they would be in their church by 2020.

425

426 Mr. Snowball: That's our hope.

427

428 Mr. McCarthy: If you're going to do that, I suggest using language along the line that if you're approving
429 it, that the Conditional Use expire on the earlier of issuance of certificate of compliance for parcel 318-
430 140-0..... or "x" years, whichever comes first.

431

432 Ms. Culler: If they weren't a church would you guys even be considering this?

433

434 Mr. Oster: Not me.

435

436 Ms. Culler: If they were an embroidery shop; you'd nix it, right? Just because they're calling themselves
437 a church, I don't think that absolves you from doing the right thing.

438

439 Mr. Beard: If it was an embroidery shop and somebody lived there, they could file for a home occupation
440 as a Conditional Use under Farm Residential. They're not going under a home occupation, but an
441 embroidery shop like you said, if someone was living there and wanted to create their own business, they
442 could file for a home occupation and there's restrictions on that. Under the Code, it states a place of
443 worship or church is a Conditional Use in Farm Residential.

444

445 Ms. Culler: Prior to our previous meeting, it was not a place of worship; they even admitted that. Now
446 suddenly it's become a place of worship to try and get this passed.

447

448 Mr. Beard: Previously they stated there were Bible studies and youth groups that met there, and that was
449 brought up from the previous because someone brought up the previous church that was allowed, and that
450 brought up that discussion.

451

MOTION TO APPROVE APPLICATION #VA-CU-18-35

452

453
454 Mr. Ward made a motion to Approve Variance and Conditional Use Application #VA-CU-18-35, North
455 Church, with the stipulation that the Conditional Use expire on the issuance of a Certificate of
456 Compliance for the structure to be built on Africa Road, Auditor's Parcel Number 318-140-05-002-000 or
457 December 31, 2020, whichever is earlier.

458

Board of Zoning Appeals

- 459 Ms. Sundar: Is there any way to limit the cars parking just out of concern for the residents?
460
- 461 Mr. McCarthy: You could require a condition for the use that vehicle parking shall only occur on the
462 paved or gravel areas specified.
463
- 464 Mr. Oster: And we're also going to put something in there to have the Fire Department look at and ok for
465 the amount of people....
466
- 467 Mr. McCarthy: That puts Zoning in a difficult situation if Fire doesn't get there.
468
- 469 Mr. Ward: We can't dictate what the Fire Department does.
470
- 471 Mr. McCarthy: If Fire wants to close it down, they'll close it down. They've got their own enforcement.
472
- 473 Ms. Jordan: Regardless of what we do?
474
- 475 Mr. McCarthy: Yes.
476
- 477 Mr. Ward: This motion will include conditions as to the length of this Variance and Conditional Use
478 exists, expiring on December 31, 2020 or earlier, depending on the process of the parent church being
479 built and that parking....
480
- 481 Mr. McCarthy: I suggest that it be only on gravel or paved areas of the property outside the right of way.
482
- 483 Mr. Oster: Are those pads outside the right-of-way because that's just been redone?
484
- 485 Pastor Pastavora: The application shows the current, where the trees have been removed and so forth.
486
- 487 Mr. Ward made a motion to approve Variance and Conditional Use Application #VA-CU-18-35, North
488 Church, with the following conditions:
489
- 490 • The Conditional Use will expire December 31, 2020 or upon issuance of a Certificate of Compliance for the
491 structure to be built on the applicant's Africa Road parcel, whichever is earlier
 - 492 • Parking will only be allowed on the gravel and paved areas not in the right-of-way
493
- 494 Seconded by Ms. Sundar
495
- 496 Vote on Motion: Mr. Ward-yes, Mr. Oster-no, Ms. Jordan-yes, Ms. Sundar-yes, Mr. Miller-no
497 Motion carried
498
- 499 Hearing adjourned at 10:45 p.m.
500
- 501 Minutes prepared by Cindy Davis, Zoning Secretary

Board of Zoning Appeals

Application #'s VA-18-25 & VA-18-36

January 17, 2019

LEGAL NOTICE

Notice is hereby given that the Orange Township Board of Zoning Appeals will hold a public hearing on Thursday, January 17, 2019, beginning at 6:30 p.m. to consider the following application/s:

Variance Application #VA-18-36, Olentangy River Brewing Company, Requesting an Area Variance from Section 22.03(c(1)) of the Orange Township Zoning Resolution to allow the placement of a wall sign that will exceed the maximum height requirement in an area zoned Planned Industrial (PI) District. The subject property is located at 303 Green Meadows Drive South, Lewis Center OH 43035 and having permanent parcel number #318-342-01-005-000.

