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2 P R O C E E D I N G S

3 - - - - -

4 CHAIRMAN TREFZ: Okay. For anyone
5 who is going to be a witness, please listen to
6 this. Anyone who intends to testify, please
7 raise your right hand and be sworn.

8 Do you solemnly swear that your
9 testimony that you shall give will be the
10 truth, the whole truth, and nothing but the
11 truth; if so, state I do.

12 WITNESSES: "I do."

13 CHAIRMAN TREFZ: And then when you
14 come up to the mic, don't talk out there, come
15 up to the mic and state your full name, your
16 address and the fact that you've been
17 affirmed. Okay. Thank you. Robin.

18 MR. DUFFEE: Ms. Ross.

19 MS. ROSS: I'm here.

20 MR. DUFFEE: Mr. Trefz.

21 CHAIRMAN TREFZ: Here.

22 MR. DUFFEE: Ms. Neff.

23 MS. NEFF: Here.

24 MR. DUFFEE: Mr. McCoy.

1 MR. MCCOY: Here.

2 MR. DUFFEE: And Mr. Pax.

3 MR. PAX: (No answer.)

4 MR. DUFFEE: Absent for now.

5 CHAIRMAN TREFZ: Yeah. Okay. Do
6 they know that we switched the order?

7 MR. DUFFEE: I have mentioned it
8 to some people, but you might have to make an
9 announcement.

10 CHAIRMAN TREFZ: Okay. If you
11 haven't heard, we're switching the order.
12 We're taking the New Business first, and that
13 way it will go faster, let's just put it that
14 way.

15 AUDIENCE: You're basing that on
16 history?

17 CHAIRMAN TREFZ: Yeah, based on
18 history. Yes. Okay. Start us off.

19 MR. DUFFEE: Okay. So this is
20 Variance Case VA-25-27. This is for a
21 property located at 6547 Artesian Run. The
22 lot is just over three acres. This is a
23 Planned commercial and Office District.

24 The Variance request, the

1 applicant is seeking an Area Variance from the
2 Zoning Resolution for a wall sign to be above
3 the allowed height of 15 feet to the top of
4 the sign.

5 The previous tenant of this space
6 was an urgent care, which had been previously
7 approved for wall signs on the north and east
8 facades at 15 feet in height above finished
9 grade. The proposed north side sign is for a
10 Degree Wellness Spa. A wall sign is also
11 being proposed on the east elevation, which
12 does not require a Variance. We do have
13 Exhibits of these later on in the Staff
14 Report.

15 Again, we're on Artesian Run. To
16 the north, south, east and west is all Planned
17 Commercial and Office District in the
18 Olentangy Crossings Plaza. Various Commercial
19 Uses, as well as fronting Columbus Pike, U.S.
20 23 there to the east.

21 On the following page, you can see
22 the aerial of the property in question. And
23 then on the following page is the zoomed-out
24 aerial placing it right off of 23 there in the

1 northern quadrant of the Township.

2 Okay. So, the Variance Request is
3 from Section 22.03 of the Zoning Resolution
4 for the maximum wall sign height. The passage
5 in the Code reads, Such signs shall be located
6 on or along a wall of such building which
7 faces a street, parking lot or service drive
8 and shall be located no more than 15 feet
9 above finished Grade, or the height of the
10 ceiling of the first floor building, whichever
11 is less. You can see the proposed sign there,
12 the rendering, the Degree Wellness Sign, the
13 Variance request is to have a maximum height
14 from finished grade to top of the sign at 17
15 feet and 1 inch, so that is a Variance of 2
16 feet and 1 inch. This represents roughly a
17 14% Variance request from the Zoning
18 Resolution Standard.

19 Underneath you can see the other
20 wall sign. So this is the east elevation
21 sign. So as a reminder, I know this Board has
22 seen various Variance requests for wall signs
23 in this Planned Commercial District. This
24 planned district is a little unique in that

1 there is a provision of text that allows signs
2 that face 23 to be higher than the 15-foot
3 maximum per the Zoning Resolution. So for
4 east facing signs, there is a 20-foot maximum
5 height for the wall signs. So this is the
6 east sign that does not require a Variance.
7 It is also proposed at 17 feet 1 inch.

8 Below you can see the Site Plan,
9 which shows the two signs. Sign 2 is the one
10 that faces north. It does require a Variance.
11 Sign 1 is the sign that faces east. It does
12 not require a Variance because it faces U.S.
13 23 in this specific planned district that
14 allows for a 20-foot side -- 20-foot maximum
15 height on that side of the building.

16 That is all I have for the Staff
17 Report, Unless the Board has any questions.

18 CHAIRMAN TREFZ: Does anyone have
19 questions? Is the applicant here?

20 MR. MCCOY: What's next door to
21 it; do we know?

22 MR. DUFFEE: I don't recall off
23 the top of my head.

24 MR. MCCOY: I don't leave the

1 house much, so I don't --

2 MR. DUFFEE: I'll look it up.

3 MR. DILTS: Logan Dilts. I have
4 been sworn in.

5 CHAIRMAN TREFZ: Say that again,
6 please.

7 MR. DILTS: Logan Dilts, DaNite
8 Sign Company. I have been sworn in.

9 CHAIRMAN TREFZ: Okay. Thank you
10 what would you like to tell us about this
11 sign?

12 MR. DILTS: Just that we're trying
13 to make the signs match the same height on
14 those elevations so it looks better. That's
15 all we're looking for. We have 17 foot 1 on
16 there, but that's a rough scale based on the
17 image. It might be a little more, a little
18 less. So really we'd like to have a variance
19 of like 5 feet so that you get 20 feet on both
20 elevations. That way it gives us some wiggle
21 room so we can make sure we get them the same
22 height.

23 CHAIRMAN TREFZ: We have to go
24 with what's on the paper.

1 MR. DILTS: Okay. I think that's
2 fine then.

3 CHAIRMAN TREFZ: So, I don't know
4 that anybody's going to get up there with a
5 micrometer to measure the difference.

6 MR. DILTS: Okay. as long as we
7 can make it the same height as what's on the
8 other elevation, we're happy with that.

9 CHAIRMAN TREFZ: Okay.

10 MR. DUFFEE: Mr. McCoy, in answer
11 to your earlier question, next door is the
12 Hammer and Nails Barber Salon.

13 CHAIRMAN TREFZ: That's right.

14 MR. MCCOY: Thank you.

15 CHAIRMAN TREFZ: Any questions
16 from the Board to the Applicant?

17 MS. ROSS: No.

18 CHAIRMAN TREFZ: Okay. Thank you.

19 MR. DILTS: Thank you.

20 CHAIRMAN TREFZ: Any comments from
21 the public? Okay. Seeing none, is someone
22 ready to propose a Motion?

23 MS. ROSS: Based on the factors
24 and the testimony received, I move to approve

1 Case No. VA-25-27 for the property located at
2 6547 Artesian Run, Lewis Center, Ohio, 43035,
3 seeking an Area Variance from Orange Township
4 Zoning Resolution Section 22.03(c) to allow
5 for a wall sign on the north facade, as shown
6 in Exhibit 1 of this report to be 2 feet 1
7 inch above the allowed 15 feet in height above
8 grade in an area zoned Planned Commercial and
9 Office (PC) District.

10 MS. NEFF: Second.

11 (Mr. Pax enters meeting room.)

12 MR. DUFFEE: We have a Motion on
13 the table that has been seconded. Also let
14 the record show before we do a roll call vote
15 that Mr. Pax has arrived at the meeting.

16 Thank you.

17 Mr. Pax.

18 MR. PAX: Abstain from vote.

19 MR. DUFFEE: Ms. Ross.

20 MS. ROSS: Yes.

21 MR. DUFFEE: Mr. Trefz.

22 CHAIRMAN TREFZ: Yes.

23 MR. DUFFEE: Ms. Neff.

24 MS. NEFF: Yes.

1 MR. DUFFEE: Mr. McCoy.

2 MR. MCCOY: Yes.

3 MR. DUFFEE: Motion carries.

4 MS. NEFF: Thank you, and good

5 luck.

6 - - -

7 MR. DUFFEE: Are we ready to

8 proceed?

9 CHAIRMAN TREFZ: Yep.

10 MR. DUFFEE: Okay. Our next
11 Variance case is Variance Case VA-25-28. This
12 is for property at 7221 Africa Road over in
13 Galena. This is a Farm Residential District
14 Property, or FR-1. Lot size is 2.87 acres.
15 They are seeking an Area Variance from the
16 Zoning Resolution Section 7.06(f) to allow for
17 a pole barn to encroach into the 25-foot side
18 yard setback.

19 Again, seeking an Area Variance to
20 allow for a pole barn to encroach into the
21 side yard setback. The proposed pole barn
22 will be 32 feet by 40 feet and set back 10
23 feet from the side property line on the north
24 side, encroaching 15 feet into the 25 foot

1 side yard setback at its maximum point. The
2 adjacent parcel is owned by the parcel owners
3 as well, which is an undeveloped 10-acre tract
4 surrounding the subject parcel on the north
5 and the east.

6 For the surrounding area, it is
7 completely surrounded by FR-1 properties,
8 Single Family Residences, so the north, south,
9 east and west, and then to the west southwest
10 is the Africa Road right-of-way as well.

11 So on the following page, you can
12 see the parcel highlighted in yellow, the
13 zoomed-out aerial. And then below you can see
14 the zoomed-in parcel, the yellow lines, the
15 property lines. So it's a little hard to get
16 the scale of it in that picture, but you can
17 kind of see the property that goes directly
18 outside. That property has common ownership
19 with the property owners for this subject
20 property. Yeah, so Philip is pulling it up
21 now so you can see. Philip, can you highlight
22 that larger parcel? So those are the two
23 parcels in question.

24 Our Zoning Staff did go out and

1 take some site photos for this and drew in
2 some proposed lines to kind of help visualize,
3 conceptualize how the barn would be laid out
4 on the site. So this is a site photo facing
5 east. So Africa Road is roughly behind the
6 photo taker. The 32 by 40 foot pole barn
7 would be outlined in orange. The side
8 property line is the yellow dotted line there
9 and then the red line shown on the screen is
10 the required side yard setback. And
11 underneath you can see a zoomed-in view of the
12 previous photo. Again, the cones are the
13 rough outline of the building without the
14 digital lines drawn in. One more site photo,
15 a photo from the driveway entrance showing an
16 existing barn structure in the foreground, and
17 then the right corner of the proposed pole
18 barn is in the orange cone there. It's a
19 little hard to see on the screen, but it's
20 there, we promise. And one more, again, the
21 orange cone would be -- two orange cones would
22 be the corners of the building.

23 Below on Exhibit 1 you can see the
24 measured Site Plan. It gives you a little bit

1 better idea. Again, a little hard to read,
2 but it's essentially the northeast corner of
3 that pole barn would be 10 feet from that side
4 yard property line. The northwest corner of
5 the pole barn would be approximately 16 feet
6 away from the property line. So those are
7 both Variances from the Zoning Resolution, but
8 at its maximum it encroaches to a minimum of
9 10-foot encroachment. And then below, Philip
10 has it zoomed in already, but Exhibit 2 shows
11 the zoomed-in view.

