1 BEFORE THE ORANGE TOWNSHIP

2 BOARD OF ZONING APPEALS

3 - - -

4 :
:
5 In the Matter of: :
:
6 Public Hearing - :
Variance Applications. :
7 :
:
8

9 - - -

10 PROCEEDINGS

11 before Members of the Orange Township Board of

12 Zoning Members; Chair Sue D. Ross, Vice-Chair

13 Stacey Neff, Kelvin Trefz, Joe Pax, and

14 Nikolas McCoy held at Orange Township Hall,

15 Moffett Room, 1680 East Orange Road, Lewis

16 Center, Ohio, called at 6:00 p.m. on Thursday,

17 February 19, 2026.

18
Also Present:
19 Eric Gayetsky,
Senior Zoning Officer,
20 Charlie Schneider,
Zoning Compliance Officer.
21

22 - - -

23

24

1 - - - - -

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

3 - - - - -

4 CHAIR ROSS: I'll call to order

5 the meeting of the Orange Township Board of

6 Zoning Appeals. Will you call roll, please?

7 MR. GAYETSKY: Sure.

8 Ms. Ross.

9 CHAIR ROSS: Here.

10 MR. GAYETSKY: Ms. Neff.

11 VICE-CHAIR NEFF: Here.

12 MR. GAYETSKY: Mr. McCoy.

13 MR. MCCOY: Here.

14 MR. GAYETSKY: Mr. Pax.

15 MR. PAX: Here.

16 MR. GAYETSKY: And Mr. Trefz.

17 MR. TREFZ: Here.

18 MR. GAYETSKY: And we do have a

19 quorum this evening, so you can take it away

20 with the swearing in, Mr. Ross.

21 CHAIR ROSS: Very good. Anyone

22 who is here this evening who intends to

23 testify, if you please raise your right hand.

24 Anyone who intends to testify, please raise

your right hand and be sworn.

Do you solemnly swear that the testimony that you shall give shall be the truth, the whole truth and nothing but the truth; state I do.

TO TESTIFY: "I do."

CHAIR ROSS: Okay. When you come up, when it's time to speak, then please come up to the podium, speak to the Board and tell us your name, your address, and just affirm that you've been sworn in. Thanks.

MR. GAYETSKY: Good evening, Members of the Board of Zoning Appeals, those in the room and those who might be watching online. My name is Eric Gayetsky. I'm Senior Zoning Officer for Orange Township. I will take us through our cases tonight. We have two Residential Variance Requests.

Starting with the case that is at 3306 Arctic Avenue. That's Case No. VA-26-01. This Variance Request specifically from Rezoning Case 2646 Willow Springs to allow for a patio that includes a pavilion and fireplace to encroach into the 35-foot per year setback.

1 I didn't know this in the Summary, but you'll
2 see on subsequent pages that setback is just
3 over 12 feet, approximately 12 to 13 feet.
4 And the Site Plan is later in the Report. The
5 subject property at 3306 Arctic Avenue has
6 Parcel No. 318-120-01-028-000, and is
7 presently owned by Eric and Allison Smith.
8 So this is in the middle of the
9 Willow Springs neighborhood, and all four
10 directions around the property, the Zoning
11 District is Single Family Planned Residential.
12 The land uses are all Single Family Residences
13 with Arctic Avenue to the north.
14 And we'll scroll down here to give
15 you a general view of the location of this
16 neighborhood. This happens to be north and
17 east -- well, east of the South Old State
18 right-of-way, as the entire neighborhood is,
19 and you can see the intersection of Lewis
20 Center and South Old State down here, so this
21 is towards the north end of Orange Township.
22 Then on the next page in the
23 report -- and if you just want to move your
24 mouse to the right. There you go. we have