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 Monday, January 7, 2019 in The Delaware Gazette

Mr. Beard called the hearing of the Orange Township Board of Zoning Appeals for January 17, 2019 to order at 7:00 p.m. First order of business is to elect a Chair and Vice-Chair for 2019.

MOTION TO ELECT CHAIR FOR 2019

Mr. Miller made a motion to elect Mr. Oster as the Chair of the Orange Township Board of Zoning Appeals for 2019; seconded by Ms. Jordan.

Vote on Motion: Ms. Jordan-yes, Mr. Oster-no, Mr. Trefz-yes, Ms. Sundar-yes, Mr. Miller-yes
Motion Carried

MOTION TO ELECT VICE-CHAIR FOR 2019

Mr. Oster made a motion to elect Mr. Miller as the Vice-President of the Orange Township Board of Zoning Appeals for 2019; seconded by Ms. Jordan.

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

Board of Zoning Appeals

52 Roll Call: Rick Oster, Punitha Sundar, Jerry Miller, Victoria Jordan, Kelvin Trefz

53

54 Township Officials Also Present:

55 Michael McCarthy Township Counsel

56 Jeff Beard Zoning Enforcement Officer

57

58 **Old Business**

59

60 Mr. Beard: Our next topic is Variance Application #VA-18-25, Buckeye Investment NWO LLC, you
61 were provided in your packet an email that was asking that the application be withdrawn.

62

63 **MOTION TO COME BACK FROM RECESS FOR APPLICATION #VA-18-25**

64

65 Ms. Jordan made a motion to come back from recess for Variance Application #VA-18-25, Buckeye
66 Investment NWO LLC from the table; seconded by Ms. Sundar.

67

68 Vote on Motion: Ms. Jordan-yes, Mr. Oster-yes, Mr. Trefz-yes, Ms. Sundar-yes, Mr. Miller-yes
69 Motion carried

70

71 **MOTION TO ACCEPT WITHDRAWAL OF VARIANCE APPLICATION #VA-18-25**

72

73 Mr. Oster made a motion to accept the withdrawal of Variance Application #VA-18-25, Buckeye
74 Investment NOW LLC; seconded by Mr. Miller.

75

76 Vote on Motion: Ms. Jordan-yes, Mr. Oster-yes, Mr. Trefz-yes, Ms. Sundar-yes, Mr. Miller-yes
77 Motion carried

78

79 Hearing continued with Variance Application #VA-18-36.

80

81 Minutes prepared by Cindy Davis, Zoning Secretary

82

83

84

85

Board of Zoning Appeals

1 **Application #VA-18-36**

January 17, 2019

2
3 **Variance Application #VA-18-36. Olentangy River Brewing Company.** Requesting an Area
4 Variance from Section 22.03(c(1)) of the Orange Township Zoning Resolution to allow the
5 placement of a wall sign that will exceed the maximum height requirement in an area zoned Planned
6 Industrial (PI) District. The subject property is located at 303 Green Meadows Drive South, Lewis
7 Center OH 43035 and having permanent parcel number #318-342-01-005-000.
8

9 Mr. Beard presented the Staff Report and presentation. Site is located on the eastern side of Green
10 Meadows Drive South, south of East Powell Road. Applicant is proposing one wall sign on the
11 southwest corner of the building facing Green Meadows Drive South that will exceed the maximum
12 height requirement and is the only wall sign proposed to be on the building. The surrounding area,
13 north, south, east and west are all Planned Industrial. The proposed sign will be placed at 17' above
14 finished grade; a variance of 2' is required.
15

16 Mr. Trefz: What is the height of the mound or earth berm?
17

18 Mr. Beard: I don't have a height on that.
19

20 Mr. Oster: I appreciate the pictures you have because they show the mound on quite a few of them,
21 especially the one taken from down the road a bit; it kind of hides the building from the street.
22

23 Mr. Beard: I have provided you with an owner authorization letter because the original applicant was
24 not able to attend, so one of the other owners of the brewery is here.
25

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

27
28 A court reporter from Runfola Reporters administered the oath to Mr. Schweitzer.
29

