

1 BEFORE THE ORANGE TOWNSHIP
2 BOARD OF ZONING APPEALS
3 - - -
4 :
5 In the Matter of: :
6 Public Hearing - :
7 Conditional Use :
8 Applications, :
9 Variance Applications. :
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, Joe Pax, Stacey Neff,
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, September 18, 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: It is 6:00. I'll
5 bring this meeting to order. Roll call.

6 MR. GAYETSKY: I'll go ahead and
7 take roll.

8 Mr. Trefz.

9 CHAIRMAN TREFZ: Here.

10 MR. GAYETSKY: Ms. Ross.

11 VICE-CHAIR ROSS: Here.

12 MR. GAYETSKY: Ms. Neff.

13 MS. NEFF: Here.

14 MR. GAYETSKY: And Mr. McCoy.

15 MR. MCCOY: Here.

16 MR. GAYETSKY: Mr. Pax.

17 MR. PAX: (No answer.)

18 MR. GAYETSKY: We have four out of
19 five and that is a quorum.

20 CHAIRMAN TREFZ: Anyone who
21 intends to testify, please raise your right
22 hand be sworn.

23 Do you solemnly swear to tell the
24 truth, the whole truth, and nothing but the

1 truth; if so state, I do.

2 AUDIENCE: "I do."

3 CHAIRMAN TREFZ: And when you come
4 up, state your name, your address, and that
5 you have been sworn in.

6 I have one other business order or
7 whatever. If some of your neighbors or other
8 participants have already made a comment,
9 please don't make the same comment. Bring us
10 something new. We're trying to hear
11 everybody's comments, but we don't want to
12 hear you all have a blue '78 Chevy, I don't
13 know. So, thank you very much.

14 Yeah, that's the other thing, with
15 this crowd this size, please don't have little
16 conversations. You won't be able to hear us.

17 MR. GAYETSKY: All right. Well,
18 thank you, Mr. Chairman.

19 Good evening, Members of the Board
20 of Zoning Appeals. I wanted to give a little
21 context, that tonight we have one item of
22 previous Old Business, which is the first case
23 on the agenda, and then three items of the New
24 Business. So we will be going forth in the

1 order that is shown on the agenda.

2 So going straight into Variance
3 Case VA-CU-25-15. That was last heard before
4 you two meetings ago. So this is a
5 continuation from the July 17, 2025, meeting.
6 This is a Variance and Conditional Use
7 request, as the applicant is seeking a
8 Conditional Use firstly from the Orange
9 Township Zoning Resolution to allow for place
10 of worship, which will include a new 56 by 56
11 foot 3 inch by 141 foot 11 inch
12 freestanding/accessory building with assembly
13 space. The assembly space is 4,727 square
14 feet on a property with an existing place of
15 worship, which was previously approved in 2023
16 under Variance Case VA-CU-23-10.

17 Since the previous BZA hearing on
18 July 17, 2025, the applicant submitted revised
19 plans, as shown in this report. And we'll add
20 the caveat that revised plans were submitted
21 subsequent to the report, which we had
22 received just a couple days -- within the last
23 couple days. We did pass that along to the
24 BZA, but I will try to distinguish the plans

1 shown and reviewed in this report with the
2 most recent plan from two days ago.

3 Alright. So there are again
4 changes from the previous plans that you had
5 reviewed in July. Essentially the structures
6 that are existing on the property, which
7 contain one, what used to be a residence, and
8 two, accessory dwellings are all slated and
9 planned to be removed. So that would leave a
10 new structure, which is that 56 by 141,
11 structure, as well as parking lot
12 modifications and new drive aisles, in
13 addition to a new retention pond that is shown
14 on the site plan.

15 So what that means is the request
16 includes two variances from the Orange
17 Township Zoning Resolution to allow for a
18 place of worship on a lots smaller than 5
19 acres, and to allow for a non-residential use
20 to be closer to the minimum allowed distance
21 from a residential district per Section 21.10.

22 Alright. The surrounding area,
23 that includes zoning district, so to the north
24 is Planned Commercial and Office District and

1 Planned -- and I guess Planned Commercial
2 District is we have to the north. The land
3 use over there is the Olentangy Local School
4 District offices and a U.S. Post Office. To
5 the south the zoning district includes
6 Multi-Family Planning Residential District and
7 land use is the Hidden Ravines Condo
8 Residences. To the east, the zoning is
9 Planned Commercial and Office District, and
10 then land use is Toy Box. Finally to the
11 west, Multi-Family Planned Residential
12 District and Planned Commercial Office
13 District. That's also to the west is land use
14 is Hidden Ravines Condo and Healthy Pets
15 Veterinarian office.

16 So for the history, the property
17 was previously granted the Conditional Use in
18 1998 under Case No. 8641 for home occupation.
19 The use approved was for a physical fitness
20 and training gym to be placed in the accessory
21 building. In addition, the applicant obtained
22 Conditional Use from section 7.04(c) of the
23 Orange Township Zoning Resolution on May 18,
24 2023 to allow for a place of worship under

1 Case No. VA-CU-23-10. As part of that
2 request, the applicant was also granted an
3 Area Variance from Section 7.04(c) to allow
4 for a place of worship on a lot smaller than 5
5 acres. The place of worship proposed is
6 located at 350 East Orange Road and has an
7 acreage of 3.35 acres, and that's currently
8 zoned Farm Residential District.

9 On February 29th, 2024, a zoning
10 permit for exterior modifications was approved
11 to allow for the existing gravel parking area
12 to be paved. Furthermore, Conditional Use for
13 a monument sign was granted on June 20th, 2024
14 under Case No. CU-24-15 and approved under
15 Zoning Permit 20240340.

16 On July 17, 2025, Case No.
17 CU-25-15 was originally presented before the
18 BZA requesting the new temporal structure for
19 assembly area, and the three existing
20 structures to remain with additional parking
21 area proposed. The case was continued to the
22 September 18th hearing, and revised drawings
23 were received on September 4th, 2025, as
24 shown in this report. Again, we'll get to the

1 more recently updated drawings in a minute.

2 So just a couple of photos from
3 the aerial point of view. You can see at the
4 Orange Road and just east of U.S. 23 its the
5 location here. And then this is a 2024 aerial
6 view showing the existing structures and
7 parking area on site.

8 Okay. So for the Staff review, at
9 the time of that report released last week,
10 the Staff had found five total Area Variances
11 and Conditional Use. So, you'll see them
12 listed 1 through 5. No. 1 through 2 is
13 requested by the applicant, and No. 3 to 5 is
14 identified by Staff.

15 So, this is an Area Variance and
16 Conditional Use from Section 7.04(c) of the
17 Orange Township Zoning Resolution; c) Churches
18 or other places of worship provided they
19 occupy a lot not less than 5 acres plus 1 acre
20 for each 100 permanent seats over 300 in the
21 main assembly area.

22 The proposed use for a place of
23 worship requires a Conditional Use granted by
24 the Board of Zoning Appeals, as outlined in

1 Section 7 of the Orange Township Zoning
2 Resolution. As notated above, the applicant
3 was previously granted an Area Variance from
4 Section 7.04(c) to allow for a place of
5 worship on a lot smaller than 5 acres under
6 Case No. VA-CU-23-10, approved May 18, 2023.

7 The proposed site has a total
8 acreage of 3.35 acres. In the application,
9 the applicant notes that occupants of about
10 400 people is planned, while according to the
11 applicant, the current facility accommodates
12 150 people. No additional acreage is required
13 for the number of seats, but the property does
14 not meet the minimum acreage requirement of 5
15 acres, and requires an Area Variance.

16 The parcel of the proposed place
17 of worship is 1.65 acres smaller than the
18 required 5 acres. This is a roughly 33%
19 variance request.

20 For Area Variance No. 2, that is
21 from Section 21.10, which states in part the
22 following - Requirements for nonresidential
23 uses abutting residential districts:
24 Nonresidential buildings or uses except

1 parking shall not be located nor conducted
2 closer than 100 feet to any lot line of a
3 residential district. Such 100 feet area
4 shall include at or near its perimeter
5 acceptable landscaping or screening as approved
6 in the planned district of development or in the
7 case of the property located outside a planned
8 district, as approved by the zoning inspector.

9 The residential district near the
10 property is the Hidden Ravines Multi-Family
11 Planned Residential District to the west. The
12 closest residential parcel in this district is
13 roughly 65 feet from the new accessory building
14 to be used as a place of worship, exceeding
15 this requirement. Therefore, the new accessory
16 structure will be located 35 feet closer to the
17 residential district than as required by Section
18 21.10. This is a roughly 35% variance request.

19 And so, I will still go through the
20 remaining variances; however, the applicant will
21 also be able to elaborate how the plans have
22 been updated and how these

23

24

1 variances have been remedied from cursory
2 review by Staff.

3 So, Area Variance No. 3, 21.01(a)
4 - Parking Dimensions: All parking spaces shall
5 be not less than 9 feet wide and 20 feet long.
6 Such spaces shall be measured rectangularly and
7 served by aisleways of sufficient width to permit
8 easy and smooth access to all parking spaces.

9 As shown in Exhibit 8, the smallest
10 parking spaces proposed will be a minimum of 18
11 feet and 1/4 inches in length, and 8 feet and 6
12 3/4 in width. So that's both of those dimensions
13 is smaller than the requirement. Note, the
14 applicant was informed of the variances on
15 September 9, 2025. However, at the time of the
16 Staff Report on 9/11/2025, the revisions had not
17 yet been received.

18 For Area Variance No. 4, that's from
19 Section 21.01(e) - Required Off-Street Parking:
20 Use in a church or place of public assembly.
21 Required parking spaces is one for each three
22 seats or one for each 45 square

23

24

1 feet of assembly area, whichever is great.

2 As shown the revised Site Plan in
3 Exhibit 1, there are 99 spaces being proposed.
4 What we have, I will note for the BZA, what we
5 have seen on the cursory review, the count is
6 I think 108. I will have to doublecheck that.
7 Yes, 108. And the applicant will also be able
8 to take you through that revised Site Plan.

9 Okay. So we will move right along
10 to the fifth Area Variance that Staff have
11 found, which appears to be remedied by the
12 revised plans. Area Variance from Section
13 21.05(a) which states in part the following -
14 Requirements for Water Impoundments. So,
15 water impoundments, such as ponds, lakes or
16 swimming pools shall be constructed and
17 developed in compliance with the following
18 standards: a) except adjacent to U.S. 23 no
19 impoundment shall be located closer than 25
20 feet to the right-of-way of any adjacent
21 improved road. No impoundment shall be
22 located closer than 50 feet to the
23 right-of-way of U.S. 23.

24 So again, in the previous version,

1 the version, I guess it would be two
2 submissions ago, the applicant had shown that
3 the proposed pond, retention area would be 2
4 feet and 8 inches from the edge of Orange Road
5 right-of-way, so that was encroachment of 22
6 feet 4 inches. We had not closely looked at
7 it; however, the applicant's revised plan, the
8 most recent submission, shows 25 feet
9 separation from the edge of the new detention
10 area to the edge of Orange Road, so.

11 All right. We have a couple
12 Exhibits, as mentioned. The first, so that
13 should say Exhibit No. 1, that is the two
14 versions ago as submitted on 9/4/25. And the
15 next Exhibit is the -- still the location of
16 the temple is shown on the most current Site
17 Plan as 65 feet and 1/2 inches away from that
18 western property line, which is a residential
19 district. So that variance -- that is still a
20 variance that is needed and the consideration
21 for you tonight. And this is provided by the
22 applicant. Again, this is not the most recent
23 Site Plan, but the one we have in the report,
24 The existing layout to the left. And then the

1 most recent Site Plan as of 9/11/2025, and some
2 modifications to the parking areas as well.

3 And then that Exhibit 4 location,
4 I should say, the size of the detention area
5 appears to be about the same, but it has been
6 moved back 25 feet away from the right-of-way.
7 You see that in the top left corner of the
8 northwest corner. And then all of the
9 building renderings are the same as shown in
10 Exhibit 5.

11 The floor plan remains the same as
12 shown in Exhibit 6. And I pointed out
13 earlier, but that's 4,727 square feet of
14 assembly area as shown on the floor plan.
15 Okay. This is an earlier measurement in
16 Exhibit 7, but you will see a 25-foot label on
17 the most recent Site Plan for the water
18 impoundment.

19 And we did not have a chance to
20 measure parking space for the most recent Site
21 Plan, but in general they appear to be in
22 conformance with the size requirements, so
23 it's from the older Site Plan.

24 And then these are the original

1 site photos, which we made a couple updates
2 to. Just noting that all of the buildings as
3 shown on site are planned to be taken down,
4 demolished. So that is a difference from the
5 original proposal.

6 The last site photo No. 7, that
7 shows the entrance and current parking area
8 and the retaining pond that would be planned
9 to be added along the right side tree line,
10 for your reference.

11 For the Technical Agency Review,
12 the Orange Township Fire Department indicated
13 that the site circulation of the new parking
14 area, along with building proximity to fire
15 hydrants would need to be reviewed and
16 approved. I have not received any letters
17 and/or correspondence stating that the Orange
18 Township Fire Department has approved or
19 completed a full review of the plans.

20 My understanding, and the
21 applicant can clarify, is that it will be
22 subject to some additional engineering-type
23 drawings from the applicant so a full review
24 can be completed. But again, I will leave

1 that to the applicant to fully clarify.

2 And then the last section is the
3 Board Analysis. This is applicable to Case
4 VA-CU-25-15, and the criteria for an Area
5 Variance. So we have all five variance
6 requests listed out. Like we stated, it does
7 appear, in general, that Variance No. 1 and 2
8 are the only ones that are needed. So we'll
9 allow the applicant to further elaborate on
10 their most recent submitted plans from I
11 believe that was on Tuesday.

12 If you have any questions at this
13 time, I'd be more than happy to try and answer
14 those.

15 CHAIRMAN TREFZ: Does anyone have
16 questions for Eric?

17 MS. NEFF: Not yet.

18 MR. GAYETSKY: Okay. Would the
19 applicants like to say something?

20 MS. DONNAN: Pardon me, Mr. Trefz,
21 since Mr. Pax has arrived, so that way it's
22 clear on the record, I just want to note that
23 Mr. Pax arrived after the roll call, but is
24 present and will be participating. Thank you.

1 CHAIRMAN TREFZ: Thank you.

2 Please state your name and your address and
3 that you've been sworn in.

4 MR. AVADHANULA: Sure. My name is
5 Karthik Avadhanula. My address is 1510
6 Cottonwood Drive. And I have been sworn in.

7 CHAIRMAN TREFZ: Thank you.

8 MR. TANGIVALE: Good evening. My
9 name is Anil Tangivale. I'm at 5515 Ludington
10 Drive. And I've been sworn in.

11 CHAIRMAN TREFZ: Thank you.

12 MS. MANS: My name is Anna Mans.
13 So I have not been sworn in.

14 CHAIRMAN TREFZ: You haven't?

15 MS. MANS: Have not been.

16 CHAIRMAN TREFZ: Okay. Please
17 raise your right hand. Do you solemnly swear
18 that the testimony you shall give shall be the
19 truth, the whole truth, and nothing but the
20 truth; as such state I do.

21 MS. MANS: I do.

22 CHAIRMAN TREFZ: And then give
23 your name into the microphone, please.

24 MS. MANS: Anna Mans, 350 Kenyon

1 Drive South, Columbus, Ohio 43214.

2 CHAIRMAN TREFZ: Okay.

3 MR. AVADHANULA: We'd like to
4 thank you first for the opportunity and
5 providing the opportunity for resubmitting the
6 application. And we want to sincerely thank
7 the neighbors who have provided their comments
8 and given us an opportunity to really digest
9 and resubmit our application. We have really
10 heard them, and we thank them for their
11 wonderful comments.

12 I want to clarify a few things.
13 First, I am a volunteer with the temple, and I
14 do not own the property. I am not the
15 property owner. Because I have seen the
16 written comments provided by some of the
17 neighbors and there is a miscommunication that
18 I might have been confused with the owner of
19 the property. I'm just representing them.
20 I'm on their temple management committee, so
21 I'm representing them.

22 And we have our architect, Anna,
23 and the engineer -- Anil represents our
24 engineer. And we have a presentation, a short

1 presentation that we want to show as to what
2 has changed, and we want to reiterate our
3 intent here.

4 So, if you move to the first
5 slide. And just to reiterate, we are a very
6 unique, spiritual, cultural and religious
7 place that is very unique in the State of
8 Ohio. Our name is Sri Baktanjane Temple of
9 Ohio, not Central Ohio or not anything else.
10 It's primarily because our temple provides a
11 very unique opportunity for the devotees to
12 come and be able to go around the deity, and
13 that is very unique. And which is why we see
14 many of our devotees come from all over Ohio
15 to come and practice.

16 And second, we started the temple
17 two years ago in May 2023. We got the approval
18 with a temporary structure with an occupancy for
19 150. The current situation is on the most busy
20 day of the week, which is Saturday. We
21 typically see about 50 to 150 of people walking
22 in. And this is not all at one time. We never
23 have folks coming in all at one time. We have
24 it's all on rolling basis.

1 And there are two times in the year, once in
2 spring and once in fall, where we have our
3 annual events, and that is when we see about
4 300 to 400 folks throughout the day, but it's
5 also on rolling basis. Never one time.

6 We never had a backup of cars in
7 the last two years. And about three weeks
8 ago, we had an annual event, and the parking
9 was very well managed. We actually had a
10 parking person and their team. They're
11 specialized in parking and they helped us with
12 all the parking around the property and has
13 not seen any issues with any backup. I want
14 to clarify that. And we also want to clarify
15 that throughout the year every day the temple
16 closes by 9:00 p.m.

17 And given that we want to provide
18 a reason why, the intent why we are trying to
19 do this is primarily safety. The current
20 structure is temporary. It was -- it was not
21 built for any visitors like this and it does
22 not even have a foundation. So, the safety is
23 the reason, and it does not suit -- it is not
24 suitable for a long-term operation. That's

1 why we want to build a sound, new building.

2 And the current structure also is
3 too close to the eastern property boundary.
4 And the new property that we are -- the new
5 building structure that we want to build is
6 more central to the property. And the current
7 property is only 200 feet wide. Having
8 100-foot setback on either side will make this
9 property unusable. Anything that you want to
10 add?

11 MR. TANGIVALE: At this point, I
12 wanted to introduce myself. I'm Anil
13 Tangivale. I'm a volunteer as well. And I am
14 a professional engineer in Ohio, and I think
15 I'm leading the building activities for the
16 temple. And today, the drawings that we're
17 going to discuss today, we have an architect
18 and we have hired an engineer as well, who has
19 these plans that we're going to talk about.

20 MR. AVADHANULA: So, we wanted to
21 say we really heard our neighbors and we
22 modified our plans to meet all of their
23 concerns from last time. We hired engineers,
24 BG Engineering, and thoroughly addressed the

1 stormwater issue. That was one of the main
2 points. Why we did not need to do that for the
3 zoning permit. We could have done that
4 afterwards. We went ahead and hired and spent
5 money to get these drawings on the under --
6 there is an underground collection system, as
7 you can see, that drains into a detention
8 basin northwest of the property, and the
9 detention pond connects to the East Orange
10 Road storm sewer, County storm sewer. The
11 engineers have coordinated this plan with the
12 County for the storm sewer calculation.
13 Anything to add?

14 MR. TANGIVALE: Yeah, so on the
15 stormwater management, I know there was
16 concerns. You know, in general, if you look
17 at the site, you know, the site, pretty much,
18 you know, right now, is sitting low below
19 Orange Road and drains to the south.

20 But, you know, I think with these
21 proposed changes that we're recommending, the
22 engineer went in and did some proposed
23 grading, and he was able to size the storm
24 infrastructure that basically drains back to

1 Orange Road. You know, obviously, you know,
2 the engineer is following typical regulations
3 for Delaware County. They're familiar with
4 some of the stormwater management regulations,
5 and they've done all the calculations that
6 would typically -- are typical for the site
7 where they detain for anything that's, you
8 know, within impervious area that's
9 pre-developed versus post-developed. They look
10 at that and then figure out how much detention
11 is seen there. So that's been incorporated in
12 the site.

13 The other couple points I want to
14 add is, you know, our building footprint area
15 has actually reduced from the last previous
16 plan. We're now demolishing -- or proposing
17 to demolition a few structures. Our net
18 increase in impervious area has actually gone
19 down, so we don't need as much detention as we
20 used to previously, as previously proposed.

21 And then we're also preserving a
22 lot of green space on the site, especially on
23 the west side of the new building. We're not
24 really -- you know, previously we used to have

1 parking in that area. That parking has since
2 been removed. And we're preserving all the
3 trees and the natural green space over there.
4 So there's the natural evaporation
5 transpiration and infiltration that would
6 occur on the site that would help with the
7 overall stormwater management goals.