1 coming up the zoomed-in view. And the
2 zoomed-in view does a good job to help
3 delineate that this is property that has --
4 AUDIENCE: That's not my property.
5 MR. GAYETSKY: Alright. There we
6 go. So the fairly thick tree coverage is
7 covering not just this property's rear
8 property line, but neighboring properties in
9 basically all three directions, to the south,
10 east and west. And then you will see some
11 better views here quite soon in our site
12 photos. Thank you, Charlie.
13 So, Site Photo No. 1 is taken from
14 the side property line. This is essentially
15 looking east directly along the line of the
16 rear where the rear property line is. So we
17 tried our best with the measurements in about
18 8 to 10 inches of snow, and we denoted with
19 you can see the orange cones just atop the
20 snow pack, those are the corners of the
21 proposed pavilion. There are two sets of
22 cones in close proximity, sort of on the right
23 side. And those denote the rear extent where
24 there should be a fireplace, outdoor fireplace

1 that the applicant can describe in a little
2 more detail, if needed. And then the solid
3 line, that's our best estimate of where the
4 rear property line is located. And then that
5 dotted line towards the left is the
6 approximate 35-foot rear yard setback.
7 I'll take you through a few more
8 photos. This is looking due south, just
9 zoomed-in. So looking away from the home, you
10 can see those mature trees on the neighbor's
11 property predominantly. And then flipping
12 through, this is the reverse view of that
13 zoomed-in view with the extent of where the
14 proposed outdoor fireplace would be.
15 Alright. Staff Review, so
16 measurements indicate that this proposed
17 pavilion and kitchen with outdoor fireplace,
18 that would extend 13 feet based on Staff's
19 measurement of the site plan into the 35-rear
20 yard setback. This encroachment represents
21 approximately 37% Variance Request from the
22 standards established in Rezoning Case 2646.
23 So I know the applicant had a
24 Revised Site Plan somewhat to show the

1 pavilion moved slightly closer to the house,
2 so with less encroachment. They do have
3 labeled on here 25 feet. We did scale this to
4 the property boundaries, and when we scaled
5 it, our measurement on Exhibit No. 3 , I guess
6 that should be 3.2, is 22 feet 0 inches to the
7 furthest extent of this structure. So, you
8 have a 13-foot encroachment into the rear yard
9 setback as a result.
10 I'm happy to answer any questions.
11 Also, the applicant is here to describe any
12 more details or answer questions from the
13 Board.
14 CHAIR ROSS: Any questions for
15 Eric?
16 MR. PAX: I do. So, again, on
17 that dimension, you say scale, so it was just
18 scaled graphically, not necessarily measured
19 at all?
20 MR. GAYETSKY: No. We're not
21 surveyors, so we don't have the scales or
22 tools for that. So what we use is an
23 engineering software, which when we scale it,
24 we use the property depth as the scaling

1 method and then that is enabling us to draw
2 the measurement and measure it specifically
3 from the rear of the pavilion to the rear
4 property line. So, I know it's relatively
5 close, but we like to err on the side of
6 caution. And generally speaking, this is very
7 precise engineering software, so.
8 MR. PAX: And reading the
9 submitted application from the applicant,
10 basically, they're saying their intent is to
11 have that separation of the pavilion from
12 their primary residence. So I see it's about
13 17 feet on that drawing right there from
14 basically the edge of the patio to the
15 pavilion. So there still appears to be about
16 5 feet from the residence itself; is that
17 correct?
18 MR. GAYETSKY: There seems to be a
19 little spacing. Maybe they can shed further
20 light on exactly what that dimension of the
21 patio would be. We did not measure that.
22 MR. PAX: Okay. I don't -- the
23 only reason I'm bringing up this dimension and
24 specificity is the letters from the other

1 residents were mentioning 25 feet, so a
2 10-foot encroachment as being acceptable to
3 them. So again, we're talking about an
4 additional 3 feet. I know it's just 3 feet,
5 but that is a factor. So, I wanted to make
6 sure -- at least that's my one reason I wanted
7 to be absolutely clear on that dimension.
8 But also looking at percentage of
9 the encroachment on the Variance being
10 requested, it makes a difference. That's
11 basically, quick math, it's like 37% variance
12 at 13 feet. And you know, you're going to a
13 10-foot variance, or encroachment, it's about
14 25%, so that's a factor also that I wanted to
15 at least in our determination, or my
16 determination, on the Variance is important.
17 MR. GAYETSKY: And the applicant
18 will have a moment to shed more detail and
19 clarify if that was their objective and --
20 but, you know, just wanted to mention.
21 MR. PAX: Thank you.
22 VICE-CHAIR NEFF: Okay. Is the
23 applicant here?
24 MR. SMITH: He is.

