

1 BEFORE THE ORANGE TOWNSHIP
2 BOARD OF ZONING APPEALS
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4 :
5 In the Matter of: :
6 Public Hearing - :
7 Conditional Use :
8 Application, :
9 Variance Application. :
10 :
11 - - -
12 PROCEEDINGS
13 before Members of the Orange Township Board of
14 Zoning Members; Chairman Kelvin Trefz,
15 Vice-Chair Sue D. Ross, Stacey Neff, Joe Pax
16 and Nikolas McCoy, held at Orange Township
17 Hall, Moffett Room, 1680 East Orange Road,
18 Lewis Center, Ohio, called at 6:00 p.m. on
19 Thursday, March 20, 2025.
20 Also Present:
21 Eric Gayetsky,
22 Senior Zoning Officer,
23 Philip Ambler,
24 Zoning Compliance Officer.
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2 P R O C E E D I N G S

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4 CHAIRMAN TREFZ: All right. I'll
5 call the meeting to order. Anyone who intends
6 to testify, please raise your right hand and
7 be sworn.

8 Do you solemnly swear that the
9 testimony that you are about to give shall be
10 the truth and the whole truth and nothing but
11 the truth; state "I do". When it's your turn
12 to offer testimony, please state your full
13 name, address and affirm that you've been
14 sworn in.

15 WITNESSES: "I do."

16 CHAIRMAN TREFZ: Thank you.

17 MR. GAYETSKY: Good evening,
18 Members of the Board of Zoning Appeals. I
19 wanted to confirm that there are two cases on
20 the Agenda for tonight. Both of them are for
21 Evans Farm. We're going to start with the
22 order that the cases are listed, so we'll jump
23 right into our first item of new business,
24 Evans Farm.

1 So this is Case No. CU -- oh, do
2 we want to take roll?

3 CHAIRMAN TREFZ: Yes.

4 MR. GAYETSKY: Thank you. I think
5 we switched -- I should have caught it at
6 first. So let me take the roll.

7 Mr. Trefz.

8 CHAIRMAN TREFZ: Here.

9 MR. GAYETSKY: Ms. Ross.

10 MS. ROSS: Here.

11 MR. GAYETSKY: Mr. Pax.

12 MR. PAX: Here.

13 MR. GAYETSKY: Mr. McCoy.

14 MR. MCCOY: Here.

15 MR. GAYETSKY: And Ms. Neff.

16 MS. NEFF: Here.

17 MR. GAYETSKY: All right. Now we
18 can jump right in. Case No. CC-25-02. This
19 is located on The Cove at Evans Farm, which is
20 at the address 1300 Waxberry Way. This is a
21 21.76-acre parcel and it's zoned Planned
22 Commercial and Office. Description of the
23 request, the applicant is seeking a
24 Conditional Use from Section 22.04(a) of the

1 Zoning Resolution to allow for the
2 installation of a monument-style sign on the
3 property zoned Planned Commercial and Office
4 District under the full list of Evans Farm
5 rezoning cases that you have in front of you.
6 The subject parcel is located at 1300 Waxberry
7 Way and it is currently owned by The Cove at
8 Evans Farm, LLC.

9 For the surrounding area, to the
10 north the zoning is Farm Residential District.
11 The land uses are Single Family Residences and
12 Short Street to the south is also Farm
13 Residential District, and these land uses are
14 Old Lewis Center Village and Lewis Center Road
15 right-of-way. To the east is Planned
16 Commercial and Office District. The land uses
17 are the Railroad Corridor, as well as PC Evans-
18 owned Undeveloped Land. And to the west the
19 zoning is Farm Residential and the land uses
20 include Lewis Center United Methodist Church,
21 Single Family Residences and North Road.

22 So there's your zoomed-out context
23 view, as you can see along Lewis Center Road
24

1 and the railroad corridor. And we'll zoom in,
2 and you can see that The Cove has been built
3 out. The site includes lots of multifamily
4 structures, as well as that, you can see the
5 white roof of the clubhouse area towards the
6 south side. And there's a large essentially a
7 pond for drainage feature. The sign you'll
8 see a little bit more closely in a subsequent
9 Exhibit that's near to that drainage feature.