8 So I think, you know, Karthik
9 mentioned this, but I think engineer basically
10 went through all counts. They've coordinated
11 with the County. We've talked about our
12 options of whether we have detention on the
13 south side of the lot and the north side of
14 the lot.

15 And I think in the best interest
16 of all the comments we've received previously
17 and what's best for us, we feel like this plan
18 is the most optimal for us to be able to move
19 forward with the stormwater management on the
20 site. I think the engineer has also kind of
21 certified that there's no, you know, there's
22 no net increase in stormwater management flows
23 from the site, and I would say there's no, you
24 know, adverse impacts in with respect to the

1 stormwater to any of the neighbors as we stand
2 right now.

3 MR. AVADHANULA: And given that
4 all of the impervious area today the entire
5 property -- as majority of the property drains
6 south, so towards the neighbors, and with this
7 all the impervious area is draining -- we are
8 building towards grading and building it towards
9 the north. It is far better than the current
10 situation for any stormwater.

11 Going to the next one. We have, as
12 Anil mentioned, we have reduced the overall
13 footprint. We are proposing to raise all three
14 structures that are currently on the site and
15 build one single structure with -- oh, you want
16 to go back. Thank you. Yeah, we are building
17 only one structure that is about 7,983 square
18 feet. And one thing I want to definitely
19 mention is that the height of the structure is
20 18 feet. The top most height of the structure
21 is 18 feet. For reference, a two-story single
22 family home is about 34, 35 feet, so this is
23 half the size of a two-story,
24

1 single-family home. And we have mature trees
2 of 65 foot coverage on the west side, almost
3 200 feet on the south side and a significant
4 portion on the east side. So from all three
5 sides, there is significant tree coverage of
6 mature trees, and with just the height of the
7 property being only 18 feet, they should not
8 even be visible from neighboring properties
9 for the most part.

10 And we removed all the -- we heard
11 the previous comments about lights because of
12 parking on the west side, and we have removed
13 all parking on the west side of the building
14 and accommodated the exact parking needed for
15 about 106 is what we have on our number, but
16 if your number is about 108.

17 MR. GAYETSKY: Yeah.

18 MR. AVADHANULA: There might be
19 some confusion about 106 and 108 parking
20 spaces because this includes ADA parking, and
21 this was done by the architect, so. And 106
22 park, we need about 105 parking spots for 299
23 spaces that we're asking, 299 spaces of
24 congregation.

1 MR. TANGIVALE: Yeah, That's one
2 change we requested, as well as I think right
3 now our occupancy permit, I think we're asking
4 for 299 and not 400.

5 MR. AVADHANULA: Not 400. We're
6 asking for an occupancy of 299.

7 CHAIRMAN TREFZ: And that's the
8 number of people or the number of parking
9 spaces?

10 MR. AVADHANULA: Number of people.

11 MR. TANGIVALE: Number of people.

12 MR. AVADHANULA: So, occupancy
13 number of 300 requires 105 parking spaces, and
14 we have 106. That is what we are requesting.
15 That is what we wanted to clarify.

16 CHAIRMAN TREFZ: Okay.

17 MR. AVADHANULA: And anything else
18 to add here? And I want to really double
19 click on this comment that we are preserving
20 the tree structures all across the boundary of
21 the property on all three sides. So that is a
22 65-foot tree coverage of mature trees. As you
23 can see on the picture there, this was taken
24 just two days ago on Google Maps, providing

1 screening on all three sides. And the height
2 of the structure, as I mentioned, is only 18
3 feet, so this should not even be visible from
4 all of the three sides.

5 Now coming to, there was a comment
6 on the parking and number of people and all of
7 that. This is what Google shows us on. So
8 this is the rolling base attendance peak times
9 at the temple today. You see Saturday is our
10 peak time. And for reference, we have
11 provided what does Google show same -- for the
12 same thing for Saturdays at the Post Office
13 right across the road. The Post Office right
14 across the road has higher attendance than our
15 highest attendance day on Saturday, as you can
16 see.

17 MS. NEFF: What is the y-axis for
18 these?

19 MR. AVADHANULA: So, Google does
20 not share, even with business account, it does
21 not share the exact numbers, but they mention
22 that the y axis is the same on all of them,
23 so. They don't want to show the exact
24 numbers.

1 MS. NEFF: Where is this data
2 coming from? I know you say Google, but --

3 MR. AVADHANULA: Yeah, so if you
4 go to Google Maps, just on the address, if you
5 put that address for USPS, for example, on
6 Orange Road, just below on the left side, you
7 can see the peak timings.

8 MS. NEFF: The traffic.

9 MR. AVADHANULA: The traffic peak
10 times.

11 MS. NEFF: So it's like traffic
12 attendance.

13 MR. AVADHANULA: It's the peak
14 times attendance. And this is what it shows
15 for our temple. And as you can see, Saturday
16 and Tuesday evening are our busy times, and
17 Saturday morning is a busy time for us. We do
18 not impact any school timings. We do not
19 impact any busy business timing -- business
20 hour timings. It's Saturday morning. And one
21 thing to note here is that typically Saturday
22 mornings are one of the slowest times for
23 businesses in the Township -- in any region.
24 It is only the neighbors in the region that

1 are shopping in the neighborhood. Whereas,
2 having this temple gives an opportunity for --
3 because we have a unique temple that attracts
4 people from all over, we believe we are
5 providing an economic value to the Township by
6 attracting these people on a non-busy day for
7 the businesses around us. Any questions?
8 Anything to add?

9 And in conclusion, we believe the
10 new structure is -- it ensures our safety for
11 ourselves and our devotees. It makes -- it
12 provides justice to both our neighbors. It
13 meets all the community needs, and it
14 addresses all the previous reported feedback.
15 And we are requesting only two variances.
16 That is continuance of the variance from
17 previous time of minimum acreage requirement,
18 and a new variance for 100-foot setback from
19 265 foot on the west side and 85 foot on the
20 east side -- 83 feet on the east side.

21 And just to note, that the updated
22 plans for the other three variances that were
23 mentioned by the Staff were provided on 9/11
24 7:30 p.m. so about a couple of hours after.

1 So we took a couple of days to respond to
2 those comments that we received on 9/9. So,
3 as mentioned, we are all volunteers, so we
4 took a couple of hours more than required to
5 get back with the updated plans; otherwise you
6 would have the new plans and those three -- we
7 believe the three variances that you see, No.
8 3 to 5, would not be on this report.

9 CHAIRMAN TREFZ: Okay. Thank you.
10 Questions?

11 MR. AVADHANULA: Yeah, that is
12 all. Anything else to add?

13 MS. MANS: I guess just a general
14 comment to say that these changes were
15 initiated by the neighbors, and we tried to
16 show -- be more responsive to everything that
17 we heard here in the last meeting. So, like
18 the headlights flashing and highlighting into
19 the neighborhood, we're hoping that this issue
20 has been eliminated. And stormwater, we're
21 going from the south to the north, that
22 shouldn't be an issue any more. So we're just
23 trying to be responsive and respectful to the
24 neighbors.

1 MR. AVADHANULA: Any questions for
2 us?

3 MR. PAX: I have a question on
4 parking.

5 CHAIRMAN TREFZ: Yeah.

6 MR. PAX: Okay. Just on your Site
7 Plan, parking particularly. I'm looking at
8 your plan. I don't know which one -- I'm
9 looking at Exhibit No. 2. I don't know if you
10 can pull that up or not. So I'm just trying
11 to make sure I fully understand the counts.
12 So that area to the north, that is your
13 current gravel parking lot?

14 MR. AVADHANULA: Yes. That can be
15 used as overflow parking, if needed. The
16 gravel is, we are not using it in this plan.
17 So we have more space for parking, if needed,
18 but we don't intend to pave it because we want
19 to retain as much as pervious surfacing. We
20 don't want to make it impervious also.

21 MR. PAX: Okay. So I appreciate
22 that for the storm drainage standpoint that
23 you're keeping it pervious. But that, you're
24 not including those within your calculations,

1 that's correct?

2 MS. MANS: No.

3 MR. TANGIVALE: No, that is
4 correct. We're not including the 106, 107
5 parking spaces. We don't include the gravel.

6 MR. AVADHANULA: So it can
7 additional parking.

8 MR. PAX: I also see that you've
9 included a 391 turning radius for the Orange
10 Township Fire Department in there. The plan
11 has been reviewed by your engineer or your
12 designer on that?

13 MS. MANS: So we had the civil
14 engineer involved. So the missing parts for
15 the Fire Department are basically the location
16 of the fire hydrant, which, you know, it kind
17 of it's going to be located later when we get
18 this approval and move forward the project.
19 Now, in my opinion, it wasn't hindering -- it
20 shouldn't hopefully hinder the zoning
21 approval.

22 MR. PAX: No, the fire hydrant
23 wouldn't on that regard. This more just
24 general on the viability of the plan in itself

1 and that strategy on the parking is what I'm
2 trying to get to, even from an overall
3 perspective. I see one light pole that's
4 there in the center. But the main thing was
5 just an understanding, at least that you've
6 accounted for that. But I'm doing my counts
7 myself and I'm coming up with 98 spaces. You
8 have double parking up there at the top?

9 MS. MANS: So, yeah. So one thing
10 so from the plan that you're looking at, the
11 change that came for us kind of late was the
12 location of the storm basin. It was too close
13 to those northeast parking -- northwest, I'm
14 sorry, parking spaces. So we kind of shifted,
15 realigned everything. So there was a slight
16 difference where we on the east side of the
17 building, we added more parking spaces going
18 all the way along the building and just kind
19 of rotated it so it wasn't encroaching onto
20 the sedentary side basically.

21 MR. PAX: Okay. I think on my
22 counts where I'm realizing was the double
23 park. I just saw that up there in the
24 northeast corner of the parking lot, so that's

1 six additional spaces.

2 MR. TANGIVALE: Yeah, I don't
3 think -- and I think we've had this
4 conversation with Staff. The Staff isn't
5 counting the double parking so we're still
6 making the 107 without counting the double.

7 MR. PAX: Without counting those?

8 MS. MANS: Yeah. We were told
9 that the double stacking at the parking lot
10 was not acceptable, so we just counted that as
11 one space.

12 MR. TANGIVALE: Yeah, the one
13 space.

14 MR. PAX: Thank you.

15 MR. GAYETSKY: Philip, if you
16 wouldn't mind going into the files, there is
17 the submission -- the most recent submission
18 is from 9/16/2025. It says Updated Drawings
19 9/16. That would probably be most useful for
20 everyone to refer to.

21 And I just -- if I hadn't made it
22 clear previously, I wanted to add the
23 statement that the BZA, typically they get
24 drawings about a week or so in advance. These

1 drawings being fielded two days ago did not
2 give the BZA a sufficient amount of time to do
3 a full review and run off the numbers and look
4 closely at it. In the same regard for Staff,
5 typically, we need to get things a little bit
6 sooner to do a full review, so. So I just
7 wanted to make that clear. And that's why the
8 BZA is asking these questions, I believe.

9 MR. AVADHANULA: We sincerely
10 apologize for the delay.

11 VICE-CHAIR ROSS: And the parking
12 spaces on your plan all meet our regulations,
13 none of them were reduced in size?

14 MR. GAYETSKY: From the cursory
15 review that I was able to do, I ran off a few
16 numbers in the time that I had, and I didn't
17 see any spaces that were smaller than the 9 by
18 20 foot dimensions. Compared to when the
19 Staff Report was released, those were the
20 plans submitted on I believe 9/4, and those
21 had several parking spaces that were too small
22 in size, which we informed the applicant of
23 and they did make -- from what we could tell
24 in the short review, that they did make those

1 changes appropriately.

2 VICE-CHAIR ROSS: But you've just
3 done a cursory review?

4 MR. GAYETSKY: Correct. We
5 haven't measured --

6 VICE-CHAIR ROSS: So we don't
7 really have that information for sure.

8 MR. GAYETSKY: Yeah. It would
9 appear, though.

10 VICE-CHAIR ROSS: I'd like to ask
11 the applicant, you said you've revised your
12 occupancy to 299 from the 400. What happens
13 if one of your festivals draws more than 299
14 people?

15 MR. AVADHANULA: As mentioned,
16 it's on a rolling basis. We never see more
17 than 100, 150 at any point of time in the
18 entire day. And typically our festivals are
19 only twice a year, and once in the fall, once
20 in the spring. And both days, as I said, we
21 don't see that -- we don't believe we would
22 see that again.

23 I want to mention that our
24 population of the temple attendees don't

1 increase dramatically just because we have
2 built a bigger place, because it depends on
3 the existing population. And the growth of
4 the population is tied to the GDP, so
5 typically you will see if at all it grows, it
6 grows at maybe 2% or less in terms of year
7 population attendance.

8 VICE-CHAIR ROSS: So it is a
9 concern to me to go from 400 to 299 in order
10 to get your parking onto this site, so that is
11 a concern.

12 MR. GAYETSKY: And I also wanted
13 to clarify that occupancy doesn't dictate the
14 parking.

15 VICE-CHAIR ROSS: It's square
16 footage, so.

17 MR. GAYETSKY: So it's based on 45
18 square feet for the assembly area.

19 VICE-CHAIR ROSS: Okay.

20 MR. GAYETSKY: And I believe the
21 applicant stated. But our calculation would
22 be the same, because the square footage is the
23 same as shown the Staff Report, it would
24 require 105 spaces. And from our, again, our

1 fairly straightforward, quick review, we got
2 108 spaces. That's the count we achieved. So
3 they would be meeting it by virtue of that.

4 VICE-CHAIR ROSS: Thanks for that
5 clarification. And I have a quick question
6 for you, Eric. With this being a flat roof,
7 in the past we've had applicants come before
8 us for us to approve a variance for a flat
9 roof. But we don't have to do this in this
10 case?

11 MR. GAYETSKY: I don't know what
12 the standard would be that we would be
13 referring to in the FR-1 District. I don't
14 think they have the 612 listed in that
15 section.

16 VICE-CHAIR ROSS: Okay.

17 MS. DONNAN: That was a commercial
18 planned district. I think I know what you're
19 referring to.

20 VICE-CHAIR ROSS: McDonald's.

21 MS. DONNAN: I don't believe
22 there's any restriction in FR-1 that requires
23 a flat roof.

24 MS. NEFF: That's a good question.

1 VICE-CHAIR ROSS: Okay. Great. I
2 just wanted to clarify that.

3 And the trees, the tree line that
4 you said that you're keeping most of that.
5 Are those deciduous trees that lose their
6 leaves or are those fir trees that maintain a
7 --

8 MR. AVADHANULA: It's a mix of --
9 it's a mix of deciduous trees and evergreen
10 trees.

11 MS. MANS: Eric, I think you have
12 some pictures.

13 MR. GAYETSKY: There are those in
14 Staff Report.

15 VICE-CHAIR ROSS: It's very
16 difficult to tell on a color photograph.

17 MR. GAYETSKY: Thanks to Philip to
18 flipping around to the Staff Report.

19 VICE-CHAIR ROSS: Okay. I think
20 that's all I had.

21 CHAIRMAN TREFZ: I have a question
22 about the retention pond. I know you've moved
23 it back 25 feet, but you're still hugging the
24 western border, right?

1 MR. TANGIVALE: Right.

2 CHAIRMAN TREFZ: Isn't there a
3 setback there?

4 MR. GAYETSKY: The setback for the
5 water impoundments is from the right-of-way.

6 CHAIRMAN TREFZ: From the
7 right-of-way only.

8 MR. GAYETSKY: Correct. Correct.

9 CHAIRMAN TREFZ: Okay. And how
10 much water is going to be retained in that
11 pond?

12 MR. TANGIVALE: Well, that's a
13 good question. The engineer definitely has
14 the calculations and has that number, but I
15 just don't remember that off the top of my
16 head. But usually the way it works is we have
17 calculations where we look at the pre-impervious
18 area, the post-impervious area and detain what's
19 near for the County Department. The County
20 Engineer has regulations of detailing what's
21 called a 100-year post to a ten-year pre ten.
22 And so it's basically we're detaining the runoff
23 from 100-year post development down to a ten-year
24

1 pre-development. So we're making it better
2 for that storm --

3 CHAIRMAN TREFZ: So how deep is it
4 at the --

5 MR. TANGIVALE: I think last time
6 when I saw the calculation it was 3 feet.

7 CHAIRMAN TREFZ: Three feet out of
8 5?

9 MR. TANGIVALE: Correct. There's
10 an outlet structure, as you can see that
11 picture in the plan, so all these calculations
12 have been performed by the engineer.

13 CHAIRMAN TREFZ: And this doesn't
14 require a fence?

15 MS. MANS: No, typically it
16 doesn't. I mean, as far as --

17 MR. GAYETSKY: A swimming pool
18 would be a different definition.

19 CHAIRMAN TREFZ: Yeah, I know.

20 MR. GAYETSKY: And that does
21 require a fully enclosed fence around, or
22 wall, but this is not defined as a swimming
23 pool.

24 CHAIRMAN TREFZ: No. And I would

1 hope it wouldn't be defined as a swimming
2 pool, but still, you've got a very steep
3 embankment and you've got 3 feet of water in
4 there. That sounds a little --

5 MR. TANGIVALE: Well, I think what
6 we're dealing with is basically, it's more of
7 a channel, you know, I would say like a ditch
8 that carries 3 feet of flow. It's got an
9 outlet structure that regulates the water over
10 there. And what we're talking about is that's
11 during the worst case scenario for the entire
12 --

13 CHAIRMAN TREFZ: Then how far
14 above the bottom of the retention pond is the
15 bottom of the outlet?

16 MS. MANS: Could we pull up the --
17 like zoom into the retaining slide, on the
18 elevations. It's 948 on the outside.

19 MR. PAX: Okay. So because I'm
20 looking at 948 is the top, and then the bottom
21 is noted at 942.

22 MS. MANS: Correct.

23 MR. TANGIVALE: 942.

24 MR. PAX: 942, so that's 6 feet.

1 Then I see the orifice opening noted at 941,
2 so that's the opening into your storm
3 structure.

4 MR. TANGIVALE: And then it
5 connects to the storm system.

6 MR. PAX: So it's slightly lower
7 obviously than your bottom of your retention
8 pond there.

9 MR. TANGIVALE: Correct.

10 CHAIRMAN TREFZ: So there really
11 shouldn't be any water standing in it.

12 MR. TANGIVALE: No. It should be
13 free flow. But you know, as the water drains,
14 it needs to back up.

15 MR. PAX: It is a retention rather
16 than a detention pond.

17 CHAIRMAN TREFZ: Yeah, that's what
18 I was trying to determine.

19 MS. DONNAN: Board, I have a
20 question as well, if I may. And I recognize
21 there are multiple photos and diagrams, and I
22 just want to make sure I'm looking at this
23 correctly. I'll direct you to Exhibit 2 in
24 the Staff Report, where in red it identifies

1 that the distance from the, I believe, it's
2 the western property line to the edge of the
3 parking lot area to be about 14 feet and 7
4 inches.

5 And in looking at Exhibit 4 with
6 respect to the detention pond, and I recognize
7 the detention pond has moved south, the
8 detention pond from the property line to the
9 edge of the eastern -- the western property
10 line to the eastern edge of the detention pond
11 is 20 feet, 2 inches. And there's no
12 dimensions on Exhibit 4 that reflect where the
13 parking lot would be. But just, it appears
14 that there could be a scenario where the
15 parking lot extends into the detention pond,
16 if that makes sense.

17 MS. MANS: And that's why --
18 that's the layout that you're looking at from
19 the civil engineer was we received late, and
20 therefore, our latest submission came a few
21 hours after the deadline.

22 MS. DONNAN: Okay.

23 MS. MANS: So this accommodated
24 the revision.

1 CHAIRMAN TREFZ: Would you
2 identify yourself?

3 MS. DONNAN: Yes. I'm Julia
4 Donnan, attorney for Orange Township, Brosius,
5 Johnson and Griggs, 1001 South Cassingham. I
6 have not been sworn in, but I am legal counsel
7 and not required to be, so. Thank you.

8 CHAIRMAN TREFZ: Thanks.

9 MR. GAYETSKY: I do notice on the
10 plans, Julie, from 9/16 that there's a label
11 with the dotted line for a 25-foot side
12 setback, and the location of the parking lot
13 is just outside of that 25 feet.

14 MS. DONNAN: Okay.

15 CHAIRMAN TREFZ: Yeah.

16 MR. AVADHANULA: We have updated
17 that as part of the latest plan.

18 MS. DONNAN: Okay.

19 MR. MCCOY: Eric, what is the, you
20 explained it a little bit, but what's the late
21 submission of the drawings -- what's the
22 byproduct of that for us tonight?