1 CHAIR ROSS: Would you like to
2 speak?
3 MR. SMITH: I shall. Good
4 evening. Thank you for the opportunity to
5 meet with you. My name is Eric Smith,
6 resident of 3306 Arctic Avenue. And I was
7 duly sworn in at the beginning of our meeting.
8 I've lived in the home -- the
9 original owner for 27 years. My wife Allison
10 and I have been there for 27 years and had our
11 four daughters graduate from the original
12 Olentangy High School, so we are Orange
13 Township residents through and through.
14 The couple -- I'll address
15 specifically the measurements here in just a
16 minute, but a couple pieces of information I
17 want to put in your hand, if I could. If you
18 could scroll up to the aerial view that has
19 the yellow box around the property, the actual
20 photo of the property. This might be helpful,
21 I think. That one there. Thank you.
22 So, scroll down so you can see the
23 bottom. The bottom line there is along the
24 tree line, that is south facing from my house

1 down and looking south, and that south
2 property line, that property is owned by
3 Steven and Bobbi Cisco. You can't see their
4 house. It's a very low property line. Their
5 house is off on Polar. You can barely see it
6 there. And then on the other end, that is the
7 cemetery behind Berlin Church. They're great
8 neighbors. And we're polite enough to draft a
9 letter in support.
10 VICE-CHAIR NEFF: We've got it
11 here.
12 MR. SMITH: You've got it.
13 CHAIR ROSS: Thank you.
14 MR. SMITH: They were kind enough
15 to draft a letter in support of the project,
16 Davidson, knowing full well exactly what that
17 means and what it looks like up there.
18 Additionally, there was, would have been a
19 email sent from Brian McDonald. Brian is, if
20 you look just to the left on that image, the
21 gray roof, and he's my neighbor to the west,
22 and Brian is also the President of the
23 homeowners' association. So I had to submit
24 the plans to the homeowners' association. He

1 ran it up to the Board. The Board of Trustees
2 approved those plans. They're consistent with
3 our deed restrictions.
4 And to be consistent with our deed
5 restrictions, 25 feet is the limit from the
6 property line. So the image of the 22, we had
7 23 in the drawing, it wouldn't be -- or we
8 had 25 in the drawing. It will be 25. I'm
9 not asking for the additional 3 feet, just 10
10 from 35 to 25 because 25 is consistent with
11 the deed restrictions, and we didn't want to
12 do anything outside of that. We didn't want
13 to have any issues with the homeowners'
14 association. So Mr. McDonald got approval
15 from the homeowners' association, Board of
16 Trustees. We're good there. Which I would
17 have had to do in any event, even if it wasn't
18 a variance issue.
19 And then he also added, I think to
20 that email, a few sentences on him supporting
21 the project as a whole. He, Brian McDonald
22 and his wife have also used AA Landscaping,
23 Aaron Albanese, who's with me today to answer
24 any technical questions, but they've used them

as well. In fact, they started using Mr. Albanese's firm. We liked what they did. We had some work done a couple different times, and now we're back again. So, we're sharing the same landscaper, and have for a few years now.

So that's what we want to accomplish, 25 feet. So I'm asking for 10 feet, 25 consistent with our deed restrictions for the Board, for the homeowners' association, rather, and then just additional 10 feet. That's all. Thank you.

VICE-CHAIR NEFF: I have a quick question. Are you removing most of the trees?

MR. SMITH: Removing none of the tree. My property line goes up to the tree line.

VICE-CHAIR NEFF: Oh, gotcha.

MR. SMITH: So, yeah, right there that, see that shot down there, like that wood pile is mine and those two black urns are mine, but like 3 feet into -- that tree, that's Mr. Cisco's property.

