

Board of Zoning Appeals

1 **Application #'s CU-21-02, VA-21-03, VA/CU20-28**

March 18, 2021

LEGAL NOTICE

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3
4
5 Notice is hereby given that the Orange Township Board of Zoning Appeals will hold a public hearing on
6 Thursday, March 18, 2021, beginning at 6:00 p.m. to consider the following application/s:

7
8 **Conditional Use Application #CU-21-02 Joshua J. Morgan,**

9 Seeking a Conditional Use for a model home under the Rezoning text for Rezoning Case ZON-17-06 The
10 Enclave at Abbey Knoll The subject property is located at 7144 Zander Way Lewis Center, OH 43035
11 and having parcel number 318-133-18-007-000.

12
13 **Variance Application #VA-21-03 Jeffrey Heckman,**

14 Seeking an area variance from Rezoning Case #12451 Estates of Glen Oak to allow for the building of a
15 pavilion that will encroach in the rear-yard setback. The subject property is located at 6962 Greenspire Dr.
16 Lewis Center, OH 43035 and having parcel number 318-240-22-025-000.

17
18 **Variance/Conditional Use Application #VA/CU-20-28 Lifepoint Church (continued),**

19 Seeking a variance from the Orange Township Zoning Resolution Article 22 for a monument sign. They
20 are also seeking a conditional use for the monument sign. The subject property is located at 7719
21 Graphics Way Lewis Center, OH 43035 and having parcel number 318-230-01-008-001.

22
23
24 The hearing will be held virtually using electronic means and can be accessed by the public on the
25 internet on the Zoom application at

26 <https://us02web.zoom.us/j/81613752262?pwd=NmhLMm9yL3pBeFpzcTdUQ2dlMHllQT09>

27
28 During the hearing the public may submit questions and comments to the Board by sending messages
29 to Senior Zoning Officer, Jeff Beard via the Zoom meeting chat room.

30
31 The application and plans are available for inspection for a period of at least 10 days prior to the
32 hearing by emailing Jeff Beard at jbeard@orangetwp.org. The Zoning Office is closed to the public
33 during the public health emergency, however zoning staff is available by e-mail during normal business
34 hours of Monday through Friday, 8 a.m. to 4:30 p.m., except legal holidays.

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

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

41
42 *Jerry Miller, Chairman*
43 *Jeff Beard, Orange Township Zoning Department*

44
45 *Please publish one time, on or before Saturday, March 6, 2021 in The Delaware Gazette*

46
47 Mr. Miller called the hearing to order at 6:00 p.m.

48
49 Roll Call: Aaron Shipley, Punitha Sundar, Rick Oster, Jerry Miller, Kelvin Trefz

50

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51 Township Officials Also Present: Jeff Beard, Senior Zoning Officer
52 Peter Griggs, Legal Counsel
53

54 Mr. Miller administered the oath to those speaking: Anyone who intends to testify, please raise your right
55 hand to be sworn. Do you solemnly swear that the testimony that you are about to give is the truth, the
56 whole truth and nothing but the truth, and state I do. And when it's your turn to offer testimony, please
57 state your full name, address and affirm that you've been sworn in. Anyone who intends to offer
58 comments or testimony through the online chat room function also needs to be sworn in remotely. Before
59 your initial comment, please type in your name, address and the words "I affirm" to indicate you
60 solemnly swear that the testimony that you are offering is the truth, the whole truth and nothing but the
61 truth.
62

63 **Conditional Use Application #CU-21-02 Joshua J. Morgan,**

64 Seeking a Conditional Use for a model home under the Rezoning text for Rezoning Case ZON-17-06 The
65 Enclave at Abbey Knoll The subject property is located at 7144 Zander Way Lewis Center, OH 43035
66 and having parcel number 318-133-18-007-000.
67

68 Mr. Beard presented the Staff Report and presentation. The subject property is located on the west side of
69 Zander Way. To the north, south and east are all Single Family Planned Residential; to the west is Farm
70 Residential, S. Old State Road with single family homes across from that. The zoomed out aerial shows a
71 pond which is no longer there.
72

73 Mr. Oster: It is partially.
74

75 Mr. Beard: Yes, down to the east. For the staff review, for model homes in Section 10.04 b) of the Orange
76 Township Zoning Resolution, all model homes shall close prior to 9:00 pm during the spring, summer
77 and fall seasons and prior to 8:00 pm during winter season. No model homes shall be open before 12:00
78 noon on Sundays. They are proposing their model home hours to be Monday through Friday 12:00 pm to
79 9:00 pm and 8:00 pm during winter, and Saturday through Sunday will be 12:00 pm to 6:00 pm. All
80 exterior lighting must be downlighting so absolutely no lighting shall be cast onto adjoining properties.
81 All off street parking areas must be illuminated. All exterior lighting shall be extinguished at closing time
82 of the model home except that which is in character of those found on surrounding homes. Exterior
83 lighting will be in character with those found on surrounding homes and only downlighting will be used.
84 All model homes shall provide off street paved parking for the public. Such off street paved parking shall
85 be located as directed by the Board of Zoning Appeals. The number of required parking spaces shall be 6
86 per model home and the driveway of the model home may be utilized for not more than 2 of the required
87 parking spaces. Their response is off street parking will be provided and to see their Parking Exhibit.
88 Screening of trash receptacles and landscape drawing shall be required to show adequate landscaping and
89 screening from adjoining residential lots together with a clear marking of the boundaries of the model
90 home lot. Trash receptacles shall be provided around the model home for use by the public. A landscape
91 drawing is provided and includes the required trash receptacles; see exhibits. The use of the model home
92 within a residential subdivision or within any single phase of a multi-phase subdivision shall terminate
93 when zoning certificates of compliance have been issued for 90% of the lots therein. Their response is
94 that the model home will terminate when the zoning compliances meet the standard of 90%. Exhibit 1
95 shows the home that was approved as the residential permit originally. Exhibit 2 is the Landscape Plan
96 that shows the parking along with landscaping with some yard lights in the parking lot and then a trash
97 receptacle to the right side of the residence.
98

99 **APPLICANT PRESENTATION/BOARD QUESTIONS & COMMENT**

100

Board of Zoning Appeals

101 Courtney Wade, 3 Levering Drive, Fredericktown, Ohio 43019, I'm the consultant helping Josh Morgan
102 get his conditional use tonight, and I affirm I have been sworn in.