30 Scott Schweitzer, 5283 Port Haven Drive, Galena, Ohio 43021. We are a locally focused business
31 with the mission to brew high quality craft beer and coffee drinks and provide a community oriented
32 gathering place. The reason we began was when we were having meetings locally for the preserva-
33 tion of the Gooding House, people would ask where's some place local I can go and there was none.
34 There are a lot of chains here but there wasn't really any place I could say identified our community,
35 so that was one of our stated goals. We're asking for an increase in 2' for that sign; there are those
36 rolling hills that are in front of the building. We feel that increase would allow for more visibility
37 and therefore more awareness. We currently employ 4 full time people and 14 part time, so things
38 are going well but we feel increased visibility would be beneficial to our company. We are in a
39 Planned Industrial space and we're just looking to increase visibility of this building to draw in more
40 traffic.
41

42 **PUBLIC COMMENT**

43
44 John Coggins, 150 Long Branch, I actually don't live in the area of the brewery so I don't have a
45 personal stake in it, but I love beer and I guarantee it will be a good place. My concern is precedent,
46 it could become death by 1 or 2 feet at a time with the signage. If there's any place that's probably
47 less intrusive it's probably a Planned Industrial zone but I also don't think you will need to rely upon
48 people driving by along that road to pull into your place; I think people will hear about you by word
49 of mouth. I don't think people are going to drive around to find a place to have a beer. They'll be
50 able to find it by other ways but I don't think a 2' higher sign is going to benefit the business
51 substantially but I don't think it's going to be a detriment either if it stays within the Code. My

Board of Zoning Appeals

52 biggest concern is precedent so the next guy doesn't get an 18' sign or 21' sign. Otherwise, I look
53 forward to having a beer in your place.

54

55 Mr. Miller: One of the criteria that's critical, whether it be signage, etc., is the surrounding
56 topography, and the topography in this case because of the existing mounds does allow this Board to
57 make appropriate changes to Code. Topography is critical on any zoning plans, so I just wanted to
58 make you aware of that.

59

60 **MOTION TO APPROVE VARIANCE APPLICATION #VA-18-36**

61

62 Mr. Miller made a motion to approve Variance Application #VA-18-36, Olentangy River Brewing
63 Company, based on the topography in front of the building; seconded by Mr. Oster.

64

65 Vote on Motion: Ms. Jordan-yes, Mr. Oster-yes, Mr. Trefz-yes, Ms. Sundar-yes, Mr. Miller-yes
66 Motion carried

67

68 Mr. Miller: I do take the Code very seriously on changes, but topography is critical, especially in
69 industrial areas.

70

71 **APPROVAL OF MEETING MINUTES**

72

73 Mr. Miller made a motion to approve the meeting minutes of the Orange Township Board of Zoning
74 Appeals dated October 15, 2018 as follows:

75

76 Variance Application #VA-18-17, George's Run III LLC, with the following corrections:

77

- 78 • Line 92 – site should read “cited”

79

80 Variance Application #VA-18-18, Continental Olentangy Crossings LLC, as written

81

82 Variance Application #VA-18-19, Anastasiia Tiurenkova, as written

83

84 Variance Application #VA-18-20, Jeremy Haynes and Michael Afaghi, as written

85

86 Conditional Use Application #CU-18-21, North Church with the following corrections:

87

- 88 • Line 28 – CUP should read “Conditional Use Permit”

89

90 Variance Application #VA-18-22, DJAM LLC, with the following corrections:

91

- 92 • Line 165 – Duncan Moefield should read “Duncan versus Middlefield”
- 93 • Line 166 – Duncan versus Moefield should read “Duncan versus Middlefield”
- 94 • Line 168 – PUD should read “Planned Unit Development”
- 95 • Line 176 – Duncan versus Moefield should read “Duncan versus Middlefield”
- 96 • Line 245 - ??? should read “practice”

97

98 Mr. Oster made a motion to approve the minutes of the Orange Township Board of Zoning Appeals dated
99 November 15, 2018 as written for the following applications:

100

- 101 • Variance Application #VA-18-17, George's Run III LLC

Board of Zoning Appeals

- 102 • Conditional Use Application #CU-18-23, Lifepoint Church
103 • Variance Application #VA-18-24, Buckeye Investment NWO LLC

104

105 Motion seconded by Mr. Trefz

106

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

108 Motion carried

109

110 Hearing adjourned at 7:00 p.m.

111 Minutes prepared by Cindy Davis, Zoning Secretary

112

113

114

115

DRAFT

Board of Zoning Appeals

1 **Application #'s CU-19-01, VA-19-02, VA-19-03**

February 21, 2019

LEGAL NOTICE

6 Notice is hereby given that the Orange Township Board of Zoning Appeals will hold a public hearing
7 on Thursday, February 21, 2019, beginning at 6:30 p.m. to consider the following application/s:

9 **Conditional Use Application #CU-19-01, SignAffects Limited.** Requesting an Area Variance from
10 Section 22.04(a) of the Orange Township Zoning Resolution to allow construction of 2 monument style
11 free standing signs in an area zoned Planned Commercial and Office (PC) District. The subject property
12 is located at 7740 Graphics Way, Lewis Center OH 43035 and having permanent parcel number #318-
13 234- 04-006-001.