12 So that is all Staff has for
13 report. I'd be happy to answer any questions
14 that the Board may have.

15 CHAIRMAN TREFZ: Okay. Any
16 questions from the Board?

17 MR. MCCOY: Not for Robin.

18 CHAIRMAN TREFZ: Okay.

19 MS. ROSS: I have a question.

20 CHAIRMAN TREFZ: Okay.

21 MS. ROSS: Robin, when you figure
22 the percentage of the Variance, how do you
23 figure that, since it's 10 feet on one corner
24 and 16 on the other?

1 MR. DUFFEE: We would use the 10
2 feet as the percentage. I mean, you could
3 make an argument that you could kind of take
4 the average grade, but I think taking it at
5 the maximum Variance gives the best
6 indication.

7 MS. ROSS: Okay. Thanks for
8 clarifying that.

9 CHAIRMAN TREFZ: Is the applicant
10 here? Have you been sworn in?

11 MS. STOWERS: Yes.

12 CHAIRMAN TREFZ: Good. Just state
13 your name and address.

14 MS. STOWERS: Mandi Stowers, 7221
15 Africa Road, Galena, Ohio.

16 CHAIRMAN TREFZ: What would you
17 like to tell us about this.

18 MS. STOWERS: Well, we would like
19 to -- so we own the adjoining property and for
20 us to fully be able to turn around and park
21 into this new structure, we would need to
22 encroach a little on the side Variance, but
23 we're still over 150 feet from the nearest
24 house, so it shouldn't be too distracting.

1 CHAIRMAN TREFZ: Okay.

2 MS. NEFF: And you own the
3 property it's encroaching on?

4 MS. STOWERS: Yes, we do. and I
5 love it. It's like my little farm, bee farm.

6 MR. MCCOY: My two questions, what
7 is the use of the barn.

8 MS. STOWERS: Apiary. So we are
9 -- this would be our third year for the CAUV,
10 and we'll be using some of it for storage for
11 my bee business.

12 MR. MCCOY: Okay. So an actual use
13 of a pole barn rather than a party area, okay.
14 And plans for the use of the undeveloped land?

15 MS. STOWERS: None at this time. I
16 like seeing my daughter run without shoes on.
17 So, you know, at this point in time, we just
18 want to enjoy the property, as long as we don't
19 have neighbors .

20

21 MR. MCCOY: Okay.

22 MS. NEFF: And I'm sorry, you said
23 aviary?

24 MS. STOWERS: Aviary, bees.

1 MS. NEFF: Oh, okay. Okay. Thank
2 you for correcting me. Very cool.

3 CHAIRMAN TREFZ: Any other
4 questions? Thank you. Any comments from the
5 public? Going once, okay. Does someone want
6 to make a Motion?

7 MS. NEFF: I'll make a Motion.

8 CHAIRMAN TREFZ: Okay.

9 MS. NEFF: Based on these factors
10 and the testimony we heard this evening, I
11 move to approve Case No. VA-25-28 for a
12 property located at 7221 Africa Road seeking
13 an Area Variance from Orange Township Zoning
14 Resolution Section 7.06(f) to allow for a pole
15 barn, as shown in Exhibit 1 of this report --

16 CHAIRMAN TREFZ: To encroach.

17 MS. NEFF: -- to encroach 15 feet
18 0 inches into the 25-foot side setback in an
19 area zoned Farm Residential (FR-1) District .

20 MR. PAX: Second.

21 MR. DUFFEE: Mr. Pax.

22 MR. PAX: Yes.

23 MR. DUFFEE: Ms. Ross.

24 MS. ROSS: Yes.

1 MR. DUFFEE: Mr. Trefz.

2 CHAIRMAN TREFZ: Yes.

3 MR. DUFFEE: Ms. Neff.

4 MS. NEFF: Yes.

5 CHAIRMAN TREFZ: Mr. McCoy.

6 MR. MCCOY: Yes.

7 MR. DUFFEE: Motion carries,

8 Variance is approved.

9 CHAIRMAN TREFZ: Thank you.

10 - - -

11 MR. DUFFEE: Is everybody ready?

12 Okay. So this brings us to the Old Business.

13 This is Variance and Conditional Use Case

14 VA-CU-25-15. The property in question is at

15 350 East Orange Road. The zoning is FR-1.

16 The request is to seek a Conditional Use from

17 the Zoning Resolution to allow for a place of

18 worship. Also seeking an Area Variance from

19 the Zoning Resolution to allow for a place of

20 worship on a lot smaller than 5 acres, as is

21 required for Section 7.04(c) of the Zoning

22 Resolution.

23 Because this case has been

24 continued and tabled a number of times, I'll

1 try to move briefly through the Staff Report.
2 If the Board wishes to have any further
3 explanation, please feel free to stop me or
4 have me elaborate as necessary.

5 CHAIRMAN TREFZ: Okay.

6 MR. DUFFEE: So again, seeking a
7 Conditional Use from the Zoning Resolution to
8 allow for a place of worship, which will
9 include a new 56 foot by 141 foot building,
10 just under 8,000 square feet total. It will
11 be a freestanding accessory building with
12 assembly space, just under 4,800 square feet
13 on a property with existing place of worship,
14 which was approved in 2023 under a previous
15 case by this Board.

16 Since the previous BZA hearing on
17 September 18th, the applicant did submit
18 revised plans, which are shown later in this
19 report. Since that previous meeting, the
20 updated plans show the proposed structure
21 being moved 55 eastward to be 120 feet and 5
22 inches set back from the western property
23 line. That means that the applicant will not
24 require the previous Variance that was

1 requested for the 100-foot side yard setback,
2 because the building is now 120 feet roughly
3 from the western property line.

4 The applicant will not retain the
5 three existing structures on the site, which
6 include a freestanding dwelling and two
7 accessory buildings. The structure size and
8 floor plan are the same as proposed in the
9 September BZA, again, just being shifted to
10 the west on the property.

11 Since the previous meeting, the
12 Site Plan has also been updated to show a
13 water impoundment of 141 feet by 20 feet along
14 the northwest portion of the site that is set
15 back 27 feet from the public right-of-way of
16 Orange Road. And again, they are seeking a
17 Conditional Use and one Variance from the
18 Zoning Resolution for the place of worship on
19 a lot smaller than 5 acres.

20 In terms of the surrounding area,
21 to the north is Planned Commercial, Orange
22 Road and Planned Industrial. To the south is
23 Multi-Family Planned Residential District in
24 the Hidden Ravines Condos. To the east is

1 Planned Commercial Land. To the west is also
2 a Multi-Family Planned Residential District,
3 as well as one property on Orange Road that is
4 zoned Planned Commercial.

5 A brief history of the property in
6 terms of zoning, the property was previously
7 granted a Conditional Use 1998 for a home
8 occupation, for a fitness and training gym in
9 the accessory building. As mentioned
10 previously, this applicant obtained a
11 Conditional Use in 2023 to allow for a place
12 of worship. As part of that request, the
13 applicant was also granted an Area Variance
14 from Section 7.04(c) to allow for a place of
15 worship on a lot smaller than 5 acres. The
16 place of worship proposed is located at 350
17 East Orange Road. It has an acreage of 3.35
18 acres in the Farm Residential District.

19 Again, I won't go through this in
20 detail, because I believe we have all lived
21 some of these updates and case history. But
22 on November 6th the Zoning office did receive
23 the updated plans. The applicant did let us
24 know that since the case had been continued

1 from September to November, the applicant was
2 unable to make that meeting, the applicant did
3 request a tabling at the advice of Zoning
4 Staff.

5 Just to refresh everybody on the
6 difference between tabling and continuing,
7 because it does get a little messy there. So
8 continuing is what had been done previously,
9 where the Board opens a hearing, then
10 continues the hearing to a separate date,
11 which is time, date, place, certain, and that
12 is a decision that is granted by the Board of
13 Zoning Appeals. A tabling is when the
14 applicant requests that a case be pulled from
15 the Agenda for a certain period of time to be
16 determined by the applicant. Essentially
17 because we knew that the applicant was not
18 going to make the November BZA, in order for
19 us to send out notice to everyone that it
20 would not be happening at November, we had to
21 have them submit a tabling request. Tabling
22 fee was paid, which bumped it to this December
23 meeting.

24 You can see on the next page of

1 the Staff Report is the zoomed-out aerial
2 showing the property there on East Orange
3 Road, just down the street. And next is the
4 zoomed-in view of the property as it currently
5 exists today.

6 So again, the proposed use for a
7 place of worship requires a Conditional Use
8 granted by the Board of Zoning Appeals, as
9 outlined in Section 7 of the Zoning
10 Resolution. As noted above, the applicant was
11 previously granted both a Conditional Use and
12 a Variance to allow for a place of worship on
13 a lot smaller than 5 acres under a previous
14 case approved in 2023. Again, the proposed
15 site has a total acreage of 3.35 acres. On
16 the application the applicant notes that an
17 occupancy of about 400 people is planned.
18 According to the applicant, the current
19 facility accommodates about 150. No
20 additional acreage is required for the number
21 of seats, but the property does not meet the
22 minimum acreage requirement of the 5 acres,
23 thus requiring the Area Variance. The size
24 difference between the 5 and the 3.35 is 1.65,

1 which is roughly a 33% Variance request.

2 And again, that's just a Staff
3 note, the residential district adjoining the
4 subject parcel is the Hidden Ravines Multi-
5 Family Condo District. The closest residential
6 parcel is roughly 120 feet from the proposed
7 building to be used as a place of worship;
8 therefore, the updated building location
9 complies with the requirement that the
10 building be no closer to 100 feet to a
11 residential district, as required by Section
12 21.

13 So as a reminder, we have normal
14 side yard setbacks in the FR-1 District that
15 is 25 feet, but when it's a non-residential
16 use that abuts a residential zone that kicks a
17 larger setback into play, which is 100 feet.
18 So that's why on the west side, it is a larger
19 setback than on the east side of the property.

20 So on the next page, you can see
21 the updated Site Plan, and we do have -- we
22 can kind of return to this so it's on the
23 screen for more detailed viewing here in a
24 bit. But as we go through our photos, you can

1 see the new proposed building on the right
2 side or the east side, as well as associated
3 parking. And then the retention pond, which
4 is proposed on the upper left side or the
5 northwest side of the property.

6 And there is the Site Plan. It is
7 scaled. This was measured using our measuring
8 software that we use just to make those
9 distances little easier to visualize. On the
10 following page, you can see, this is just a
11 side by side. On the left side is the
12 previous Site Plan that was proposed. On the
13 right is the current Site Plan that is
14 proposed, again, shifting that building to the
15 east side of the property.

16 On the following page is the
17 existing buildings and demolition plan. So
18 again, that is what's existing, not what is
19 proposed. Exhibit 5 is the proposed building
20 renderings. And then Exhibit 6 is the
21 proposed floor plan of the building to be
22 constructed. Underneath is various site
23 photos. I believe these were all presented at
24 the previous hearing, so I don't think that we

1 need to go into them in detail, but they are
2 there showing the current existing conditions
3 on the site, if you wish to view them.