23 MR. GAYETSKY: Well, certainly we
24 do our best to pass along revisions as they're

1 received, so that's what we did in this case.
2 So, when you don't have enough lead time, it's
3 the same, I think with any of our Boards, it
4 complicates things from a Board review
5 perspective because it would put more of an
6 emphasis on doing revisions more in the
7 meeting proper, which is challenging. So
8 that's why it's ideal, I guess, if Staff can
9 have a chance to review and it can be
10 incorporated into the Staff Report and that
11 can be disseminated about a week in advance.
12 That's usually our time frame for sharing the
13 report with you all because that gives you
14 time to process and do a detailed review. So
15 in this case, that wasn't something that could
16 be done because of the timing of the revisions
17 received the week of.

18 MR. MCCOY: Are there any rules
19 associated with that that are in place?

20 MR. GAYETSKY: No Zoning Rules per
21 se about precisely how soon continued meeting
22 provisions would need to be received. They
23 could be even brought to the meeting itself.
24 But again, it doesn't give you an opportunity

1 as a Board to do a complete and thorough
2 review.

3 MS. NEFF: So if we look to make a
4 Motion tonight, the Motion contains
5 calculations, are you guys going to do those
6 on the fly?

7 MR. GAYETSKY: Well, I mean, we've
8 done a cursory review of the parking, but it
9 isn't as thorough as what we would if we had
10 revisions received early in the week prior.
11 So ultimately, I would think Legal might give
12 a suggestion actually about how we would want
13 to handle that, but I can say we have only
14 done a brief review, not a thorough review, as
15 we would if the plans were received over a
16 week in advance.

17 MS. NEFF: Okay.

18 MS. DONNAN: Yeah, In terms of
19 options, the Board could continue the
20 application and continue the hearing in order
21 to provide Staff with time to provide you with
22 updated feedback. Obviously, you have a room
23 full of people, and so one option could be to
24 continue -- obviously, you could continue with

1 the hearing to receive the testimony that
2 everyone has to say, and then continue to
3 provide Staff with the opportunity to fully
4 review and update the Staff Report and then
5 meet back at another date.

6 MR. MCCOY: Yeah. Because my
7 concern is you and everybody that came here
8 tonight, it's understandable you took time out
9 of your schedule to come to a scheduled
10 meeting about this variance request. And
11 maybe it's my speculative concern that you're
12 making comment and testifying or giving your
13 opinion about something that's not clear,
14 because I'm not clear on what the final
15 product is here. It's been explained to an
16 extent. It's been described. Numbers have
17 been thrown out. And it's hard enough to see
18 that. I'm holding up an 8 1/2 by 11 document
19 that is a drawing of a 3-plus acre parcel with
20 dimensions on it. It's really hard to see
21 that, that I got two days ago, and I've been
22 in class for two days for -- I've been up
23 since 4:15 this morning. That's no excuse,
24 because that's my problem.

1 The whole point of my talk here is
2 I want to be very clear on what I'm making a
3 decision on based on what drawing I'm looking
4 at and what numbers I'm looking at. And I
5 think it would be not right for me to say yes
6 or no on variances until I knew exactly this
7 is what we're asking for and here it is to
8 show you what we're asking for. That way
9 people making comment on what's being asked
10 for, they've got what I've got. I've got what
11 they have. And we're not making a bunch of
12 comments about other speculative drawings that
13 are sitting out there and dimensions. And
14 somebody can correct me if I'm completely off
15 base here and wrong, that I'm supposed to have
16 something that I don't have. And you did send
17 them to me, Eric.

18 MS. NEFF: We just didn't print
19 them out.

20 MR. MCCOY: Yeah, and even some of
21 the prints, it's difficult. I'm getting
22 older. I can't see with these. I can't see
23 without them. And I'm trying to understand
24 parking spaces and dimensions and calculations

1 and things like that. And I just don't think
2 there's enough information here for me to say
3 yes or no on these things. And that's my
4 comment right now.

5 MR. PAX: Yeah, I'll agree with
6 you on that, Mr. McCoy. I think that for me
7 I've got notes all over the wrong plan. I was
8 looking at the wrong plan. And so my
9 calculations on parking areas, flows,
10 dimensions that counsel brought up, Legal
11 Counsel brought up is confusion. It's
12 confusing me. So I agree, concur. I think if
13 we could just have a little clearer package to
14 understand and then evaluate, it's going to be
15 helpful. I agree.

16 MR. MCCOY: And I said what I said
17 understanding that that's an inconvenience for
18 a lot of people in this room, including
19 counsel that's been hired, that I'm sure is
20 not here for free.

21 MS. DONNAN: So I believe the
22 Board has a couple of options. I think that
23 the Board is suggesting to the applicant it
24 may be helpful to request a continuance.

1 However, I think that the question the Board
2 has to ask is, do you want to continue at this
3 point or permit the public to testify on these
4 not updated materials. What I would say is,
5 if you -- it's not a situation where you can
6 let a few people speak and not others. It
7 would be an all or nothing type situation.

8 VICE-CHAIR ROSS: Well, actually,
9 what we have in front of us is what we have.

10 MS. DONNAN: Correct.

11 VICE-CHAIR ROSS: And that's what
12 the people in the audience have been provided.
13 And I believe they have a right to speak
14 tonight to what we've been provided. And
15 that's like if we continue to another date to
16 make a decision, then they can have a copy of
17 the new plans and they can come up with new
18 comments. But I believe that what they have
19 in front of them and what we have in front of
20 us is what we need to discuss this evening,
21 and not what they've presented since we
22 received this packet.

23 MS. NEFF: But shouldn't we let
24 them know if -- should we make a decision if

1 we're going to continue, to let them know
2 their comments are based on something that is
3 not what we're going to vote on?

4 CHAIRMAN TREFZ: They haven't
5 asked for the continuance; is that correct?

6 MR. PAX: True.

7 CHAIRMAN TREFZ: So we either have
8 a continuance, or we hear other testimony and
9 then make a decision based upon what we have
10 here.

11 VICE-CHAIR ROSS: Or we listen to
12 the comments from the public before it's
13 continued.

14 CHAIRMAN TREFZ: Well, that's what
15 I was saying, before it's continued, yeah.

16 MS. MANS: I guess one question.
17 So, if you're voting today, that's on --
18 you're voting on the plan that's not up to
19 date?

20 CHAIRMAN TREFZ: That's correct.

21 MS. MANS: And clearly that's not
22 the layout, you know, just like the attorney
23 mentioned that it's going to overlap the
24 retention basin, so that's just not going to

1 work. Let's say, best case scenario, it's
2 approved, how do we go about changes to the
3 layout? Do we go back? Are we back here in a
4 month again?

5 MS. NEFF: I mean, I think what
6 you're hearing from the Board is we're not
7 comfortable moving forward with what we have
8 in front of us, so it does not sound like
9 anything would be approved based on if you
10 asked us to vote.

11 MS. MANS: I'm just trying to
12 understand what happens. Because if the final
13 layout, what happens if we have changes?

14 CHAIRMAN TREFZ: After it's been
15 approved and you continue to make changes?

16 MS. DONNAN: So what would happen
17 is if you were to make changes to whatever --
18 if a plan is approved and you want to make
19 changes to that plan, if those plans required
20 an additional variance, you would have to come
21 back to this Board. If you made plans that
22 were consistent with the Zoning District, you
23 would not have to come back to the Board.

24 MS. MANS: Okay. I just wanted to

1 know for the future.

2 CHAIRMAN TREFZ: Eric, I have one
3 question for you. The original approval of
4 place of worship was based on 150.

5 MR. GAYETSKY: Uh-huh.

6 CHAIRMAN TREFZ: And it was based
7 on how many square feet of the building that
8 you're currently using?

9 MR. GAYETSKY: So that's the 13 --
10 let's see.

11 CHAIRMAN TREFZ: I wanted to do
12 both because I know the square feet or the
13 population.

14 MR. GAYETSKY: I believe actually
15 that is referring to the existing structure
16 that the applicant described as 40 by 60.

17 CHAIRMAN TREFZ: So 40 by 60,
18 2,400 square feet. And the new building is
19 almost 8,000 square feet.

20 MR. GAYETSKY: Yeah. But from
21 what I recall of those previous plans, the
22 entirety of that previous -- or existing
23 structure was assembly area. And in this case
24 4,727 square feet is assembly area.

1 CHAIRMAN TREFZ: Well, the reason
2 I'm asking, we approved 4,700 or whatever it
3 is and we gave them a variance from 5 acres
4 down to 3, whatever it is, for the land. Now
5 they've jumped from 47 up to 8,000.

6 MR. GAYETSKY: The 2,400.

7 CHAIRMAN TREFZ: Oh, 2,400 to --
8 yeah, so that's a sizable jump. And now it's
9 the same 3 acres whatever and we have to add
10 an acre because anything over 300, is it, and
11 see they're below that so we wouldn't add an
12 acre.

13 MR. GAYETSKY: And also, the Staff
14 didn't take the seats into account because
15 this isn't an establishment that has seating,
16 so it's certainly based on the square footage
17 of the assembly area. And so there would be
18 an additional requirement for parking in this
19 case, or acreage that I'm aware of. So that
20 acreage is the 3.35, which is obviously less
21 than 5 acre in size.

22 CHAIRMAN TREFZ: Yeah. Okay. I
23 just wanted to understand that before we
24 moved.

1 Applicants, what is your decision
2 at this point?

3 VICE-CHAIR ROSS: I do have a
4 question for the Legal Counsel.

5 MS. DONNAN: Yes.

6 VICE-CHAIR ROSS: If they decide
7 right now to continue it, does that close off
8 public comment?

9 MS. DONNAN: It's up to the Board
10 if they request a continuance whether or not
11 to proceed with public comment.

12 VICE-CHAIR ROSS: Okay. I just
13 wanted to make sure timing didn't prevent the
14 public from speaking.

15 CHAIRMAN TREFZ: Did you
16 understand that?

17 MR. AVADHANULA: No.

18 CHAIRMAN TREFZ: If you accept or
19 request a continuance, we can still hear all
20 the public comments of the people that are in
21 the room, and then you would have that
22 information to go on to the continuance. Did
23 I state that correctly?

24 MS. DONNAN: Correct.

1 MR. AVADHANULA: Okay. We ask for
2 a continuance.

3 CHAIRMAN TREFZ: Okay. The party
4 is asking for a continuance to get us good
5 documentation and the real plan that you
6 almost have -- or had, but it's too late for
7 our process.

8 MS. NEFF: Had but didn't submit
9 on time.

10 CHAIRMAN TREFZ: Is there a Motion
11 to grant the continuance?

12 VICE-CHAIR ROSS: Do you want the
13 Motion now?

14 MS. DONNAN: So I suppose that's a
15 question for the Board. Do you want to
16 continue the hearing at this point, or do you
17 want to permit public feedback on the plan
18 that will be outdated?

19 VICE-CHAIR ROSS: I believe we
20 should receive testimony from the public on
21 the plan that's before us.

22 CHAIRMAN TREFZ: Applicants,
23 please have a seat. We will proceed with the
24 public comment.

1 MS. NEFF: But please know that we
2 are continuing this.

3 CHAIRMAN TREFZ: Yeah.

4 MS. NEFF: And so, we're not going
5 to vote on it tonight. And what you have is
6 not the final version, so be it.

7 VICE-CHAIR ROSS: So remember to
8 please state your name, your address and that
9 you've been sworn.

10 MS. MOORE: My name is Melani
11 Moore. I live at 5780 Plank Drive, Hilliard,
12 Ohio. I've been sworn in.

13 CHAIRMAN TREFZ: Okay. Thank you.

14 MS. MOORE: I believe this
15 facility is a blessing to the community.

16 AUDIENCE: We can't hear her.

17 MS. MOORE: Okay.

18 CHAIRMAN TREFZ: Okay.

19 MS. MOORE: My family comes from
20 Dublin and Hilliard to this unique temple.
21 It's unique for a lot of reasons, but it's
22 extremely traditional. That's the main reason
23 that we come. Devotees of other temples will
24 travel to get that unique experience that you

1 get here.

2 I had mentioned last time, when
3 they say the numbers, this is not a meeting
4 where everyone shows up at 10:00 and everyone
5 leaves at 1:00. It really is a come-and-go
6 situation. My family travels kind of far so
7 we stay the whole time. But even though we
8 stay til the very end, we have never waited
9 to, like, get out or get in of this facility.

10 Because the way that we exit,
11 you're accepting gifts one at a time on the
12 way out. You're accepting blessings,
13 basically. So these blessings we actually
14 bring to the temple.

15 We need to bring fresh flowers and
16 fruits, milk, honey. They're all for God.
17 And we definitely need to stop at your grocery
18 store to get these things. We stop at your
19 ATMs. We go to your coffee shops. I believe
20 that that alone is a blessing. I did find out
21 recently, they are not even filed as a tax
22 exempt organization, so they pay full taxes.
23 I believe that's a good benefit to the
24 community.

1 And they are really good
2 neighbors. They are ready to listen to any
3 concerns. I think ongoing, this wouldn't be
4 something that's decided today, and they
5 wouldn't listen again. A pillar of the Hindu
6 community would be karma. I think everybody's
7 pretty familiar with that, but it's being good
8 with everything, being good with government,
9 being good with community, being good with
10 your neighbors. It's really an important part
11 of the belief. So, I feel that they would be
12 a good blessing.

13 Sorry, I'm super nervous and have
14 been standing a long time. Yeah, they have a
15 deep reverence for all living things. They're
16 good neighbors that are giving and kind.

17 And it is definitely on a Saturday
18 morning or a Tuesday evening, which doesn't
19 seem to be a very busy time. Like I said, we
20 don't have half the trouble getting to this
21 area as I did tonight, which takes about 45
22 minutes, but it's usually a little easier.

23 I really do feel that they would
24 be a blessing to the community. And as I

1 think they've shown, they have really listened
2 to everything that the neighbors have said and
3 made accommodations. So, thank you.

4 CHAIRMAN TREFZ: Thank you. Sir.

5 MS. NEFF: And can we just remind
6 folks, please, in the audience, when you talk,
7 it's hard for us to hear, so please keep the
8 conversations down.

9 MR. GAYETSKY: If you're willing
10 to grab the microphone, so that you're a
11 little bit more audible that way.

12 MR. MCCORMACK: My name is Dave
13 McCormack, 815 Summit Point Place, Lewis
14 Center. We live in the Courtyards at Hidden
15 Ravines. I'm the acting President of the
16 Association, and I'm here representing our 91
17 homeowners.

18 CHAIRMAN TREFZ: Okay.

19 MR. MCCORMACK: I respect the fact
20 that the Board is listened to the presentation
21 a second time and unfortunately, I'm a little
22 bit frustrated with the situation, no
23 different than you, when you're dealing with
24 plans that are not completed so you can

1 actually make a decision. And we, with our
2 time, be involved in that decision.

3 I look at it from that
4 perspective, and I won't dwell on it. I mean,
5 that was a deadline. You had to hit the
6 deadline for the meeting and be prepared.
7 We're prepared. Apparently they weren't. So
8 things happen, but that's where we're at.

9 The thing I wanted to point out
10 for the Association, it's not a matter of
11 whether that we don't agree with the religion.
12 They could be good neighbors. They probably
13 are. It goes back to what you talked about
14 just a little while ago. The first variance
15 was granted based on 150 people, and it should
16 have had been on a 5 acre plot. You gave them
17 a variance of 3.35 acreage. That's great.

18 Now all of a sudden two years
19 later, after they stated on the record that it
20 was going to be temporary, back in May of '23
21 they said, if we grow, we will move and find
22 another site. And here we are, we're talking
23 about doubling membership. And it may be what
24 they call a "rolling basis". I wish -- one of

1 the neighbors had taken a picture two or three
2 weeks ago when they did have their gathering
3 because the lot was full of cars. It was
4 packed. And that's great for them. But
5 that's an example of what it can be in a
6 situation where there's not enough acreage for
7 the proper use of a place of worship.

8 And the other thing, when I looked
9 at the plans, however small they were, it
10 didn't seem to me that the radius turn you
11 talk about for the Fire Department, it was
12 actually going to be functional based on those
13 drawings because the radius turn will be
14 taking out all of your handicap parking. And
15 the last I checked, handicapped parking has
16 got signage and posts, et cetera. So, that's
17 all I'm going to say.

18 We've invested and brought forward
19 our attorney this evening, and I'd like to
20 turn it over to Jason Charlton. Did I get it
21 right?

22 MR. CHARLTON: Yeah. I should be
23 able to project my voice. My name is Jason
24 Charlton. I'm an attorney. Office address 50

1 Public Square, Cleveland, Ohio 44113. I have
2 been sworn because I'm not technically here as
3 an attorney, because they're not the
4 applicant. But at the same time, I'd like to
5 make a point, the property owners --

6 MS. DONNAN: Pardon me, I'm so
7 sorry. Did you say you have or have not been
8 sworn in?

9 MR. CHARLTON: I have been.

10 MS. DONNAN: You have been, thank
11 you.

12 MR. CHARLTON: Yeah. I believe I
13 qualify as testimony so I did get sworn in.

14 MS. DONNAN: Correct. Thank you.

15 MR. CHARLTON: Property owners,
16 and I'm going to butcher these names, Jyothi
17 Palachandra and Palachandra Chickadadi Ganesh,
18 my understanding is those aren't the people
19 who are here presenting today.

20 MS. DONNAN: Correct. They don't
21 have to be. Just the people who are here
22 presenting are the representatives on behalf
23 of the applicant. The property owners don't
24 have to be here and the property owners don't

1 have to be on behalf of the temple.

2 MR. CHARLTON: Okay. So they're
3 allowed to make Motions on their behalf to
4 continue this?

5 MS. DONNAN: Correct.

6 MR. CHARLTON: Okay. I just want
7 to make sure I understand that because I'm
8 sitting here looking at like, okay, they're
9 not here. Okay. Let me run through what else
10 I have.

11 So, minimum for Conditional Use is
12 supposed to be 5 acres. They're trying to --
13 that's for any religious institution that's in
14 Farm Residential, regardless of attendance.
15 The application was moving it up to enough
16 people that would require 6 acres. I don't
17 know if they -- now they're saying that they
18 want to reduce the difference between
19 occupancy and actual seats in the building are
20 -- they're not the same thing.

21 Your Zoning Resolution states, you
22 know, if you have so many seats, you're
23 required to have so much acreage. You're also
24 required to have so many parking spaces. If

1 they're moving that number down to 299 because
2 they're trying to do it, that's just one more
3 time they're changing their numbers. They're
4 trying to skirt around all these Rules. I'm
5 starting to look at their applications and the
6 changing and changing as if -- if we're going
7 to approve this, what's the point of having
8 Zoning Rules? That's just kind of a side
9 note.

10 So, they've registered this
11 charity. Now they purchased the property.
12 Immediately applying for their first
13 Conditional Use Variance. Now here we are two
14 years later asking for another one. The other
15 one wasn't to construct a religious structure.
16 They were re-purposing something that was
17 already existing at that time.

18 Sorry, I've got notes in here
19 because it seems like things changed since the
20 last time -- or since the last stuff that was
21 turned in. That, and some things have already
22 been mentioned so I'm trying not to double up.

23 So we're talking about half the
24 size parcel of land that they're on. They're

1 on 3 1/3 acres, where required 5 or 6,
2 depending on what their final application is
3 going to be. They're not even close. It's
4 way too small for what it is that they want to
5 do. And they knew that from the beginning.

6 The gentleman who owns the place,
7 I believe was the one last -- it was July,
8 just about two months ago, stated that he was
9 on the Zoning Commission. So somebody
10 involved in this testified that they're part
11 of the Zoning Commission. They know these
12 Rules. They know what they're doing. They
13 know that they are intentionally trying to
14 skirt the Rules and change this to meet their
15 needs, for some reason on this small little
16 piece of land that isn't big enough for what
17 they need.

18 If I'm doing the math, I don't
19 know, if they're changing things, we're
20 talking about a 56-foot wide building,
21 207-foot wide piece of land, east to west.
22 They've even said that the land is really too
23 small for what they're doing, and it is. They
24 shouldn't be looking to construct building

1 that size, that magnitude on this small,
2 little, narrow section of property.
3 Two-hundred feet wide is not, you know -- a
4 football field playing area is 300 feet plus
5 -- so it's a very small, narrow of a place.
6 It shouldn't be here. It's going to be way
7 too far to the condominium association. If
8 they were needed -- if they were going to try
9 to meet the 100-foot Rule, they'd have to move
10 the property so far to the west -- east, I'm
11 sorry, to the east that they would end up
12 forcing them to put the parking down at the
13 other side of the property to where now the
14 parking is right next to the condo property.
15 And so they're still going to deal with that.

16 So, if you look at the Zoning
17 Resolution, the purpose for Farm Residential
18 District Zoning is use for appropriate land
19 for continued agriculture purposes or
20 construct low density single-family
21 residences. So, I mean, this is straight in
22 the Resolution. Other essential non-urban
23 types of residential and agricultural
24 activities so that the basically rural

1 character of these areas can be preserved and
2 maintained. That's not what they're going
3 for.