103

104 Mr. Trefz: The 2 drawings that were provided and previously shown, one shows the off street parking to
105 the right and the other one shows it to the left.

106

107 Ms. Wade: Somewhere there was note on this. The first one was the original plot plan and the idea was to
108 have the offsite parking for the additional parking requirement to the left of the house, but required a curb
109 cut and also wasn't fitting nicely there as far as the size requirements for the parking, so when we did the
110 additional plan for the landscaping, we moved it over to accommodate the required size and number of
111 parking to the right, so the one on the Landscaping Plan with the lights and trash is the one we are
112 proposing.

113

114 Mr. Miller: For your parking lot, is that still shown as the 2 car or how many cars and where you have
115 what I take is the trash container to the right side of the drawing?

116

117 Ms. Wade: Yes.

118

119 Mr. Miller: So the parking lot area is to accommodate 2 cars or more?

120

121 Ms. Wade: It will accommodate 6 and the surveyor has drawn that according to your typical regulations
122 for your size car parking so they can exit out of there. So there will be 6 spots there.

123

124 Mr. Miller: In the staff review Mr. Beard noted the number of parking spaces shall be 6 per model home;
125 the driveway may not be utilized for more than 2 of the required parking spaces.

126

127 Ms. Wade: We discussed that early on and since that was on there; I can have them separate the parking
128 lot and make it bigger so there's a separation if you prefer.

129

130 Mr. Oster: Usually that's what we see. They usually use the next lot beside it as their parking lot and have
131 kind of a walkway over to this one and this one would be a 3 car lot, so you're probably going to put in a
132 wider driveway for all 3 cars but are you actually going to asphalt it all the way past the line into the next
133 lot for this and cut it out?

134

135 Ms. Wade: That was his intention.

136

137 Mr. Oster: And then was he going to take that out after the model was done and put it back to a 3?

138

139 Ms. Wade: That was his intention to put it in then remove it later which was part of his concern about
140 putting it on the other side; having the curb cut issue would be an additional cost.

141

142 Mr. Oster: And that's what we usually see because generally the driveway is usually used by the people
143 running the model, and then the little side lot and the next lot over is set up for people that come until you
144 sell out to 90% and this looked like they were going to squeeze all the way over past the line and try and
145 side load 3 cars in there which your drawing looks awful tight if there were 3 cars there.

146

147 Ms. Wade: If you look at the picture, there are 3 bays there for the cars.

148

149 Mr. Oster: But if you look at your lot where the residence is, with 3 cars in there all the way across that 3
150 car garage, you're not going to have a lot of swing room for the very top car that's in there.

151

Board of Zoning Appeals

152 Mr. Trefz: Then there's also the issue that there's only supposed to be 2 in the driveway, whether it's a 3
153 car, 2 car or 4 car.

154

155 Mr. Oster: You can only account for 2, so actually he should have 4 over in the next lot. And I can't say
156 that I have seen one where they blacktop all the way to the lot line to do this. Generally it's a separate
157 thing in the next lot and then there's a walkway, trash can and lighting to bring them over to this
158 driveway. I'm just going with what I've typically seen over the years.

159

160 Mr. Miller: Ms. Wade, you said this was brought up previously; this is the first time you're before the
161 BZA. The discussion you had was for the original zoning for the entire project.

162

163 Ms. Wade: Yes, it is the first time I've been in front of you but I've been in contact with your Zoning
164 Office and talking with the Zoning Inspector. That was what I mentioned; not specifically in front of you.

165

166 Mr. Miller: I just wanted it to be clear. If that's a car to the right that's in that parking area that goes
167 between the two different lots, if that's 15' wide, how are you going to fit a car in there unless it's a mini
168 if I'm reading that correctly; most cars are over 15'. Where it says "parking lot" then go straight up, that
169 shows 15', correct?

170

171 Mr. Beard: I believe its 18'.

172

173 Ms. Wade: It is 18'; it's difficult to read on there.

174

175 Mr. Oster: On a lot of stuff you need at least 20'. Full size cars are pretty long and you might even get a
176 truck in there.

177

178 Mr. Miller: My comment is just looking at that entire scenario, whether it be 15', 18' or even 20', if
179 you're allowed to have parking there for 2 cars, how are you going to back that car out into the grass?

180

181 Ms. Wade: It's not; that whole entire area will be paved, so the entirety of that is basically a parking lot,
182 so there will be room to back out that will be completely open.

183

184 Mr. Oster: The way I read that and the way it was presented, you need to have at least 4 spots over in the
185 next lot and it doesn't look like you have space for 4; I don't think you have space for 3. That top car is
186 going to have a hard time navigating that apron if there's 3 cars in there.

187

188 Ms. Wade: I don't think they're even expecting to have all these lots. I understand we need to meet your
189 regulations but they're doing by appointment only, so they're not expecting to have an open house where
190 they're having this entire lot filled, so we discussed having with that third bay of the garage and that being
191 there and any additional moving over there. I can discuss with him moving it on the other lot; I just know
192 that they don't want to have 2 lots tied up with the model home.

193

194 Mr. Miller: The challenge we run into is two-fold. We can only approve or disapprove and, I'm not
195 saying I'm leaning either way, on what's presented to us. So if you say we don't plan on doing
196 something, if we vote in favor or against something, we have to put in the reasoning for that, so we have
197 to go by what the drawings provide.