4 That is all that Zoning Staff has.

5 One more note under the Technical Agency
6 Review. Orange Township Fire Department has
7 indicated that the site circulation of the new
8 parking area, along with the building
9 proximity with the fire hydrants and water
10 lines, would need to be reviewed and approved.
11 That review has not happened yet, but Fire
12 Department approval is required prior to the
13 approval of any zoning permits for the
14 project.

15 So that is all I have at this
16 time. I'm happy to answer any questions that
17 the Board may have. I believe the applicant
18 is on hand to give a presentation as well.

19 MS. NEFF: Robin, I have a
20 question for you.

21 MR. DUFFEE: Sure.

22 MS. NEFF: For page 5, so at the
23 top it says, "Churches or places of worship
24 that occupy a lot of less than 5 acres, plus 1

1 acre for each 100 people." So if they want
2 400, shouldn't that be 6 acres?

3 MR. BHATT: It's 299. Robin, I'm
4 sorry.

5 AUDIENCE: It's 299 --

6 MS. NEFF: Sorry.

7 MS. DONNAN: Again, we're on the
8 record. This is a hearing. We have a Court
9 Reporter. Right now the Board is speaking to
10 Robin. Thank you.

11 MR. DUFFEE: Yes, that is true.
12 So if it -- and the applicant can amend their
13 request, as they feel is necessary, but yes,
14 the Code says 5 acres plus 1 acre for 100
15 permanent seats. I believe part of the
16 discussion that has happened previously is
17 that this is not a traditional church that has
18 traditional fixed seating, so occupancy is
19 probably different than the number of fixed
20 seats in an assembly space.

21 MS. NEFF: Okay. But if the
22 number is 400, then it's much greater than 33%
23 Variance, correct?

24 MR. DUFFEE: Correct, if it's the

1 number of permanent seats in the facility.

2 MS. NEFF: Okay. Thank you.

3 CHAIRMAN TREFZ: Anything else?

4 MR. PAX: I guess I do have one
5 question.

6 CHAIRMAN TREFZ: Yeah.

7 MR. PAX: On the parking
8 requirements, so obviously, that's a big part
9 of this and the encroachment of parking spaces
10 on the adjacent properties that's particularly
11 to the south of the plan that we're looking
12 at, there's, I counted up 102 parking spaces
13 there that -- let's see. Well, that's with
14 five handicaps, so it's 107 total. But I'm
15 trying to understand what the requirement is
16 for worship -- a place of worship, whether
17 that's in the purview necessarily of our
18 committee or our purview, but I don't --
19 that's relevant. I'm not sure we determine
20 that requirement.

21 MR. DUFFEE: Sure. So parking
22 counts, and not necessarily ADA spaces, but
23 overall parking counts is something that is
24 within the purview of Zoning, so that's part

1 of the Zoning Resolution. So the current
2 Zoning Code for churches are places of public
3 assembly, the requirement is 1 for each 3
4 seats, or 1 for each 45 square feet of
5 assembly area. So we would base our parking
6 count off of the assembly area.

7 MR. PAX: And we have the space at
8 4,720 -- I calculated that up, but what that
9 would require.

10 MR. DUFFEE: I can do the math
11 real quick.

12 MR. PAX: I think they stated of
13 the area of the building is 4,720.

14 MR. DUFFEE: So my back of a
15 napkin math is 107 spaces.

16 MR. PAX: There we go. Okay. I
17 just wanted to confirm that. Thank you.

18 MS. NEFF: And I see some folks in
19 the audience have their hands up. So just to
20 remind you all, if you haven't been here
21 before, how this works. We ask Robin our
22 questions, then we'll hear from the applicant,
23 then we'll have audience questions and
24 comments, so we'll get to you. We see you out

1 there.

2 MR. BHATT: Thank you. Good
3 evening. My name is Sanjay Bhatt, 2929 Kenny
4 Road, Principal of Bhatt Law Office. It's in
5 Columbus, Ohio, 43221. I was sworn in earlier
6 with the group as well.

7 I was hoping some of the groups
8 were for the signage and the barn, but turns
9 out they were all for this group, so my hope
10 didn't come true.

11 So thank you, first of all, for
12 this evening for this opportunity. I just
13 want to answer some questions on some letters
14 that were sent out to the Zoning Board before,
15 and I'll try to answer those questions, but I
16 just want to give us general overview.

17 I think there's a misunderstanding
18 in talking to our architect. It's 299
19 occupancy is for the building required.
20 That's what we're asking for. Our parking
21 meets that -- or the parking proposal meets
22 the amount of space that we have. The other
23 thing I think we need to take into
24 consideration for this --

1 CHAIRMAN TREFZ: Sir, talk to the
2 mic.

3 MR. BHATT: I'll do that, sure.
4 Is that currently the building is about 6,000
5 square feet, all the total of the three
6 buildings. They're all going to be torn down.
7 The building that is proposed is 7,900 feet,
8 7,900 square feet. In other words, the
9 additional building is only about 1,700 square
10 feet. So that's something that I would like
11 everybody to understand as well.

12 There are other churches in Orange
13 Township that are less than 5 acres, just to
14 kind of -- they didn't require a Variance
15 because of the district they were in. But in
16 our general research we found there's a church
17 in Columbus that's 1.973 acres on Green
18 Meadows; Enterprise Drive Capital Church 1.45
19 acres; Free Will Baptist Church .119 acres,
20 Korean Baptist Church 4.192 acres. And then
21 there's also a Redeemed Christian Church of
22 God, which is 1 acre. So this is not a --
23 that's what Variance is up for. But there are
24 other churches, six of them in Orange Township

1 that are less than 5 acres.

2 This particular temple does not
3 have a congregation that comes there every
4 day. It doesn't have every Sunday morning.
5 They're open from, I think, 7:00 a.m. to 9:00
6 p.m. when people are on their way to work, or
7 sometimes in the afternoon. It's been there
8 for a year now. They come in and go out. So
9 this is a rolling membership that comes in.
10 And when I say "membership", there is no
11 membership, there's no -- these are people who
12 believe in the teachings of this temple. And
13 it's a very unique temple.

14 So we have a couple of different
15 temples in Delaware County that are huge, and
16 the congregation tends to increase within
17 increased Hindu community in this area. This
18 is not the case. When it started a year ago,
19 and not much has changed. You have a rolling
20 group of people. They come in 101, 150
21 people. And there's unlikely, even if the
22 Indian population grows from -- this temple
23 has not grown that much in size. The Hindu
24 religion or even this temple doesn't

1 advertise. This temple doesn't go out and
2 send out flyers saying, hey, we're here. It's
3 word-of-mouth, occasionally people stop by.
4 It is a very unique temple in and of itself.

5 The current structure comes down
6 and then the new structure is what we're
7 proposing on this acre -- on this 3.35-acre
8 lot. I have not been here for the last two or
9 three hearings when there are a lot of people
10 coming in and giving their objections to the
11 original makeup. They may have an objection
12 to this one also. But I just want to let this
13 Board know, and the people out here know that
14 we did hear you. We made a lot of
15 adjustments. And I want to go over two
16 letters that have come in and the adjustments
17 we have made to reflect those concerns. So
18 this is not something that they're -- they're
19 going to just want to build something and not
20 address the concerns of people who were there
21 before.

22 There was a letter that was sent
23 here from Michael Lester, July 10th of 2025.
24 It says, "Proposed parking lot accommodating

1 400 individuals situated near homes." So,
2 105, 107 parking spots, so there's going to be
3 299 is the maximum occupancy. Twice a year is
4 their decent-sized events, and we expect about
5 300 people. Other than those twice a year,
6 this is a very low density congregation that
7 comes in. So there's not 400 individuals,
8 there's not 400 parking spaces, there's 107
9 parking spaces.

10 "Loss of existing tree line." I
11 heard somebody say that's my house on the
12 right-hand side, whoever's house that was.
13 The new plan as you see up there, there's 50
14 feet of trees that will remain between the
15 parking lot and the neighbor on the west side
16 of the property. So the original proposed
17 building was right in the center, and now we
18 have 50 feet from the parking lot so they
19 would not be able to see the building. So
20 there's no loss of tree line. Same thing when
21 you look at Orange Road, all those trees up to
22 the parking lot, they will remain, and that's
23 a substantial amount, over 100 feet, if I'm
24 not -- more than that, that will still remain.

1 So you will not be able to see the structure
2 from the main road in and of itself. The tree
3 line will protect the noise and whatnot.

4 "Increased traffic congestion."

5 As I submitted to you before, we don't expect
6 having 1,900 extra square feet of space is
7 going to somehow increase traffic. There's
8 nothing that this temple is doing to garner
9 more members, more worshipers. So that is not
10 a -- if this Board allows us to go forward and
11 construction is done, we don't anticipate any
12 additional traffic than what was -- what is
13 currently in place right now.

14 "Disruption from nighttime
15 vehicles and noise." Other than cars
16 sometimes going in and out, this is -- I think
17 I saw something about there was an event with
18 a smoke outside. I saw some writeup on that.
19 This is not an outdoor worshipping place. This
20 is occasionally there may be some people
21 outside, but this is an indoor worshipping
22 place. You go in for a few minutes. You do
23 your worship and you leave. This is not a
24 sermon where you sit there for two hours,

1 three hours. It's a very individualized
2 religion, people go in and pray and you're out
3 of it.

4 The temple closes at 9:00. So as
5 far as nighttime vehicle lights and noise, I
6 would respectfully disagree with the letter,
7 that nothing more than what has been going on
8 right now, isn't going to be any more traffic,
9 any more noise, any more lights from this
10 particular building.

11 "Heightened security risk due to
12 easier access from parking lot." I have been
13 in this country for 49 -- 47 years, been
14 practicing law for about 30 years. I
15 represent a lot of people from the Indian
16 community. It's mainly for business matters.
17 The community is one of the -- if you look at
18 the community in the country, the immigrant
19 community, the Indian community is the most
20 successful financially, the hardest working in
21 some ways. And my parents seven days a week,
22 12 hours a day, they own a grocery store.
23 They work hard. The security risk is a
24 negligible, a non-issue.

1 I've been practicing in Delaware
2 County for 30 years, not once, and being one
3 of the Indian attorneys, I get most of the
4 Indian clients, I've never had a theft case, a
5 stealing case, a neighboring issue that I've
6 seen. So I think that additional security risk,
7 I think is a non-issue. And there'll still be
8 50 feet of space, trees and stuff whatnot in
9 the area.