10 So for the Staff Review, this is
11 strictly a Conditional Use, and that's from
12 Section 22.04(a).

13 I will move right along to where
14 we responded to the criteria. So you will see
15 starting Section 3, you can move along with
16 me. 3) A determination that the proposed sign
17 meets all of the following requirements:

18 a. The sign is a monument-style
19 freestanding sign. i. The applicant is
20 proposing a monument-style freestanding sign,
21 as shown in Exhibit 1 below.

22 b. The maximum height of such sign
23 is not to exceed 8 feet above the average
24 grade of the site, and the sign is located at

1 the distance from any street right-of-way
2 line, as required. i. According to Exhibit 1,
3 the proposed sign will be 6 feet and 6 inches
4 from grade to the top of the sign. The sign
5 is proposed to be approximately 31 feet and
6 zero inches from the property line adjoining
7 the right-of-way off Lewis Center Road.
8 According to Section 22.04(a)(3)(e), the
9 minimum setback permitted is 17 feet. It
10 should be 27 feet from the right-of-way, so
11 the sign meets this standard.

12 c. The sign does not have more
13 than two sides or surfaces. i. The sign as
14 proposed will have one side, as shown.

15 d. The display area of any one
16 side or surface does not exceed one-half of
17 the total display area permitted. i. The
18 permitted area of the sign and its location is
19 64 square feet. The total sign area of each
20 side totals 43.5 square feet, so the sign
21 meets this standard.

22 So then for e. The total display
23 of all surfaces does not exceed 32 square
24 feet, or a maximum of 16 square feet per side

1 or surface when the sign is located 15 feet
2 from the primary frontage street right-of-way
3 line. For each additional one-foot setback
4 from the street right-of-way line, and
5 additional 8 square feet of total display
6 area, or maximum of 4 square feet per side or
7 surface will be permitted up to a maximum of
8 128 square feet of total display area, or
9 maximum 64 square feet per side or surface, as
10 permitted. i. The proposed one-sided sign
11 will be 43.5 square feet per side. The sign
12 will be set back 31 feet and zero inches from
13 the right-of-way along Lewis Center Road, so
14 64 square feet per side is permitted. The
15 sign meets this standard.

16 For f. Not more than five colors
17 shall be used. For the purposes of this
18 section, black and white shall not be
19 considered colors. i. The sign meets this
20 standard.

21 For g. No part of such sign will
22 be closer to any street right-of-way line than
23 15 feet, nor closer to any property line than
24 the applicable building setback line, if the

1 adjoining property is in a Residential
2 District. i. The proposed sign will be set
3 back 31 feet 0 inches from the street
4 right-of-way, which meets the standard.

5 That concludes our responses. The
6 rest of the responses would essentially state
7 that the standards are met.

8 So I moved into looking at Exhibit
9 1, sign details. You can see, just as I had
10 described, the dimensions listed there. The
11 sign is approximately 6 feet and 6 inches
12 above grade. You measure from finished grade
13 to the top of that post. It meets all of the
14 required -- the requirements for size of this
15 sign location, as is being proposed. And
16 there is, it's relatively small, but there is
17 a arrow denoting the location of the sign, so
18 that's on the southwest side of the parcel.
19 Philip might be able to zoom in. Yep, thanks,
20 Philip.

21 And then I did end up measuring to
22 be clear what the exact setback distance was.
23 And you can see on that Exhibit 3, Bluebeam
24 measured 31 feet and zero inches for the

1 proposed sign.

2 That is all for the Staff Review
3 that we have. And then the rest is the
4 Conditional Use Board Analysis, as well as the
5 proposed Resolutions.