15 **Variance Application #VA-19-02, JK 2010 Properties LLC.** Requesting an Area Variance from the
16 approved Development Plan in Zoning Application #547 of Metzger Brothers Company Inc. to
17 remediate the construction of two (2) decks that fail to meet the rear yard setback requirement in an area
18 zoned Multi Family Planned Residential (MFPRD) District. The subject properties are located at 53 and
19 61 Ravine Ridge Drive, Powell OH 43065 and having permanent parcel numbers #318-323-07-134-000
20 and 318-323-07-132-000.

22 **Variance Application #VA-19-03, WD Partners.** Requesting an Area Variance from Section
23 22.03(c(1)) of the Orange Township Zoning Resolution to allow the placement of a wall sign that will
24 exceed the maximum height requirement in an area zoned Planned Office and Commercial (PC)
25 District. The subject property is located at 8659 Columbus Pike, Lewis Center OH 43035 and having
26 permanent parcel number #318-324-12-007-000.

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

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

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

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

41 *Rick Oster, Chairman*
42 *Jeff Beard, Orange Township Zoning Department*

44 *Please publish one time, on or before Monday, February 11, 2019 in The Delaware Gazette*

46 Mr. Oster called the hearing of the Orange Township Board of Zoning Appeals for February 21, 2019 to
47 order at 6:30 p.m.

49 Roll Call: Victoria Jordan, Rick Oster, Punitha Sundar, Jerry Miller, Kelvin Trefz

Board of Zoning Appeals

51 Township Officials Also Present:
52 Michael McCarthy Township Counsel
53 Jeff Beard Zoning Enforcement Officer

54
55 A court reporter from Runfola Reporters administered the oath to those wishing to speak.

56
57 **Conditional Use Application #CU-19-01, SignAffects Limited.** Requesting an Area Variance from
58 Section 22.04(a) of the Orange Township Zoning Resolution to allow construction of 2 monument style
59 free standing signs in an area zoned Planned Commercial and Office (PC) District. The subject property
60 is located at 7740 Graphics Way, Lewis Center OH 43035 and having permanent parcel number #318-
61 234- 04-006-001.

62
63 Mr. Beard presented the Staff Report and presentation. Under Variance Case 10997, this site was
64 approved to have 2 monument signs on the site. Since that variance was approved, that will follow along
65 with this property, so they don't need a variance to have that second monument sign. The proposed sign
66 will replace the old signs that were on the existing site. North, south and east of the site is Planned
67 Commercial and Office District; to the west is Farm Residential. Sign A, which is along Columbus Pike,
68 meets all requirements of a monument style sign.

69
70 Mr. McCarthy: Mr. Beard, this is formerly the Mallory Pools site?

71
72 Mr. Beard: Yes.

73
74 Mr. McCarthy: Have the previously existing signs been removed or are they still there?

75
76 Mr. Beard: They have been removed.

77
78 Mr. Oster: The dark beige and light beige, is that because of the fade there on the star?

79
80 Mr. Beard: Yes.

APPLICANT PRESENTATION/ BOARD QUESTIONS & COMMENTS

81
82
83
84 Paul Lyda, Sign Affects, 4740 Cascade Drive, Powell, Ohio, representing the property owner. As was
85 stated, there was a prior variance for the property and there were 2 monument signs on that property
86 which have been removed. The main difference is the one on Graphics Way is going to be in the same
87 location, same size but will be different orientation, a double sided sign that will be perpendicular instead
88 of a single side sign. The one on 23, due to the swale that was put in for water retention, will be put off
89 the edge of the drive. There's a spot where it comes up hill, so it will probably be back further than the
90 30' we're proposing. They want it up high and not in the valley because they're concerned about over-
91 growth from the neighborhood obstructing the sign because there is a group of trees to the south that are
92 not maintained along with a couple of scrub trees to the north, but given that it's moving away from the
93 requirements, I wouldn't see it being an issue, and I wanted to clarify it would be perpendicular to the
94 road.

95
96 Mr. Miller: Do you propose backlit?

97
98 Mr. Lyda: It's going to be internally lit.