4 The proposed temple would require
5 6 acres. They said if they're changing the
6 thing again, okay, fine, 5, but there's still
7 not enough land. It shows a clear intention
8 in the Zoning Regulation, or Resolution that
9 these areas require larger plots of land to
10 maintain that appropriate makeup of the area.
11 Such a structure like, the amenities that's
12 required with the 100 -- well, if it's going
13 to be a 400 seat, it's actually 134 minimum
14 parking spaces. If they're bringing it down
15 below 300, yeah, that's a different one, and I
16 didn't do the math on that yet. So it's still
17 not going to fit the esthetic on the Rule
18 characteristic of which this Zoning
19 designation specifically is required.

20 If you look at that section of
21 area where this parcel is at, where the condos
22 around it, almost all of that is on
23 Multi-Family Planned Residential District,
24 almost the whole thing, except for the sliver

1 across the top of where Orange Road is.

2 So this one for some reason is
3 Farm Residential. It is the only odd one out
4 in that little specific area. It looks like
5 partly due to the amount of trees and foliage,
6 but I'm expecting they need to be taken out to
7 accommodate this. But on top of that, the
8 trees, they're actually fairly thin.

9 I went by there earlier today to
10 take a look at the property. If you stand in
11 the backyards of the condominiums, you can see
12 straight through those. Those trees are very
13 thin. They are very small. And in fact, many
14 of them have fallen down. There are dead
15 trees laying them all throughout there, which
16 creates a property -- I'm sorry, a fire
17 hazard, because that's not been cleaned up.
18 It needs to be cleared out. And that is still
19 directly behind the condominiums. If that
20 fire starts there, you know, it's going to be
21 very difficult to prevent that fire from
22 jumping to the condominiums and destroying all
23 those homes.

24 Again, I'm not trying to double up

1 on talking. So, briefly about parking. It's
2 not just simply the spaces. It's the fact
3 that you need the extra room around the spaces
4 to drive. So, the spaces plus overall drive
5 area moves it much, much bigger. My math was
6 coming out to at least a half, probably a
7 quarter -- closer to three-quarters of an acre
8 itself is going to be designated simply
9 blacktop for parking. That's huge on a three
10 and third parcel of land.

11 Also, the other thing they've
12 touched on is water drainage. There's going
13 to be a lot of runoff from this, a lot of
14 water runoff from the building. You know,
15 they're paving the vast majority -- well, not
16 the vast majority. They're paving a
17 significant portion of their property. They
18 need to have proper drainage. It doesn't seem
19 to be that they're accounting for that and
20 what I've been able to see from the drawings.

21 Yeah, and the property itself,
22 like I said, I was out there, the property
23 actually does slope north to south, which
24 leads directly into part of the condominium

1 association. So something would need to be
2 done in order to raise the back end of that
3 up, or catch it, some kind of drainage system,
4 that would handle not only the amount of
5 normal rainfall, but if there's storms come
6 through, flash flooding -- I don't know if you
7 guys get that here as bad as we do up in
8 north.

9 I live in Barberton and I swear
10 it's nothing but a flood zone. And there's
11 not one person in the City of Barberton that's
12 smart enough to handle it. It's a mess. I'm
13 guessing you guys do a better job. However,
14 flash flooding is a thing in Ohio. We get
15 some solid rainstorms. Water comes down fast
16 I don't know what their plan is to be able to
17 handle that, to prevent flooding in the
18 surrounding areas, because they're basically
19 surrounded by places, there are other
20 properties that it could be a problem for.

21 Again, the property itself is
22 actually owned by two individuals. It's not
23 owned by a religious institution. It's a
24 nonprofit organization. This is a nonprofit

1 organization. I've actually presented the
2 documentation to the Board previously, the two
3 IRS letters, as well as from the State of Ohio
4 showing that they are a nonprofit. It's a
5 weird designation. I listed that in there
6 because I don't fully understand it. I do
7 taxes, but I do not do nonprofit stuff, so I'm
8 sorry I can't speak to the -- not that anyone
9 of you really care anyways, but that the
10 designations, but they are a nonprofit
11 organization, but the nonprofit does not own
12 the property. So individuals are asking for
13 an exemption for something that's not theirs.
14 Whether or not that's actually an issue,
15 obviously, you can refer to your legal
16 counsel.

17 MS. NEFF: May I ask you a
18 question?

19 MR. CHARLTON: Please.

20 MS. NEFF: You said you presented
21 it to the Board?

22 MR. CHARLTON: Yes. I emailed it
23 to the Director who is going to give it to the
24 Board.

1 MS. NEFF: Oh, you emailed it in.
2 Yeah, I've got that here. I just wanted to
3 make sure I didn't miss -- I didn't remember
4 you from before.

5 MR. CHARTLON: Yeah, just that one
6 letter.

7 MS. NEFF: Thank you. Got it.

8 MR. CHARLTON: I saw the Fire
9 Department letter. They've got six points on
10 there. Not to get too deep into that, but we
11 do have serious concerns. David already
12 mentioned. One of the things we're really
13 concerned about is the turn radius. That
14 doesn't that fly because it's right over top
15 of the ADA parking lot -- parking spaces.

16 But just to close. It looks from
17 my perspective, the entire plan is improper.
18 I don't think they can make any changes to
19 make this fit. They really need for what they
20 want to find other facilities, as what they've
21 already said. There's just no way of them
22 handling this. If something happens with the
23 fire breakout, the condos are right next door.
24 It's got trees that aren't being maintained.

1 Everything is right there. The property --
2 I'm sorry, the building and the activities
3 that are held are within such a short
4 distance. And there is not really insulation
5 from the trees, because it just is not thick.

6 If you look at -- they showed the
7 sky view from Google Maps or whatever it is.
8 I've seen that. If you look at the sky view
9 from the County Auditor's website, same thing,
10 except it's taken at a different time of year
11 and it's all brown. It looks dead because
12 clearly it's in the fall. Yeah, right. So
13 there's not really that insulation that these
14 folks, who have been here for years, would
15 want from something that's going to have the
16 kind of activities, and sound and whatnot
17 that's going to come from this organization.
18 So, it's really not appropriate for them to be
19 able to be on such a very small area that's
20 right in the corner of another multi-family
21 residential area.

22 MR. PAX: I did want to -- on the
23 Fire Department truck radius, that was one
24 particular point that I was looking at on the

1 Site Plan. The thing about that radius, so
2 they show that it's turning there. There is
3 the ability for that fire truck to go in front
4 of the building and then hit another 39-foot
5 radius on the parking lot that's on the west
6 side, and then still exit the building. The
7 main thing with the Fire Department, their
8 concern obviously, is that they're not going
9 to back up their trucks. They must be able to
10 keep rolling forward.

11 MR. CHARLTON: Right.

12 MR. PAX: If the fact that the
13 parking lot is designed that way and that the
14 gravel is still left in place, that to me at
15 least was demonstrating there's a viability
16 for the fire truck, for it to address that.
17 So it's not actually doing a complete
18 turnaround and over ADA spaces. They show
19 that graphically to represent that radius. I
20 just wanted to clarify that. So, that's just
21 one thing, though. But I hear all of the
22 other concerns that you're bringing out.

23 MR. CHARLTON: Yeah, I understand.
24 The residents are very concerned about the

1 fact that the Fire Department listed and said,
2 you guys are not even close to meeting the
3 requirements. I understand it's still in the
4 beginning process and that's probably not
5 necessarily what you're here for. However,
6 when we look at the fact that they're not
7 meeting this, it's a safety concern for the
8 neighbors. So they're all looking at the fact
9 that if there's an issue, you know, what's
10 being done?

11 What is there -- you know, one of
12 the reasons we don't have fires that get out
13 of control the way we normally do, except for
14 in Los Angeles, we saw that I think this last
15 year -- if you don't have the fire protection
16 prevention, if you don't have ways of stopping
17 fires going to go and mitigating damages, it
18 keeps going and going and going and going.
19 And if they're not going to have that in place
20 before they put this building up, you know,
21 and something happens because, you know, a lot
22 of times fires happen during construction
23 time, if something happens that catches fire,
24 it's going to jump through those woods in an

1 instant and then we've got half our condo
2 association is homeless. Appreciate your
3 time.

4 MR. PAX: Thank you.

5 CHAIRMAN TREFZ: Thank you.

6 MR. ROBINETTE: Dennis Robinette,
7 8053 Summit Point Place, Lewis Center. And I
8 have been sworn in.

9 CHAIRMAN TREFZ: Thank you.

10 AUDIENCE: I can't hear you,
11 Chief.

12 MR. ROBINETTE: Sorry, I'll try to
13 speak up. Is that better?

14 I have a question to begin with.
15 Is this a never-ending issue? I come from
16 this from a government -- Federal Government
17 contracting background. Do they submit a best
18 and final, or do we keep allowing them to
19 submit their plans until they get approved? I
20 don't understand the process I guess. It's
21 not that we just sat here all evening and may
22 have to do it again, because the Rules are the
23 Rules. But what are the Rules? I mean, do
24 they keep submitting plans? Do they have a

1 best and final? I just don't understand.

2 MS. DONNAN: Mr. Robinette, is
3 that your last name?

4 MR. ROBINETTE: Yes.

5 MS. DONNAN: Okay. So in terms of
6 process and procedure, the Township has
7 deadlines for submitting application materials
8 so that Staff can prepare the Staff Report.
9 The Staff Report generally goes out to the
10 applicant. It is not uncommon for the
11 applicant to either submit additional
12 materials or to come to the hearing with
13 updated materials. It is an interactive
14 process. Recognizing that it can be
15 frustrating for the public, because that means
16 that you may have to come back a couple of
17 times and that type of thing, but at the end
18 of the day, it is a process. Sometimes there
19 is back and forth, sometimes there are
20 multiple hearings, but there's no,
21 unfortunately -- I don't have a set answer for
22 you. I can't say that there's a -- you know,
23 the Board would say we stopped and there's no
24 nothing further, unless the applicant would

1 basically say, this is all I have and this is
2 all I'm going to present to the Board.

3 MR. ROBINETTE: So they can keep
4 making applications until they are tired of
5 making applications?

6 MS. DONNAN: No. I think, quite
7 frankly, that the Board today told the
8 applicant that they're not necessarily in a
9 position to approve the application in front
10 of them, and the applicant read the tea leaves
11 and said they are willing to revise and come
12 back. And if the applicant had said no, I'd
13 like for you to make a decision, then I think
14 the Board would move forward with the
15 decision.

16 MR. ROBINETTE: Alright. Thanks,
17 I think.

18 MS. NEFF: I hear what you're
19 saying, though.

20 MR. ROBINETTE: Well, we're here
21 to offer our opinion based on data that was
22 sent from Eric.

23 MS. NEFF: I know. You all came.

24 MR. ROBINETTE: I mean, he did --

1 his Staff notes are wonderful. But my
2 comments, I mean, do I go through and give you
3 my comments? Because they're going to change,
4 or they may change, so. But it's not just a
5 level of frustration. We just wonder what's
6 going to cause it to come to a conclusion.

7 CHAIRMAN TREFZ: Sir, were you
8 done?

9 MR. ROBINETTE: No, sir.

10 CHAIRMAN TREFZ: Oh, I'm sorry.
11 I'm sorry. You stopped so I assumed you were
12 done.

13 MR. ROBINETTE: I wasn't sure if
14 you were responding. My bad.

15 CHAIRMAN TREFZ: Okay. No, my
16 bad.

17 MR. PAX: I will say that one
18 thing to interject on that, it behooves them
19 to get the case settled because then they can
20 proceed with the project or the work, or they
21 have to make the decision that they are not
22 going to -- they could maybe sell or move to a
23 different lot. But they're not going to --
24 themselves they don't want to continue in a

1 revolving door of this. So, I mean, that's
2 the incentive and that's the process. In my
3 mind I'm thinking, after we get it through the
4 continuance and the next hearing, we should be
5 ready at that point for a vote. That's my
6 personal opinion on how this is going to
7 proceed.

8 MR. ROBINETTE: Yeah, because when
9 we're setting over here listening what's going
10 on, it sort of appears like you guys are going
11 to allow to keep making changes based on what
12 feedback they get until they come, hey, we've
13 answered all the comments, now we want your
14 approval. I don't know if that's right or
15 wrong. That's how it appears.

16 MR. PAX: I want to answer your
17 question. In my mind I think it's because as
18 a Board we were not clear on what we were
19 evaluating and we were not prepared to make a
20 vote because of that. So, once we have them,
21 then at least there's no reason we would not
22 proceed with a vote on the Variances.

23 MR. ROBINETTE: Understand.
24 Understand.

1 MR. PAX: Okay.

2 MR. ROBINETTE: But to that end,
3 it just seems like kind of a shell game. You
4 know, they started with 400 people, but the
5 threshold is 300 and now we're down to 299.
6 What's the next number? You know, it just
7 appears that way.

8 I'll start just with my comments
9 that I think are relevant. They started by
10 saying in May of 2023 it's going to be a
11 temporary church, no new structure, there'd be
12 no noise or evidence that they even existed.
13 Of course, we know that's not the case.

14 I mentioned in the July meeting
15 about the fire ceremony. My wife calls it the
16 toga fire ceremony. And then since the July
17 meeting in late August, they've had -- the
18 week of August 21st, they've had three more of
19 the toga smoke fire rituals in front of their
20 building. As you guys know, we all know the
21 weather is very hot and there's definitely a
22 drought going on. So, I just don't understand
23 why they're doing it. I brought photos and
24 extra copies of photos, if you don't have of

1 this ceremony with the smoke bellowing through
2 our neighborhood. I assume you've got these
3 photos. Okay. So it's just very clear, their
4 ceremony is their ceremony, that's fine, but
5 one spark, one ember -- I've been -- we've
6 been -- where we used to live, we've been
7 through this out west and it's a very serious
8 issue. We don't even have open fires in our
9 neighborhood because of where we live. It's
10 dangerous. I didn't see anything up on their
11 charts about their ceremonies. They didn't
12 mention that. They kept changing the numbers,
13 but they're still going to have their
14 ceremonies.

15 MS. NEFF: Sir, have you talked to
16 the Fire Department about that because I
17 thought we were under a no-burn ban? I don't
18 know what that means as far as the ceremonies.

19 MR. ROBINETTE: Yeah, I don't
20 know. I don't know.

21 MS. NEFF: I was just curious.

22 MR. ROBINETTE: If you go over and
23 talk to the Lieutenant over here, wonderful
24 people, by the way, very helpful, you kind of

1 get different answers.

2 MS. NEFF: Okay.

3 MR. ROBINETTE: They'll say, well,
4 I can't really say it's illegal, but you
5 shouldn't do it. So, I mean, they're trying
6 to get along just like all of us, so.

7 As we know, the proposed layout
8 expands everything and pushes their facility
9 very close to the property line, in some cases
10 into our Hidden Ravine community. Given that
11 their parking lot is at an angle, the parking
12 spaces will be anywhere from 47 to 53 feet
13 from our home. Their 8,000 square foot
14 structure will be about 65 feet from our
15 property line, which is 35 feet closer than
16 permitted.

17 Another shell game, I believe, is
18 the water impoundment pond, 141 foot long, 20
19 feet wide. Their previous chart was 5 feet
20 deep, now it's 3 feet I think they said
21 tonight. It started, the original design had
22 the pond behind the church, and several of us
23 were concerned about the pest infestation and
24 rodents and other things. So now they got it

1 out near Orange Road. Well, they realize
2 there's no way in the world they can go and
3 get a permit from any engineer unless that
4 pond was moved south. Well, it's moving
5 south. It's moving south right on the
6 property line of our development. And
7 depending on how hard the rain is, that water
8 could stand in there a long time, so we're
9 back to the original bug problem that our
10 neighborhood faces every year anyway.

11 The addition of the expanded
12 church and parking facilities right next to
13 our homes will, without question, reduce our
14 property values. Section 701 of the Zoning
15 Resolution states that "The purpose for Article
16 7 is to preserve the basic rural character of
17 this area." To install a new 8,000 square foot
18 building, asphalt parking for however many
19 number of cars, I've got 134 here, light poles,
20 pond, it's going to essentially destroy the
21 property and convert it from the rural setting
22 to an urban look. It will clearly disrupt the
23 peace and tranquility of the 91 families in our
24

1 community.

2 Given his position as a Member of
3 the Orange Township Zoning Commission, the
4 purchaser of this property already knew the
5 property was unsuitable for their needs. He
6 stated during the July meeting that the
7 property is 200-foot wide, deeming the
8 property unusable for this intended purpose.
9 They should have followed the Zoning Rules and
10 purchased a different property instead of
11 forcing the misuse of this land.

12 I got here, the 400 member
13 building, which requires 6 acres, is about 45%
14 of the current size, so they need a much
15 bigger land. So, I don't know if they keep
16 throwing the numbers around, but it's not big
17 enough.

18 We contend their intention all
19 along was to make this location their
20 permanent home. They only stated it was
21 temporary so that their initial request would
22 more likely be approved. We believe this
23 deception should be taken into account
24 regarding the potential lack of truthfulness

1 and accuracy regarding the Variance request as
2 well as the original Variance request.

3 The drawings submitted to the
4 Zoning Board depict a simple, rectangular
5 structure. But if you look at their website,
6 they're also soliciting donations for a grand
7 tower \$50,000, guardian \$30,000, pillar
8 congregation \$25,000. The list goes on and
9 on. But it's going to be a quite a bit more
10 than a simple rectangular structure.

11 One has to wonder why the church
12 is fighting so hard to use this property
13 rather than moving to a property which is
14 obviously much more suitable in size and one
15 which meets Zoning criteria. Is the issue
16 financial? Is it because they have a church
17 member who is also employed by Orange
18 Township? Or is it because the lot is heavily
19 wooded and the church is embarrassed by their
20 rituals? Regardless, it's being forced into
21 our community without regard to Zoning Rules,
22 noise pollution, air pollution, fire safety,
23 property value assessment and unnecessary
24 traffic congestion.

1 Several of our homeowners are
2 already talking about moving. In fact, we
3 were just discussing that before this meeting
4 here. What would happen if the church
5 continues to grow? I mean, they've been
6 successful, which is a good thing for church,
7 and people have the place to be able to just
8 worship, not bad, but good. But if the church
9 continues to grow, what else are they going to
10 do to this little plot of 3-acre land?
11 There's not a hell of a lot else you can do to
12 it. Because they said they would move to
13 begin with, what makes you think they're going
14 to move if it continues to grow? They're
15 going to want more land, there are going to
16 want more facilities. It's really a
17 catastrophe waiting to happen.

18 The 91 families and taxpayers in
19 the Hidden Ravines community are relying on
20 our Orange Township Zoning Board to hold fast
21 to the current criteria which defines the
22 proper and appropriate use of this land. It's
23 logical, established with a continuity of use
24 in mind, and done for the betterment of the

1 entire Township, both public and private
2 sector. We're urging the Board, regardless of
3 rezoning, please hold fast to current Zoning
4 requirements and deny this Variance request.

5 We're also asking the Orange
6 Township Zoning Board to rescind the original
7 Conditional Use Variance approval done in May
8 of 2023. It was based on false statements.
9 They flat out lied made by the landowners,
10 along with hiding the fact that they would
11 periodically have outdoor ceremonies with open
12 fires and now with a sound system. You know,
13 back in August we were surprised -- we weren't
14 surprised with the smoke, although, it was
15 discouraging, but I was surprised when, well,
16 now it looks like being on TV, but you can't
17 turn it down.

18 Anyway, we believe their intent
19 all along was to initially say anything to get
20 their enterprise started, then they could
21 ultimately push for a giant expansion.
22 Rescinding the approval of the original
23 request would return our community to that
24 described in Section 701, Article 7, which is

1 a rural residential community.

2 It's time to stop this
3 never-ending issue. We must return the
4 property to Farm Residential District for
5 continued agricultural purposes and low
6 density single family residences, as stated in
7 Section 701. It's in the best long-term
8 solution for the church, our community and
9 Orange Township. It will allow the church to
10 seek a larger, more appropriate property that
11 they can use when they expand for potential
12 growth. This will avoid the current 3-acre
13 property from being totally destroyed and
14 ruining it for its intended use as described in
15 the Zoning Rules. I'm done.

16 CHAIRMAN TREFZ: Thank you.

17 MS. DONNAN: Board, I do have one
18 clarifying point for the record. The last
19 person to speak did make a request that the
20 Board rescind the prior Conditional Use
21 Permit, and that is not something that you are
22 able to do, even if you were making a decision
23 today. That has been approved. And obviously
24 what has been approved is not up for

1 revocation or anything like that.