VICE-CHAIR NEFF: So you're able

1 to keep them all?
2 MR. SMITH: Pardon me?
3 VICE-CHAIR NEFF: You're able to
4 keep all the trees?
5 MR. SMITH: Oh, yeah, they're not
6 mine. Yeah.
7 VICE-CHAIR NEFF: Okay.
8 MR. SMITH: That property line and
9 then to the right, that's all Stephen Cisco.
10 VICE-CHAIR NEFF: Okay.
11 MR. SMITH: We did have a
12 conversation some months back when we were
13 first calculating this. Hey, I want to put a
14 pavilion out there. Because he had, if you
15 see, like the limbs literally hanging over
16 right there, you can see that big limb. I go,
17 you might have -- he goes, oh, we'll just cut
18 back, whatever you see in your way we'll cut
19 back, so he's cool. I don't know that I'll
20 need to, but I did want to talk to him about
21 it. But we shouldn't -- we're not taking any
22 trees down, no.
23 VICE-CHAIR NEFF: That's great.
24 CHAIR ROSS: Any other questions

1 for the applicant? Okay. Is there anyone in
2 the audience that would like to speak?
3 MR. SMITH: If you have any
4 technical questions on our build, Mr. Albanese
5 can speak to that. Thank you.
6 CHAIR ROSS: No questions at all?
7 MR. MCCOY: Eric, the other
8 Variance that's 10 feet, is that 28.5%?
9 There's 10 feet into the 35 feet.
10 MR. GAYETSKY: That's correct.
11 MR. PAX: That's correct.
12 MR. MCCOY: That's correct, okay.
13 CHAIR ROSS: Any other questions?
14 MR. GAYETSKY: 29 if you round up.
15 And I just wanted to put on the record, that
16 was the only correspondence received. That's
17 what the gentleman described and what we
18 printed off.
19 VICE-CHAIR NEFF: Based on these
20 factors, I move to approve Case No. VA-26-01
21 for property located at 3306 Arctic Avenue,
22 Lewis Center, Ohio, seeking an Area Variance
23 from the Rezoning Case No. 2646 Willow Springs
24 to allow for a patio with pavilion structure

1 and outdoor fireplace to encroach 13 feet into
2 --
3 CHAIR ROSS: No, 10 feet.
4 VICE-CHAIR NEFF: Sorry. To
5 encroach 10 feet into the required 35-foot
6 rear yard setback in a Single Family Planned
7 Residential District.
8 MR. TREFZ: I'll second.
9 MR. GAYETSKY: Motion made by Ms.
10 Neff, second by Mr. Trefz. Those voting:
11 Ms. Ross.
12 CHAIR ROSS: Yes.
13 MR. GAYETSKY: Mr. Trefz.
14 MR. TREFZ: Yes.
15 MR. GAYETSKY: Mr. Pax.
16 MR. PAX: Yes.
17 MR. GAYETSKY: Ms. Neff.
18 VICE-CHAIR NEFF: Yes.
19 MR. GAYETSKY: And Mr. McCoy.
20 MR. MCCOY: No.
21 MR. GAYETSKY: Motion carries.
22 Variance is approved.
23 VICE-CHAIR NEFF: Thank you.
24 MR. SMITH: Thank you.

1 - - -

2 MR. GAYETSKY: So, we have one new
3 business item, one to go, and then we'll talk
4 about the minutes last.
5 So, the Variance case, that's at
6 the address 2221 Orangelake Drive, Lewis
7 Center. This is for Variance Case VA-26-02.
8 This is seeking an Area Variance from Rezoning
9 Case 12711 Alum Crossing to allow for a 61 by
10 43 inch egress window to encroach three feet
11 to require 12 foot 6 inch side yard setback in
12 the Single Family Planned Residential
13 District. The property again is at 2221
14 Orangelake. It's presently owned by Christian
15 and Nancy Lent.
16 This property is located amidst
17 Single Family Zoned Residential parcels in all
18 four directions. The land uses to the north
19 include Delco Water District Parcel, basically
20 driveway access, Single Family Residences.
21 Beyond that, to the south would be Orangelake
22 Drive right-of-way. Single Family Residences as
23 well to the east and west.
24 So, this is set in from major