99
100 Mr. Miller: What's the lighting temperature

101

Board of Zoning Appeals

102 Mr. Oster: It says 2167 K.
103

104 Mr. Lyda: So with the internal LED source, it would be cooler; we don't want it to be a beacon out there.
105 Thru our experience, actually the brighter internal illumination dulls the service of the sign and washes
106 the colors out, so we try to stay around 2500, 3000 tops. I think it's pretty straight forward. There were
107 signs there before, so my client definitely had this expectation for the property. The stonework would
108 match that of the building; it's from the exact same quarry, so everything would be nice and uniform.
109

110 Mr. Oster: Were we going to vote on these individually or both together?
111

112 Mr. Beard: Individually. We discussed Sign A first; we haven't discussed Sign B yet.
113

MOTION TO APPROVE SIGN A FOR APPLICATION #CU-19-01

116 Mr. Oster made a motion to approve Sign A along Columbus Pike for Conditional Use Application #CU-
117 19-01, Sign Affects Limited, as requested; seconded by Mr. Miller.
118

119 Vote on Motion: Ms. Jordan-yes, Mr. Oster-yes, Mr. Trefz-yes, Ms. Sundar-yes, Mr. Miller-yes
120 Motion carried
121

122 Mr. Beard: Sign B is located along Graphics Way. The applicant is proposing a monument style
123 freestanding sign that meets the requirements of the Code.
124

125 Mr. Oster: It has the same type of illumination according to your flyer, correct?
126

127 Ms. Lyda: Yes. The purpose of this sign is really directional since the building is not visible from
128 Graphics Way. As you pull back the drive, it "Y's" off and we've been allowed a small, non-illuminated
129 directional sign to point people in the right way to help traffic flow.
130

MOTION TO APPROVE SIGN B FOR APPLICATION #CU-19-01

133 Mr. Miller made a motion to approve Sign B along Graphics Way for Conditional Use Application #CU-
134 19-01, Sign Affects Limited, as requested; seconded by Ms. Jordan.
135

136 Vote on Motion: Ms. Jordan-yes, Mr. Oster-yes, Mr. Trefz-yes, Ms. Sundar-yes, Mr. Miller-yes
137 Motion carried
138

139 Hearing continued with Variance Application #VA-19-02
140

141 Minutes prepared by Cindy Davis, Zoning Secretary
142
143
144
145

Board of Zoning Appeals

1 **Application #VA-19-02**

February 21, 2019

2
3
4 **Variance Application #VA-19-02, JK 2010 Properties LLC.** Requesting an Area Variance from the
5 approved Development Plan in Zoning Application #547 of Metzger Brothers Company Inc. to
6 remediate the construction of two (2) decks that fail to meet the rear yard setback requirement in an area
7 zoned Multi Family Planned Residential (MFPRD) District. The subject properties are located at 53 and
8 61 Ravine Ridge Drive, Powell OH 43065 and having permanent parcel numbers #318-323-07-134-000
9 and 318-323-07-132-000.

10
11 Mr. Beard presented the Staff Report and presentation. Surrounding the site north is Single Family
12 Planned Residential; south, east and west is Multi-Family Planned Residential. Minimum rear yard
13 setback is 20' for all lots in Highmeadows Village Section 1. There was an error on here; the applicant
14 constructed a deck and has a rear yard setback should be 19.1 instead of 17.5, so a variance of .9' is
15 required at 61 Ravine Ridge Drive. Exhibit 1 is the survey that was completed by the applicant that
16 shows the exact dimensions. Exhibit 2 is a price quote they received to remedy this situation, to break up
17 the concrete, cut out the 4x4's so they can move it so it would be within 20', so that is their price quote
18 that they received for the work and replace the decks.

19
20 Mr. Oster: I remember this one being in here before.

21
22 Mr. Beard: Once they had the actual survey done, 2 of the decks were within 20' so zoning permits were
23 approved for those, so 2 of them are in compliance. The other 2, as you can see they were 17.5', now
24 they're 19.1'