198

199 Mr. Trefz: And that's why I asked about the 2 different drawings because the curb cut on the left side
200 shows 4 parking spaces and you would have been in compliance, but when you moved to the right side,
201 you're no longer in compliance. That one is supposed to be the old one as I understand it but on the left
202 side there's next to Abbey Knoll temporary parking, there are 4 parking spaces with a curb cut.

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203 Mr. Oster: You can't do that I don't believe. This is off of Abbey Knoll and there's a walking path here,
204 and I don't think they can cut the curb and park on this because this is the existing walking path to the
205 development. I think he's going to need to use the next lot over and do his parking lot and resubmit.

206
207 Mr. Miller: Correct. What this is showing now where it shows 59.57, that's the curb cut to pull into the
208 garage areas. The temporary parking to the Abbey Knoll side as Mr. Oster stated would not be able to be
209 used for parking because it's going through the walking path.

210
211 Mr. Oster: And there's a culvert there right now. I don't know if they plan on changing that, but there's
212 almost like an old drainage ditch but being the corner lot and with the way you've presented these
213 documents, I don't even think these 3 parking spots are feasible let alone enough to do the job.

214
215 Ms. Wade: I show 60' for the driveway width plus an additional 10', then we are heading across that
216 boundary line, so right there is 70'.

217
218 Mr. Miller: A 59' driveway is an extremely big driveway.

219
220 Ms. Wade: Right, because we have those 3 bays and 70' over to the lot line for the additional car lengths
221 so I just wanted to point that out because you had concerns about backing that car out of there.

222
223 Mr. Oster: Actually our concerns are that you have to have 4 and I don't see how 3 is going to work let
224 alone if you had to add one over there to back it out all the way over to this cut out.

225
226 Mr. Miller: Rick, that's 59' wide according to the Exhibit 1 drawing.

227
228 Mr. Trefz: But the concern is if someone chooses to park in front of the third bay, then there is 12'
229 roughly between the back end of the car parked in that position as shown and the car parked in front of
230 the third bay and that's really short.

231
232 Mr. Oster: Especially if that was a truck. You're not going to get out of there, you're going to be waiting
233 on the next guy, but I think according to our Conditional Use, you can only have 2 in the driveway and
234 you need 4 over here, however you want to do that and generally what we see is they usually set up 4 to 6
235 and just do a pad over here with some kind of walkway that comes over here and then there's not a whole
236 lot of alteration after the fact once they're done with it to revert it to what it's intended to be right now.

237
238 Mr. Miller: I suggest that you request to table this.

239
240 Mr. Trefz: Continuance.

241
242 Mr. Miller: And I'm saying this because your temporary parking requests with your drawings on Exhibit
243 1 on the Abbey Knoll side, I will vote against that right now because you can't do it and your drawings
244 are not correct. Your Exhibit 1 and 2 drawings need to reflect exactly what you are proposing or want to
245 do.

246
247 Ms. Wade: Then I'll go ahead and request that continuance.

248
249 Ms. Sundar: When you go back and work with the drawings, I believe you said you were hoping not to
250 connect both the lots together, right?

251
252 Ms. Wade: Yes.

253

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254 Ms. Sundar: You really can't speculate how many people are going to come, so I ask you to make a clear
255 drawing that shows all you can fit based on the Code regulations so it will be easy for when you come
256 back to give your approval.

257

258 Ms. Wade: Jeff, did you get that?

259

260 Mr. Miller: But you're the one who is going to have to request it.

261

262 Ms. Wade: Right, I'm requesting a continuance.

263

264 Mr. Oster: A continuance or tabling or are those the same?

265

266 Mr. Griggs: It's a continuance.

267

268 Mr. Miller: If you want it tabled to the next meeting, I suggest you request that it be tabled until the next
269 meeting if that allows you enough time to have your drawings corrected.

270

271 Ms. Wade: I can have those drawings corrected fairly quickly but I'm just not sure which term you prefer
272 me to use.

273

274 Mr. Griggs: It's a continuance. We're going to continue it to a time, date, place certain which is the next
275 meeting.

276

277 Mr. Beard: Our Parking Code for houses is a minimum of 4 parking spots, so most driveways are 2 car
278 driveways, but this one is a 3 driveway so it's a little different than our normal driveway that's at most
279 locations that would have a model home, so this one is a little different.

280

281 Mr. Shipley: Than the point of that is that there are 3 parking spots in front of that house and there's 3
282 parking spots off to the side; I can't get into the idea of how much room it takes to back up a car. I've
283 backed out of a lot of tight parking spots but it sure looks like a lot of paved area.

284

285 Mr. Oster: Yes, but a lot of it's not used. That side chute and it just doesn't look to me like there's enough
286 room to be able to navigate and shoot 3 cars over into the next lot in that fashion rather than cut the curb
287 and doing it in the other lot.

288

289 Ms. Sundar: What I have seen so far, there is only space in the driveway to park just 2. The idea is to have
290 the garage as your office, correct?

291

292 Ms. Wade: I really don't know if they're using the garage for the office. I have not heard that but I can
293 see. I'll have that answer as well for you next time.

294

295 Ms. Sundar: Because in that case we just focus on the driveway which definitely cannot fit the 3 cars the
296 way the drawing we have is now.

297

298 Ms. Wade: It does hold 3 because there are 3 bays.

299

300 Mr. Oster: I think what she's trying to say is we've seen a lot of these. Generally these use the garage as
301 their office and it has a door in there; they're not garages on a model, so one of those is going to be used
302 for people to walk into and it's not going to be a parking spot, so you're back to 2 anyway if they're going
303 to use it in the typical fashion. And, according to this, we can only count 2 in the driveway anyway. You
304 need 4 off to the side or however you're going to do that.

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305 Mr. Shipley: Jeff, if you can chime in, you said typically these are double car garage homes but you said
306 this is a 3 car garage, is that correct?