2 MR. PAX: Thank you.

3 CHAIRMAN TREFZ: Do you have a
4 question about that?

5 MR. ROBINETTE: A clarifying
6 question, I have a clarifying question; if I
7 may.

8 CHAIRMAN TREFZ: Yeah.

9 MR. ROBINETTE: Just so, once the
10 Variance has been granted, they can continue
11 doing what they're doing now next to my house.
12 Is there an alternative for me? I mean, I'm
13 concerned about the fire service that could
14 potentially burn down some of our houses.
15 What do I do? Who do I call about -- what do
16 I do? Who do I see?

17 MS. NEFF: I know in my
18 neighborhood, the Fire Department actually
19 frequently comes out and tells people to put
20 fires out if they're too big or don't meet the
21 specifications, so you can't call them.
22 That's why I was asking. Because in my
23 neighborhood I've seen them out telling people
24 that -- because there are Rules about that.

1 MR. ROBINETTE: So it's your
2 opinion that that would not be inappropriate
3 for us to call the Fire Department the next
4 time they have one of those ceremonies?

5 MS. NEFF: I mean, they can give
6 you advice about whether it's a danger.
7 That's why I was asking that.

8 MR. ROBINETTE: The only reason I
9 ask the question is it's almost like we have
10 no recourse here but to put up with what
11 they're doing.

12 MS. NEFF: I mean, you can ask
13 them and see if they think it's a safety
14 issue. As you said, they're very kind and
15 helpful.

16 CHAIRMAN TREFZ: Can I go to the
17 applicant?

18 MS. DONNAN: Yes.

19 MR. AVADHANULA: Can I clarify on
20 that as an applicant? The last three weekends
21 ago on the weekend of August 21st was our fall
22 event. That is what we want to clarify. The
23 fire was less than the size of a campfire.
24 Even then someone called the Fire Department

1 on us. They did come out. They saw. They
2 left, just to clarify.

3 MS. NEFF: Thank you.

4 MR. AVADHANULA: They did see
5 that, and they smirked and left. Just to
6 clarify.

7 MS. NEFF: And I do remember at
8 the last meeting you guys clarified that you
9 were having some brush taken out and someone
10 was burning a stump, and you told them, please
11 stop because the smoke was too much.

12 MR. AVADHANULA: Yes.

13 MS. NEFF: I remember that as
14 well.

15 VICE-CHAIR ROSS: If you could,
16 since we have a room full of people and we
17 continued this so that you can speak, if you
18 can make it as brief as possible and say what
19 you want to say so that someone else has an
20 opportunity to speak. We won't limit you, but
21 if you could just for your kindness.

22 MR. RASTOGI: Absolutely. I'll be
23 quick. My name is Amit Rastogi. I'm a
24 resident of 1768 Little Bear Loop, Lewis

1 Center. I have been sworn in.

2 So I want to make two, three quick
3 points. One, I do respectfully disagree with
4 a lot of the categorization of this, or
5 characterization that's been made just now
6 around Board Members, church, you know,
7 visibility of -- I've been in the temple. I
8 have been able to look through the treeline
9 into other people's homes. I think the
10 treeline does provide a good cover.

11 When I moved here in September of
12 '23 I bought the house with the specific view
13 that we have, this temple here near us. And
14 it is important for the community. I think we
15 as the community are being very respectful to
16 the Rules. So we've come here through the
17 formal process, applying for Variances, making
18 our point heard. So if the intent was to keep
19 changing numbers or some of the other
20 allegations that are being made, I do
21 respectfully disagree with that. I think
22 we've been as good citizens, as taxpaying
23 citizens. We've come here. We bought the
24 property ourselves. And there is enough

1 evidence, data, empirical data that when a
2 temple goes up in the community, the
3 neighboring area actually increase in value.
4 And this is not me saying about this temple.
5 Within Lewis Center there at least three or
6 four instances like that, and any realtor can
7 actually pull up the data.

8 So, I want to basically make the
9 point that for the community, the existence of
10 this temple, the availability of this temple
11 near our homes is important. We want to
12 follow the right process. We want to follow
13 the Rules. And if the Rules require us to
14 apply for a Variance, that is what we are
15 doing today. And we want the Board to be
16 sympathetic to the idea and decide in their
17 judgment what is right for us. Is that fair?

18 MR. PAX: Thank you.

19 CHAIRMAN TREFZ: Thank you.

20 MR. PAX: Can I make a point about
21 the parking. This is going back to your
22 application. I do want to make this as far as
23 we have a continuance. There was a Variance
24 request on the parking dimensions, so this is

1 quite sensitive because the Code requires a
2 20-foot depth on space. You're trying to
3 reduce that depth. Why that is important from
4 a design standpoint, typical parking lots have
5 20-foot spaces, 20-foot aisles between the
6 spaces, so you have 60-foot overall width.
7 That is a typical commercial or church, a
8 parking lot. So when you reduce that depth of
9 the parking space, what is happening is the
10 rear end of that car is poking out into the
11 aisle. It's highly sensitive because now you
12 are reducing that 20-foot clear width that is
13 a design requirement typically with a parking
14 lot. So, be sensitive of that with your
15 engineering, with your design engineer, with
16 your architect, when you're looking at that.

17 And you can selectively locate
18 reduced spaces that may not have an aisle way
19 between them. That's one way of doing it. But
20 just have to be careful about it because that
21 is a concern just for safety and for Fire
22 Department access, et cetera. Okay. Thank
23 you.

24 MR. TANGIVALE: Can I talk?

1 CHAIRMAN TREFZ: Sure.

2 MR. TANGIVALE: Yeah. Well, thank
3 you for that comment, but the intent is not to
4 reduce anything less than 20 feet. I think we
5 recognize it. I think it was something that
6 the plan was --

7 MR. PAX: So that would be
8 rescinded?

9 MR. TANGIVALE: Yeah, it was
10 already -- yeah, it was already updated to
11 regulations.

12 MR. PAX: That's great. Thank
13 you.

14 MS. MANS: And if I may also
15 clarify.

16 CHAIRMAN TREFZ: To the mic.

17 MS. MANS: If I may also clarify,
18 the radius for the Fire Department, based on
19 the comments from the Fire Department, the
20 radius has been increased and reflected in the
21 submission.

22 Now, with the other comments about
23 the storm sewer and the building size, parking
24 lot, we hired the civil engineer,

1 professionals that we trusted. That, you
2 know, if they are being questioned, then I
3 don't know who else we can hire to justify our
4 redesign.

5 MR. TANGIVALE: Yeah. And I will
6 say, well, first of all, I know there's I
7 think several folks have talked about the
8 inconvenience and we recognize it. But I
9 think, you know, the intent of a resubmission
10 was not to change the numbers. It was to
11 respond to the comments from the, you know,
12 from the Staff, so I just want to make sure.

13 CHAIRMAN TREFZ: Okay. Ma'am.

14 MS. SISLER: Yes. Hi. I'm
15 Heather Sisler. I put my business address.
16 Do you want my Delaware County address
17 instead?

18 CHAIRMAN TREFZ: Your home
19 address.

20 MS. SISLER: I'm 8480 Maple Leaf
21 Court, Powell, Ohio, 43065. Yes, I was sworn
22 in.

23 MR. GAYETSKY: Okay. Thank you.

24 MS. SISLER: Beautiful. I

1 represent the Healthy Pets of Lewis Center,
2 which is actually their neighbor right next
3 door. And so our number one concern is the
4 water that's going to hit our property.

5 But the secondary item, which
6 nobody here knows, is they actually came to us
7 and asked if they could buy our land, so I
8 went and met the temple owner back in April.
9 Went and had a nice sit-down meeting with
10 them, handed them my card, and they said, oh,
11 we'll have our agent call you. Nothing has
12 happened. So here we are. So a lot could be
13 -- have resolved months ago and we wouldn't
14 have this issue. They could have just bought
15 our land because they reached out to us first
16 thing.

17 CHAIRMAN TREFZ: Okay.

18 MS. SISLER: So that needs to be a
19 record. Because we don't want water issues on
20 our property, and we are the west.

21 MS. NEFF: Are you saying there's
22 a piece of the Healthy Pets property that you
23 guys were willing to sell?

24 MS. SISLER: They came to us and

1 asked if they could buy our --

2 MS. NEFF: And you guys are
3 interested in doing that?

4 MS. SISLER: They gave they asked
5 us if they could buy it.

6 MS. NEFF: That little section.

7 MS. SISLER: So the record needs
8 to show that.

9 CHAIRMAN TREFZ: Thank you.

10 MS. MANS: May I ask for
11 clarification on that?

12 CHAIRMAN TREFZ: Yeah. Come to
13 the mic, please.

14 VICE-CHAIR ROSS: Please identify
15 yourself, or at least for them because we have
16 someone transcribing this.

17 MR. AVADHANULA: This is Karthik
18 again, 1510 Cottonwood Drive. Thank you for
19 the comment. As you can see, it's our intent
20 to be within the Rules and get a larger parcel
21 here, but we are trying our best. Thank you
22 for your comment today.

23 MS. SISLER: Sure. Like they
24 reached out to us. So if they intend to want

1 to be where they are and they want our vacant
2 land, if they reached out to us to begin with,
3 I don't know why they would have just dropped
4 the ball. It's just mind boggling.

5 But the water concerns with their
6 engineer firm, what guarantee is they're going
7 to put in this and then we're not going to
8 have concerns or have problems?

9 MR. PAX: Ma'am, just to answer
10 your question. I consider that just due
11 diligence on their part. They're looking at
12 options, if they possibly would or could purchase
13 that property. If I were a designer, their
14 architect or engineer, I would ask them if you've
15 got a property available there that you could
16 use, pursue at least what are your options? So
17 they may have been asked by their design
18 consultant to do that.

19 MS. SISLER: But if they don't --
20 but they dropped that back in April, correct.
21 So they have not called us back. They've not
22 emailed us, or their temple owner has not done
23 that since I went and took my shoes off, met
24 with them and had a great conversation. I

1 told them we would be interested in selling
2 because they approached us first.

3 MR. PAX: Understood. I just
4 think that, again, it's probably a due
5 diligence on their part to see if they have
6 the option.

7 MS. NEFF: And see how much it's
8 going to cost.

9 MS. SISLER: Well, they named a
10 price, so.

11 VICE-CHAIR ROSS: We actually do
12 have you on the record now.

13 MS. NEFF: We really appreciate
14 that.

15 VICE-CHAIR ROSS: We don't know
16 what's in their head or what's in yours, so.

17 MS. SISLER: Right.

18 MS. NEFF: Or what's in their
19 budget.

20 MS. SISLER: Right. We don't know
21 any of that. But what I am stating is that we
22 -- they came to us. And what my concern
23 representing Healthy Pets is if they move
24 forward with their proposed paperwork that

1 they provided to you and they put in their
2 retention pond, or we have water runoff, it's
3 going to hit Healthy Pets. And you would have
4 to go back in time and pull up the Healthy
5 Pets' drawings of how our building is already
6 there because we are the property to the west.
7 So the person you're going to affect is our
8 building that's already in place. That's your
9 first casualty. So, that gentleman is talking
10 about water runoff and how it's going to
11 damage what's already existing, besides the
12 smoke, the water is the next thing, and water
13 is fierce.

14 MS. DONNAN: Board if I may.

15 CHAIRMAN TREFZ: Yes.

16 MS. DONNAN: A couple of items.

17 And obviously, thank you for your comment and
18 feedback. I think it has been noted for the
19 record that there was discussion about the
20 property acquisition. Obviously, this Board
21 can only review the application and amendments
22 that are in front of it. And your comments
23 about water runoff have absolutely been noted
24 as part of the record.

1 CHAIRMAN TREFZ: Yes.

2 MS. DONNAN: I do want to mention
3 that with respect to water runoff when, and
4 this is part of the engineering process and
5 that type of thing, when water retention ponds
6 are installed, they cannot cause additional
7 runoff onto neighboring properties. If it
8 were to occur, there are potential liabilities
9 that it would be an owner to owner situation.
10 But from an engineering perspective, from a
11 legal perspective, that retention pond goes
12 in, water runoff should not go from the temple
13 property onto any other property.

14 MR. GAYETSKY: I think this was
15 made mentioned at the last hearing as well,
16 regarding drainage or runoff, the commercial
17 building department is with Delaware County.
18 And with these improvements, the applicant
19 would be required to go to the County and they
20 would be looked at as far as the drainage
21 engineering. So Delaware County would review
22 that process, and I understand that process
23 entails looking at surrounding properties,
24 ensuring that surface water runoff does not

1 impact those surrounding properties. So those
2 sorts of reviews and calculations are handled
3 at the County level.

4 MS. NEFF: So they would have to
5 go through that process after they go through
6 this process.

7 MR. GAYETSKY: Zoning, correct.

8 MS. NEFF: Okay.

9 CHAIRMAN TREFZ: Anything else?

10 MS. SISLER: Okay. That's it.

11 Thank you.

12 CHAIRMAN TREFZ: Great. Thank
13 you. Anyone else want to speak? Sir. Yes.
14 I'm sorry if I missed you.

15 MS. NEFF: He's behind the column.

16 CHAIRMAN TREFZ: You were behind
17 the pillar from me.

18 MS. NEFF: No, it's okay. Go
19 ahead.

20 MR. PANDYA: Ajay Pandya, 5974
21 Tournament Drive, Westerville 43082. I have
22 sworn. Heather is my good friend. I'm also a
23 realtor. We work in the same company. And I
24 am the agent for the applicants. I was given

1 the number and probably wasn't the right
2 number. I didn't get the right name;
3 otherwise, we would have contacted them.
4 Actually, you know, same office, we could have
5 talked. And if there was a case about
6 resolution, we would have done that. So there
7 was some kind of miscommunication, and
8 unfortunate that she didn't follow up and say,
9 who's your agent, let me reach out, but it's
10 okay, neither here nor there. That's not the
11 point.

12 But what I'm trying to say is a
13 really, unique Hindu methodology, the temple,
14 the deity itself. It is really emotional the
15 way it sits and the way it is placed there, to
16 locate it. It is -- a lot of people have a
17 very religious and emotional attachment to it.
18 We are good neighbors. Definitely they -- I
19 don't really see a problem.

20 People are saying, oh, they're
21 changing numbers and stuff. All they're
22 trying to do is do their best so that they can
23 make the people surrounding it happy and they
24 can still be there. And the reason for

1 increasing the size is that whenever the
2 ceremony and stuff is nobody else will get
3 bothered, and they'll be able to do it
4 themselves inside and the noise level will be
5 below. And definitely, we are following the
6 guidelines. And there is not really -- we
7 are in Fire Department compliance and all of
8 that, so it's not really the issue.

9 But as far as I also wanted to
10 say, you know, it was mentioned about the
11 values. There are lots of churches and
12 temples around the -- Orange Township and
13 Lewis Center area. And all I see is that
14 around, nothing else I think temple actually
15 helps to increase the value.

16 It also helps to bring the
17 actually good vibes to, and you know, lack of
18 better terminology, no crime. People come and
19 pray. People bring their family. And there's
20 a lot of service and welfare for community
21 happens over there. People do get together
22 and do work for overall goodness of community.
23 So they're not there to really make any kind of
24 problems to anybody.

1 Yes, it was a smaller land, but
2 when an organization needs it, even how hard
3 it was to raise that much money. Yes, they
4 could have gotten 20 acres, but for them to
5 really get there, it was so hard to go to the
6 community and ask them to get that much money
7 to do that. And they're still trying their
8 best to do that. So just wanted to mention
9 that to you guys. Thank you.

10 CHAIRMAN TREFZ: Thank you.

11 MR. HARI: My name is Karthik
12 Hari. I live at 1466 Little Bear Loop. I
13 have not been sworn in. I'm just here to give
14 a testimonial as a member of the community.

15 CHAIRMAN TREFZ: Well, you need to
16 be sworn in, so please raise your right hand.

17 Do you solemnly swear that the
18 testimony you shall give shall be the truth,
19 the whole truth, and nothing but the truth; if
20 so, state I do.

21 MR. HARI: "I do."

22 CHAIRMAN TREFZ: Thank you. And
23 you've given us your name and address already,
24 right?

1 MR. HARI: Yes.

2 CHAIRMAN TREFZ: Okay.

3 MR. HARI: I would like to say
4 that I'm here because about a week ago, a week
5 and a day ago I was in a near death experience
6 and I was rushed to a trauma center. And the
7 first thing that I asked for my parents to do
8 when they came to get me was to bring me to
9 this specific temple. This is a very unique
10 place. It is the place where this community
11 has really created deep bonds.

12 I grew up in Columbus, mostly in
13 Worthington, but I hope to remain in Columbus
14 for the rest of my life. I hope to raise my
15 family here. And the near death experience
16 aside, one day long from now, I hope to leave
17 Columbus peacefully. And until that time, I
18 would love to keep coming back to this temple.

19 I think that there may be a
20 miscommunication about the amount of people
21 that come. It's a very small community. In
22 fact, I look over and I see incredibly close
23 friends, neighbors, mentors, children that
24 I've seen grow up from when they were really

1 just tiny, and I'd like for that to continue.

2 Yes, it is true, there are
3 occasionally the temple events that are the
4 ceremonial flames. But I can tell you this as
5 somebody that is planning an Indian wedding at
6 an indoor venue, the ceremonial flames that
7 are performed outdoors are the exact same ones
8 performed by the same priests that are
9 certified to do it indoors at venues, for
10 example, like the one that I'm having in a
11 couple of months. Fire safety is always
12 paramount, in fact, safety is paramount, and I
13 can vouch for that because I've grown up my
14 whole life around it.

15 One thing I can say is we would
16 like to be good neighbors. We want to
17 contribute to the community, to our
18 neighborhood, and to make everyone feel safe,
19 not just those of the same faith, but of any
20 faith for, you know, us to be able to
21 cohabitate and to exist in the same space.

22 And I just hope that -- I know
23 that today we are at an impasse, but in the
24 future as you look towards making a decision,

1 that you just hear that today a lot of us are
2 here to talk about faith, and we intend to in
3 good faith uphold our part of the bargain.

4 Thank you.

5 CHAIRMAN TREFZ: Thank you.

6 Anyone else? Yes, sir.

7 MR. MOORE: Hello. So, Chris
8 Moore, 8061 Summitpoint Place, Lewis Center.
9 I have been sworn in. If you need to speak
10 up, I'd be shocked.

11 CHAIRMAN TREFZ: No, I think
12 you're okay.

13 MR. MOORE: I just thought -- I
14 know it's been referenced, the first
15 application on May 18th, 2023, I did submit
16 some comments today to Eric. I apologize for
17 the late submission, and I don't know if
18 you've had a chance to see those. But you
19 know, I think, even though the original
20 application has been referenced, I think the
21 actual words that were said by the applicants
22 at the time should be made record.

23 After Mr. Vijay, who was
24 representing the temple was sworn in, he said,

1 "alright, yes, I have sworn. And yeah, so
2 this is like a temporary worship place. And
3 this place is going to be a place of worship
4 on an individual basis. There is no assembly
5 or anything. And this is going to be a
6 temporary. As I said, when we plan to grow
7 big, then we are going to move out of there."
8 Ms. Sundar, on the Board questioned, "So when
9 you plan to make it bigger, it's not going to
10 be the same property you mean?" Mr. Vijay,
11 "that's right." Ms. Sundar, "So you're going
12 to move on so this is going to be very
13 temporary. Thank you so much." Mr. Vijay,
14 "that's right. Right. Correct."

15 If I could swear my dog, he would
16 actually tell you that they can be seen even
17 with this full foliage at this time, and it
18 can be clearly seen. And with the reduced
19 forestation and all that, I think, you know,
20 which does even help with noise reduction, as
21 it currently is. And if you had a chance to
22 view the video I submitted from their thing,
23 their outdoor ceremony, which in the original
24 application they said there would be no

1 outdoor noise and no outdoor ceremonies. It
2 would all be indoors, similar to the wellness
3 center that was previously established there.
4 So those are all my comments. And thank you
5 for your time.

6 CHAIRMAN TREFZ: Thank you.

7 MR. GAYETSKY: I was able to
8 incorporate Mr. Moore's comment into the
9 packet that is printed out as well. There was
10 no way to email the video, however, that was
11 saved in the case file and it can be displayed
12 if any of the Board wanted to see it on the
13 screen, so I will just leave that to you.

14 MR. MOORE: It's not much seen in
15 the video. It's the volume.

16 CHAIRMAN TREFZ: Anyone else?

17 MS. BAJAJ: Hello. My name is
18 Beata Bajaj. I'm a resident at 6372 Fox
19 Hollow Drive.

20 MR. BAJAJ: Kunal Bajaj, husband,
21 same address. We both need to be sworn in.

22 MS. NEFF: They need to be sworn
23 in.

24 CHAIRMAN TREFZ: Raise your right

1 hand. Do you solemnly swear that the
2 testimony you shall give shall be the truth,
3 the whole truth, and nothing but the truth; if
4 so, state I do.