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

26
27
28 D.J. Young, 392 Coover Road, Delaware, Ohio, attorney for the applicants. We're asking for a variance
29 of 11". I wasn't here last time so I don't know what you know or what you remember, but they hired a
30 contractor, per their instructions the contractor was to get all the permits and everything, the contractor
31 agreed but it didn't happen, so this is how we end up here. The 11" can only be determined by measure-
32 ment; it's not a visible error. They back up to an open area behind the property which is Sub-area K of
33 the subdivision, and Powell Road is behind that, so it's not close to any neighbors. We don't think
34 granting the variance would be contrary to the public interest; the Zoning Ordinance asks if there's a
35 special situation or condition, we perceive that it's essentially a reserve area for preserving open space as
36 a special condition, they don't have a neighbor close behind them. It's not substantial, 11". It may not
37 even be 11"; maybe .9'. We don't think the decks affect the character of the neighborhood; there are
38 other houses with decks and patios in this area. There's at least one down the way that is a lot closer to
39 the back line than any of these. You can see that in the zoomed out image and I brought some pictures.
40 We don't think this does any substantial detriment to other properties; 2 of them my client owns anyway.
41 With respect to anyone else, it's sideways and a long way away. There's no impact on the sewer, water,
42 garbage delivery or nay type of services in this community. One of the standards is were they aware of the
43 Zoning Ordinance but the problem originated because of the contractor they trusted was not trustworthy
44 apparently. Finally, the Zoning Ordinance asks if there's a feasible alternative and I think it depends on
45 your definition of feasible. The Oxford Dictionary says it's something that can be done practical or
46 easily. It's not easy or convenient, and it is expensive to make an 11" change on 2 decks, so we're asking
47 for mercy basically under the circumstances.

48
49 Mr. Oster: Were all the decks changed or just 2 of them?

50

Board of Zoning Appeals

51 Mr. Young: All 4 of them were built at the same time and the properties are staggered, so initially we
52 were cited for a violation on all 4 but the final violation was just on 2 of them.

53
54 Mr. Oster: So you didn't have to change 2 of them?

55
56 Mr. Young: Correct.

57
58 Mr. McCarthy: Just for the sake of the record and nothing else, we have what appears to be a copy of
59 your survey.

60
61 Mr. Young: Yes.

62
63 Mr. McCarthy: And this building, the facing is not straight, there are insets and bump outs and
64 everything else.

65
66 Mr. Young: Yes, so you can see how it happened from the contractor's perspective. He's measuring off
67 the back wall, making all the decks the same size, but he should have gotten it measured and got a permit,
68 but he didn't.

69
70 Mr. Miller: Was there any written correspondence by the owners to the contractors in regards to their
71 request?

72
73 Mr. Young: I don't know the answer to that, but that contractor is not the one who is going to be doing
74 the work if this Board refuses our request.

75
76 Mr. Oster: I was looking at that other building and figured the same person may have owned both of
77 these and I do remember this one was in there before.

78
79 Mr. Young: To my knowledge my client owns just the 4....

80
81 Mr. Oster: That we're looking at. So this is to have just those 2 altered from where they are right now.

82
83 Mr. Young: We want to avoid having to alter them, so we're asking for...

84
85 Mr. Oster: So it's only 11" that we're out on these 2 now, so no alterations.

86
87 Mr. Young: That's right. When we first came before you, they asked for 2, 2.5' for all 4 but now that
88 we're down to 11" on 2, we're hoping you'll grant them permission. Your Board could set a condition
89 that we're not to make them bigger and when they need maintenance, we'll bring them into size
90 conformity. For example, a vertical post rots and has to be replaced, that's a logical time to say you can
91 tie the variance down a little bit if that would make it easier to grant.

92
93 Mr. Miller: That can be a little bit of a challenge with the concrete pads already there because a lot of it is
94 based on the concrete itself because it's a permanent structure.

95
96 Mr. Young: You'd have to break down the concrete and dig down and build new footers, so it would
97 definitely be a project.

98
99 Mr. Oster: Now it looks like we're going to be out 11" which is a whole lot different I think than what
100 was originally presented.

101

Board of Zoning Appeals

MOTION TO APPROVE APPLICATION #VA-19-02

102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117

Mr. Miller made a motion to approve Variance Application #VA-19-02, JK 2010 Properties LLC, for a .9' variance; seconded by Mr. Oster.

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

Hearing continued with Variance Application #VA-19-03

Minutes prepared by Cindy Davis, Zoning Secretary

DRAFT

Board of Zoning Appeals

1 **Application #VA-19-03**

February 21, 2019

2
3
4 **Variance Application #VA-19-03, WD Partners.** Requesting an Area Variance from Section
5 22.03(c(1)) of the Orange Township Zoning Resolution to allow the placement of a wall sign that will
6 exceed the maximum height requirement in an area zoned Planned Office and Commercial (PC)
7 District. The subject property is located at 8659 Columbus Pike, Lewis Center OH 43035 and having
8 permanent parcel number #318-324-12-007-000.
9