307

308 Mr. Beard: That is correct.

309

310 Mr. Shipley: So I think that adds a level of complexity and Ms. Wade, you're not sure if they're going to
311 use that garage as an office or not and that's certainly not a requirement; they can have that office set up
312 however they want. I just think there's a lot of paved area there for parking 6 vehicles.

313

314 Ms. Wade: These are numbers we typically use as far as parking in our parking lots in our other projects,
315 but Jeff, do you know, as far as the aisle ways for your parking, what you typically see and inspect on
316 other projects?

317

318 Mr. Beard: I can look that up.

319

320 Ms. Wade: We focused very much on the parking; I realize that's an issue for you and we'll address that
321 and also adjust the plans, but I don't want to hang up with you without making sure there isn't any other
322 concerns or changes you would like to see. I was hoping you would share that with me tonight so I can
323 address those over the course of the next month.

324

325 Mr. Oster: No. The concerns that I've heard, and all I can go by is typically what I've seen, and I know
326 the one for Rockford was across the street, it was a 2 car driveway and they didn't allow any parking in
327 the driveway which a lot of models will do. They want that opened up with no cars sitting there but then
328 they do a 6 car in the next lot and then have the little walkway coming over to this one, totally
329 unobstructed with an entry door into the garage for their sales office.

330

331 Ms. Wade: Jeff do you have an answer? It probably doesn't matter if we have to move across the way.

332

333 Mr. Beard: Our Code just says it shall be served by aisle ways of sufficient width to provide easy and
334 smooth access. We do not have a set standard on the width.

335

336 Mr. Miller: I know this went through the original zoning board but I didn't see anything in here about
337 signage; was signage approved?

338

339 Ms. Wade: I have spoken to them and they do not plan on putting any permanent sign up. At most they
340 were going to put up white board sandwich sign when they were expecting someone there during the
341 office hours. Do you need a sign permit for that, Jeff?

342

343 Mr. Beard: If you provided it as part of the Conditional Use then it would be something that would be
344 allowed.

345

346 Ms. Wade: Since we're going to just do the parking lot, let me go ahead and add that for the sandwich
347 board.

348

349 Mr. Oster: And generally you see that when they don't use the driveway in front of the house for parking,
350 they do use it for like a sandwich board or whatever they put out. I'm not sure how you're going to do it
351 or what their thoughts are, but we have to add our typical model.

352

353 Mr. Shipley: Jeff, did you say there is not specific guidance for the parking lot turnarounds?

354

Board of Zoning Appeals

355 Mr. Beard: Yes, for aisle ways it just says it has to be of sufficient width to permit easy and smooth
356 access to all parking spaces. For driveways it says all driveways serving parking lots for 5 or more
357 vehicles shall be served by driveways not less than 20' in width but have adequate width to permit easy
358 access to the parking spaces.

359
360 Ms. Wade: If you don't have any other concerns, we'll work on the parking lot, moving it and
361 accommodating the 2 in the lot and the 4 off site, determine whether or not the office is going to be in the
362 garage and then also the sandwich board sign; I'll get some information for that. Are there any other
363 concerns I should be aware of?

364
365 Mr. Miller: The only thing you need to do is request a continuance or table it to the next meeting.

366
367 Mr. Oster: Do they need more details on the lights they're going to have out here in the next lot?

368
369 Mr. Beard: Not based on what our Code states.

370
371 Mr. Oster: I didn't get to the point where they showed what kind of lighting they're using.

372
373 Ms. Wade: They're using like yard lighting that would be like landscaping lights.

374
375 Mr. Miller: They would have to be pointed down; they are not allowed to be pointing upward.

376
377 Mr. Beard: That is stated in the staff report and it's stated in their answers to the questions.

378
379 Ms. Wade: I am requesting a continuance until next month.

380
381 **MOTION TO CONTINUE CONDITIONAL USE APPLICATION #CU-21-02**

382
383 Mr. Oster made a motion to continue Conditional Use Application #CU-21-02, Joshua J. Morgan, until
384 Thursday, April 15, 2021 at 6:00 p.m.; seconded by Mr. Miller.

385
386 Vote on Motion: Mr. Oster-yes, Mr. Miller-yes, Mr. Shipley-abstain, Mr. Trefz-yes, Ms. Sundar-yes
387 Motion carried

388
389 Ms. Sundar: I just want to add two other things, definitely come up with a clean drawing with the
390 measurements, and you should talk to Jeff about the signs and the lighting. I understand you said you had
391 the usual lights, but I want to get all the data about the light and signs for sure.

392
393 Mr. Miller: Ms. Sundar, in the staff report it does specifically state that it will be downlighting.

394
395 Ms. Sundar: If that meets the Code, then that is just fine.

396
397 Motion carried

398
399 Mr. Beard: Ms. Wade, we will just need updated materials by the 5th or 6th just to give us time to get out to
400 the Board members by the 8th of April.

401
402 Mr. Miller: Please make sure that your drawings are accurate. Again, we have to go by what the drawings
403 say and I'll use this as an example, when your drawings show 4 parking spaces on Abbey Knoll, that sent
404 up a big red flag, so please make sure they're accurate.