6 MR. GRIFFIN: Good afternoon. I'm
7 Dan Griffin, 5672 Evans Farm Drive, Lewis
8 Center, Ohio 43035. We came here 11 years ago
9 to do Evans Farm and we're still here. And
10 we're going to be here for another 20. Yeah,
11 we just went a roundabout way and then we put
12 our ten-foot trails and we realized that to
13 have a sign that anybody can read, we needed
14 to push it farther back and we didn't want to
15 do a 4 by 8 sign like people do. We wanted to
16 do a nice monument and build around it, so
17 we're 13 feet bigger than the signs so we
18 wanted to get the Conditional Use Permit to
19 allow us to go bigger, but we don't want to
20 make it too big either, so. That's it. I
21 think we've all the conditions, so.

22 CHAIRMAN TREFZ: Questions from
23 the Board?

24 MR. PAX: Is the sign illuminated,

1 from the ground, ground illuminated?

2 MR. GRIFFIN: It should be. It
3 should have some lights underneath, but I
4 don't know if the drawing they gave me
5 showed -- it did not.

6 CHAIRMAN TREFZ: No, it did not.

7 MR. PAX: I didn't see any text
8 upon it either.

9 MR. GRIFFIN: Would it make a
10 difference for the Board if it was illuminated
11 or not? I'm just asking you. I would think
12 some low level lighting shining on the sign
13 for the evening might be okay.

14 MR. PAX: My main intention for
15 asking that is that I'm fully aware of
16 understanding what is to be proposed there at
17 that intersect, at that roundabout. So, it
18 didn't necessarily receive an issue. It's
19 more about any glare that may come from it or
20 be distracting to the drivers. But with this
21 front setback and the fact when the angle that
22 it's set, I don't see how that would be an
23 issue with the traffic, so that's one good
24 thing. And so I'm also just -- I assume it's

1 not an internally illuminated?

2 MR. GRIFFIN: No, it's not.

3 MR. PAX: So it will be from the
4 ground, so that's fine. And then, permanent
5 also, right?

6 MR. GRIFFIN: Yeah.

7 MR. PAX: I mean, that's the
8 intention of it.

9 MR. GRIFFIN: Yeah, we're going to
10 make it look nice.

11 MR. PAX: The base itself, and I
12 assume -- well, that's not necessarily germane
13 to us, so that's fine. That's the only question
14 that I had. I don't have an objection for what
15 you're doing on the ground and doing uplighting.

16

17 MR. GRIFFIN: Thank you.

18 CHAIRMAN TREFZ: Anyone else?

19 Alright. Are we at the point to make a
20 Motion?

21 MR. PAX: I'll make a Motion.

22 Based on the fact that presented this evening,
23 I move to approve a Case No. CU-25-02 for the
24 property located at 1300 Waxberry Way, Lewis

1 Center, Ohio, seeking a Conditional Use from
2 Orange Township Zoning Resolution Article
3 22.04(a) to allow for the construction of a
4 monument sign in an area zoned Planned
5 Commercial and Office District PC.

6 MS. ROSS: I'll second.

7 MR. GAYETSKY: Motion made to
8 approve by Mr. Pax, seconded by Ms. Ross.
9 Those voting:

10 Mr. Pax.

11 MR. PAX: Yes.

12 MR. GAYETSKY: Mr. Trefz.

13 CHAIRMAN TREFZ: Yes.

14 MR. GAYETSKY: Ms. Ross.

15 MS. ROSS: Yes.

16 MR. GAYETSKY: Ms. Neff.

17 MS. NEFF: Yes.

18 MR. GAYETSKY: And Mr. McCoy.

19 MR. MCCOY: Yes.

20 MR. GAYETSKY: Motion carries.

21 MR. GRIFFIN: Thank you.

22 MR. GAYETSKY: Okay. We'll go
23 right ahead into our second case. So this
24 case is over on the other side of the

1 development. Zoning is Single Family Planned
2 Residential District. This is Case No.
3 VA-25-03. The address here is 5479 Maple
4 Drive. This is a 2.26 acre lot. And the
5 request is seeking an area variance from Evans
6 Farm due to discrepancy in the development
7 plat regarding this specific lot's width,
8 which impacts the determination of the
9 required front setback distance.