10 There's a second letter I want to
11 address that came from Mr. Sheets, Mr. and
12 Mrs. Sheets. And I think -- I'll start off
13 the Number 2 on their list. "This is early
14 last summer. I noticed a surveyor behind my
15 condo. I asked him what he was doing. He
16 located my property, because I asked for who
17 it was and he said a friend. This was less
18 than a year after I had bought the property."
19 There had been no development done by a
20 surveyor or anybody on behalf of my client
21 with this property. So the surveyor had
22 nothing to do with our plan for having -- if
23 they were doing a boundary or survey for this
24 project, but there's been no additional

1 development. "Mid to late summer of 2024 I
2 heard chainsaws and heavy equipment noise
3 coming from the applicant's property." There
4 were a couple of dead trees. We called the
5 Fire Department to make sure that it was going
6 to be okay and those dead trees were cut down.
7 Other than that, there's been no other issues
8 in terms of chainsaws cutting down any trees.
9 The trees were there before. The 50 foot
10 trees from the west side of the property are
11 going to be there, and from the south side as
12 well. "They have shown an elevation of
13 18-foot flat roofs. As mentioned at the
14 latest meeting, they are fundraising the
15 towers for other external decorations." I saw
16 this gentleman had a picture of a temple from
17 another temple. If you had walked inside the
18 temple, you would have seen that there are
19 small temples within the temple, and the
20 decorations and other things are for towers or
21 for the internal temples, not for the outside.
22 This will be a flat roof. When you, again, not
23 that it matters, as long as the building Code,
24 but to address that issue, this is going

1 to be a flat roof building that doesn't look
2 like a temple to the outside. And there are
3 no plans today, tomorrow for any kind of a
4 structure for which the gentleman has a
5 picture of a big tower on top. You can see
6 that that is a non issue.

7 "The lady representing HealthyPets
8 revealed that the applicant already had
9 approached them to buy the property."
10 Nonsense. At some point we were pushed by the
11 neighbor on the right for -- to buy the
12 property. I know something, there's an issue
13 about having 5 acres, and so if you could have
14 bought an acre, perhaps this issue would have
15 been resolved. They wanted to sell all 5
16 acres. We did not approach them regardless.
17 They wanted to sell the whole parcel together,
18 and the amount of what they're asking is not ,
19 unfortunately, something that is this small
20 temple of 150 people, 100 people can afford.
21 That did not happen. "Their slide mentioned
22 that they have met all the neighbors' request
23 is false." We have tried our best. Actually,
24 I reached out to the prior counsel and I

1 haven't heard back from him yet. So we're
2 trying to be good neighbors. We're trying to
3 address the issues.

4 So, I don't want to minimize the
5 concerns of the neighbors, but this is what a
6 Variance application is for, there is a
7 requirement of there be 5 acres for the
8 church, for a place of religious worship.
9 This is 3.35 acres. It's 1.65 acres that
10 we're short on. We, unfortunately, can't move
11 out here or there. We're not breaking into
12 this 10,000 square foot building with all
13 kinds of stuff. This is a flat roof, small
14 building, taking out the three buildings that
15 are already there and adding 1,786 feet in
16 addition to that.

17 We submit that the request is
18 reasonable and we have addressed as many
19 concerns of the neighbors who were there
20 before that we can. In light of, we ask the
21 Variance be approved. Thank you.

22 CHAIRMAN TREFZ: Questions from
23 the Board?

24 MR. PAX: Yes. Okay. So on the

1 west side property, there are significantly
2 tall trees, good growth there currently. Is
3 it your plan then to maintain those and
4 minimize any disruption to that tree line as
5 part of the development?

6 MR. BHATT: Absolutely. And if
7 there are more concerns about noise, for
8 example, we don't think so, but from the
9 parking lot, for example, we talked to them
10 today and we're willing to put a berm with
11 some Evergreen trees on top. And but those
12 trees, those 50-foot trees will remain. We
13 don't mind putting that as part of some deed
14 restriction, but, yeah, that's absolutely
15 they'll remain.

16 MR. PAX: I mean, it's
17 interesting, and I appreciate that, because
18 when you're talking about the neighbors and
19 that property on the west, headlights coming
20 in, that's a common issue when we're dealing
21 with residential property and a development,
22 the berming helps immensely on that, and we're
23 talking only maybe, you know, two-and-a-half
24 three feet. Perhaps even with the earth that

1 you're taking out for your retention pond that
2 builds that berm, but --

3 MR. BHATT: Especially with fall,
4 fall and winter, the trees are gone, so I think
5 having some evergreens on there. And absolutely,
6 we want to make that a condition to our
7 structure.

8 MR. PAX: That goes a long way,
9 and that's very helpful, so I appreciate that
10 thought and proceeding in that direction.

11 As far as lighting, also -- so all
12 of these questions that I'm going to be asking
13 regard really the property to the west and the
14 south. Common issues, obviously, are parking
15 lot, flood lights that are on the building
16 that are getting Code mandated, foot candles
17 down on your parking lot. I noticed in your
18 plan you have one light, so I don't know
19 whether as a condition of approval, but it
20 would, at least in my estimation, be good that
21 there may be more additional parking light
22 lamps, lights and pole lights installed that
23 then limit the throw that you are required.
24 So, in essence, direct down lights that do not

1 -- that limit light pollution would be --

2 MR. BHATT: That's a great point.

3 And just again, we close at 9:00 and so those
4 parking lots will -- the lights will be off as
5 people leave, as the temple closes.

6 MR. PAX: That I understand, but I
7 mean, here we are in winter, and I mean, you
8 know, at 5:00 it's dark so they're going to be
9 on.

10 MR. BHATT: We'll make sure if
11 that's a condition, absolutely we'll follow
12 that.

13 MR. PAX: Yeah. That would be
14 another condition then, are you -- so whether
15 you're permitted to have the lights out during
16 non-operating hours after 9:00, I don't know
17 the restriction on that, and whether that's a
18 mandate with the Township for safety, I'm not
19 sure. But you could put lighting on the
20 building, that at least is around your exits
21 and for people that are coming in a few after
22 hours for maintenance, whatever. So that's a
23 possibility.

24 MS. MANS: I think we do have on

1 --

2 MS. ROSS: You need to come to the
3 podium, please.

4 MS. MANS: I'm sworn in. Anna
5 Mans. The address is 350 Kenyon Drive South,
6 43215.

7 CHAIRMAN TREFZ: You need to be
8 directly in front of the mic. Thank you.

9 MS. MANS: Thank you. So we do
10 have one light pole, and I believe one wall
11 sconce to put onto the wall.

12 MR. BHATT: With that, the
13 additional ones on the building.

14 MS. MANS: Yes.

15 MR. PAX: Yes, okay. That's going
16 to be requirement for, you know, just for your
17 safety, for guests and everything else, for
18 your foot candles in the parking lot. But
19 again, that's one where we see some people
20 trying to get by with one and having it 30
21 feet up and it's throwing a lot of light. But
22 rather than one that's down at 20 feet, that
23 you have two, that throw light low levels. So
24 that's a courtesy, but it's just good

1 planning. It's less light pollution. So it's
2 sound planning, if you can do that and proceed
3 that way.

4 As far as on the east property
5 line, so noting you have about 30 feet setback
6 there from your east property line to where
7 you're going to -- is there any plan to put
8 any improvements in that area?

9 MR. BHATT: Not at this point. It
10 was commercial so we just left it the way it
11 is going to be currently. I mean, we're not
12 -- there are some trees there. We're not
13 removing that, but -- so it will remain the
14 way it was. Now we're willing to, I mean --

15 MR. PAX: That's good to hear.
16 That would be another condition of -- I mean,
17 respecting that adjacent property, the views
18 down Orange Road towards the temple, having
19 any vegetation preserved is very essential.
20 It's important, and we encourage that. So
21 yes, that would be good, also, there on the
22 east property line.

23 Those are the main issues that I
24 had.

1 CHAIRMAN TREFZ: Okay.

2 MS. NEFF: On the south side how
3 many feet of trees are you take -- I know you
4 said you're leaving quite a bit here. How
5 many feet are you taking out?

6 MR. BHATT: There will be trees
7 all the way to the parking lot. So I think it
8 is a -- in my drawings somewhere. There'll be
9 201 feet of trees that will remain.

10 MS. NEFF: Okay. And how many are
11 there now?

12 MR. BHATT: They are all the way
13 up to -- if you go back to the drawing. I
14 think they are about 260.

15 MS. NEFF: Okay. Thank you.

16 CHAIRMAN TREFZ: Do you have more
17 questions?

18 MS. NEFF: No. I was just going
19 to say, before we open it up to audience
20 participation, could we give them some good,
21 solid instructions on redundancy.

22 CHAIRMAN TREFZ: Yeah.

23 MS. NEFF: Thank you.

24 MR. PAX: I just confirmed there's

1 300 feet of trees, if you just confirm that.

2 MS. NEFF: Thank you.

3 CHAIRMAN TREFZ: I have one
4 question. It's about the retention pond.

5 MR. BHATT: Yes, sir.

6 CHAIRMAN TREFZ: I'm assuming that
7 it's built in such a way that it can take all
8 the runoff from the parking.

9 MR. BHATT: It is.

10 CHAIRMAN TREFZ: Okay. Thank you.
11 Okay. We've got a large crew here tonight.
12 I'm going to open it for public comments, but
13 here's the caveat: please don't repeat what
14 someone else has already told us. We're
15 looking for information. So if I hear the cat
16 is blue seven times, that doesn't help me. I
17 need to know that the cat had kittens and
18 there were seven blue kittens coming out.

19 MS. NEFF: You can say you concur
20 with your neighbor.

21 CHAIRMAN TREFZ: Yeah, you can do
22 that. Okay. With that caveat, who would like
23 to go?

24 MR. MCCORMACK: We meet again.

1 CHAIRMAN TREFZ: Yes.

2 MR. MCCORMACK: Dave McCormack,
3 8015 Summit Point Place, Lewis Center, and
4 I've been sworn in.

5 CHAIRMAN TREFZ: Thank you.

6 MR. MCCORMACK: I've got a
7 presentation that I've typed up on how I was
8 going to start out. And basically, before I
9 get into that, I just want to say that I'm the
10 President of the Condo Association
11 representing 91 homeowners within the
12 community. And I'm here to speak for their
13 rights as well as their property values.
14 Keith Robinette will also be speaking after
15 I'm done, and I don't believe we'll have
16 anybody else, but they may surprise me, so
17 we'll play that by ear.

18 Two things that came up in the
19 presentation that just took place. And yes,
20 speaking of the towers, they advertise that on
21 their website and they're asking for donations
22 so those can be built. Now the pictures that
23 depict the structures are shown outside
24 construction that's on site, but they're

1 pretty substantial dollar amounts they're
2 asking for for certain items. And it just
3 makes one wonder where something like that
4 would go if they're in the property, if
5 they're asking for \$50,000 on one tower,
6 \$20,000 on another tower, \$10,000 on another
7 tower. It just -- okay, where's that going if
8 it's all going to be in and under an 8,000
9 square foot structure? I just wonder. I'm
10 glad he brought it up. He saw that I got
11 pictures from one of the homeowner's that
12 supplied them, but that's a concern. Okay.

13 The other thing that I was raising
14 my hand on earlier, and I know it was out of
15 bounds on the rules, but is there a way to
16 overlay on the photo the building where it
17 lays on that photo of the property?

18 CHAIRMAN TREFZ: On the aerial
19 photo?

20 MR. MCCORMACK: Yes, sir.

21 CHAIRMAN TREFZ: Taking this
22 layout here that's on the screen and
23 overlaying it --

24 MR. MCCORMACK: All I'm saying is

1 just an outline of the box of the building, to
2 overlay it on the photo.