405

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406 Ms. Wade: Jeff and I spoke about that. Not arguing but the plot plan itself there was a notation on it at the
407 top because I felt like you wanted the plot plan that was originally approved, so that is why we decided to
408 give that after speaking with Jeff, and why I referred you to the landscaping plan for the parking location.
409

410 Mr. Trefz: But that needs to be an architect's drawing also. This is Article I I think and we had Article II in
411 the landscaping. We need the same detail on the landscaping plan, distances and all of this because that's
412 where the parking spaces you wanted to use were actually shown.
413

414 Mr. Oster: I don't think this guy is as big a builder as what we usually see so there's not the level of detail
415 in his application from what we usually see. I'm kind of like Ms. Sundar. I thought we'd see a more detailed
416 landscape and lighting plan and what types of lights they were going to use, like they usually do.
417

418 Ms. Wade: We very much modeled this off the project that was approved last month and I actually set
419 through your meeting last month just to get an idea but I clearly want to make you happy on this, so just
420 disregard this plot plan and we will update it.
421

422 Mr. Oster: The plot plan is definitely a help because it gives us a look at the space available because it looks
423 like this house basically was built on the minimum 12-1/2' setback from the side. The setback, that's not a
424 lot and it doesn't look easy and safe, and that's one thing we have to look at.
425

426 Mr. Miller: My reason for bringing up the accordance of the drawing is we weren't at the zoning meeting.
427 The BZA operates separately for good reason and we have to go by what's presented to us. We don't know
428 what was presented to the other zoning board. And again, we go by drawings and we're not perfect. If the
429 area at the very top in red is missed or someone is color blind or whatever it may be, when I see the drawing
430 and it says Abbey Knoll Drive and there are 4 temporary parking spots that sends up a red flag, so that's
431 why I'm alerting you to it.
432

433 Ms. Wade: I understand, I just wanted to know how you would like me to correct that because that was the
434 one that was approved originally so that's why I was giving you those things.
435

436 Mr. Oster: Zoning approved temporary parking on Abbey Knoll?
437

438 Ms. Wade: I'm talking about the plot plan for the house.
439

440 Mr. Oster: I went to these meetings too and I thought he stated he wasn't going to do models; he was a
441 custom home builder.
442

443 Ms. Wade: I don't know; I wasn't at that meeting or not aware of that. I'm just saying that I was under the
444 impression that this is the document that was used for zoning and building permit and all that, so I thought
445 that's what you were looking for.
446

447 Mr. Miller: We're just trying to give you guidance to help you.
448

449 Mr. Beard: This was originally approved as a new single family home and then they decided they wanted
450 to use this as the model home, so they did have a residential permit that's approved for this location.
451

452 Hearing continued with Variance Application #VA-21-03
453

454 Minutes prepared by Cindy Davis, Zoning Secretary
455

Board of Zoning Appeals

456 On April 15, 2021, Mr. Oster made a motion to approve the March 18, 2021 Orange Township Board of
457 Zoning Appeals minutes for Conditional Use Application #CU-21-02, Joshua J. Morgan, with the
458 following corrections:

459

- 460 • Line 16: put space between “43035” and “and”
- 461 • Line 91: “include” should read “includes”
- 462 • Line 194: remove extra comma
- 463 • Line 195 should read: “...on what’s presented to us...”

464

465 Seconded by Mr. Trefz

466

467 Vote on Motion: Mr. Trefz-yes, Mr. Miller-yes, Mr. Oster-yes, Mr. Shipley-yes

468 Motion carried

469

470

Board of Zoning Appeals

1 **Application #VA-21-03**

March 18, 2021

2
3 **Variance Application #VA-21-03 Jeffrey Heckman,**

4 Seeking an area variance from Rezoning Case #12451 Estates of Glen Oak to allow for the building of a
5 pavilion that will encroach in the rear-yard setback. The subject property is located at 6962 Greenspire Dr.
6 Lewis Center, OH 43035 and having parcel number 318-240-22-025-000.

7
8 Mr. Beard presented the staff report and presentation. The applicant is requesting an area variance to
9 allow the building of a pavilion. They are requesting a 9' variance into the current 35' rear yard setback
10 for more room for the pavilion and paver patio which is approximately a 25% request. The subject
11 property is located on the southern side of Greenspire Drive. To the north, south, east and west of the
12 property is all zoned Single Family Planned Residential District. North, east and west all have single
13 family homes; to the south is open space and a no build zone. Showed pictures of the site and location of
14 the existing and proposed.

15
16 **APPLICANT PRESENTATION/BOARD QUESTIONS & COMMENT**

17
18 Jeffrey Heckman, Jr., 6962 Greenspire Drive, Lewis Center, Ohio 43035 and I affirm I was sworn in.

19
20 Mr. Miller: In Exhibit 1 compared to Exhibit 2, in Exhibit 1 the existing patio is smaller than on Exhibit 2
21 and yet it's almost the opposite. Your pavilion on Exhibit 1 appears to be larger than on Exhibit 2, so I'm
22 confused.

23
24 Mr. Heckman: The pavilion is supposed to be 14' x 16'.

25
26 Mr. Trefz: The rest of that is the paver patio I think you're installing under the pavilion.

27
28 Mr. Heckman: That's correct. The paver patio is bigger than the pavilion itself.

29
30 Mr. Miller: I understand that but on Exhibit 2, the existing patio is larger than the pavilion with your
31 paver.

32
33 Mr. Beard: The image is actually opposite; the other one is looking from the back so this is the existing
34 patio at the top and this is the other one. On the first plan it's the opposite direction so this other one is
35 existing and this is what he's proposing, so on the other exhibit it's an opposite layout.

36
37 Mr. Oster: From those actual pictures, I didn't get the feeling that the existing looked that big and square
38 but it looked more like a rectangle on the back of the house but we can only go by your pictures. But the
39 aerial view shows it better.

40
41 Mr. Miller: I take it the power line is AEP.

42
43 Mr. Oster: Yes, they're main power.

44
45 Mr. Miller: And there's no homes to ever be built through there?

46
47 Mr. Beard: That is correct.

48
49 Mr. Heckman: I've got to deal with the power lines but it's kind of nice with nobody there.

50

Board of Zoning Appeals

51 Mr. Oster: We've got them in my neighborhood too and the thing that surprised me, they get to use them
52 and everything but your development has to pay cut the grass and weeds because they consider it your
53 green space.