5 BOTH: "I do."

6 CHAIRMAN TREFZ: Thank you.

7 MS. BAJAJ: I wanted to come up
8 and just share from our side. We've been
9 residents here in the Genoa Township in the
10 vicinity of the temple for the past about 18
11 years. We frequent the temple in the recent
12 you know couple of years pretty regularly.
13 And just hearing the testimony today, I've
14 come to understand that the temple is trying
15 to, in good faith, make amends to their former
16 plans that, as everything in life change. And
17 if there is opportunity for growth and
18 continuance of use of the property, it would
19 make sense to make adjustments and make proper
20 plans to make the property safer and the right
21 size for the community.

22 I look at the number variations as
23 just a sensible response to the concerns of
24 the community. If the numbers do not reflect

1 the proper allowance, then obviously we have
2 to adjust. Like with everything when you open
3 your own property and you realize you do not
4 have the funds or you do not have the space,
5 you obviously make adjustments in your
6 original plans, not because you had the wrong
7 intention or you were giving false testimony.
8 It's because the legality is demanding
9 adjustments.

10 And I just wanted to state that as
11 a family of five, we're rooted here in the
12 community. Our children are from the
13 Olentangy School District. To us the temple
14 is an important part of our experience. We
15 worship there and we do so regularly on
16 Saturdays, and it's part of our tradition.

17 We used to attend temple in the
18 Powell area, which is about 35 minutes away,
19 which sometimes makes it for a challenging,
20 you know, arrangement. So, to us it's very
21 convenient, and it's very advantageous to have
22 this temple. Our children attend school with
23 some temple's children. And so it's -- to us
24 it feels like a community, and it's very

1 enriching to our life.

2 MR. BAJAJ: Just a couple
3 additional points.

4 CHAIRMAN TREFZ: Louder.

5 MR. BAJAJ: We've talked about
6 moving several times. We've had that
7 conversation. There's three things that have
8 kept us here. One is the awesome school
9 district. The second thing is we love our
10 neighbors and we have close friends here. But
11 the third most important thing is the presence
12 of this temple. We have two teenagers at
13 home. If you tried to convince two teenagers
14 to take a 40-minute drive to a temple and
15 drive back another 40 minutes, that's a tough
16 sale. They actually make it a point to attend
17 this temple with us because of the close
18 proximity. So this has enriched our lives
19 significantly since the temple opened.

20 We really hope that you would give
21 this temple Variance the due consideration
22 that it certainly deserves. That's all.

23 CHAIRMAN TREFZ: Thank you. I'm
24 trying to look around pillars and corners.

1 Anyone else? Yes, sir.

2 MR. FOX: Ron Fox, 424 Summer Tree
3 Way. I've been sworn in.

4 CHAIRMAN TREFZ: Thank you.

5 MR. FOX: Eric, can you bring up
6 the last document that the applicants had?

7 MR. GAYETSKY: Are you talking
8 about the most recent submission?

9 MR. FOX: Yes.

10 MR. GAYETSKY: That would be -- we
11 had that up earlier.

12 MR. FOX: It was the one where
13 they said they had met all of the --

14 MS. DONNAN: Was it the
15 PowerPoint?

16 MR. GAYETSKY: Maybe it was the
17 PowerPoint.

18 MR. FOX: They said they had met
19 all the requirements to satisfy the residents.

20 MR. GAYETSKY: It looks like it
21 was from the slides in their PowerPoint.

22 MR. FOX: I would like to protest
23 that, because we're here tonight because we
24 want the Zoning Board to understand the

1 difference between 5 acres and 3.35. We got a
2 lecture two months ago about justice, which I
3 didn't care for. Okay. But you let it go on.
4 So I would say, the last two months ago when
5 you said, you've got to have your ducks in a
6 row, where are we? So I just want to say I
7 protest everything that's been said tonight
8 practically. Thank you.

9 CHAIRMAN TREFZ: Okay. Thank you.
10 Ma'am.

11 MS. WEBSTER: Linda Webster, 8096
12 Scenic Pass Way, Lewis Center. And I have
13 been sworn in.

14 I just want to make one brief
15 comment about something that I don't think has
16 really been addressed tonight. If you look at
17 the website for the temple, it says that they
18 are announcing the creation of a new temple
19 envisioned as a spiritual sanctuary for
20 generations to come. And they are also
21 seeking to raise \$2 million for the
22 construction of a grand tower, a pillared
23 prayer hall for gathering chanting and
24 spiritual community and ornamental rooftop

1 structures. I don't see where any of those
2 things are in the current plans that they have
3 submitted.

4 And I have to question if it's
5 approved what they're asking now, are they
6 going to be back in another two years asking
7 for another variance to build these things
8 that are on their website? Thank you.

9 CHAIRMAN TREFZ: Thank you.

10 MR. REDDY: Good evening,
11 everyone. I have already been sworn in. So
12 my name is Raghuma --

13 MS. DONNAN: Your name and
14 address, sir.

15 CHAIRMAN TREFZ: That's what he's
16 getting to.

17 MS. DONNAN: Oh, pardon me.
18 Please.

19 MR. REDDY: Raghuma Reddy. I'm a
20 local resident, and my address is 573 White
21 Fawn Run, Delaware, Ohio.

22 So to begin with, this temple is
23 not just a place of worship, it's a community
24 center, a cultural club, and a vital resource

1 for hundreds of families in this area. As the
2 community grows, so does the need for an
3 adequate space to worship, celebrate and
4 serve. The proposed expansion will allow the
5 temple to operate safely and respectfully
6 without causing undue burden on the
7 neighborhood.

8 Our temple management has been
9 proactive in addressing concerns like traffic,
10 noise and parking. They are willing to work
11 with the committee in good faith to find
12 solutions. I urge you to approve this
13 proposal and support the value of inclusion,
14 fairness and community growth.

15 So, yeah, and to add more, I have
16 seen some of my friends who is coming to visit
17 this temple from Cincinnati and Cleveland.
18 The reason is this is a unique temple. This
19 is the only temple in, to my knowledge, in the
20 Central Ohio, this is the only temple that
21 brings the uniqueness. And to add more,
22 whoever come here is we all came voluntarily,
23 so we are not reaching out to attorney or like
24 representers.

1 And I see some people are
2 concerned, just in case fire catches up the
3 other houses nearby will be a problem. But
4 what surprises me is like this building is a
5 one building in 3 acre lot, but there is a
6 community, they build four to five houses in 1
7 acre. So that really surprises me why they
8 are not concerned about that. And to add
9 more, when they were sharing the map, I see
10 that lot has more green space than any other
11 lot, other than the adjacent lot. They have
12 got all the trees, and they are developing all
13 the commercial things. And the builder, who
14 the houses where he is residing now, the
15 builder he cut down all the trees. He did
16 enough damage to the environment and
17 everything. And for his profit, he built
18 those houses.

19 I am happy for having this taken
20 care by temple. If not, this lot would have
21 been bought by the same builder and he would
22 have added more 20 more houses. So, that's
23 all I would like to add. Thank you very much.

24 CHAIRMAN TREFZ: Thank you.

1 MS. NEFF: Thank you.

2 MS. SISLER: Alright. I'm just
3 going to say what I need to say because I'm
4 sorry -- yes, I'll reintroduce myself. I'm
5 Heather Sisler with Healthy Pets. And I'm
6 really sorry for taking everybody's time this
7 evening.

8 MS. DONNAN: Please direct your
9 comments to the Board.

10 MS. SISLER: So, I apologize.
11 Yes, I'm Heather Sisler for Healthy Pets. I'm
12 8480 Maple Leaf in Powell. So, I appreciate
13 him speaking. And number one, we're all under
14 oath, correct? Yes, we are. So, AJ left.
15 I'm not friends with AJ. I just happened to
16 work for Emerge. Number one rule of real
17 estate, don't lie. Everything you write down
18 is honest. Everyone here just wants to live
19 in harmony, correct? Yes, we do.

20 AUDIENCE: Yes.

21 MS. SISLER: That's all we want.
22 So, that's what the Board is trying to figure
23 out here. And it's not going to get solved
24 tonight. We've already determined that. So,

1 at some point we have to determine, we're
2 going to have to come back, period. Whether
3 we talk about this for two more hours or we
4 say we're coming back, we're going to beat a
5 dead horse. That's what it comes down to.

6 I understand we can put so many
7 things in this green space. It is what it is,
8 but how and what the City determines you can
9 use that green space is up to them. And
10 commercial is different than residential, and
11 that is what the hard thing is when you have
12 commercial that butts up to residential
13 because this is actually plotted as a
14 commercial subdivision.

15 So, at the end of the day, I'm
16 sorry for coming up here and being frustrated,
17 but I know everybody else here is so I figured
18 somebody ought to just jump the gun and say
19 it.

20 CHAIRMAN TREFZ: Thank you.

21 MS. SISLER: Cool. Anything else?
22 Did I solve the statement that everybody is
23 thinking?

24 AUDIENCE: What did they offer

1 you?

2 CHAIRMAN TREFZ: No, no, no.

3 MS. NEFF: Ma'am, you have to
4 address the Board.

5 MS. SISLER: I can't disclose what
6 they offered, but I'm going to tell you, green
7 space is a premium. Okay.

8 CHAIRMAN TREFZ: Yeah.

9 MS. SISLER: And they came to us.

10 CHAIRMAN TREFZ: We understand.

11 MS. SISTER: And --

12 MS. DONNAN: Ma'am, again, you've
13 let the Board know and it's reflected in the
14 record, however, I don't know that there's
15 anything additional --

16 MS. SISLER: I'm just saying that
17 --

18 CHAIRMAN TREFZ: Ma'am, all
19 comments must come to us.

20 MS. SISLER: So, I'm sorry. I
21 just see people shaking their head, and I'm
22 thinking, I know everybody is getting tired
23 and they just probably want to go home sooner
24 than later. If we're going to extend this

1 meeting again, I just figured somebody ought
2 to come up here.

3 CHAIRMAN TREFZ: Well, that's
4 fine, but let's -- if that's done, I would
5 like to move to the next person who wants to
6 talk.

7 MS. SISLER: Great. Thank you.

8 CHAIRMAN TREFZ: You're welcome.

9 MS. PALACHANDRA: Can I say something
10 that's short?

11 CHAIRMAN TREFZ: Go ahead.

12 MS. PALACHANDRA: Hi. My name is
13 Nishkala Palachandra. I live at 2249 Shale
14 Run Drive, Delaware, Ohio 43015.

15 CHAIRMAN TREFZ: You've been sworn in.

16 MS. PALACHANDRA: I have not.

17 CHAIRMAN TREFZ: Please raise your
18 right hand. Do you solemnly swear that the
19 testimony you shall give shall be the truth,
20 the whole truth and nothing but the truth; if
21 so, state I do.

22 MS. PALACHANDRA: I do.

23 CHAIRMAN TREFZ: Okay. Thank you.

24 MS. PALACHANDRA: It's just to

1 answer her point of contention. I understand
2 her frustration. We've all been here very
3 long. I get it, we're all tired and hungry, and
4 probably tired. But just to answer her question
5 of we reached out first. That's my dad, who is
6 the owner. He just said that they didn't -- we
7 didn't reach out first. They came and contacted
8 us first, and that's it.

9 And just as someone else
10 mentioned, we're probably from, I don't know
11 his mind, but we're probably just looking at
12 different avenues and trying to figure out
13 what works best, but yes.

14 CHAIRMAN TREFZ: Okay. Thank you.
15 Do you want to talk? Please up here or the
16 mic, either one.

17 MR. AVADHANULA: Alright. Hearing
18 all of the comments, my name is Karthik
19 Avadhanula, 1510 Cottonwood Drive, Lewis
20 Center, representing the applicant. I want to
21 clarify a few things, too, because of the
22 comments that we have today.

23 AUDIENCE: We can't hear him.

24 MR. AVADHANULA: I would like to

1 clarify a few things because of the comments
2 that were made today. If someone has taken
3 the extra step to check our tax exempt status,
4 they should have also checked that for the
5 last two years we have paid all taxes. We
6 have not taken advantage of any of our tax
7 exempt status. We have paid the Federal tax.
8 We have paid the County property tax and the
9 State tax, so I would like that to be very
10 clear on the record. That we pay taxes even
11 though we are a non-profit. We have tax
12 exempt status, but we think it is an important
13 thing to give back to the society, and that is
14 part of our mantra. And we don't take from
15 them, we actually give back. So we have paid
16 taxes for last two years. We have not taken
17 advantage of the tax exempt status. We would
18 appreciate if you can take the next step to
19 also check that. Thank you.

20 And coming to some of the
21 clarifications. The three weeks ago, that was
22 our annual gathering, because there was
23 repeated comments about this happening again
24 and again. It only happens twice a year, once

1 in spring, once in fall. I want to re-clarify
2 that. And that is when you see the number of
3 people.

4 And regarding that, there was a
5 comment about are we trying to tire everybody
6 out by trying to resubmit and resubmit? We
7 are trying our best to accommodate the
8 concerns neighbors have. That's why we are
9 changing our plans. We are trying to
10 accommodate you. We are trying to be the best
11 neighbor that is possible and that's why we
12 are trying -- we are changing our plans to
13 make sure you are comfortable. That is the
14 reason why we have change of plans. When we
15 submit it, there were comments, additional
16 comments given to us, we address them and
17 resubmit it because we want to be the best
18 neighbor.

19 We want to do this by the rules.
20 And that is exactly why we only want two
21 Variances, one to make this property useful.
22 It's only 200 feet wide. To be able to use
23 this property, we need that Variance. And the
24 second is, it's 3.35. We are trying all

1 avenues, as you can see here, but we would
2 like for the same Variance to be continued.
3 Those are the only two Variances we think we
4 need. And all of the problem -- all of the
5 things we are trying to accommodate for the
6 neighbors.

7 There was questions about storm
8 drainage and comments about storm coming --
9 there is flash flooding and all of that. The
10 civil engineers have designed this for us, as
11 Anil mentioned. It is designed for 100 years
12 post and 10 year past. So it is not designed
13 for today. It is designed for the next 100
14 years, just like any other requirement is as
15 needed by the County. And it is done in
16 discussions with the County. I wanted to
17 clarify that.

18 Another thing there is a comment
19 -- there were comments, multiple comments
20 about being able to see the property from the
21 treeline. There is no property that you can
22 completely hide with the trees. As mentioned
23 previously, I'm on the Zoning Board, we are
24 rewriting the Zoning Law. Alright. And we

1 are preserving 65 feet of mature treeline on
2 the west side. For reference, an industrial
3 property in Lewis Center, which is on the
4 Green Meadows Drive, has to only provide 6
5 feet of screening. A commercial property
6 doesn't even have to do that. We are
7 providing 65 feet, ten times what is required
8 for an industrial property. I want that to be
9 noted.

10 There were comments about fire
11 events. We treat fire, water, all elements of
12 nature, as our gods. That is part of our
13 Hindu tradition. And we respect the fire and
14 we treat it with utmost respect because we
15 feel -- our scriptures say that fire is a
16 medium towards god. And that is exactly why
17 we have fire in our rituals. And this fire is
18 in less than a campfire every single time. It
19 is certified to be operated indoors. We only
20 operate outdoors because we want to be safe.
21 And anytime we have this fire, at least ten
22 people are around it watching it. There is
23 not a single time where there is an active
24 fire where nobody is watching it. That never

1 happens. The ending of the ritual is turning
2 off the fire. Only after turning off the fire
3 is when we leave.

4 And there was an interesting
5 comment about the ornamental stuff and \$2
6 million raised. We are trying. We are trying
7 to raise money because these things are not
8 cheap and these things are not made here.
9 They come from a different part of the world.
10 There's a lot of cost. And the ornamental
11 stuff that is mentioned -- I would like to go
12 back to the Site Plan where we show the
13 inside.

14 MR. GAYETSKY: The floor plan?

15 MR. AVADHANULA: The floor plan.
16 You see on the left side of it there are five
17 things. Those five things are indoors and
18 these ornamental stuff go on top of the indoor
19 structures. They are not outside the
20 building. They are inside the building.
21 Okay. Just to clarify.

22 And there was a question about
23 parking many times. The parking, as per the
24 Zoning Rules, is dictated by the square

1 footage of the gathering space because we do
2 not have seating. We do not provide any
3 seating. The congregation place is just a
4 standing space. We just stand or sit on the
5 floor. That is part of our ritual. And the
6 square footage space dictates 105 parking
7 spaces to be needed. There are many comments
8 about more parking needed -- more parking
9 being needed. That is -- just to clarify,
10 that is not needed. Okay. The calculation is
11 dependent on the amount of square footage
12 space for the gathering. Those are some of
13 the comments I had and clarifications. Yeah,
14 that is all.

15 CHAIRMAN TREFZ: Okay. Thank you.

16 MS. DONNAN: In terms of
17 continuance dates, do you want to confirm with
18 the applicant what dates would work.

19 CHAIRMAN TREFZ: Are you ready to
20 make a request for the continuance?

21 MR. AVADHANULA: Yes, we are ready
22 to make a request for the continuance.

23 CHAIRMAN TREFZ: Okay. Do I hear
24 a Motion to grant the continuance?

1 MR. GAYETSKY: I do want to make
2 mention of the two dates for the next meeting.
3 So the next available meeting, regular meeting
4 is going to be on October 16th, Thursday. The
5 subsequent meeting is November 20th, also a
6 Thursday.

7 CHAIRMAN TREFZ: Okay. They're
8 trying to decide, I think.

9 MR. AVADHANULA: Because I have
10 been part of the application for this long,
11 and I'm not going to be in the country in
12 October, in the month of October, so we
13 request it can be November date.

14 MS. NEFF: The November date.

15 MR. GAYETSKY: So that would be
16 November 20th at 6:00 p.m. in this room.

17 CHAIRMAN TREFZ: Yeah. Okay.

18 MS. DONNAN: 6:30?

19 MR. GAYETSKY: 6:00 p.m.

20 VICE-CHAIR ROSS: I move to
21 continue Case No. VA-CU-25-15 to November
22 20th, 2025 at 6:00 p.m. in this facility.

23 MR. PAX: Second.

24 MR. GAYETSKY: A Motion to

1 continue the application to November 20th at
2 6:00 p.m. right here in this room, That was
3 made by Ms. Ross, seconded by Mr. Pax. Those
4 voting:

5 Mr. Trefz.

6 CHAIRMAN TREFZ: Yes.

7 MR. GAYETSKY: Ms. Ross.

8 VICE-CHAIR ROSS: Yes.

9 MR. GAYETSKY: Mr. Pax.

10 MR. PAX: Yes.

11 MR. GAYETSKY: Ms. Neff.

12 MS. NEFF: Yes.

13 MR. GAYETSKY: And Mr. McCoy.

14 MR. MCCOY: Yes.

15 MR. GAYETSKY: Motion carries.

16 CHAIRMAN TREFZ: Thank you.

17 Those of you that want to exit

18 stage right, left, actually, but you're
19 welcome to, please, if you're going to talk,
20 go outside and talk. We'll proceed to the
21 next case. Does the Board need a break?

22 MS. NEFF: Can we take a
23 three-minute break?

24 MR. GAYETSKY: The Board would

1 like to move for a recess of how much time?

2 MR. PAX: Three minutes.

3 CHAIRMAN TREFZ: Three to five
4 minutes.

5 MS. NEFF: Three to five minutes.

6 MS. DONNAN: You would just recess
7 a certain amount of time and then come back.

8 CHAIRMAN TREFZ: Okay. We'll
9 recess for five minutes.

10 (Recess taken.)

11 CHAIRMAN TREFZ: Back into
12 session.

13 MR. GAYETSKY: Moved back into
14 session by Mr. Trefz.

15 VICE-CHAIR ROSS: I'll second
16 that.

17 MR. GAYETSKY: Second by Ms. Ross.

18 Alright. So we have three cases
19 ahead of us. They're all items of New
20 Business. So without further ado, the next
21 case is Case No. VA-25-17. So this request is
22 for the property at 3260 Westbrook Place. The
23 applicant/owner is Gregory and Holly Wilson.
24 The Zoning District is Single Family Planned

1 Residential. And the applicant is requesting
2 a Variance to allow the height of an existing
3 fence to be, that is surrounding the pool, to
4 be 4 feet tall, instead of the required 5
5 feet, as specified in Section 21.05(c) of the
6 Orange Township Zoning Resolution.

7 The subject property is located
8 3260 Westbrook Place within the McCammon Chase
9 subdivision. And as stated currently by
10 Gregory and Holly Wilson, Township Staff
11 became aware of the property following a
12 complaint regarding an unfinished section of
13 the fence. This concern was brought to the
14 homeowner's attention. The section was
15 promptly completed to fully enclose the pool.
16 During discussions with the homeowner
17 regarding the pool fencing requirements, it
18 was confirmed that the existing 4-foot tall
19 fence does not meet the required 5-foot
20 height, and therefore, necessitates a
21 Variance. The pool location of the fence were
22 originally approved by Township Staff on
23 October 16th, 2023 under Permit No. 2023729,
24 as shown in Exhibit No. 3.