3 CHAIRMAN TREFZ: I have no clue.

4 MR. MCCORMACK: Basically, what
5 you're going to tell me is that we can't do it
6 tonight. Can you bring that photo back up,
7 please? Alright. Can you zoom in? Is it
8 alright if I go over there and point without
9 the microphone?

10 CHAIRMAN TREFZ: Yeah. Well, just
11 don't talk. (laughter.)

12 Take the mic with you. It's
13 portable.

14 MR. MCCORMACK: Well, my wife
15 didn't want me to do that. (laughter.)

16 When you look at the drawing here,
17 if you go to the corner of our property line
18 where the first condo is right here on the
19 left, right there, at that point where the
20 building is supposed to be in place to the
21 right of the property where the old structures
22 are, there will be roughly about 25 feet of
23 the new building going towards Orange Road.
24 The balance of the building, based on my

1 calculations, will be coming back down the
2 property line and be visible from these condos
3 here. So if the building is 100, and what is
4 it, 41.

5 MR. PAX: Yes.

6 MR. MCCORMACK: So we'd have
7 roughly 100 and -- let's say we'd have 115 to
8 120 foot of building visible from these
9 condos, and there's six of them.

10 The other thing I wanted to point
11 out was regarding the trees in this particular
12 area that are on the backside of the top two
13 -- two to three condos are almost
14 non-existent. It's like looking through
15 cellophane. You got maybe a half a dozen,
16 maybe a dozen tree trunks; otherwise, you see
17 the whole thing. You'll see the entire
18 building. You'll see the entire parking lot,
19 et cetera. I appreciate the fact that you
20 took the structure and moved it away from our
21 property line to meet the 100-foot space
22 requirements. And hey, hats off. But that
23 still leaves the building plus the 107 parking
24 spaces that are going to be on the west side

1 of the building and the south side of the
2 building. Am I saying that right?

3 MR. PAX: Uh-huh, yes.

4 MR. MCCORMACK: And Mr. Pax had
5 mentioned headlights, and that is a concern
6 for us, and parking lights, especially this
7 time of year. When you have that and they
8 talk -- you've also talked about not taking
9 away trees. Now, the, I guess the
10 southernmost part of the property where the
11 original retention pond was supposed to be
12 placed, you're not having it there so the
13 trees will stay, but you'll have that parking
14 lot coming back. And then once you stop the
15 parking lot, whatever trees are left -- I
16 appreciate you're planning on leaving those
17 trees as is, right?

18 MR. BHATT: Yes.

19 MR. MCCORMACK: I just want to
20 make sure everybody is seeing the full
21 picture.

22 So what -- I'm going to put this
23 back in here. My hands are shaking too much.

24 CHAIRMAN TREFZ: From the top,

1 there you go, just squeeze it in.

2 MR. MCCORMACK: I think I
3 mentioned to you one other time when I was in
4 here I've got Parkinson's so my hand wants to
5 do its own thing.

6 But giving an overview of where
7 that building falls and the parking lot falls
8 -- if you can then go back to the actual plan
9 drawing and shrink it a little bit. So bottom
10 line is, your building is going to be, if you
11 go right above the word new and over to where
12 it says 14 feet in the left corner of the
13 parking lot there where the circle is, up and
14 left, right down, right there, there you go,
15 that's where we'll start seeing the side of
16 the building.

17 I thought that would help my
18 neighbors understand as well as my other
19 neighbors. So those were two add ons that I
20 hadn't planned talking about, so I apologize
21 for that.

22 When I speak for the community, we
23 don't have any ill feelings at all whatsoever
24 towards the members of the temple. They have

1 a right to practice their religion, and I'm
2 all for it. Because I can practice my
3 religion. My father was a Pastor, and I've
4 heard a lot of religion over the years.

5 So, the real objection to the
6 Variance is based on the size of the lot.
7 We've talked several times about the I think
8 it's 7.04, where you require to have 5 acres
9 for a place of worship. And back in May '23,
10 the Board here determined that they approved
11 the Variance, but that was based on a certain
12 criteria that was presented then. And to go
13 back in time and talk about that criteria,
14 there's one of the items that was talked about
15 was the fact that the gymnasium that was going
16 to be used for the worship, and that's the one
17 building that was going to be used, and the
18 gentleman spoke about the residence square
19 footage, I don't think they're using the
20 residence for worshipping. They're using the
21 old gym.

22 That building back in May of '23,
23 according to the minutes, it was stated had a
24 max capacity of 55 people. It wasn't 155

1 people. It was 55 people. At the same time,
2 Vijay, Mr. Vijay, who was the President that
3 presented in '23, stated that there would be a
4 an influx of 15 to 20 members, according to
5 the minutes. And I've got them. I printed
6 them. And they'd be coming and going, like
7 they talked about - a rolling worship.

8 Ms. Mans was representing the
9 applicant, just like this evening. She talked
10 -- they talked about worship hours Monday
11 through Friday 6:00 p.m. to 9:00 p.m.

12 Chairman Shipley asked if there would be any
13 changes to the property. Ms. Mans confirmed
14 there would be no changes to the property.
15 And Mr. Vijay stated, the worship space was
16 temporary, no plans to expand. That's what
17 was stated on the record. They also said, if
18 the congregation grew, they would relocate.
19 That's in the minutes. At the time I think
20 three of the current Members were on that
21 Board when the vote passed and it was
22 approved.

23 Now we come to the new Variance,
24 and all the numbers change. Okay. Instead of

1 no construction, we're going to tear down and
2 we're going to build a building that is bigger
3 than the current two to three structures.

4 Yes, they can allow for an increase in
5 membership, when they said they'd relocate if
6 they were going to increase the membership or
7 member count.

8 If you go back in time and present
9 in May of '23 the facts that are being
10 presented now that, hey, I want a variance for
11 a place of worship and we want to have 299
12 members, and we want to build an 8,000 square
13 foot building, and we want to take "x" amount
14 of trees out, I don't think as a Board you
15 would have passed it. Because the requirement,
16 according to Orange Township specs, were 5
17 acres. Five acres and 299 people, the math
18 works. Earlier, in one of the prior meetings,
19 they did talk about 400 members, and that's
20 where the additional acre, taking it to 6
21 acres came from. For some reason, we're just
22 supposed to forget all about that and we're
23 supposed to forget all about what was
24 discussed and approved back in '23, based on

1 entirely different numbers.

2 Now, since that time, you know,
3 we've had the opportunity to live in the
4 Courtyards of Hidden Ravines, and it's a nice
5 community, and we all support Orange Township.
6 I'm sure some of the members of the temple
7 support Orange Township through taxes and
8 voting, but I would probably say not all of
9 the members are from Orange Township, and
10 that's alright. But the 91 people that live
11 in the Courtyards of Hidden Ravines, they live
12 in Orange Township, support Orange Township
13 and feel like they should be heard, that this
14 is going to impact property values, especially
15 for the six to eight condos that are adjacent
16 to this property. And you can talk about
17 trees, screening and blocking, and taking away
18 the fact that you can see the building or see
19 headlights, that's only in certain areas, and
20 that's like a band-aid. It's not real.

21 I respect the fact that the temple
22 is growing. That's a good thing. Everyone
23 needs to find God. As far as I'm concerned,
24 the Board should not consider passing this

1 Motion based on the new mathematics of the
2 equation. Thank you.

3 CHAIRMAN TREFZ: Thank you.

4 MS. NEFF: Sir, can I ask you a
5 question?

6 MR. MCCORMACK: Yeah.

7 MS. NEFF: Do you guys have any
8 issues with, like, the veterinary clinic or
9 the other businesses that are surrounding that
10 area?

11 MR. MCCORMACK: It's funny you ask
12 that. I live right beside the vet clinic.

13 MS. NEFF: Because it seems a lot
14 closer, right?

15 MR. MCCORMACK: Not really. I'm
16 the first -- the second condo in on the lower
17 part of the property. Can you zoom in? Yeah,
18 right there.

19 MS. NEFF: So it's, like, right
20 there. I mean, that's the Veterinary Clinic,
21 right, with the red car?

22 MR. DUFFEE: Yeah.

23 MS. NEFF: Okay. I didn't realize
24 it was that close when we were looking at this a

1 little bit earlier.

2 MR. MCCORMACK: I'm the second one
3 in, right there.

4 MR. PAX: It's about 60 - 70 feet
5 away.

6 MS. NEFF: And that doesn't bother
7 you?

8 MR. MCCORMACK: It doesn't bother
9 me at all. I don't have any headlights coming
10 in there. They're not open at night. When
11 they use -- when their employees park, most
12 of them are up front and on the side. The
13 only thing we hear is that every Tuesday night
14 at 11:00 the dumpster being picked up.

15 MS. NEFF: I guess, I mean --

16 MR. MCCORMACK: And occasionally I
17 hear a couple dogs bark, but the problem is
18 there's a vet clinic across 23, but I hear
19 their dogs bark more than I do here.

20 MS. NEFF: It's a boarding place,
21 yeah. It's a boarding place, yeah.

22 But I mean, if the temple is
23 closing at 9:00, like, how much traffic
24 lights, car lights are you seeing?

1 MR. MCCORMACK: I don't know.

2 Here's something I'm going to throw out there
3 that I failed to mention. A couple Saturdays
4 ago they had one of the gatherings. The
5 parking lot was loaded. There were people
6 backed out onto Orange Road waiting to get in.
7 They had at least one bus load and they had
8 two Mercedes oversized vans bringing people
9 in, and the parking lot was loaded. Maybe
10 that was one of the two special get-togethers
11 on the calender, but I don't know.

12 MS. NEFF: Okay.

13 MR. MCCORMACK: So people were on
14 top of people.

15 MS. NEFF: But so, I mean, there's
16 all these businesses along that road, right,
17 is that, like, all these and Verizon and all
18 these?

19 MR. MCCORMACK: Yeah, they're
20 right across from us and there's a big mound.

21 MS. NEFF: I mean, it seems like

22 --

23 MR. MCCORMACK: There's a big
24 mound put in there with the Evergreens across

1 the top of it.

2 MS. NEFF: Wasn't that what these
3 guys are offering to do?

4 MR. MCCORMACK: That was there
5 when we moved in, so that was existing.

6 MS. NEFF: Okay.

7 MR. MCCORMACK: I came into that
8 knowing it.

9 MS. NEFF: Okay. So is that --

10 MR. MCCORMACK: Excuse me. Keith
11 didn't buy his condo knowing that there's
12 going to be an 8,000 square foot building and
13 100 and some parking spaces next to his condo.

14 CHAIRMAN TREFZ: I'll mention this
15 like I mentioned in Powell, you don't buy the
16 view across from you.

17 MS. NEFF: You buy your property.

18 MR. MCCORMACK: I know. I
19 understand that.

20 CHAIRMAN TREFZ: But there are
21 many people that say, well, they're in my
22 backyard. Well, they're not.

23 MS. NEFF: It's their property.

24 CHAIRMAN TREFZ: It's their

1 property.

2 MS. NEFF: Okay.

3 MR. MCCORMACK: I understand that.

4 CHAIRMAN TREFZ: Yeah.

5 MR. MCCOY: And they sold it,

6 Somebody could come in and hack down every

7 single tree and there would be no regulation

8 to do --

9 MS. NEFF: It could be worse.

10 MS. DONNAN: Board, if I may,

11 because there has been a lot of tree

12 discussion. Not even sell, I mean, the

13 property owners could go home tonight and

14 clear cut that.