54
55 Mr. Shipley: Jeff, did you receive any input from any neighbors or any concerns?
56

57 Mr. Heckman: No, my neighbor was going to try and get on but he was not able to but he was just going
58 to say he was in favor of it. Everybody else has been positive that's talked to me.
59

60 Mr. Miller: Do you have an HOA there?
61

62 Mr. Heckman: Yes, but I haven't gotten a final answer from them. They told me they didn't think it was
63 going to be any problem but they asked me if I'd talked to you and I said no, I'm getting a meeting with
64 them too but they were curious about what you all said, so I'm kind of at the point of getting that finished
65 up too and obviously I wouldn't do anything unless they approved it as well but I didn't know who I was
66 supposed to go to first really.
67

68 Mr. Miller: They don't let you do it if they don't approve it.
69

70 Mr. Oster: In my opinion, since he's back into green space, he definitely has more ability to expand into
71 that without any objections from anybody anyway.
72

73 Mr. Shipley: I think so too and you're looking at 9' with a 25% request overall. And Mr. Heckman, I
74 actually meant Mr. Beard when I asked about getting anything from any of the neighbors. He's good at
75 putting it in the package if he did, but I just wanted to get verification.
76

77 Mr. Beard: I had one phone call and they asked what it was, I told them and they said that's fine, they
78 can't see it anyway. They said he should be able to use it for whatever he wants as long as it doesn't
79 impact them. They were fine with it.
80

MOTION TO APPROVE VARIANCE APPLICATION #VA-20-03

81
82
83 Mr. Oster made a motion to approve Variance Application #VA-21-03, Jeffrey Heckman, as written;
84 seconded by Mr. Shipley.
85

86 Vote on Motion: Mr. Oster-yes, Mr. Miller-yes, Mr. Shipley-yes, Mr. Trefz-yes, Ms. Sundar-yes
87 Motion carried
88

89 Hearing continued with Variance/Conditional Use Application #VA/CU-20-28
90

91 Minutes prepared by Cindy Davis, Zoning Secretary
92

93 On April 15, 2021, Mr. Oster made a motion to approve the March 18, 2021 Orange Township Board of
94 Zoning Appeals minutes for Variance Application #VA-21-03, Jeffrey Heckman, as written; seconded by
95 Mr. Trefz
96

97 Vote on Motion: Mr. Trefz-yes, Mr. Miller-yes, Mr. Oster-yes, Mr. Shipley-yes
98 Motion carried
99

100

Board of Zoning Appeals

Application #VA/CU20-28

March 18, 2021

Variance/Conditional Use Application #VA/CU-20-28 Lifepoint Church (continued).

Seeking a variance from the Orange Township Zoning Resolution Article 22 for a monument sign. They are also seeking a conditional use for the monument sign. The subject property is located at 7719 Graphics Way Lewis Center, OH 43035 and having parcel number 318-230-01-008-001.

Mr. Beard presented the staff report and presentation. This is a continuation of an application from last month. The site is located on the east side of Columbus Pike and west side of Graphics Way. The applicant is requesting a variance for a monument sign along with a conditional use for the monument sign. To the north and south of the site is Planned Commercial, east is Farm Residential and west is Planned Commercial and Office District. The applicant has amended their setback for this application. They are proposing the sign to be 22' from the right-of-way of Columbus Pike and having a display area of 69 square feet per side. A monument sign setback at 22' is allowed to have a display area of 44 square feet per side for a total of 88 square feet. The square footage requested is a total of 138 square feet for the sign. The variance request went from 69-1/2 square feet to 25 square feet. The sign is proposed to be 11'6" x 6' for the display area and will be 8' tall. The setback is now proposed to be 22' from the right-of-way line.

Mr. Trefz: Just for information, that also moved north, didn't it? It's of no consequence; it's just a personal observation. As long as its 22', that's all I need to know; I was just curious. What is the percentage of change, not from what they wanted but what s allowed and what they're currently proposing?

Mr. Beard: I didn't look at that because I know based on last month's discussion this was updated recently.

Mr. Oster: Did this move a little further back?

Mr. Beard: Yes. It went back 4' so they were allowed a higher square footage.

Mr. Shipley: I think they worked hard on this to get it back as far as they can.

Mr. Oster: They did, and I would tell them I appreciate that and we always try to be very lenient with the churches.

Mr. Beard: That would be 56% I believe.

Mr. Trefz: That's what I thought but I wanted somebody else to verify my numbers.

APPLICANT PRESENTATION/BOARD QUESTIONS & COMMENT

Chris Rose, 650 Wyden Court, Gahanna, Ohio 43230 and I have been sworn in. This is our third time coming before you. We've listened to your comments and input, and appreciate you recognizing the fact that the church is working very diligently to meet your Code as best as we feel we are able to. There are some hardships that you will remember that have presented themselves based on the site and the zoning, and we have worked diligently to try and do our best to present something that the Board would find to be a reasonable variance. We started with a very large monument sign and then we're above the allowed aggregate square area for all the signage on site on the campus. We reduced them to bring them within that allotted full aggregate square area and we realized the Board still wanted to see a monument sign that was reduced square footage. With the hardships in terms of the water and electrical easements, we can't