10 Mr. Beard presented the Staff Report and presentation. North and east of the site is Planned Industrial,
11 and south and west is Planned Commercial and Office District. The applicant is proposing a wall sign
12 that will exceed the maximum height of 15'; the sign will be placed 17'4" above finished grade, so a
13 variance of 2'4" is required. There is a sign already located at 15' that was approved a little over a year
14 ago; they want to move it a couple feet up and closer to the edge of the building. There will be back-
15 ground on it, and that is what is causing some of the height difference.
16

17 Mr. Oster: They're going to put a background on it instead of being more like "that". I didn't know if
18 this was just a graphic they were using to show....
19

20 Mr. Beard: No, that's what their plan is.
21

22 Ms. Jordan: It's going to look like "that" instead of like the bridge?
23

24 Mr. Oster: It really doesn't look that much different in height.
25

26 Mr. Beard: They're in the process of re-doing all their other signs, which all are in compliance with
27 the Code, so those signs have been approved; this is the only one that would be out.
28

29 Mr. Oster: All their other signs are higher than the 15' anyway and have been approved.
30

31 Mr. Beard: Some of them are; they were part of the rezoning and part of the variances that were
32 approved then.
33

34 Mr. Trefz: You've got a sign that's currently there and Wal-Mart itself and the Home/Pharmacy are well
35 above the 15'.
36

37 Mr. Beard: They are, and actually the new signs for Home and Pharmacy are coming down to 15'.
38

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

40
41 Ben Daviano, 7007 Discovery Boulevard, Dublin, Ohio 43017. The applicant is proposing to shift the
42 existing sign over to the south and also up a couple of feet. The background is an orange EIFS
43 background that the new sign will be mounted to. The new sign will be the same size and lit the same
44 way as the sign currently there, but the Wal-Mart sign is great for way finding but with the orange
45 background, it's a lot better for distance. I drove the site earlier and noticed with the orange background
46 you would be better able to see it from a distance. We would like to move it over just a little just so it's
47 easier to see from a distance.
48

49 Mr. McCarthy: How far is it from the corner of the building then?
50

51 Mr. Daviano: I know it's 5'8" closer to the south, so we will be almost on the corner of the building.

Board of Zoning Appeals

52 Mr. Oster: Is that grey band right at 15'?

53

54 Mr. Daviano: The top of "Pickup" is at 15' right now.

55

56 Mr. Miller: Or 11' where the grade is at, approximately. With the orange backdrop, what's the
57 justification or reasoning for raising it that much higher? The semis are not going to be up against the
58 building.

59

60 Mr. Daviano: It's more of a visual aid so you can see the designated area from a distance.

61

62 Mr. Miller: I understand the orange part but I'm asking why are they asking to raise it?

63

64 Mr. Daviano: A logo height makes a difference when you're on the site so you can see it from a distance.

65

66 Mr. Oster: It's going to look more like the one in the picture and not the one that's imaged in the center?

67

68 Mr. Daviano: Yes. There was an old banner there. It will look like the picture on Page 1 on the
69 rendering.

70

71 Mr. Trefz: Your statement was that raising it approximately 2' allows it to be seen better from a distance.
72 What distance and how did you guys come to that?

73

74 Mr. Daviano: We determined it by driving the site. The slight increase makes it easier with the orange,
75 how it pops right out as you pull into the site off 23.

76

77 Mr. Trefz: I understand the orange, but what I don't understand is if you're on 23 and you've got a rise of
78 2', you're less than 1 degree?

79

80 Mr. Daviano: Yes, it's pretty small. We just found from a distance that a higher sign is easier to find.

81

82 Mr. Miller: But even people from 23 are going to have to be looking up. If you're in the parking lot,
83 you're already looking at normal eye level height. The orange backing I can understand from a visual
84 standpoint to pick it up with the white lettering, but not the height.

85

86 Mr. Daviano: The height helps with navigation on the site once you pull off 23 and you're in the
87 development itself.

88

89 Ms. Sundar: For traffic?

90

91 Mr. Daviano: No, for any customers that are using the program.

92

93 Mr. Oster: Is the Lawn and Garden and Auto Center sign on the other end changing because that one is at
94 least as high as you want this one.

95

96 Mr. Daviano: Currently it's an Automotive sign and it's switching to a Lawn and Garden sign, and we're
97 actually reducing that sign almost in half. We're going from 77 square feet to 37 square feet with a new
98 Lawn and Garden sign, and I think that's a refacing.

99

100 Mr. Oster: Is that going to come down or stay up?

101

Board of Zoning Appeals

102 Mr. Beard: It's staying there. Since the other sign was approved at that height, they put a new sign at that
103 same location.