1 thoroughfares, but it is just a bit west of
2 South Old State Road, as you can see on the
3 map. And we will zoom in here, so in between
4 two single family lots of comparable
5 dimensions. That parcel to the north owned by
6 Delco Water stretches along all of the rear
7 property lines, and this row of houses. And
8 then there's the Orangelake Drive right-a-way
9 to the south. So the request is for the
10 egress window to be added to the west side of
11 the existing home.
12 So, we did go out on that snowy
13 day for a second inspection, and we tried to
14 get a pretty good photo for you to look at.
15 So, the zoomed-in second photo is the egress
16 area. That's just a standard window well to
17 the basement window. We took the picture from
18 the other view to give you an idea about the
19 site, the separation between houses, so you
20 can see that much.
21 We'll go Staff Review on this.
22 The home is set back roughly 13 feet 1 inch
23 from the west side property line, which is
24 where the egress window is proposed to be

1 added. The measurements indicate here that
2 the egress window would extend 3 feet 0 inches
3 into the required 12 foot 6 inch side yard
4 setback. I think we have a plan view here
5 upcoming to show that a little bit better.
6 So, the encroachment does
7 represent 24% variance from the standards
8 established under Rezoning Case 12711 Alum
9 Crossing. This is the zoomed out -- well, it
10 does have the measurement to show the existing
11 side setback. And then the next page gives
12 you a much closer, better representation, I
13 should say, of the extent to which this egress
14 window will protrude. So, 9 feet 6 inches is
15 going to be the new setback, which is that
16 3-foot encroachment.
17 I believe that's all we have for
18 our report. And criteria for consideration on
19 the next page. And I'm here for any
20 questions.
21 CHAIR ROSS: Any questions for the
22 Staff?
23 VICE-CHAIR NEFF: So the letter we
24 got, is that the neighbor right beside?

1 MR. GAYETSKY: It should be.
2 VICE-CHAIR NEFF: It sounds like
3 it from his letter, but --
4 MR. GAYETSKY: The applicant can
5 --
6 VICE-CHAIR NEFF: Can let us know.
7 CHAIR ROSS: Okay. With that,
8 would the applicant like to come up and speak
9 to us?
10 MR. LENT: My name is Christian
11 Lent. I'm a resident at 2221 Orangelake
12 Drive, and I've been sworn in.
13 CHAIR ROSS: Thank you.
14 MR. LENT: Yes, that is, the
15 Friends are our wonderful neighbors to the
16 west, so the letter you have is from John
17 Friend. And yeah, so that's on the side with
18 the encroachment.
19 VICE-CHAIR NEFF: Thank you.
20 CHAIR ROSS: I'll assume that
21 there's a graded covering or something that
22 goes over the well to keep somebody from
23 stepping into it accidentally?
24 MR. MILLER: That's probably a me

1 question, but yes.
2 CHAIR ROSS: Okay. Come to the
3 mic, please.
4 MR. MILLER: I'm Larry Miller. My
5 address is 2511 Carters Corner Road, Sunbury
6 Ohio. I don't live with him. (Laughter.)
7 CHAIR ROSS: You've been sworn in,
8 sir?
9 MR. MILLER: Yes, I have been
10 sworn in.
11 CHAIR ROSS: Okay. Thank you.
12 MR. MILLER: So, we use a
13 prefabbed unit that has a cover that will come
14 with a cover on, yes. We have built different
15 versions of our own, but we started using this
16 modular system that has the cover for it.
17 CHAIR ROSS: Great. Thank you.
18 Any other questions? Okay. Anyone in the
19 audience that would like to speak? I don't
20 see anybody.
21 MR. GAYETSKY: We did not have any
22 other correspondence, so.
23 CHAIR ROSS: Great. Thank you.
24 MR. MCCOY: I'll make a Motion.