15 CHAIRMAN TREFZ: Yeah.

16 MS. NEFF: And there's nothing we

17 can do.

18 MS. DONNAN: And there's nothing

19 that this Board -- it is not within your

20 purview to do. Obviously, we have two

21 specific -- exactly, this application they

22 have generously agreed to have a discussion

23 about some conditions that you could hold them

24 to in the future. But as of right now, those

1 trees could come down every single one of them
2 and there's nothing that the Township or
3 anyone else could do about them.

4 MR. MCCORMACK: And that's their
5 right.

6 MS. DONNAN: That's their right.

7 MR. MCCORMACK: I understand that
8 they could take -- we have the right to be
9 here talking about the new construction.

10 MS. DONNAN: Absolutely.

11 CHAIRMAN TREFZ: Sure.

12 MS. NEFF: Absolutely.

13 MR. MCCORMACK: That's what I'm
14 talking about.

15 CHAIRMAN TREFZ: Okay.

16 MS. NEFF: Can I ask the applicant
17 a question at this time, or should I wait til
18 the end?

19 MS. DONNAN: I would probably hold
20 off on applicant questions until after public
21 comment, just so we don't get kind of back and
22 forth.

23 CHAIRMAN TREFZ: Thank you.

24 MR. MCCORMACK: Thank you for all

1 of your time. I'm sorry, he's going to talk
2 about blue cats.

3 MS. NEFF: No, kittens.

4 MR. ROBINETTE: Good evening.

5 CHAIRMAN TREFZ: Good evening.

6 MR. ROBINETTE: Dave, pretty much --

7 CHAIRMAN TREFZ: Name, address.

8 MR. ROBINETTE: Dennis Robinette,
9 8053 Summit Point Place, Lewis Center, and I
10 have been sworn in.

11 CHAIRMAN TREFZ: Thank you.

12 MS. NEFF: Thank you.

13 MR. ROBINETTE: Dave pretty much
14 takes out most of my -- so you won't have to
15 hear me go on and on and on and on.

16 MS. NEFF: You can say you concur.

17 MR. ROBINETTE: That is correct,
18 but I do have a few points.

19 Just briefly reiterate what Dave
20 said about the May '23 meeting. And I was
21 here and I spoke up, and the part that made me
22 feel bad is -- they tried to make me feel bad
23 was you won't even know we're here; look, we
24 have the right to worship, which they do, and

1 we're all for that; and don't worry, temporary
2 Conditional Variance, and hey, if we need to
3 grow, we'll move elsewhere. And so myself,
4 along with all the other attendees, pretty
5 much smacked everybody on the back and said,
6 let's go for it, let's give those guys a
7 chance. But we know now that they weren't
8 being truthful, because it turned out they
9 weren't being truthful. Each time they come
10 here the story changes.

11 MS. DONNAN: Sir, sir, I just want
12 to interrupt. So this is a continued -- this
13 is the same hearing. I believe that it's been
14 reiterated multiple times throughout the
15 multiple hearings that we've had on this, the
16 position that, look, everyone understands the
17 prior Conditional Use. I think everyone
18 understands the position of what you believe
19 the applicant may have been, but in terms of
20 just moving the testimony along, please
21 provide the Board with new information. Thank
22 you.

23 MR. ROBINETTE: Right. And I was
24 going to being with is we do have meeting

1 minutes from the --

2 MS. DONNAN: Correct, and the
3 Board has those minutes as well.

4 MR. ROBINETTE: I know. So, but
5 moving on. Each time the temple comes here,
6 the story changes, the numbers shift, the
7 designs change. In July of '25 the church
8 estimated 400 attendees. Then realizing that
9 more than 300 attendees would require a 6-acre
10 property. In September '25 they reduced that
11 number to 299. Well, yeah, 299 is less than
12 300, by one. I mean, to me that's sort of a
13 slap in the face. It's an insult. They said
14 it was a mistake, but it's clear the strategy
15 was to avoid the rules.

16 The latest design moves the water
17 impoundment ditch very close to our patios.
18 Specifically, my house is on the end there and
19 it's real close, bringing standing water, bugs
20 and rodents into our backyards. Behind the
21 church, south of the church is going to be 64
22 new parking spaces, a large light pole and
23 building lights and a large dumpster at the
24 end of the building. All that's going to

1 bring noise, environmental contamination and
2 bright light directly into our homes. And
3 there's still no clarity on where their fire
4 and smoke ceremonies will take place. For
5 neighbors with asthma, respiratory conditions
6 or using oxygen machines, these factors are
7 real hazardous.

8 If this expansion is approved,
9 what happens when they grow again? Will they
10 add even more parking behind our homes or just
11 continue to park illegally on Orange Road?
12 Will the building get even larger? Will they
13 want a two-story building? Don't know.

14 As has been reiterated about
15 Section 701 -- I won't go back into that
16 again. The property was never meant to house
17 a permanent church facility, and stretching
18 the Zoning Rules only harms the community and
19 undermines the Board's trust. The best
20 solution is to return the property to Farm
21 Residential Use. We're simply asking the
22 Board to stand by the zoning principles that
23 exist to protect all, principles that ensure
24 fairness, safety and community integrity and

1 will maintain our quality of life as residents
2 of Orange Township.

3 Please deny this Variance and help
4 us preserve the peace, health and character of
5 our community. Thank you for your time and
6 your continued service to the residents of
7 Orange Township.

8 MS. NEFF: Thank you.

9 CHAIRMAN TREFZ: Yes, thank you.
10 Any questions for this witness? Okay. Thank
11 you. Does anyone else want to speak?

12 MR. GILBERT: Hi, my name is Chuck
13 Gilbert. I live at 180 Whistling Way Drive
14 over there with 91 buildings.

15 MS. DONNA: Can you confirm if
16 you've been sworn in, sir? Excuse me, Mr.
17 Gilbert.

18 CHAIRMAN TREFZ: You've been sworn
19 in? Have you been sworn in?

20 MR. GILBERT: Yeah.

21 CHAIRMAN TREFZ: Okay.

22 MR. GILBERT: I raised my hand and
23 you said something and I said I agree.

24 I feel sorry for you guys because

1 I've sat where you were tonight. Okay. I've
2 sat on three of these, not the same thing, but
3 they're pretty much all the same and I didn't
4 do this here. But this is a lot of people
5 with a lot of concerns and you have to -- and
6 you're going to affect their lives.

7 If you look out here, this
8 demographic is who lives there, well, just
9 about 91 of them. Okay. That's who takes the
10 brunt of the decisions that you're going to
11 make. I assume when you took this job that you
12 raised your hand the same as tonight and swore
13 to tell the truth and do what you're supposed to
14 do, each one of your Board Members; is that
15 right?

16 CHAIRMAN TREFZ: Uh-huh.

17 MR. GILBERT: Okay. Well, what
18 are you going to start protecting us? This is
19 the third and fourth time we've had an issue
20 with something that went on around us. And
21 every time Boards, yours or others, have made
22 decisions that are contrary to the norm.
23 Variances, I guess you call it, right. So,
24 when is it our turn? Okay. When are we going

1 to be protected? Is this going to go on and
2 on and on and pretty soon we'll have a
3 smokestack over there, something like that?
4 You won't do that. But the expectation of
5 this Board is to take care of everybody. I'm
6 sorry. Is that correct?

7 MS. DONNAN: That is incorrect.
8 Sorry, that's not correct. The legal
9 obligation of this Board is to hear
10 applications for Variances and Conditional
11 Uses and to make a quasi-judicial decision
12 based on that. It is not to protect the
13 community as a whole. It is not to protect
14 one individual property owner. It is to hear
15 evidence and testimony.

16 MR. GILBERT: Okay. So what are
17 you for? Why are you here? So Variances are
18 the laws that are supposed to protect the
19 public.

20 CHAIRMAN TREFZ: That's the law.

21 MR. GILBERT: Why are you here?

22 MS. DONNAN: Again, to hear
23 Variances and requests for Conditional Use.
24 While the zoning -- and again, I don't know if

1 you've been here through a few of these
2 hearings. I'm happy to discuss further what
3 the role of the BZA is. While the Township
4 has a Zoning Resolution, the law provides --
5 requires mechanisms for Variances from those
6 Standards and for Conditional Uses. And
7 applicants, property owners have an absolute
8 right to submit an application for those
9 things. This Board takes its job very
10 seriously by hearing testimony. And if you
11 have testimony to provide this Board about the
12 merits of the application, they are ready,
13 willing to hear it, but they're not going to
14 have a conversation about their role and job.

15 MR. GILBERT: My experience with
16 these systems is that you follow the Law, you
17 follow what's supposed to be done. Sometimes
18 you have to kind of figure out whether people
19 are being truthful with you or not. That's
20 why you raise your hand and you swear to tell
21 the truth. The expectation is they're going
22 to do that. Because I know from sitting over
23 there, that's an end of the case in some
24 cases. People lie to you every day. And if

1 you don't think they don't, you're wrong.

2 Okay. They do lie to you.

3 What I'm trying to say is we're
4 just looking for some help, some protection
5 for our little community there full of elderly
6 people that carry this country on their back
7 50 years. Okay.

8 CHAIRMAN TREFZ: I understand.

9 MR. GILBERT: We just want a
10 little peace and quiet, a place to live on our
11 lives. Some of us are not going to live much
12 longer. Okay. So we're asking for you, I
13 don't care what she says, your job is to
14 protect us.

15 MS. DONNAN: Once again, as Legal
16 Counsel for the BZA, your job is, as we
17 discussed, to serve in a quasi judicial role.

18 MR. GILBERT: That's your opinion.

19 MS. ROSS: Sir, sir, I do want you
20 to understand that there is a set of criteria
21 that we use when we --

22 MR. GILBERT: I know.

23 MS. ROSS: After we hear what
24 everybody has to say, we will deliberate. And

1 we have a set of criteria that we use to try
2 to make the best decision that we can for
3 everyone. So we hear you.

4 MR. GILBERT: When is this going
5 to stop? When are we going to get our dues?
6 When? Tell us.

7 CHAIRMAN TREFZ: We cannot -- that
8 is not our function.

9 MR. GILBERT: Oh, it isn't?

10 MS. DONNAN: Sir, Sir,
11 respectfully, please. Do you have evidence to
12 provide this Board about the merits of this
13 application?

14 MR. GILBERT: Yeah, I do.

15 MS. DONNAN: We've heard your
16 comments and feedback on what you believe the
17 role of this Board is. I am -- please, if you
18 have testimony to provide about the merits of
19 the application.

20 MR. GILBERT: Well, from what I've
21 seen from being in all the meetings, this
22 proposal has a lot of flaws in it, a lot of
23 things are going to affect our community, a
24 lot of them.

1 MS. DONNAN: Can you provide
2 examples of what those flaws are, sir? Thank
3 you.

4 MR. GILBERT: But as the truth is
5 concerned, you can see the back of those
6 condos over there from the Post Office parking
7 lot now. And it wasn't there two or three
8 years ago. So it doesn't matter if they do
9 30-foot trees and when they fall off in the
10 winter, you're going to see in anyways.