10 So we will get into what this
11 discrepancy means. It's pretty well spelled
12 out in the text in front of you, so I'm just
13 going to go right into it.

14 The applicant had originally
15 requested an area variance from Rezoning Case
16 ZON-24-04, and all previous amendments, Evans
17 Farm to allow the front of the home to be set
18 back 13 feet .09 inches and encroach 1 foot
19 .91 inches into a 15 foot front yard setback
20 in an area zoned Single Family Planned
21 Residential District. Previously, the
22 applicant applied for the new home build on
23 September 17, 2024 under Permit 20240460,
24 which was approved. Subsequently, the

1 applicant received information that the lot is
2 greater than 90-feet wide, and then submitted
3 the variance application for setback relief.

4 The home is presently under construction.

5 So, upon Staff review, two
6 findings were made. First, it was discovered
7 that the development's original plat indicated
8 the lot width cord length is approximately 88
9 feet and 11 inches, or 88.95 feet. The Evans
10 Farm development plan states that plats less
11 than 90-feet wide have front setback
12 requirements of 10 feet and plats that are
13 greater than or equal to 90 feet wide have
14 front setback requirements of 15 feet.

15 Secondly, the covered porch area
16 in the front is subject to the front setback
17 requirement. This is the closest point to the
18 right-of-way edge and serves as the initial
19 measuring point to the home, which is set back
20 10 feet to the porch. The plat specifically
21 classifies, on a different page, the parcel
22 lot 9006, as between 90-99 feet width, which
23 is a discrepancy from the width measurement,
24 which is also on the plat.

1 So, while a variance is not
2 explicitly required based on the plat's
3 ambiguity, the applicant intends to still
4 proceed with the variance request with the
5 intent to alleviate any future impacts to the
6 home's marketability and to avoid any
7 confusion. So the subject property is located
8 again at 5479 Maple Drive in lot 9006, and is
9 currently owned by Syed Aslam & Anwer Hiba.

10 I'll keep moving right through the
11 Staff Report. So, for the surrounding area to
12 the North, in fact in all directions, as you
13 can see from that zoomed-out aerial, it's
14 Single Family Residential District zoning. To
15 the north is Single Family Residences, as well
16 as to the south. To the east is undeveloped
17 Land, which is owned by Evans Farm, zoned
18 SFPRD, and to the west is Maple Drive, as well
19 as other Single Family Residences.

20 We will move to the zoomed-in
21 aerial. And you can see this house is a
22 little bit further along than the aerial
23 represents. It is currently under
24 construction. The applicant can clarify the

1 specific status for you, if you desire to
2 know.

3 Alright. Staff Review, Variance
4 Request Front Yard Setback. This is an Area
5 Variance from Rezoning Case ZON-24-04 Evans
6 Farm: Front Yard Setback Requirement for lot
7 9006. If it's measured as a 90-foot lot, as
8 it states on page 2, that would be 15 feet,
9 so.

10 The rezoning text specifies that
11 front setbacks are measured from an internal
12 public right-of-way. This property only has a
13 public right-of-way frontage on Maple Drive,
14 establishing the front setback along this
15 road. The width of this property is less than
16 90 feet; however, the lot is listed as over 90
17 feet wide on the plat, see Exhibits 2 and 3.
18 Therefore, were the 15 feet front setback
19 required, the home is encroaching 5 feet and
20 zero inches. The proposed home complies with
21 all other setbacks, under construction home.

22 Exhibit 1, you can see the details
23 of where the front covered porch corner is,
24 and that distance is 10 feet and zero inches

1 from the front of the right-of-way edge.
2 Moving to Exhibit 2. And then here's the plat
3 measurement we have highlighted for you. This
4 is the one showing the 88 feet -- 88.95 feet.
5 And that's from Evans Farm, Section 2, Phase
6 D, Part 1 & 2. And then there's a discrepancy
7 with the other page, which is shown on Exhibit
8 3. So Exhibit 3 shows that this is listed as
9 a 90 foot wide lot. Based on that, that's
10 where we get the 15 foot front building
11 setback. Exhibit 4 is the Approved Original
12 Application for the zoning for the new home,
13 which was approved using the chord length
14 indicated as 88.95 feet; therefore, we applied
15 the 10 foot setback at that time.

