

**ZONING COMMISSION JOURNAL OF ACTIONS
FROM MEETING HELD MAY 13, 2025
ORANGE TOWNSHIP - DELAWARE COUNTY**

The electronic recordings of this meeting serve as the official meeting minutes.
A full and accurate account of this meeting's audio and video can be found at www.orangetwp.org

Les Pierce called the meeting to order.

ROLL CALL: Les Pierce, Vice-Chair - Present
Dennis McNulty - Present
Pam Foster – Present
Karthik Avadhanula – Present
Punitha Sundar, alternate – Present

ALSO PRESENT: Robin Duffee, Development and Zoning Director
Eric Gayetsky, Senior Zoning Officer

NEW BUSINESS

Zoning Amendment Application #ZON-25-02, John Wicks c/o ILOS II LLC, Requesting a minor development plan amendment associated with Independent Living at Old State to slightly adjust building design, footprints and locations; add basements with egress windows which may be located in building setback; shift sidewalk location on Myrtle Street; modify street name Rhonda Road to Sydney Street; and modify development name to Enclave at Old State. The subject property is currently owned by ILOS II, LLC and is located on South Old State Road, Lewis Center, OH 43035 with parcel number 318-423-01-011-002.

Mr. Duffee presents the Staff Report:

- Summary of Amendment Request:
 - The applicant is requesting to amend the currently approved development plan in the PERD District to change the building design, footprints, and locations, including adding basements with egress windows and allowing them to encroach into the building setback, and to shift a sidewalk location.
- Review from Other Agencies:
 - As a minor amendment to the currently effective Planned District, the Delaware Regional Planning Commission did not review this amendment request.
 - Because there were no proposed changes to the street network, the Orange Township Fire Department did not review this amendment request.

John Wicks, with Real Property Design and Development and ILOS II LLC, presents giving a brief description of the proposal.

- Requesting to encroach the 42' setbacks for egress windows. Egress windows are required for the additional living space being created in the basements.
- There are some street name changes that have already been approved by Delaware County
- Also adding additional living space in the attic area
- Shifted the sidewalk to the south

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Board Comments:

Mr. Pierce

- Would like clarification that the number of units is staying the same and there are no additional divergences
 - Mr. Duffee replies that is correct, the applicant is here to change the site plan of the project
- Asks if the applicant reached out to surrounding residents and made efforts to make changes when the application came through originally
 - Mr. Wicks replies that surrounding residents were contacted and some changes were made
- Asks if surrounding residents were contacted for this application.
 - Mr. Wicks replies no, he thought the changes being requested were administrative. He believes the changes to be an improvement to what was originally approved
- Wonders if applicant needs to contact Orange Township Fire Department for approval
 - Mr. Duffee replies that although the roads have not changed since the project was originally approved, he recommended to the applicant have written verification that the fire department does not need anything further.

Mr. Avadhanula:

- Wonders if there have been any changes to the impervious area
 - Mr. Duffee states it changed slightly but not enough to trigger any divergences
- States applicant should use better care in construction practices to ensure necessary permits are obtained and surrounding properties are not damaged.

Ms. Foster:

- Asks if the existing sign is a temporary or permanent sign
 - Mr. Wicks replies it is a marketing sign and is not the permanent entrance sign. The sign company applied for the permit and put the sign in before the permit was received, as a result, they may need to move the sign

Ms. Sundar

- Wonders if all the units will have a second story and a finished basement
 - Mr. Wicks replies the additional living spaces are options that can be chosen. The units are still considered single story ranches as the height is unchanged and the additional living space is finished attic space.

Public Comments:

Alicia Edward, 8119 S. Old State Rd

- Has several concerns including: the need for a storm water plan showing no increase in runoff or drainage into the neighboring properties; the plan lacks adequate screening along the north and east property lines; the emergency access road should be permanently restricted for emergency use; would like written assurance that any fill or regrading near her lot causes no water stagnation, drainage redirection or erosion is into her property line; and the taking down of her fence and storage of developers supplies
 - Mr. Wicks replies there is a storm water management plan, engineering drawings, signed and stamped sewer and water plans all approved by the county engineer; the emergency road is marked on the plans as being emergency only and the fire department will also require it be

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emergency only; this was filled and graded by the approved plan from Delaware County; with respect to the fence, there has been a lot of back and forth on the fence, the unfortunate reality is the fence was built on the applicant's property

Julie Leonard, 6411 S. Old State Rd

- Comments that the sign for the development is not located properly and visiting traffic passes the entrance before they get to the sign. Has concerns about bus traffic and children
 - Mr. Wicks replies if it is determined the sale sign should be moved, it will be moved, but it is at the entrance to the project. As to the buses and children, the project was designed to accommodate for large vehicles such as trash trucks, bus traffic and emergency vehicles.

Dutta Sandipant, 2000 Maxwell Ave

- Recognizes the builder is upgrading the homes previously presented but has some concerns. He would like to see privacy fences between the residences; wonders if the residences are 1 or 2 story; states the moving of dirt/excavation has caused houses in his neighborhood to sink and he is concerned about his foundation; wants the 55+ living enforced
 - Mr. Wicks replies the screening between units does meet the zoning requirement, however privacy fences can be added later (by resident); the units are considered a 1 story ranch with the master bedroom on the ground level, however there is some added "loft" living space. Mr. Wicks is concerned if residences are truly sinking. Nothing has been done in the excavation process that would cause surrounding residences to sink. Goes on to explain the process used during excavation which was monitored by geotechnical consultants. They do intend to comply with the 55+ living, the condo association will enforce the 55+ living.

Mr. Duffee adds clarifications:

- The zoning office is in receipt of a sign application for the temporary sign and is in the process of getting additional information to ensure the sign will not encroach any setbacks. When an application is received for the permanent monument sign, it will need to go before the BZA
- In terms of enforcing the 55+ living, the zoning text requires at least one resident in at least 80% of units be 55+; there is a provision in the text that the zoning department will do a yearly check for compliance.

RESOLUTION TO RECOMMEND APPROVAL OF ZONING APPLICATION #ZON-25-02 OF ILOS LLC

Motion by Ms. Foster to recommend to the Board of Township Trustees (the "Board) the **APPROVAL** of Zoning Application #ZON-25-02 of ILOS II LLC, the pages of which are each stamped received with ORANGE TWP. ZONING on 4.11.25, requesting the amendment of the currently effective development plan for property owned by ILOS II LLC (application #ZON-21-02), upon finding that it is in the interest of the public convenience, comfort, prosperity, or general welfare, or sufficiently in accordance with the comprehensive plan.

Motion seconded by Mr. Avadhanula.

VOTE: McNulty - Yes, Foster - Yes, Pierce - Yes, Avadhanula – Yes, Sundar - Yes

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MOTION TO APPROVE APRIL 22, 2025 MINUTES (ZON-24-05); APRIL 29, 2025 MINUTES (ZON-24-05)

Motion by Foster
Second by Avadhanula

VOTE: McNulty - Yes, Foster - Yes, Pierce - Yes, Avadhanula – Yes, Sundar - Yes

Additional Public Comment

Jon Thiede, 6726 Fall Brook Trail

- Had questions and concerns about an upcoming Board of Zoning Appeals (BZA) meeting; wondered how the BZA could approve a variance if it doesn't match what the Zoning Commission originally approved
 - Mr. Pierce explained that a property owner has the right to request a variance and directed Mr. Thiede to discuss his questions and concerns with Mr. Duffee outside of this meeting.
 - Mr. Duffee agreed that was not the place to discuss an upcoming BZA meeting but he would be happy to discuss outside of this meeting.

Meeting adjourned