11 MR. MCCOY: I would point out one
12 thing, sir, those condos were built in 2016 or
13 2017.

14 MR. GILBERT: Yeah, I know.

15 MR. MCCOY: They were Farm
16 Residential when they were built. They were
17 rezoned. They probably destroyed a farm or
18 destroyed a bunch of trees for all the condos
19 to be built.

20 MR. GILBERT: Maybe I'm just
21 talking in the wind, because I had higher
22 expectations of these people than I've seen so
23 far. That's my opinion, so. I'll end my
24 comments.

1 CHAIRMAN TREFZ: Thank you.

2 MR. GILBERT: You're welcome.

3 CHAIRMAN TREFZ: Anyone else want
4 to speak?

5 MS. SINGH: Amanda Singh, 127
6 Lakes at Cheshire Drive, Delaware, Ohio 43015.
7 I've been sworn in.

8 So just to talk about the temple,
9 and I know the concerns. We don't -- we're
10 not there past 9:00 p.m., again. And it is
11 very -- it's not like a traditional church
12 service where Sunday you do get a high amount
13 of cars that come in. You know, there's a
14 couple of times we do have, you know, on the
15 first Saturday we have a ceremony that we do,
16 and that takes up a little bit in the morning,
17 and there are quite an inflow of cars. But
18 I've never seen buses come in, never seen
19 buses the whole year that I've been there, and
20 I've never seen truckloads of people coming
21 in. It's just our normal truck or cars, we
22 come in, we do our worship, and then we leave,
23 very peaceful. Probably the only time we're
24 not, we're a little noisy is when we have, you

1 know, a celebration, Diwali timeframe, things
2 like that. But other than that, it's very,
3 you know, very peaceful, so. That's it's.
4 That's what I wanted to say.

5 CHAIRMAN TREFZ: Thank you.
6 Anyone else?

7 MS. NEFF: Question for the
8 applicant.

9 CHAIRMAN TREFZ: Okay.

10 MS. DONNAN: Board, one additional
11 point before turning it back over to the
12 applicant, just because there was some
13 information. I wanted to clarify again, an
14 option that's not on the table is rescinding
15 the existing Conditional Use. I know that
16 we've talked about that a few times in these
17 hearings, but it came up in the testimony and
18 I just wanted to mention that. So, please,
19 sir, go ahead.

20 CHAIRMAN TREFZ: Go ahead.

21 MS. NEFF: Yes. You had mentioned
22 something about a mound, like, that was an
23 option.

24 MR. BHATT: Right.

1 MS. NEFF: Could you show me where
2 that would be? And I'm sorry, sir, you have
3 to speak to us.

4 MR. BHATT: I just wanted to say,
5 Dave mentioned that his house they will be
6 able to see from behind the parking lot. So
7 the proposal is, if it's acceptable, it'll be
8 right from the edge of the parking lot all the
9 way off so that it's just a barn going all the
10 way across with evergreen trees that would cover.
11 So at this point --

12 MS. NEFF: So that --

13 MR. BHATT: So, at this point
14 those condo owners from the back can see a
15 structure anyway. So there is a structure --
16 there's two structures there's, so there will
17 be one structure as opposed to three. But we
18 also recognize that during the fall and winter
19 times those trees are suspect and you can see
20 more straight through.

21 So the proposal is to the extent
22 that there's a berm by the parking lot, which
23 will cover the noise, and it also will cover --
24 some evergreens on top of the berm and that

1 will cover the noise, as well as the light
2 pollution as well.

3 MS. NEFF: Can someone show me
4 what that would look like on the other the
5 aerial, the Google, yeah, where that would be?

6 MR. BHATT: So right about where
7 the building -- the property lines are for the
8 condo.

9 MS. NEFF: Uh-huh. So it would be
10 right there?

11 MR. BHATT: The building starts
12 there, right.

13 MS. NEFF: And that's similar to
14 what is on the west side over by Verizon and
15 Aldi and all that stuff.

16 MR. BHATT: That's exactly what
17 they would look like.

18 MS. NEFF: Okay. Similar, okay.
19 And are we permitted to put that in as part of
20 the conditions?

21 MS. DONNAN: Uh-huh.

22 MS. NEFF: Okay. Thank you.

23 MS. DONNAN: I think the only
24 concern, and if the applicant -- because I

1 know with berms because of the grade and the
2 slope, they have to be much wider than -- it's
3 not just a matter of a 5-foot berm. And so,
4 as long as the applicant is comfortable with
5 the dimensions and that type of thing, the
6 Board could absolutely approve a condition,
7 again, if it would be a 5-foot berm, 6-foot,
8 I'm not sure what --

9 MS. NEFF: Well, would we have to
10 put something in there because that could
11 impact like the water flow and things like?

12 MS. BHATT: So, if I may, there
13 would need to be some sort of swale that would
14 take the water then away because of what -- I
15 don't know what the flow of the water is from
16 the condo or the west side of the property to
17 the site or from the from east to west, so
18 there would need to be some sort of an
19 adjustment with swale or something so the
20 water --

21 MS. ROSS: The County Engineer
22 would have to correct approval of all of that.
23 That is not something we can do --

24 MR. BHATT: That is something we

1 would address.

2 MS. ROSS: -- if approved.

3 MS. NEFF: Okay. I'll make my
4 notes. Thank you.

5 MR. BHATT: Anything else?

6 MS. ROSS: Julie.

7 MS. DONNAN: Yes.

8 MS. ROSS: Could you clarify what
9 you said before about rescinding?

10 MS. DONNAN: Yes. So I believe
11 that there was a comment that of requesting
12 that the Board return or restore the property
13 to FR-1 and basically it should go back to
14 farmland, and maybe I interpreted that
15 different. But just so that the Board is
16 clear, this is a new Conditional Use that's
17 being asked for you to approve, but there is
18 not an option on the table for you to
19 basically take away the old Conditional Use
20 and prevent them from operating how they're
21 currently operating.

22 MS. ROSS: Okay.

23 MR. PAX: Thank you.

24 MS. ROSS: Thank you.

1 MS. FABRIC: Briefly --

2 MS. NEFF: I'm sorry, public
3 comment has been closed.

4 MS. DONNAN: Public comment has
5 been closed.

6 MS. FABRIC: Oh, it has been?

7 CHAIRMAN TREFZ: Yeah, the minute
8 I had the applicant come up, because I asked
9 if there were any other public comments, and I
10 didn't see what --

11 MS. FABRIC: Something he said is
12 why I came up. I wasn't planning on talking.
13 I'm not even sworn in, so.

14 CHAIRMAN TREFZ: Okay.

15 MS. FABRIC: It was response to
16 something you were talking about.

17 MS. DONNAN: Public comment has
18 been closed. The applicant has made their
19 rebuttal. It is up to the Board whether or
20 not to reopen public comment or not; however,
21 this is the maybe third reiteration, and that
22 sort of thing, so.

23 MS. NEFF: I would say no.

24 MR. PAX: No.

1 MS. NEFF: We say no.

2 CHAIRMAN TREFZ: Okay.

3 MS. ROSS: I don't have an
4 objection.

5 MS. FABRIC: This is brief.

6 MS. ROSS: If we're here to
7 receive testimony and it's truly testimony, I
8 have no objection to hearing it.

9 MR. PAX: She says it's brief.

10 CHAIRMAN TREFZ: Okay.

11 MR. PAX: Then I agree.

12 CHAIRMAN TREFZ: Then you need to
13 be sworn in, If I heard you correctly.

14 MS. FABRIC: Correct.

15 CHAIRMAN TREFZ: Please come up.

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

20 MS. FABRIC: I do.

21 CHAIRMAN TREFZ: And then state
22 your full name and address.

23 MS. FABRIC: Laura Fabric, 8117
24 Summit Point Place, Lewis Center, 43035. Just

1 two comments. The first is, my backyard is
2 kind of catty-corner to everything that's
3 going on in the new property. But when you
4 were talking about the north side of our
5 properties and then also the west side, that's
6 nothing compared to how busy that property on
7 east side is going to be. We have no --
8 there's a big road there, you know, between us
9 and Aldi and you know, the car cleaning place.
10 There's a big road there. We don't have cars
11 coming and going all the time. And even
12 though the HealthyPets, I mean, there's
13 nothing there really to, you know, nothing
14 that causes noise or anything.

15 And then my second comment is,
16 just looking at what was read or what happened
17 back in 2023 at that last meeting versus what
18 we're getting now, how can we believe anything
19 that they're saying? Because everything has
20 changed and that's -- so that's all I'm
21 saying.

22 CHAIRMAN TREFZ: Okay. Thank you.

23 MS. FABRIC: Thank you.

24 MR. PAX: Thank you.

1 MS. DONNAN: I would ask the
2 applicant if they have any final rebuttals,
3 and if they do not, then we can talk about
4 options for what the Board would like to do.

5 CHAIRMAN TREFZ: I think they're
6 talking it over at the moment.

7 MR. DUFFEE: Board, if I can
8 interject and add some clarification on one
9 earlier item while they're conferring. So we
10 had talked previously about that 7.04(c). I
11 want to read that passage in its entirety as
12 it relates to additional acreage. So the
13 passage is, "Churches or other places of
14 worship, provided they occupy a lot of not
15 less than 5 acres, plus 1 acre for each 100
16 permanent seats over 300 in the main assembly
17 area." So there's a few issues there.

18 My interpretation is that the
19 acreage required would be 5 acres. Because
20 one, it's my understanding that there are not
21 300 permanent seats, or even 299 permanent
22 seats. You do have the chance to ask the
23 applicant that question on the record as to
24 how many permanent seats there will be. The

1 other interpretation of that is that it's 300
2 plus 100 to trigger the additional acre. So
3 it would actually be 400 seats in order to
4 trigger a minimum of 6 acres.

5 CHAIRMAN TREFZ: Okay.

6 MS. NEFF: Thank you. Could we
7 get that on the record?

8 MR. BHATT: So just to clarify,
9 yes, on the record, 299 seats.

10 MS. NEFF: Permanent seats.

11 MR. BHATT: And again, the
12 question has been thrown out about
13 misrepresentations. Just very quickly
14 rebuttal-wise, the congregation has not grown.
15 It has not grown from 2023, '24, '25. It's
16 the same number of people, number one. Number
17 two is, the reason it went from 400 to 300 had
18 to do with the sprinkler system requirement of
19 the building, not because of somehow we're
20 trying to misrepresent it to the Board. The
21 size of the building did not require the
22 sprinkler system, so that's why it's 299 for
23 the seats. Thank you.