1 The surrounding area of the north
2 Zoning is Single Family Planned Residential
3 District, and that theme carries on all four
4 sides in all four directions. For the land
5 uses, to the north is Westbrook Place and
6 Single Family Homes. To the south is McCammon
7 Chase HOA owned open space. To the east is
8 Single Family Homes, and to the west is Abbey
9 Knoll Drive right-of-way with Single Family
10 Homes.

11 That aerial view shows the general
12 location in the neighborhood. Right now both
13 Westbrook Place and at the intersection is the
14 corner lot of Westbrook Place and Abbey Knoll
15 Drive.

16 For Staff review, this is a fence
17 height Variance request from Section 21.05.
18 So just to -- you see the standard in front of
19 you, but it requires that the pool be fully
20 enclosed by a 5-foot tall fence. So an
21 already constructed fence measuring 4 feet in
22 height encloses the property's rear yard. The
23 applicant is requesting a 1-foot height
24 Variance from the required 5 feet to allow the

1 fence to remain as built, representing
2 approximately a 20% Variance from the required
3 height.

4 The Exhibit 1 following is fairly
5 illustrative and is highlighting the existing
6 fence. The non-highlighted section between
7 the highlights is a combination of wall and
8 railing, and you'll see that in the site
9 photos. That will be a better descriptor.
10 Speaking of which, Site Photo No. 1 is showing
11 the pool with the auto cover. These are
12 Staff-taken photos. The applicant also
13 supplied additional photos, if you wanted to
14 peruse those.

15 Site Photo No. 2 is that long
16 green land combination, which does exceed the
17 required 5 feet tall. And then Site Photo No.
18 3 shows that rear portion of fence, as
19 highlighted, again, is 4 foot tall, not 5
20 feet.

21 And then we have a Exhibit No. 3
22 showing the originally approved Permit. There
23 was a revision that was filed simply to change
24 the orientation of the pool, and all within

1 the required setbacks. So the pool, that's
2 what you saw in Exhibit No. 1 in front of the
3 first site photo, is longitudinal.

4 CHAIRMAN TREFZ: Yeah.

5 MR. GAYETSKY: I'm sorry,
6 latitudinal. It's east-west now. So that is
7 the only change. And this Board Analysis is the
8 general Area Variance Criteria for consideration
9 with example Motions to follow. That's all I
10 have.

11 MR. WILSON: So good evening.
12 I've been sworn in. I'm Greg Wilson. I'm at
13 3260 Westbrook Place. As stated, we're here
14 for a fence Variance, due to the fact that our
15 fence is 4 feet in height. It was an existing
16 fence. We moved in the house about four years
17 ago and that fence was already existing. We
18 knew we wanted to put in a pool. So given our
19 location on Westbrook and Abbey Knoll, we felt
20 like an auto cover was the way to go, just
21 because, you know, again, it's a high traffic
22 area and, you know, just for overall safety.
23 So we felt like between the fact
24 that we have fence and auto cover, it's kind

1 of like a dual layer security that we have on
2 that. You know, we have our own children and
3 there are neighborhood children and we take
4 that very seriously.

5 Just a couple of notes around the
6 fence. So it is a 48-inch fence. There's a
7 lot of mature landscaping around that, too.
8 So in many areas there's kind of like a dual
9 layer with trees sitting in front of the
10 fence. As Eric mentioned, a portion of that
11 is retaining wall and railing that does exceed
12 the 48 inches. It has self-closing gates.
13 And the fence is a non-climbable design,
14 meaning that the poles are, you know,
15 vertical. It's not a very easy one to get
16 over.

17 Again, the auto cover, it has a
18 lock box with a key to it, so you can't open
19 it unless you have a key for it. We are doing
20 evolving landscaping as well, just to make
21 sure we're trying to do some privacy and
22 things like that with those trees. And then
23 also the fence for the most part is a healthy
24 distance away from the pool itself, so it's

1 kind of further out.

2 As seen on the photo, there is one
3 direct neighbor to the east, but other than
4 that, it's that McCammon Chase and green
5 space. And then there's a road on the west
6 side and the north side that, you know, the
7 neighbors are far away. There's no real
8 direct neighbor except that one on the east
9 side.

10 So we kindly ask today for you to
11 consider our request to accept the 48 inches,
12 which doesn't, you know, represent a large
13 deviation from the existing, current
14 requirement. Our concerns, honestly, if this
15 is not approved, you know, we'd have to rip up
16 a fence. It could impact the mature
17 landscaping. Abbey Knoll is a very -- you
18 know, a lot of people walk down it. I'd hate
19 to kind of disrupt that, quite honestly. And
20 additionally, again, as I stated, with the
21 auto cover and the fence we kind of -- we feel
22 like it's a very safe space.

23 We do thank you for your time this
24 evening to hear about our request. And let us

1 know if you have any questions, please.

2 MS. NEFF: I have a couple
3 questions. So, I think, Eric, you said this
4 came to your attention because there was a
5 spot that didn't have fencing so it wasn't
6 completely enclosed?

7 MR. WILSON: Correct. Yes.

8 MS. NEFF: It is now?

9 MR. WILSON: It is, yeah. There
10 were three sections along the retaining wall.
11 It's on the very back part that we're trying
12 to get the landscaping where we want it to be.
13 We hadn't quite yet decided, you know, what
14 we're trying to do so obviously that
15 accelerated this, which is a good thing, but
16 we're just trying to -- in the decision
17 process.

18 MS. NEFF: Okay. And then my
19 other question was, so in the plan that was
20 approved, was that you guys who submitted
21 that?

22 MR. WILSON: The original plan?

23 MS. NEFF: Yeah.

24 MR. WILSON: That was the builder.

1 MS. NEFF: Or that was the
2 previous owner?

3 MR. WILSON: Oh, I'm sorry.

4 MS. NEFF: The Exhibit 3 that was
5 approved before, is that you?

6 MR. WILSON: That was the original
7 -- that was the pool builder submitting that.

8 MS. NEFF: Okay.

9 MR. WILSON: Because at that point
10 in time we felt like we were going to go with
11 that orientation, so.

12 MS. NEFF: Oh, okay. So that's
13 why the orientation is different?

14 MR. WILSON: Yes.

15 MS. NEFF: Okay. So that was
16 approved with a different pool orientation,
17 but it was approved with 5-foot fences or
18 4-foot fences?

19 MR. WILSON: I think it says 60
20 inches in the dimensions, so.

21 MS. NEFF: Okay. But you guys put
22 in 4-foot fences?

23 MR. WILSON: It was already in.
24 It was already in. Like the fence had been

1 there for years before we were there, so.

2 MS. NEFF: Okay. But the plan
3 that was approved at 5 foot.

4 MR. WILSON: The plan was, yes.

5 MS. NEFF: Okay. Okay. Obviously
6 there's no precedence, but I know we've seen
7 several cases over the years and I've heard a
8 lot of different things. And one of the
9 issues that we talk about with these pool
10 covers is they're awesome, but they're awesome
11 if they're used as you expect. And you could
12 have, especially -- I have teenage kids as
13 well. Someone could leave it open. So you
14 have to -- someone has to close it and lock
15 it. Someone can leave it open, and then
16 you're at risk. So they're great, but they're
17 not foolproof. So that gives me a little
18 hesitation.

19 MS. WILSON: May I state my name
20 and address?

21 CHAIRMAN TREFZ: Uh-huh.

22 MS. WILSON: Holly Wilson, 3260
23 Westbrook, and I have been sworn in. So, I
24 very much can understand your concern for

1 that. I will say a taller fence is not
2 necessarily foolproof either. So, I don't
3 know that that would be the answer.

4 CHAIRMAN TREFZ: Other questions?

5 MS. WILSON: The other -- another
6 point, too, that we did consider would be
7 adding a decorative piece across the fence,
8 which I do think would -- I don't know that
9 neighbors would love that esthetic, but we
10 would most likely try that before we take out
11 the fence and risk damage to the trees.
12 Obviously, the neighbors love the trees. We
13 would hate to take out the trees. But would
14 we do that in order to get the proper fencing
15 in? Of course.

16 We also don't want to necessarily
17 be monitored; oh, your cover is open, here's
18 another anonymous complaint. So I guess at
19 some point we would have to say, you know,
20 that does cross a bit of a line, in my
21 opinion. Because, of course, I may be inside
22 and that pool may be open, but I have a right
23 to do that. That is our -- that is our yard,
24 so I don't need to be watched.

1 You know, the trees near the
2 sidewalk do prevent -- they do create a
3 barrier, which Greg said. It's a second
4 layer. So for someone to get through those
5 trees, to get over the fence, they're really
6 going out of their way. And I understand that
7 can happen. But we can also put -- you know,
8 show you the measurements for how much space
9 is between the ground and the fence. You
10 know, there's -- nobody is going to be
11 crawling underneath that. Nobody is going to
12 slip through. So, I think those are all
13 things to take into consideration.

14 MS. NEFF: I mean, I don't think
15 there's any rules about covers being open or
16 closed, so I wasn't implying anyone monitor
17 you.

18 MS. WILSON: Okay.

19 MS. NEFF: I was just saying in
20 the past -- yeah, there's no rule about that.
21 I was just saying in the past, as we discussed
22 it, it's one of the points a former Board
23 Member brought up, and I completely agree with
24 it.

1 MS. WILSON: Valid point for sure.

2 MR. MCCOY: Your 2023 drawing
3 where you had the 60-inch black aluminum
4 fence, that fence wasn't put in because there
5 was an existing 4-foot fence further out from
6 the pool?

7 MR. WILSON: Correct.

8 MR. MCCOY: But there was an
9 intention to put a 5-foot fence inside the
10 4-foot fence?

11 MR. WILSON: So to be honest, when
12 we -- since we had the auto cover, you know,
13 we weren't quite sure. They were, like, you
14 need to work with the Township or whatever.
15 And we had the Township out here. It was in
16 -- it was last summer. And they saw where we
17 were at and they said, you know, it was like,
18 it's 48 inches. They're like, we're not
19 concerned, you have the auto cover. And if
20 someone complains, then put a variance in.
21 That was to my mouth, to my ears, so.

22 MS. NEFF: Who said that?

23 MR. WILSON: The inspector.

24 MR. GAYETSKY: It sounds like it

1 might have been the Delaware Building
2 Department.

3 MS. NEFF: I was going to say.

4 MR. GAYETSKY: Because the
5 Delaware Building Department does manage --

6 MS. NEFF: Yeah, it doesn't sound
7 like Eric.

8 MR. GAYETSKY: So we -- in terms
9 of inspection, this was prompted by someone
10 who remained anonymous in the neighborhood,
11 who had reached out to the Zoning Department,
12 and that was the reason I stated in the Staff
13 Report that would be followed up with the
14 homeowner of the fence. And then from there,
15 I'm trying to remember if you did an
16 inspection, Philip, or how that came to be to
17 refer that.

18 MR. AMBLER: Yeah. I inspected
19 the site and noticed the gap in the fence.
20 And then in discussing with the owners if --
21 we discussed the 4 feet instead of 5 feet.
22 And so from there we decided that a Variance
23 would be necessary.

24 MS. NEFF: But there's no concern

1 that this was what was approved, and it's
2 slightly -- I mean, other than the fence, but
3 new orientation instead?

4 MR. GAYETSKY: They already got a
5 revision for reorienting it.

6 MS. NEFF: Gotcha.

7 MR. GAYETSKY: I'm trying to
8 remember when that was approved.

9 MS. NEFF: Okay. So all we're
10 weighing in on today is the fence height?

11 MR. GAYETSKY: The fence height,
12 correct.

13 CHAIRMAN TREFZ: Any other
14 questions?

15 MR. MCCOY: No.

16 CHAIRMAN TREFZ: Does someone want
17 to make a Motion?

18 MR. PAX: I will. Based upon
19 factors and testimony given this evening, I
20 move to approve Case No. VA-25-17 for the
21 property located at 3260 Westbrook Place,
22 Lewis Center, Ohio, for a Variance from
23 Section 21.05(c) of the Orange Township Zoning
24 Resolution allowing for the height of the

1 existing fence surrounding the pool to be 4
2 foot rather than the required 5 foot in an
3 area zoned Single Family Planned Residential.

4 CHAIRMAN TREFZ: I'll second.

5 MR. GAYETSKY: Motion to approve
6 made by Mr. Pax, seconded by Mr. Trefz. Those
7 voting:

8 Mr. Trefz.

9 CHAIRMAN TREFZ: Yes.

10 MR. GAYETSKY: Ms. Ross.

11 VICE-CHAIR ROSS: No.

12 MR. GAYETSKY: Mr. Pax.

13 MR. PAX: Yes.

14 MR. GAYETSKY: Ms. Neff.

15 MS. NEFF: No.

16 MR. GAYETSKY: And Mr. McCoy.

17 MR. MCCOY: No.

18 MR. GAYETSKY: Variance is not
19 approved.

20 MS. WILSON: Alright. Well, thank
21 you very much for your time today.

22 CHAIRMAN TREFZ: Thank you.

23 - - -

24 MR. GAYETSKY: We have two more

1 cases ahead of us.

2 We'll switch to our next case and
3 Staff Report. That is Case No. VA-25-18.
4 This is for the property at 4663 Sanctuary
5 Drive, Westerville, Ohio zip code 43082. We
6 have the applicant/owner as Angela Sillus.
7 The zoning for this property is Single Family
8 Planned Residential District.

9 So for summary, the applicant is
10 requesting an Area Variance from Rezoning Case
11 12-0223 Sanctuary and Enclave at the Lakes to
12 allow for a new retaining wall on the west
13 side of the property to encroach 5 feet and 8
14 inches into the 35-foot rear yard setback.

15 And for a second retaining wall on
16 the east side of the property to approach 2
17 feet and 0 inches into the 35-foot rear yard
18 setback, as well as for this retaining wall to
19 encroach 2 feet and 6 inches into the 12 foot
20 6 inch side yard setback.

21 The site currently contains a
22 concrete patio with a deck above it, along
23 with landscaping beds surrounding the patio,
24 which slopes down towards the rear yard. The

1 applicant has noted that there are settling
2 issues, which are causing part of the patio to
3 sink. Photos included within the application.

4 The applicant indicated that the
5 intention of the new walls is to stabilize the
6 backyard area against the house and extend the
7 patio area with pavers several feet into the
8 yard from the present location. The applicant
9 is working with a civil engineer with regard
10 to the design of the walls. The property is
11 currently owned by Angela and Mark Sillus.

12 So for surrounding area in all
13 four directions the zoning district is Single
14 Family Planned Residential District, and the
15 land use includes to the north Single Family
16 Residences, to the south Single Family
17 Residences and Sanctuary Drive, and then to
18 the east and west the land uses are also
19 Single Family Residences.

20 There's the aerial view, a little
21 bit east of I-71 corridor off of Africa Road.
22 And zoomed in, you see that property that has
23 the home abutting the tree area with a sloping
24 hill to the rear.

1 Okay. The Staff Review, three
2 Variances for the proposed retaining walls and
3 to stabilize the rear yard. The first area
4 Variance from Rezoning Case 12-0223 Sanctuary
5 and Enclave at the Lakes is the minimum rear
6 yard setback of 35 feet for Retaining Wall No.
7 1, which is located in the upcoming Exhibit
8 No. 1, will encroach 5 feet and 8 inches into
9 the 35-foot rear yard setback. This is a
10 roughly 16% Variance request from the Rezoning
11 Cases mentioned above.

12 Area Variance No. 2 from of course
13 the same Rezoning Case, with a minimum rear
14 year setback of 35 feet. Retaining Wall No. 2
15 two, as labeled in the upcoming Exhibit, will
16 encroach 2 feet and 0 inches into the 35-foot
17 period setback. This is a roughly 6% Variance
18 request from the aforementioned Rezoning Case.

19 Area Variance No. 3 from the same
20 Rezoning Case Sanctuary and Enclave at the
21 Lakes, as a minimum side yard setback of 12
22 1/2 feet per side. So Retaining Wall No. 2,
23 also labeled in the upcoming Exhibit, will
24 encroach 2 feet and 6 inches into the 12 1/2

1 foot side yard setback. This is a 20%
2 Variance request from Rezoning Case Sanctuary
3 and Enclave at the Lakes.

4 So your two retaining walls are
5 labeled accordingly. Retaining Wall No. 1 to
6 the west and Retaining Wall No. 2 to the east.
7 You can see they're approximately both in
8 align with each other, but they are
9 delineated, or I should say, separated by a
10 proposed stairwell that will taper to the
11 lower section of the rear yard. And we do
12 have some site photos that will be useful
13 upcoming as well.

14 Exhibit No. 2 is just the Site
15 Plan without measurements, and Exhibit No. 3
16 is a zoomed-in detail view that includes the,
17 I guess full extent of the proposal. You can
18 see other landscape elements, including new
19 plantings and walking path, as well as paver
20 patio that will be a larger footprint than the
21 existing patio than the second floor deck.
22 For Exhibit No. 4, that's just even further
23 zoomed-in view.

24 And then those site photos we

1 edited to include a line that denotes the
2 approximate retaining wall location that is
3 proposed in -- well, pardon me. The left side
4 with the commons represents the retaining wall
5 location. The right side with the yellow line
6 actually denotes the setback line. So
7 apologies, the left side, again, is that
8 proposed retaining wall location.

9 And Site Photo No. 2, it's
10 essentially looking the opposite direction
11 with that other retaining wall, retaining wall
12 on the east side, denoted by the cone and then
13 the yellow line comes across denoting the rear
14 setback line. And then the last photo is
15 facing east, which shows the side setback,
16 approximate side setback. And that cone you
17 can see is denoting the end portion of the
18 east retaining wall.

19 Alright. So there are those three
20 Variance requests for your consideration:
21 Retaining Wall No. 1, with the one Variance
22 being the rear setback, Retaining Wall 2, with
23 two variances, one being the rear setback and
24 the other variance the side setback.

1 MS. NEFF: Eric, can you remind
2 me, does it matter if the retaining wall is or
3 is not on concrete?

4 MR. GAYETSKY: The retaining wall,
5 it depends on if it's defined as a structure.
6 And in this case, I guess the permits of it
7 has footers. It is a structural element
8 retaining earth, so I believe in this case we
9 have to confirm how the foundation is, but it
10 is determined to be a structure. In most
11 cases, any retaining wall is going to be a
12 structure.

13 MS. NEFF: Gotcha. Just
14 clarifying.

15 MS. SILLUS: Thank you. I'm
16 Angela Sillus. I reside at 4663 Sanctuary
17 Drive in Westerville, Ohio, 43082.

18 So, Eric did a good job of
19 explaining what I'm looking for. I'll just
20 add a little bit more detail. So we have lived
21 in the home for seven years. It is
22 approximately 11 years old. When we moved in,
23 the deck was already cattywampus and I had to
24 have it fixed. And the neighbors to the west

1 of me told me that the prior owner, who only
2 lived there four years, was constantly having
3 problems with the deck due to the soil
4 underneath it. Okay. So I've already fixed
5 the deck. And looking at the footers that I
6 replaced seven years ago under the deck,
7 they're already shifting.

8 Okay. Behind my home in the woods
9 are very large walnut trees, and they fall and
10 the critters go wild and they capture them and
11 they dig into the hill, plant them, and then
12 in the spring, they dig them back up. So you
13 see, I'm constantly having to -- I put more
14 mulch. It just disappears.

15 So a few months ago, I had someone
16 come out to do some work at my home. He's
17 starting his own home inspection business. I
18 said, well, why don't you just inspect stuff
19 while you're at it and tell me if there's
20 something else that needs to be done. So he
21 took one look at the patio and he said, ah,
22 you got a problem there because it's literally
23 starting to crack in half and the back half is
24 shifting towards going down the hill.

1 I had then hired a structural
2 engineer to come out and do a structural
3 inspection. And the first words out of his
4 mouth were, this is a hot mess. Okay. I have
5 had several contractor vendors come out to
6 take a look at it and they were frightened and
7 left without offering to give me the bid.

8 So, it is clear to me that
9 something needs to be done to protect not only
10 the patio backyard, which is literally like 15
11 feet from my home, but the home itself.
12 Because eventually this stuff is going to just
13 keep eroding and going down into the abyss.
14 So I kindly ask for your consideration to put
15 in walls to protect from further erosion and
16 to stabilize the area.

17 MR. MCCOY: Where do the steps go?

18 MS. SILLUS: Oh, so the idea is
19 that when the wind blows, people's trash ends
20 up in the woods behind my house.

21 MR. MCCOY: Okay.

22 MS. SILLUS: So I need an access
23 so that I can get down there to clean it up.

24 MR. MCCOY: That may be all I

1 needed, but hold on. Okay. So you own a
2 decent amount into the woods there a little
3 bit?