16 But I think you all are following
17 and getting the picture of the variances in
18 front of you. So that's all for the Staff
19 Review. The Board Analysis and the Criteria
20 is to follow.

21 MR. GRIFFIN: And I can summarize
22 that even quicker, but he's done an incredible
23 job. Dan Griffin, 5672 Evans Farm Drive,
24 Lewis Center, Ohio. Actually, that lot we

1 were hoping one day to build our house. The
2 building cost got too expensive. And when we
3 replatted that whole Section 2 on that Maple
4 Drive because they all backed up to green
5 space because the curvature of the street and
6 everything, when we replatted it, it made a
7 lot of the lots down here a little wider and
8 then we made this one wider because it was
9 real skinny and couldn't build a house on it,
10 when we replatted it, we thought we replatted
11 it at 90 and so the plat when the engineer put
12 it in was 90. So when they submitted, I guess
13 a lender, one of the lenders who was making
14 the drawing -- and the house was already under
15 construction. One of the lenders, inspectors,
16 who made a drawing, must have seen the plat
17 and then did the measurement and so he told
18 the builder, the three builders, hey, you've
19 encroached into the front yard setback,
20 thinking it was 15.

21 Eric found it really, so I thought
22 we better apply for a Variance because it's
23 already built, but then he found out it was
24 only 88. Instead of not doing anything,

1 thereby being fine, when five years from now
2 they go to sell a house and somebody else
3 picks it up on the plat versus this, I thought
4 it would be better just to get a Variance to
5 clear it up. That way they don't have any
6 trouble ten years now selling the house, for
7 instance. That's really it, just clearing up
8 a paper trail. It's not asking truly for a
9 Variance. Not really asking for a Variance --

10 MR. MCCOY: If the measurement had
11 been right, it's all within --

12 MR. GRIFFIN: Yes.

13 MR. GAYETSKY: Especially because
14 of that, not page numbered 2 -- showing that
15 9006 is one of the 90 feet lots, if that was
16 corrected to match the cord length, we
17 wouldn't be having this discussion.

18 MR. MCCOY: I thought I was
19 simplifying it too much and I thought I was
20 missing something.

21 MR. GRIFFIN: It's that simple.
22 That's why nobody's here.

23 CHAIRMAN TREFZ: Any more comments
24 or questions?

1 MS. ROSS: No.

2 MR. MCCOY: Based on these
3 factors, I move to approve Case No. VA-25-03,
4 for property located at 5479 Maple Drive,
5 Lewis Center, Ohio seeking an Area Variance
6 from Rezoning Case No. ZON-22-04 Evans Farm to
7 allow for a home to encroach 5 feet and zero
8 inches into the 15 feet front yard setback in
9 an area zoned Single Family Residential
10 District.

11 CHAIRMAN TREFZ: I'll second.

12 MR. GAYETSKY: Motion to approve
13 made by Mr. McCoy, seconded by Mr. Trefz.
14 Those voting:

15 Mr. Trefz.

16 CHAIRMAN TREFZ: Yes.

17 MR. GAYETSKY: Mr. Pax.

18 MR. PAX: Yes.

19 MR. GAYETSKY: Ms. Ross.

20 MS. ROSS: Yes.

21 MR. GAYETSKY: Ms. Neff.

22 MS. NEFF: Yes.

23 MR. GAYETSKY: Mr. McCoy.

24 MR. MCCOY: Yes.

1 MR. GAYETSKY: Motion carries.

2 MR. GRIFFIN: Thank you very much.

3 CHAIRMAN TREFZ: Thank you. Sorry
4 for all the workaround.

5 MR. GRIFFIN: No, it's -- I'll be
6 back, I'm sure. It's not a small project.

7 CHAIRMAN TREFZ: No.

8 MR. GRIFFIN: But we're getting
9 it. And seriously, Eric, I applaud him. I've
10 been doing this for a long time, and for
11 people will be that thorough to catch part of
12 that, I really appreciate it, so you've done a
13 great job.