1 Based on the factors considered, I move to
2 approve Case No. VA-26-02, for the property
3 located at 2221 Orangelake Drive, Lewis
4 Center, Ohio, 43035, seeking an Area Variance
5 from Rezoning Case No. 12711 Alum Crossing to
6 allow for an egress window to encroach 3 feet
7 and 0 inches into the 12 foot 6 inch side yard
8 setback in a Single Family Planned Residential
9 District.
10 CHAIR ROSS: I'll second.
11 MR. GAYETSKY: Motion made by Mr.
12 McCoy, seconded by Ms. Ross. Those voting:
13 Ms. Ross.
14 CHAIR ROSS: Yes.
15 MR. GAYETSKY: Mr. Trefz.
16 MR. TREFZ: Yes.
17 MR. GAYETSKY: Mr. Pax.
18 MR. PAX: Yes.
19 MR. GAYETSKY: Ms. Neff.
20 VICE-CHAIR NEFF: Yes.
21 MR. GAYETSKY: And Mr. McCoy.
22 MR. MCCOY: Yes.
23 MR. GAYETSKY: Motion carries.
24 VICE-CHAIR NEFF: Thank you.

1 - - -

2 MR. GAYETSKY: We're efficient

3 with this meeting once again. So, I will see

4 if anyone has any comments to add on our

5 different sets of minutes. We had two that

6 you -- I believe three of you had some

7 comments on, so I appreciate mentioning that

8 there's some small tweaks here and there. But

9 the first approval to consider is November

10 20th, 2025 Minutes. Who wants to make a

11 Motion?

12 MR. PAX: I'll make a Motion to

13 approve minutes from the November 20th

14 meeting.

15 VICE-CHAIR NEFF: Second.

16 MR. GAYETSKY: Motion by Mr. Pax,

17 seconded by Ms. Neff. Those voting:

18 Ms. Ross.

19 CHAIR ROSS: Yes.

20 MR. GAYETSKY: Mr. Trefz.

21 MR. TREFZ: Yes.

22 MR. GAYETSKY: Mr. Pax.

23 MR. PAX: Yes.

24 MR. GAYETSKY: Ms. Neff.

1 VICE-CHAIR NEFF: Yes.
2 MR. GAYETSKY: And Mr. McCoy.
3 MR. MCCOY: Yes.
4 MR. GAYETSKY: And the next one,
5 December 18th, 2025.
6 CHAIR ROSS: I move to approve the
7 Minutes of December 18th, 2025, as amended.
8 MR. PAX: Second.
9 MR. GAYETSKY: Motion by Ms. Ross,
10 second by Mr. Pax. Those voting:
11 Ms. Ross.
12 CHAIR ROSS: Yes.
13 MR. GAYETSKY: Mr. Trefz.
14 MR. TREFZ: Yes.
15 MR. GAYETSKY: Mr. Pax.
16 MR. PAX: Yes.
17 MR. GAYETSKY: Ms. Neff.
18 VICE-CHAIR NEFF: Yes.
19 MR. GAYETSKY: And Mr. McCoy.
20 MR. MCCOY: Yes.
21 MR. GAYETSKY: Alright. When I
22 get the next set, you'll receive them as I get
23 them, so.
24 VICE-CHAIR NEFF: Okay.

1 MR. GAYETSKY: Thank you all for
2 your contributions.
3 CHAIR ROSS: Anybody else before
4 the Board? If not, we're adjourned. Or do we
5 need a Motion for adjournment.
6 MR. GAYETSKY: All in favor.
7 MEMBERS: "Aye."
8 MR. GAYETSKY: Thank you, all.
9 CHAIR ROSS: Thank you.
10 MR. TREFZ: Thank you, Eric.
11 MR. PAX: Thank you.
12 (Thereupon, the proceedings
13 concluded at 6:24 p.m.)
14
15 - - -
16
17
18
19
20
21
22
23
24

1 CERTIFICATE

2 - - -

3 The undersigned do hereby certify that

4 the foregoing proceedings were digitally

5 recorded, electronically transmitted, and

6 transcribed via audible playback, and that the

7 foregoing transcript of such proceedings is a

8 full, true and correct transcript of the

9 proceedings as so recorded.

10

11

12

13

14 _____

Sandra D. Kin, RPR,

15 Certified Digital Reporter,

Digital Transcriber and

16 Notary Public in and for the

State of Ohio.

17

18 My Commission Expires May 14, 2027.

19

20

21

22 - - -

23

24