4 MS. SILLUS: Not that I could use
5 it because it's a giant briar patch.

6 MR. MCCOY: Yeah. So the steps
7 are just access to the far most reaches of
8 your property?

9 MS. SILLUS: Yes, steps to get
10 down -- yes, exactly. Mainly so I can clean
11 up the trash that blows there every time the
12 wind blows on trash day.

13 CHAIRMAN TREFZ: This picture
14 shows it fairly well.

15 MR. MCCOY: Yeah, that's what I
16 was -- after I asked the question, I was
17 trying to find that picture.

18 CHAIRMAN TREFZ: Does someone want
19 to make a Motion?

20 MS. NEFF: I will make a Motion.
21 I think this will be beautiful, by the way.

22 MS. SILLUS: Thank you.

23 MS. NEFF: Based on these factors,
24 I moved to approve Case No. VA-25-18 for

1 property located at 4663 Sanctuary Drive,
2 Westerville, Ohio, seeking an Area Variance
3 from Rezoning Case No. 12-0223 Enclave and
4 Sanctuary at the Lakes to allow for a
5 retaining wall referred to as Retaining Wall
6 No. 2 --

7 MR. GAYETSKY: That would be No.
8 1.

9 CHAIRMAN TREFZ: That would be No.
10 1.

11 MS. NEFF: Okay. Referred to as
12 Retaining Wall No. 1 in Exhibit 1 of the Staff
13 Report to encroach 15 feet and 8 inches.

14 MR. MCCOY: Five and eight inches.

15 MS. NEFF: Sorry.

16 MR. MCCOY: No, I'm just making
17 sure it's correct on the record.

18 MS. NEFF: It's getting late. I'm
19 sorry, guys. To encroach 5 feet and 8 inches
20 into the 35-foot rear yard setback in an area
21 zoned Single Family Residential District.

22 VICE-CHAIR ROSS: I'll second.

23 MR. GAYETSKY: Motion made by Ms.
24 Neff, seconded by Ms. Ross. Those voting:

1 Mr. Trefz.

2 CHAIRMAN TREFZ: Yes.

3 MR. GAYETSKY: Ms. Ross.

4 VICE-CHAIR ROSS: Yes.

5 MR. GAYETSKY: Mr. Pax.

6 MR. PAX: Yes.

7 MR. GAYETSKY: Ms. Neff.

8 MS. NEFF: Yes.

9 MR. GAYETSKY: And Mr. McCoy.

10 MR. MCCOY: Yes.

11 MR. GAYETSKY: Motion carries.

12 Variance has been approved, so that's all.

13 CHAIRMAN TREFZ: We have two more.

14 MS. SILLUS: So that's the first

15 wall.

16 CHAIRMAN TREFZ: We have the

17 western wall.

18 MS. SILLUS: Yes. So number one,

19 the woods are growing up into the yard.

20 There, and it is extremely steep, and there's

21 no way that I can get onto that side to pull

22 up the weeds. So what I'm looking to do is to

23 create some cohesion across the backyard so it

24 like looks like it all goes together. And on

1 that side level the yard slightly so that it's
2 sloping down a little bit, but not like this,
3 because I cannot weed on a slope that steep.

4 MS. NEFF: And that's Wall 2?

5 MS. SILLUS: That's the other wall
6 on the east side of the property.

7 CHAIRMAN TREFZ: East side.

8 MS. SILLUS: Yes. And I've talked
9 to the neighbors on that side about like how
10 far the wall could go towards the property
11 line and we both thought that 10 feet would be
12 a good amount to allow if -- for instance, one
13 of the trees in the back starts rotting or
14 gets hit by lightning and we need to send a
15 vendor down to take a tree down and haul the
16 stuff back up, we felt that 10 feet would be
17 perfect to allow for, you know, things to go
18 up and down. And then that part of the yard,
19 that 10 feet, would be graded a little bit,
20 just to make it a little bit more easy to get
21 down into the woods.

22 And then the rest of it, the rest
23 of the property between where the stairs are
24 and then the 10 feet from the property line

1 would be more leveled out, like I said, so
2 that it creates more of a yard, as opposed to
3 the slope that has like poison ivy and every
4 cotton-picking horrible thing known to man
5 that's growing up with the thorns and, you
6 know, I might have the briar rabbit moving in.

7 MS. NEFF: I don't have any
8 questions.

9 MR. GAYETSKY: And I also wanted
10 to bring up for this wall there was public
11 comment referred to by the adjacent neighbor,
12 4685. And if you want me to read the comment,
13 I'd be happy to.

14 MS. NEFF: No issue, though.

15 MR. GAYETSKY: Yeah, no issue.
16 Full support.

17 CHAIRMAN TREFZ: Okay.

18 MR. MCCOY: In essence that will
19 support what you're trying to do.

20 MS. SILLUS: I'm sorry?

21 MR. MCCOY: In essence that will
22 support what you're trying to do with the
23 first retaining wall.

24 MS. SILLUS: Yes, that's right.

1 When I was showing them what was going on and
2 explained what I wanted to do and showed the
3 pictures, they're like, oh, my God, that's
4 going to look beautiful. And their only
5 concern was just to make sure that the
6 drainage went, like, took any water out in the
7 woods and didn't drain towards their yard.

8 MS. NEFF: Are we good to make a
9 Motion?

10 CHAIRMAN TREFZ: Yeah.

11 MS. NEFF: Based on these factors,
12 I moved to approve Case No. VA-2-18 for
13 property located at 4663 Sanctuary Drive,
14 Westerville, Ohio seeking an Area Variance
15 from Rezoning Case No. 12-0223 Enclave and
16 Sanctuary at the Lakes to allow for a
17 retaining wall, referred to as Retaining Wall
18 No. 2, in Exhibit 1 of the Staff Report to
19 encroach 2 feet and 0 inches into the 35-foot
20 rear setback in an area zoned Single Family
21 Residential District.

22 VICE-CHAIR ROSS: I'll second it.

23 MR. GAYETSKY: Motion make by Ms.
24 Neff, seconded by Ms. Ross. Those voting:

1 Mr. Trefz.

2 CHAIRMAN TREFZ: Yes.

3 MR. GAYETSKY: Ms. Ross.

4 VICE-CHAIR ROSS: Yes.

5 MR. GAYETSKY: Mr. Pax.

6 MR. PAX: Yes.

7 MR. GAYETSKY: Ms. Neff.

8 MS. NEFF: Yes.

9 MR. GAYETSKY: And Mr. McCoy.

10 MR. MCCOY: Yes.

11 MR. GAYETSKY: Motion carries.

12 MS. SILLUS: Thank you very much.

13 I really appreciate it, especially since --

14 CHAIRMAN TREFZ: You've got one

15 more to get.

16 MS. NEFF: You've got one more to

17 get. Hold on.

18 MS. SILLUS: Oh, you're doing them

19 one at a time. Okay.

20 CHAIRMAN TREFZ: Yeah.

21 MS. SILLUS: Alright.

22 MS. NEFF: I'll go for it, and

23 then I'm going to be quiet.

24 Based on these factors, I move to

1 approve Case No. VA-25-18 for a property
2 located at 4663 Sanctuary Drive, Westerville,
3 Ohio seeking an Area Variance from Rezoning
4 Case No. 12-0223 Enclave and Sanctuary at the
5 Lakes to allow for a retaining wall, referred
6 to as Retaining Wall No. 2 in Exhibit 1 of the
7 Staff Report to encroach 2 feet and 6 inches
8 into the 12-foot 6 inch side yard setback in
9 an area zoned Single Family Residential
10 District.

11 VICE-CHAIR ROSS: I'll second.

12 MR. GAYETSKY: Motion made by Ms.
13 Neff, seconded by Ms. Ross. Those voting:

14 Mr. Trefz.

15 CHAIRMAN TREFZ: Yes.

16 MR. GAYETSKY: Ms. Ross.

17 VICE-CHAIR ROSS: Yes.

18 MR. GAYETSKY: Mr. Pax.

19 MR. PAX: Yes.

20 MR. GAYETSKY: Ms. Neff.

21 MS. NEFF: Yes.

22 MR. GAYETSKY: And Mr. McCoy.

23 MR. MCCOY: Yes.

24 MR. GAYETSKY: Motion carries.

1 MS. SILLUS: Now thank you very
2 much.

3 CHAIRMAN TREFZ: Good luck.

4 MS. NEFF: Good luck.

5 MS. SILLUS: And I wish you sweet
6 dreams when you finally make it out of here.
7 (Laughter.)

8 MR. MCCOY: Get out of here and
9 make sure your house doesn't sink in.
10 (Laughter.)

11 MS. SILLUS: Thank you.

12 - - -

13 MR. GAYETSKY: We're moving the
14 momentum forward with this evening timing
15 here. We have our last case on the docket,
16 which is VA-25-19, and that is for the
17 property located 2716 Big Sur Drive. The
18 property is owned by William Low and Kristen
19 Otenberger. And the applicant is Polaris
20 Pools.

21 So this request entails the
22 applicant requesting the Variance to allow the
23 height of the existing fence surrounding a
24 pool to remain at 4 feet rather than the

1 required 5 feet in height, as specified in
2 Section 21.05(C) of the Orange Township Zoning
3 Resolution. This represents a 1-foot
4 Variance, or a 20% request.

5 The project involves the
6 installation of a 14 foot by 28 foot pool with
7 an automatic cover and pool deck. The
8 existing fence on the property is a 48-inch
9 tall, wooden fence with metal panels. And
10 you'll see some photos upcoming.

11 So, for the surrounding area in
12 all four directions the zoning district is
13 Single Family Planned Residential. And to the
14 north is Big Sur Drive, Single Family Homes.
15 And the other three directions is Single
16 Family Homes as well.

17 So fairly centrally positioned in
18 the neighborhood here at 2716 Big Sur. There's
19 a zoom-in aerial. There is an existing patio
20 with landscape beds, and as stated, that
21 existing predominantly wooden fence. So we'll
22 get to those photos and plans here.

23 The Staff review for the fence
24 height is from that 21.05, which we just

1 talked about in a couple of cases ago. And so
2 the existing wooden fence measures 4 feet tall
3 in height, which does not meet the requirement
4 of Section 21.05 for the 5 feet tall fence.

5 The applicant, therefore, is requesting a
6 1-foot tall Variance -- a 1-foot Variance for
7 the required 5-foot tall fence, I should say,
8 a Variance from the requirement that the fence
9 be 5 feet tall. So they are intending to keep
10 the fence as it's constructed.

11 This request represents
12 approximately a 20% reduction from the
13 required fence height. The proposed location
14 and the deck meet the required 12-foot side
15 setbacks and the 25-foot rear setbacks for The
16 Shores PRD.

17 So moving into Exhibit 1, you can
18 see the plans as developed by the pool
19 company. This would be more towards the side
20 setback; however, it would be in compliance
21 with setback requirements for the pool itself.
22 For Site Photo No. 1, this is an existing
23 gate, and that does measure -- Staff was able
24 to use the wheel to measure it right at 4 feet

1 tall to the top of the framed-out panel. So
2 those posts are even taller than 4 feet.

3 Site Photo No. 2 was received from
4 the applicant and it shows the sample of the
5 current fencing with a wire mesh, kind of a
6 inlay or inset wire mesh to really, I guess --
7 those are much wider gaps, of course, so as
8 additional barrier that is attached to the
9 wooden fence. And then there's a measurement
10 from the applicant, which shows right at 48
11 inches tall to the top of the third horizontal
12 member of the fence.

13 And then that takes us into the
14 Board Analysis for an Area Variance with your
15 example Motions. If you have any questions at
16 this time, please let me know.

17 MR. PAX: I'm assuming that that
18 metal mesh is on the interior side of that
19 fence to the --

20 MR. GAYETSKY: To be observed,
21 correct, it is on the inside.

22 CHAIRMAN TREFZ: Applicant.

23 MR. LOW: Hello. My name is
24 William Scott Low, property owner. I have

1 been sworn in. I'm just here to answer any
2 questions. It's very self-explanatory. Just
3 trying to avoid putting a fence in a fenced
4 yard. I'd rather have an automatic pool
5 cover. We have three little Chihuahuas that
6 are, you know, our kids that I want to keep
7 safe. They're mad that they're not eating
8 Carfagnas yet, and I grill for them at night.
9 So I just figured that would be much safer
10 than having a fence within a fence. I mean,
11 nothing's full-proof, fences people climb,
12 gates open, so.

13 VICE-CHAIR ROSS: Can you tell us
14 a little bit about how old the fence is and
15 what type of locking -- is it a self-locking
16 gate? Can you just give us a little more
17 information.

18 MR. LOW: Yes. Split rail fence.
19 It was there when we bought it. I think we
20 moved in there 2016, so to its age, I don't
21 know. When I got there, again, I have the
22 small dog, so I went ahead and put, you know,
23 the wire all the way around with pressure
24 treated wood on the bottom to make sure it

1 doesn't have any -- you know, they can't get
2 out. Because, again, everything was to keep
3 them in. It's a split rail. Some of the
4 rails need replaced. I mean, the fence is
5 older, for sure, so. But again, I just
6 thought an automatic pool cover would be much
7 safer, more secure, especially the pool is
8 hardly going to be used, in my opinion.

9 VICE-CHAIR ROSS: And the gate?

10 MR. LOW: The gate, there's two.
11 There's one on one side of the house that is a
12 3-foot gate. It just has a regular hitch lock
13 to it. I mean, you slide it over and put it
14 down. And then there's a double gate in the
15 one picture that you saw, same locking
16 mechanism.

17 MS. NEFF: And you received two
18 letters of concern.

19 MR. GAYETSKY: Yes. And those are
20 before you.

21 MS. NEFF: Okay.

22 VICE-CHAIR ROSS: And Eric, is
23 there something in the Code about the type of
24 gate and a mechanism on it?

1 MR. GAYETSKY: In so far as what's
2 read in 21.05, there's nothing that states that
3 it self-closes.

4 VICE-CHAIR ROSS: Okay.

5 MR. GAYETSKY: I can read it word
6 for word.

7 So, "said wall or fence shall not
8 be less than 5 feet in height and may include
9 the wall of a building or other structures.
10 It shall be of construction as to not allow
11 uncontrolled access under or through the wall
12 or fence, and shall be maintained good
13 condition with all entry or access points
14 having functioning locks." Inflatable or
15 collapsable pools that do not -- so that's the
16 relevant section for you.

17 VICE-CHAIR ROSS: Thank you.

18 MS. NEFF: Not that it impacts our
19 vote, but does the HOA -- have you already
20 been through the HOA? Does your HOA have
21 rules about this?

22 MR. LOW: I'm not sure. I emailed
23 the HOA, though, and you know, did the
24 application for it for the Variance.

1 MS. NEFF: Ma'am, you can come up
2 and speak.

3 MS. COOK: On my letter, I wrote
4 the HOA and then -- because I called --

5 CHAIRMAN TREFZ: Ma'am.

6 MS. NEFF: It's okay. It's okay.
7 You're public comment.

8 CHAIRMAN TREFZ: You need to come
9 up there.

10 MS. COOK: I'm sorry. I am Sharon
11 Cook.

12 CHAIRMAN TREFZ: No, no, into the
13 mic.

14 MS. NEFF: You'll have to come up
15 here.

16 MS. COOK: And this is the whole
17 thing, we don't want him to do it, but I like
18 him. He's my friend.

19 MR. LOW: Yeah. No, regardless,
20 the HOA is aware and they know that we're
21 waiting for a Variance.

22 MS. COOK: Yes. I wrote the HOA
23 and they said that they don't have the --

24 MS. NEFF: Ma'am, hold on one

1 second. We have to have you say your name and
2 address into the mic, just for our recording.

3 CHAIRMAN TREFZ: And into the mic.

4 MS. COOK: My name is Sharon Cook.
5 I'm at 2724 Big Sur Drive, and I swore in when
6 I came in, like with everybody else.

7 MS. NEFF: Thank you.

8 MS. COOK: Anyway, I was concerned
9 about them not having an adequate fence next
10 door. We have no children. We have
11 grandchildren. And I sold real estate in the
12 past, and I said to Scott, I'm concerned that
13 -- I know you're going to have a nice cover
14 for that hole; however, to go to sell this
15 property and if I have people come in with
16 children, they're going to look over and say,
17 that's a chicken wire fence. And that wood
18 fence was there when the previous owners -- we
19 moved in in 2005. That wood fence was there
20 then, so that's how old that much of that
21 split rail fence is. And I just said, that's
22 going to require constant maintenance. And
23 I'm concerned about those kinds of things
24 anyway.

1 And then I thought, when I said
2 about the homeowners association, I did
3 contact them and they said, you folks are the
4 ones who have the requirement for the
5 aluminum, 5-foot tall black fences. They're
6 all over our neighborhood. I mean, you could
7 throw stones and hit those fences in our
8 neighborhood. There's so many pools.

9 MS. NEFF: Okay. Thank you for
10 clarifying that.

11 MS. COOK: Yeah. I knew when you
12 read -- I told Pat, I said, I wrote that
13 wrong.

14 MR. PAX: I guess the main concern
15 that I have, frankly, on this also, the
16 difference between the previous applicants'
17 fence and this fence is the horizontal rails
18 are basically ladder rungs and a child can
19 easily crawl up it. So that is it a -- that's
20 just a major issue and it's -- so versus your
21 vertical pickets on your traditional black
22 fence, like aluminum fence that she's
23 referencing. So that is a major concern that
24 I would have to leaning toward denial on this

1 just because of that fact.

2 VICE-CHAIR ROSS: I have the same
3 concern, the condition and that it says,
4 "climb me" on it. And we understand the
5 protective covers, but our Code is still the
6 5-foot fence, even if you have that, and it's
7 only as good as the person who closes it every
8 time. You would not want your pups in it, and
9 we don't want a child in it.

10 CHAIRMAN TREFZ: Other questions?

11 MS. NEFF: You said it much
12 better, more eloquently than me.

13 MR. LOW: Let's do this so we get
14 out of here, so go ahead. If you have any
15 more questions, please.

16 MS. NEFF: Thank you, sir.

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

18 CHAIRMAN TREFZ: Okay.

19 MR. PAX: Based on the factors
20 discussed this evening, I would deny Case No.
21 VA-25-19 for property located at 2716 Big Sur
22 Drive, Lewis Center, Ohio for a Variance from
23 Section 21.0 5(C) of the Orange Township
24 Zoning Resolution to allow for the height of

1 the existing fence surrounding the pool to be
2 4 feet tall, rather than the required 5 feet
3 in an area zoned Single Family Planned
4 Residential.

5 MS. NEFF: Second.

6 MR. GAYETSKY: Motion made by Mr.
7 Pax, seconded by Ms. Neff. Those voting:

8 Mr. Trefz.

9 CHAIRMAN TREFZ: Yes.

10 MR. GAYETSKY: And this is to
11 deny, so you said yes to deny?

12 CHAIRMAN TREFZ: Yes.

13 MR. GAYETSKY: Ms. Ross.

14 VICE-CHAIR ROSS: Yes.

15 MR. GAYETSKY: Mr. Pax.

16 MR. PAX: Yes.

17 MR. GAYETSKY: Ms. Neff.

18 MS. NEFF: Yes.

19 MR. GAYETSKY: And Mr. McCoy.

20 MR. MCCOY: Yes.

21 MR. GAYETSKY: Motion carries and
22 the Variance has been denied.

23 CHAIRMAN TREFZ: Thank you very
24 much. Sorry for the delay.

1 - - -

2 MR. GAYETSKY: We're just about
3 there with our Agenda. Now, we did have
4 minutes that went out, however, I did get
5 comments from a one of you, and thank you for
6 those.

7 MS. NEFF: I'm sorry, I didn't get
8 to those.

9 MR. GAYETSKY: Plan on the next
10 meeting for approval of those.

11 MS. NEFF: I'm sure that you're
12 always thinking --

13 VICE-CHAIR ROSS: I didn't this
14 time. This week has been crazy.

15 MR. GAYETSKY: Well, that's all I
16 have for --

17 MR. MCCOY: And I depend on her to
18 do it. (Laughter.)

19 MS. NEFF: I know, right.

20 CHAIRMAN TREFZ: Is there a Motion
21 to adjourn?

22 VICE-CHAIR ROSS: Yes.

23 MEMBERS: "Aye."

24 CHAIRMAN TREFZ: The meeting is

1 adjourned.

2 (Thereupon, the proceedings

3 concluded at 9:27 p.m.)

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CERTIFICATE

The undersigned do hereby certify that
the foregoing proceedings were digitally
recorded, electronically transmitted, 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.



Sandra D. Kin,
Registered Professional Reporter,
Certified Digital Reporter and
Certified Digital Transcriber
Notary Public - State of Ohio.
My Commission Expires May 14, 2027.

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