14 MR. GAYETSKY: That's how I felt
15 as well.

16 MR. GRIFFIN: You've got a great
17 crew.

18 CHAIRMAN TREFZ: Thank you.

19 MR. GRIFFIN: Thank you.

20 MR. GAYETSKY: Alright. Well, we
21 just have a little housekeeping left, after a
22 fairly efficient evening, as we typically do.
23 So, after these two sets of minutes, so if you
24 were to approve them, we will officially be

1 caught up and so that will be a good feeling.
2 But I do want to start with the minutes from
3 December. A few of you came through with some
4 revisions, just the high level edits for the
5 most part, so we did what we could to
6 incorporate those, and they had been revised.
7 So you would be approving the Minutes, as
8 amended.

9 And then to clarify, for those of
10 you who I know, Mr. Trefz, Ms. Ross, Ms. Neff,
11 Mr. Pax, Mr. Tetzke were present for the
12 December.

13 MS. ROSS: I move that we approve
14 the minutes of December 19th, 2024, as
15 amended.

16 CHAIRMAN TREFZ: I'll second.

17 MR. GAYETSKY: Motion made by Ms.
18 Ross, seconded by Mr. Trefz. Those voting:

19 Mr. Trefz.

20 CHAIRMAN TREFZ: Yes.

21 MR. GAYETSKY: Mr. Pax.

22 MR. PAX: Yes.

23 MR. GAYETSKY: Ms. Ross.

24 MS. ROSS: Yes.

1 MR. GAYETSKY: Ms. Neff.

2 MS. NEFF: Yes.

3 MR. GAYETSKY: Mr. McCoy.

4 MR. MCCOY: Abstain.

5 MR. GAYETSKY: Alright. And then
6 for the January minutes, same as December. We
7 took some of your accounts, your revisions for
8 those primarily grammatical or preferred
9 choice changes, and we incorporated those to
10 the best of our ability.

11 MS. ROSS: I move that we approve
12 the minutes of January 16th, 2025, as amended.

13 CHAIRMAN TREFZ: I'll second.

14 MR. GAYETSKY: Motion made by Ms.
15 Ross, seconded by Mr. Trefz. Those voting:

16 Mr. Trefz.

17 CHAIRMAN TREFZ: Yes.

18 MR. GAYETSKY: Mr. Pax.

19 MR. PAX: Yes.

20 MR. GAYETSKY: Ms. Ross.

21 MS. ROSS: Yes.

22 MR. GAYETSKY: Ms. Neff.

23 MS. NEFF: Yes.

24 MR. GAYETSKY: Mr. McCoy.

1 MR. MCCOY: Yes.

2 MR. GAYETSKY: That what I have
3 for you this evening, unless I'm missing
4 anything and there's no other updates or
5 anything from the Board. Alright. Well, does
6 someone want to make a Motion to adjourn?

7 MS. ROSS: I move that we adjourn.

8 CHAIRMAN TREFZ: I second.

9 MR. GAYETSKY: All in favor.

10 CHAIRMAN TREFZ: All in favor.

11 MEMBERS: "Aye."

12 CHAIRMAN TREFZ: Meeting
13 adjourned.

14 (Thereupon, the proceedings
15 adjourned at 6:25 p.m.)

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CERTIFICATE

The undersigned do hereby certify that the foregoing proceedings were digitally recorded; and transcribed via audible playback, and that the foregoing transcript of such proceedings is a full, true and correct transcript of the proceedings, as so recorded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office on this 28th day of April 2025.



Sandra D. Kin,
Registered Professional Reporter,
Certified Digital Reporter,
Certified Digital Transcriber.
Notary Public - State of Ohio.

My Commission expires May 14, 2027.

- - -