Board of Zoning Appeals

52 really push any more than 22' back from the right-of-way in order not to be in the retention pond with the
53 setback, but we did take that as far away from the right-of-way as possible. We also reduced the sign size
54 to still have maximum legibility and impact that would be representative of other signs throughout the 23
55 corridor. We wanted to make sure the sign was representative of the building and the size of the building,
56 the campus and to be something that vehicles, not necessarily church members, maybe new guests, can
57 read and have legibility on. This landed us at a size per staff review direction. From the meeting a month
58 ago, we were asked to bring the signs to below 70 square feet. We took that to heart and went with some
59 of the conversation and direction to get us to 69 square foot per side. There are charts established by
60 different organizations that allow us to know how far you could potentially see a sign with a letter size on
61 it, and our sign is currently with the L at 36" and the lower case letters at 30", this is allowing for a
62 maximum readable distance of 1500' and maximum impact at 360 and 300 respectively. You mentioned
63 we did shift the sign a little bit south with the new height and size. There was a slight shift to the south
64 just because of the hardships at the corner, and the lines of sight with the electrical boxes did not work
65 with the lettering of the new sign so you are correct and we did move it to 22' from the right-of-way but
66 slightly south of where it was. Based on some math, traveling on 23 between 45 and 55 miles per hour,
67 you have approximately 15 to 20 seconds to read the sign and make your traffic maneuver, so with the
68 anticipated amount of automotive traffic, we just wanted to route these vehicles safely to and from
69 different services. This is why we landed on the size that we did. Additionally, there are other signs that
70 are in the Route 23 corridor that are very comparatively sized. I have examples of those again just to
71 remind us the signs do exist in very close adjoining parcels. Showed the Mt. Carmel sign that does exist
72 in Orange Township and does have approval. This is the sign drawing that was done during the rezoning
73 and their total display area is 312 square feet, 156 square feet per side, that's placing them at 279 percent
74 of the total area allotted. We have a few other signs as well that just have some examples, some pictures
75 of said sign. We just wanted to highlight that our sign is falling into the same field character as the other
76 signs that are on the 23 corridor. Finally there is one from Nationwide Insurance as well, and this sign is
77 at approximately 77 square feet per side which again is over 100% of the allowable area per the Code, so
78 we just implore the Board to look at this and what we're looking for your approval is a tasteful sign that
79 fits the character of the corridor and with the hardships of the site presented, we hope you would side with
80 us and this would be something you could approve as a variance.

81
82 Mr. Oster: Thank you, Chris; that was well said. And I would add that a lot of people do bring up the
83 prior signs but a lot of these signs were not done by the BZA. They were actually done by zoning when
84 they went to them to do their whole project, but I do realize they are out there and I do appreciate the way
85 you guys went at this one. I like what you've done and I would just ask are there any more questions from
86 the Board members?

87
88 Mr. Miller: In regard to the signage itself, in the neutral zone, I understand the importance of the word
89 Lifepoint and the church but could it not be that neutral area be dramatically reduced to still keep your
90 Lifepoint and church print at the levels you have on the example but it would radically reduce the size of
91 your sign?

92
93 Mr. Rose: There are certain brand standards associated with every company that has a logo. Most of them
94 actually have much more neutral space associated with the negative space around logos. Typically you
95 see a more equal field spread, both horizontally and vertically. The aesthetics of this sign we feel at this
96 size, we kept it to scale with what represents the brand and what works for a neutral field. You need that
97 neutral field for legibility at a letter and sign of this size. Reducing that takes away not only from the
98 aesthetics but also causes the eyes to not necessarily have that same background feel as it's potentially
99 looking into that other background field of the property, the landscaping as well as maintaining
100 Lifepoint's brand. This was something the church was comfortable with but dealing with signs as my
101 profession for the past 10 years, this is something they were willing to do to appease the Board but
102 traditional brand standards mandate neutral spaces around logos.

Board of Zoning Appeals

103 Mr. Miller: I have 40+ years in the signage graphics market and I understand the importance of branding,
104 I understand the hardship you're going through with the electric, topography, water, etc., but my concern
105 is that you're over 50% of what is allowed through zoning and what the zoning code is. You mention
106 precedence, but we do have to measure each one individually and this is a huge, huge variance. We
107 worked with you all closely and there's a lot of the other signage that's going to be on the building, so
108 I'm a little concerned about the overall size of it.

109
110 Mr. Rose: We feel this size of the sign is something we would like to pursue. We feel that it is
111 appropriate, it offers the safety, visibility and legibility for the traffic on 23 to direct them to the campus. I
112 do understand the BZA is a separate entity from the rezoning board in Orange Township, but these signs
113 do exist in the Township and there is something to be said for things that have passed potentially through
114 a different government body, and you've got to take that into account.

115
116 Mr. Miller: I was on the Zoning Board when the hospital came through, but you have to remember that
117 each one is measured on its own credence.

118
119 Mr. Oster: I appreciate what they've done with this and scaled it down. I think it looks good and based on
120 the changes, I move to approve Case #CU-20-28 for the property located at 7404 Graphics Way in Lewis
121 Center, seeking the Conditional Use from Orange Township Zoning Resolution.

122
123 Mr. Shipley: This is the variance we're talking about right now. If you make the motion to approve the
124 variance, I'll second it.

125
126 Mr. Oster: I'm looking at the Conditional Use for the monument sign.

127
128 Mr. Trefz: No, it's the variance first.

129
130 Mr. Miller: Before we vote for the Conditional Use or Area Variance, are there any other questions to the
131 applicant, I'd like to hear those addressed first. And before we do vote, I would like to take this into
132 private session.

133
134 Mr. Trefz: You've got a very large building, signage all over the building. Has anybody studied the fact
135 that they're going to see the building and the signage on the building about a mile before they can see the
136 monument sign? I travel up and down 23 all the time, and I can tell you that I would see the building long
137 before I would see the monument sign. That's not to say you don't want and need the monument sign.

138
139 Mr. Oster: You could say that about a lot of the stuff off 23.

140
141 Mr. Shipley: The hospital's there and Nationwide.

142
143 Mr. Trefz: I fully agree and that's my point.

144
145 Mr. Oster: I'm going to make a motion to approve.

146
147 Mr. Shipley: If that motion's valid, I'm going to second it.

148
149 Mr. Miller: I would still like to take this off line.

150
151 Mr. Rose: I'm not aware of that; how does that actually work?

152

Board of Zoning Appeals

153 Mr. Miller: If the Board has things to discuss, we can take the meeting off line. We're having to do this
154 via Zoom because we can't be in the building but if we were in the Orange Township building, we could
155 go into another room or ask the applicant to leave the room for us to have some private discussions.

156
157 Mr. Rose: Jeff, how does that work with the Zoom?
158

159 Mr. Beard: If they decide to do this, they will go out through break out rooms that they would go in and
160 after they're done, they'd come back into Zoom.