24 CHAIRMAN TREFZ: Okay. Thank you.

1 MS. ROSS: I move that we excuse
2 ourselves into private deliberation.

3 CHAIRMAN TREFZ: Is there a
4 second?

5 MR. PAX: Second.

6 MR. DUFFEE: Mr. Pax.

7 MR. PAX: Yes.

8 MR. DUFFEE: Ms. Ross.

9 MS. ROSS: Yes.

10 MR. DUFFEE: Mr. Trefz.

11 CHAIRMAN TREFZ: Yes.

12 MR. DUFFEE: Ms. Neff.

13 MS. NEFF: Yes.

14 MR. DUFFEE: Mr. McCoy.

15 MR. MCCOY: Yes.

16 MR. DUFFEE: The Board is entering
17 into private deliberations with legal counsel.

18 CHAIRMAN TREFZ: We'll be back as
19 soon as we can.

20 (The Board enters private
21 deliberations.)

22 MS. ROSS: I move that we return
23 to regular session.

24 CHAIRMAN TREFZ: I second.

1 MR. DUFFEE: Mr. Pax.
2 MR. PAX: Yes.
3 MR. DUFFEE: Ms. Ross.
4 MS. ROSS: Yes.
5 MR. DUFFEE: Mr. Trefz.
6 CHAIRMAN TREFZ: Yes.
7 MR. DUFFEE: Ms. Neff.
8 MS. NEFF: Yes.
9 MR. DUFFEE: Mr. McCoy.
10 MR. MCCOY: Yes.
11 CHAIRMAN TREFZ: We're back in
12 session.
13 MS. ROSS: Okay. I move to deny
14 Case No. VA-CU-25-15 for the property located
15 at 350 East Orange Road, Lewis Center, Ohio,
16 43035, seeking an Area Variance from the
17 Orange Township Zoning Section 7.04(c) for a
18 place of worship to be permitted on a parcel
19 smaller than the allowed 5 acres in an area
20 zoned Farm Residential District (FR-1),
21 because the Variance is substantial, because
22 the essential character of the neighborhood
23 would be substantially altered, and adjoining
24 properties would suffer a substantial

1 detriment as a result of the Variance, and the
2 property owner purchased the property with
3 knowledge of the zoning restriction.

4 CHAIRMAN TREFZ: I'll second.

5 MR. DUFFEE: Motion and a second
6 to deny the Variance.

7 MR. PAX: Discussion.

8 MS. ROSS: Do you want any
9 discussion on the Motion?

10 MR. PAX: Can we have discussion
11 on the Motion?

12 CHAIRMAN TREFZ: Yeah.

13 MR. DUFFEE: You may.

14 MR. PAX: First I did want to say
15 to the applicant that we appreciate the
16 efforts and the work that you've done with
17 this -- with the revisions that were presented
18 this evening and the testimony. The one thing
19 I'll say that it's the fact of the Statute
20 being there for a house of worship and on that
21 5-acre site, that restriction is there for a
22 lot of different reasons. One, the amount of
23 parking that is required for it, also outdoor
24 area that is typically provided, that is

1 needed for the activities of a house of
2 worship. That's one of the reasons why that
3 area is there. It's almost mandated
4 anticipating that and knowing that. So that
5 was a bit of a fact -- that was a factor in
6 our evaluation. The previous variance with
7 the property that was there, those
8 outbuilding, small structures, and so, when we
9 look at a large building on there, that's a
10 significant difference on that and the parking
11 that's required for it.

12 So, when we take all emotion out
13 of it, we're looking at it just from those
14 factors. That's what as a Board we're
15 required to do, so I wanted to mention that,
16 but also acknowledge the efforts that you've
17 made in the application.

18 CHAIRMAN TREFZ: I also appreciate
19 the efforts that were done, but I will say
20 that even this plan still has some things that
21 are unknowns, and those unknowns we can't vote
22 on, so we have to go with what is presented to
23 us. You've worked with the community right
24 next to you, all the condos, you've tried to

1 alleviate all their concerns, but there are
2 still things that I personally can't see
3 around to do anything other than deny it.

4 Anyone else?

5 MR. MCCOY: I agree with both
6 assessments. There's nothing on my list that
7 I would have had added to what both of you
8 said.

9 CHAIRMAN TREFZ: Okay.

10 MR. DUFFEE: Ready for a roll call
11 vote?

12 CHAIRMAN TREFZ: Yes.

13 MR. DUFFEE: The Motion on the
14 floor is for denial of the Variance. Those
15 voting:

16 Mr. Pax.

17 MR. PAX: Yes.

18 MR. DUFFEE: Ms. Ross.

19 MS. ROSS: Yes.

20 MR. DUFFEE: Mr. Trefz.

21 CHAIRMAN TREFZ: Yes.

22 MR. DUFFEE: Ms. Neff.

23 MS. NEFF: No.

24 MR. DUFFEE: Mr. McCoy.

1 MR. MCCOY: Yes.

2 MR. DUFFEE: Motion carries 4 to 1
3 for denial of the Variance.

4 MS. ROSS: I move to deny Case No.
5 VA-CU-25-15 for the property located at 350
6 East Orange Road, Lewis Center, Ohio, 43035,
7 seeking a Conditional Use from the Orange
8 Township Zoning Resolution Section 7.04(c) to
9 allow the operation of a place of worship in
10 an area zoned Farm Residential District
11 (FR-1), because the proposed use is of such
12 nature and designed to be constructed,
13 operated and maintained in such manner that it
14 will not be harmonious and appropriate with
15 the existing or intended character of the
16 general vicinity, and such use will change the
17 essential character of the same area. The
18 proposed use will be disturbing to existing or
19 future neighboring uses. And the proposed
20 use, including the size of the lot and the
21 large size of the worship facility, will not
22 be consistent with the objectives of this
23 Zoning Resolution.

24 CHAIRMAN TREFZ: I'll second.

1 Discussion on this one?

2 MR. MCCOY: I think it still goes
3 back into the same examples that were pointed
4 out. I appreciate the changes that were made,
5 the accommodations that were made by the
6 applicant in trying to get this across the
7 finish line; however, the size of this
8 building and the size of the lot is not
9 congruous with what the existing zoning plan
10 states. The addition of basically 1,800
11 square feet, even with the tear down of three
12 buildings and the increase in the parking lot,
13 it's trying to too much, in my opinion, fit a
14 square peg in a round hole, trying to fit too
15 much on a parcel that's already not of a size
16 to be consistent with the Zoning Resolution.

17 MR. DUFFEE: Ready for a vote?

18 CHAIRMAN TREFZ: I think so.

19 MR. DUFFEE: Motion on the floor
20 is for denial of the Conditional Use. Those
21 voting:

22 Mr. Pax.

23 MR. PAX: Yes.

24 MR. DUFFEE: Ms. Ross.

1 MS. ROSS: Yes.

2 MR. DUFFEE: Mr. Trefz.

3 CHAIRMAN TREFZ: Yes.

4 MR. DUFFEE: Ms. Neff.

5 MS. NEFF: No.

6 MR. DUFFEE: Mr. McCoy.

7 MR. MCCOY: Yes.

8 MR. DUFFEE: Motion carries 4 to 1
9 for denial of the Conditional Use.

10 CHAIRMAN TREFZ: So that everyone
11 knows what the applicants can do, could you
12 restate what's happening now?

13 MS. DONNAN: So the Board denied
14 the applicant -- I'm sorry, the application
15 that was in front of you tonight. The Board
16 did not take action on the previously approved
17 application, and so these property owners are
18 able to continue to use their property the way
19 that was approved in, I believe, 2023.

20 CHAIRMAN TREFZ: Does everybody
21 understand that? Okay. Thank you.

22 At this point, you're all
23 dismissed, or you can go retrieve your lives,
24 whatever, and we have a few bits of business,

1 but you don't have to stay here for it.

2 MR. DUFFEE: Would you like to
3 proceed or wait until the room clears?

4 CHAIRMAN TREFZ: I think can wait
5 til the room clears. Everyone, if you could
6 move on out, please. Go ahead.

7 MR. DUFFEE: Okay. Mr. Chairman,
8 so we do have for your consideration the
9 approval of the 2026 Meeting Schedule of the
10 Board of Zoning Appeals. I apologize for not
11 having a printout for this in front of you,
12 but I believe you did receive it at a previous
13 meeting. It is there on the screen, if you
14 would like to reference it. So we do have, as
15 we discussed a few months ago, we have the
16 hearing date, the primary hearing date, with
17 an application deadline and then a possible
18 continuance date, if there are a large number
19 of cases on one evening's agenda.

20 MS. ROSS: I move to approve the
21 2026 BZA meeting schedule as submitted.

22 CHAIRMAN TREFZ: I second.

23 MR. DUFFEE: Those voting:
24 Mr. Pax,

1 MR. PAX: Yes.

2 MR. DUFFEE: Ms. Ross.

3 MS. ROSS: Yes.

4 MR. DUFFEE: Mr. Trefz.

5 CHAIRMAN TREFZ: Yes.

6 MR. DUFFEE: Ms. Neff.

7 MS. NEFF: Yes.

8 CHAIRMAN TREFZ: Mr. McCoy.

9 MR. MCCOY: Yes. Because I don't
10 know what I'm doing next week, let alone the
11 next several months.

12 MR. DUFFEE: Motion carries. We
13 will get that posted on our website and then
14 sent out to you all in a more official
15 capacity.

16 And then we do have -- we did not
17 get the November meeting minutes back to us
18 for review, but we do have the October 16th,
19 2025 Meeting Minutes, which I believe were
20 distributed to you. We've not received any
21 corrections from you, but if you have any,
22 we'll take them at this time.

23 MS. ROSS: I did not have a chance
24 to look at them, and they all say that I'm the

1 one has to look at them.

2 MR. MCCOY: I always depend on Sue
3 to make corrections.

4 MS. ROSS: So if we could bump
5 that to the next meeting, it would give me a
6 chance to review them.

7 CHAIRMAN TREFZ: I'll give them a
8 look, too.

9 MR. MCCOY: Because I cannot
10 remember what I said yesterday, let alone two
11 months ago.

12 CHAIRMAN TREFZ: Well, it has
13 nothing to do with what you said.

14 MS. ROSS: I just look for
15 clerical.

16 CHAIRMAN TREFZ: Yeah, it's more
17 clerical things.

18 MR. MCCOY: And I can't spell
19 recorder. (Laughter.)

20 MS. ROSS: I'll do your part then.

21 MR. DUFFEE: Alright. I don't
22 believe there are any more Agenda items. The
23 application deadline for the January meeting
24 is tomorrow. At this point, we have not

1 received any applications for January, so you
2 may get a month off. We will communicate to
3 you sometime next week, once that is official,
4 whether we will be meeting in January or not.

5 CHAIRMAN TREFZ: Okay. Cool.

6 MR. MCCOY: I move to adjourn.

7 MS. ROSS: Second.

8 MR. DUFFEE: Mr. Pax.

9 MR. PAX: Yes.

10 MR. DUFFEE: Ms. Ross.

11 MS. ROSS: Yes.

12 MR. DUFFEE: Mr. Trefz.

13 CHAIRMAN TREFZ: Yes.

14 MR. DUFFEE: Ms. Neff.

15 MS. NEFF: Yes.

16 MR. DUFFEE: Mr. McCoy.

17 MR. MCCOY: Yes.

18 MR. DUFFEE: Meeting adjourned.

19 (Thereupon, the proceedings
20 concluded at 8:21 p.m.)

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CERTIFICATE

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

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Sandra D. Kin 

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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