104

105 Mr. Oster: And that one's at least 17', and the Wal-Mart has got to be 17-18'. I think this makes the
106 whole building look symmetrical.

107

108 Mr. Miller: I'm surprised they're reducing the signage area.

109

110 Mr. Daviano: We're actually reducing quite a bit of the signs; we're losing almost 70 square feet total.

111

112 Mr. Oster: I think they're doing a good job at bringing their signs closer to what they probably should
113 have been originally, and I can't see penalizing them in this new pick up market that has happened
114 everywhere on one sign that they're trying to make stand out and trying to get the people where they're
115 supposed to be to make that happen.

116

117 Mr. Miller: In regard to the pickup, the pickup area is to the south end of the building and according to
118 the 11 x 17 drawings you provided, it's like you're telling people to pick up alongside the building.

119

120 Mr. Oster: There are parking places right there that go all the way down and heads into the building.

121

122 Mr. Daviano: There is an existing pickup lane and parking places.

123

124 Mr. Miller: On Page 1 they're showing the pickup in the middle of the store.

125

126 Mr. Beard: Mr. Miller, that other sign you're looking at is a banner sign, and they will be receiving a
127 violation.

128

129 Mr. Oster: But all the others are coming down.

130

131 Mr. Trefz: The only ones I thought were different, which is not a part of this, was the automotive in the
132 back.

133

134 Mr. Daviano: Those are also refacing the existing signs.

135

136 Mr. Trefz: It's on the front page and I only pointed it out because I thought it was about at the same
137 height as the Pickup sign, but you say that's just replacing the existing.

138

139 Mr. Oster: Is the Auto Center moving into that bay area down by the Pharmacy and everything else
140 there?

141

142 Mr. Miller: The auto center now is on the north side of the building.

143

144 Mr. Beard: Lawn and Garden and Auto Center are on the front facing 23, the other ones you're talking
145 about are on....

146

147 Mr. Trefz: You have to drive around the building to see those.

148

149 Mr. Oster: "These" are on the front?

150

151 Mr. Daviano: Yes.

152

Board of Zoning Appeals

153 Mr. Oster: And “these” 2 marks, is that indicating that’s going to come down into “this” band along with
154 “this” stuff here?
155

156 Mr. Daviano: “This” line is the 15’ line.
157

158 Mr. Oster: So Auto Center may come down or no? I’m just trying to figure out what those lines were in
159 there for....
160

161 Mr. Daviano: I think it’s a relic; Auto Center will be right above the band.
162

163 Mr. Oster: So it’s going to stay and they’re not going to change the height at all?
164

165 Mr. Daviano: Right.
166

167 Mr. Oster: And that was already approved when the building was built so you’re good there anyway.
168

169 Mr. Beard: Lawn and Garden is replacing Outdoor; that was 18.5’. Auto Center is new, but it’s below
170 15’.
171

172 Mr. Oster: From these drawings it looks like that’s going to be about the height of that sign, elevated past
173 our 15’.
174

175 Mr. Trefz: It would be at 17.
176

177 Mr. Oster: But it’s 15 right to the top of that band.
178

MOTION TO APPROVE APPLICATION #VA-19-03

181 Mr. Trefz made a motion to approve Variance Application #VA-19-03, WD Partners, as requested;
182 seconded by Ms. Sundar.
183

184 Vote on Motion: Ms. Jordan-yes, Mr. Oster-yes, Mr. Trefz-yes, Ms. Sundar-yes, Mr. Miller-yes
185 Motion carried
186

APPROVAL OF MEETING MINUTES

189 Mr. Miller made a motion to approve the meeting minutes of the Orange Township Board of Zoning
190 Appeals dated December 12, 2018 for Variance Application #VA-18-25 and Conditional Use Application
191 #CU-18-26, Buckeye Investors NWO LLC, with the following corrections:
192

- 193 • Line 63 should read 27’ instead of 23’
- 194 • Line 132 – the word “so” should be removed
- 195 • Line 170 should read: Mr. Beckham: It was from the right-of-way
- 196 • Line 237 – the word “and” should be changed to “as”
- 197 • Line 406 – the word “under” should be changed to “understand”
198

199 Seconded by Mr. Oster.
200

201 Vote on Motion: Ms. Jordan-abstain, Mr. Oster-yes, Mr. Trefz-yes, Ms. Sundar-yes, Mr. Miller-yes
202 Motion carried
203

Board of Zoning Appeals

204 Hearing adjourned at 7:30 p.m.

205

206

207 Minutes prepared by Cindy Davis, Zoning Secretary

208

209

210

211

DRAFT