161
162 Mr. Beard: Pete, how does this work since there's already been a motion and a second?
163

164 Mr. Griggs: There's been a motion and a second, and the Board has the ability to deliberate like they're
165 doing now, so from a procedural perspective, if the Board wants to make a motion to recess the hearing
166 for the purpose of discussing the merits of the application in private, then someone would need to make
167 that motion, we'd need a second, we could deliberate and then we can come back and pick up the
168 discussion on the pending motion but that's only if the Board as a whole approves the motion to go into
169 deliberations.

170
171 **MOTION TO RECESS FOR THE BOARD TO GO INTO PRIVATE DELIBERATIONS**

172
173 Mr. Miller made a motion to recess the hearing to take the Orange Township Board of Zoning Appeals
174 into private deliberations for Variance Application #VA-20-28, Lifepoint Church; seconded by Mr. Trefz.

Commented [DC1]: Ess the

175
176 Vote on Motion: Mr. Trefz-yes, Mr. Miller-yes, Mr. Oster-yes, Ms. Sundar-yes, Mr. Shipley-yes
177 Motion carried

178
179 Mr. Beard: I will invite you to break out rooms and this will just be the Board members and Jerry do you
180 want legal counsel to attend?

181
182 Mr. Miller: Please. Mr. Rose, Ms. Green, this is not meaning that we are not going to vote up or down
183 tonight. There are just some things we need to discuss with legal counsel.

184
185 Mr. Rose: Understood. Do you know approximately how long, Mr. Miller?
186

187 Mr. Miller: It could be 5, 10 minutes, it could be 15 minutes.
188

189 Mr. Beard: I'll also invite our intern in there so he can facilitate it and let you know how to come out of
190 the break out room to the general session.

191
192 Mr. Beard: We're back in session and we do have a motion on the floor to approve Variance Application
193 #VA-20-28, Lifepoint Church, made by Mr. Oster, seconded by Mr. Shipley.

194
195 Vote on Motion: Mr. Trefz-no, Mr. Miller-yes, Mr. Oster-yes, Mr. Shipley-yes, Ms. Sundar-yes
196

197 Mr. Miller: I'm going to vote yes but I've got to address a couple of issues. I feel that we have attempted
198 to work very close together, I do appreciate the entity you're bringing forward, but I do think that the
199 variance is substantial. I think the monument sign could have been from a neutral area reduced and still
200 hit the same message. And unfortunately, these are guidelines the BZA must use. The property owner
201 when you purchased it did understand the zoning requirements when you did start working with your
202 architect and sign company, so I think you all should have taken a closer look at zoning guidelines.
203

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204 Motion carried

205
206 **MOTION TO APPROVE CONDITIONAL USE APPLICATION #CU-20-28**

207
208 Mr. Oster made a motion to approve Conditional Use Application #CU-20-28, Lifepoint Church, based
209 on their work, effort and presentation for 7440 Graphics Way, Lewis Center, Ohio as written;
210 seconded by Mr. Shipley.

211
212 Vote on Motion: Mr. Oster-yes, Mr. Miller-yes, Mr. Shipley-yes, Mr. Trefz-yes, Ms. Sundar-yes

213
214 Mr. Miller: Again, the variance is substantial but from a conditional standpoint, I strongly support it.

215
216 Motion carried

217
218 Ms. Green: Thanks for your consideration. We really appreciate all the time you've spent on this and
219 helping us through this monument sign.

220
221 Mr. Miller: Ms. Green, I hope you understand where we're coming from. By no means were my comments
222 negative of Lifepoint but there are guidelines we are forced to abide by and that's why I did take it into
223 private session to discuss with legal counsel because we want to be sure that what we do is morally, ethically
224 and judicially correct.

225
226 Ms. Green: Understood and I do appreciate that.

227
228 **APPROVAL OF MEETING MINUTES**

229
230 Mr. Miller made a motion to approve the February 18, 2021 meeting minutes of the Orange Township
231 Board of Zoning Appeals for Conditional Use Application #CU-21—01, Read Properties,, LLC with the
232 following corrections:

- 233
234 • Change the applicant's name to Ginny Robertson throughout the document

235
236 Seconded by Mr. Trefz

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

238 Motion carried
239
240 Mr. Miller made a motion to approve the February 18, 2021 meeting minutes of the Orange Township
241 Board of Zoning Appeals for Variance/Conditional Use Application #VA/CU-20-28, Lifepoint Church,
242 with the following corrections:

- 243
244 • Lines 89 and 93: "mat" should read "matte"
245 • Line 104: remove the additional "in"
246 • Line 389: correct the spelling of "Middlefield"
247 • Line 459: "quad runner" should read "quagmire"
248 • Line 635: "arterials" should read "materials"

249
250 Seconded by Mr. Trefz

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

252 Motion carried
253

Board of Zoning Appeals

254 Mr. Miller: I hope you understand where I'm coming from in wanting to go into private session. It was not
255 a challenge against a church or religious group; it made me very nervous when I got that email.

256
257 Mr. Griggs: And I just want to keep you guys in the loop when I do get phone calls like that. It doesn't
258 happen very often but I think you guys have a right to know.

259
260 Hearing adjourned at 8:45 p.m.

261
262 Minutes prepared by Cindy Davis, Zoning Secretary

263
264 On April 15, 2021, Mr. Oster made a motion to approve the March 18, 2021 Orange Township Board of
265 Zoning Appeals minutes for Variance Application/Conditional Use Application #VA-CU-20-29,
266 Lifepoint Church, with the following corrections:

- 267
- 268 • Line 16: put space between "43035" and "and"
 - 269 • Line 15 should read: "The square footage....."
 - 270 • Line 22: remove "to"
 - 271 • Line 65: "22" should read "22"

272
273
274 Seconded by Mr. Trefz

275
276 Vote on Motion: Mr. Trefz-yes, Mr. Miller-yes, Mr. Oster-yes, Mr. Shipley-yes
277 Motion carried
278