



1                   - - - - -

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

3                   - - - - -

4                   CHAIR ROSS: I'd like to call the  
5 meeting to order. Robin, do you want to do  
6 the roll call.

7                   MR. DUFFEE: Mr. Pax.

8                   MR. PAX: Here.

9                   MR. DUFFEE: Mr. Trefz.

10                  MR. TREFZ: Here.

11                  MR. DUFFEE: Ms. Ross.

12                  CHAIR ROSS: Here.

13                  MR. DUFFEE: Ms. Neff.

14                  VICE-CHAIR NEFF: Here.

15                  MR. DUFFEE: Mr. McCoy.

16                  MR. MCCOY: Here.

17                  MR. DUFFEE: Mr. Pax.

18                  MR. PAX: Here.

19                  MR. DUFFEE: Mr. Trefz.

20                  MR. TREFZ: Here.

21                  CHAIR ROSS: Okay. Those of you  
22 in the audience, if you're going to testify  
23 this evening, if you would please raise your  
24 right hand so we can swear you in. Anyone who

1 intends to testify, please raise your right  
2 hand to be sworn.

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

7 PEOPLE TO TESTIFY: "I do."

8 CHAIR ROSS: Okay. When it's time  
9 to offer your testimony, we're going to ask  
10 you to restate your name, your address and  
11 affirm that you've been sworn in for us.

12 MR. DUFFEE: Okay. Our first case  
13 this evening is Variance and Conditional Use  
14 Case VA-CU-26-04. The applicant is Vinnie  
15 Posteraro for a property located at 6861  
16 Bale-Kenyon Road. The zoning is Farm  
17 Residential. This is a request for both an  
18 Area Variance and a Conditional Use. The Area  
19 Variance is from Section 7.01-A from the  
20 Zoning Resolution to allow for an addition to  
21 encroach into the 25-foot yard setback. The  
22 Conditional Use is to allow for an expansion  
23 of the existing Conditional Use for a place of  
24 worship.

1           So again, seeking a Conditional  
2 Use to allow for expansion of existing  
3 Conditional Use for a place of worship, which  
4 will include a new approximately 12,000 square  
5 foot addition with assembly space on a  
6 property for the existing place of worship,  
7 which was previously approved in 2016 by this  
8 Board under Case VA-CU-16-23. The site  
9 currently includes a building, which currently  
10 serves as the place of worship approximately  
11 10,800 square feet, as well as an accessory  
12 structure approximately 1,200 square feet.

13           The Area Variance specifically is  
14 for the addition to approach to the north side  
15 of the existing church facility to encroach 5  
16 feet into the 25-foot side yard setback. To  
17 the north is the Freedom Trail Elementary  
18 School by the Olentangy School District Board  
19 of Education. To the south is an agricultural  
20 land, FR-1. To the east is I-71. To the west  
21 is also FR-1 and the Metro Parks -- or not  
22 Metro Parks, Preservation Parks.

23           The history of the property, I  
24 won't go through in detail, but again,

1 previously granted a Conditional Use in 2016  
2 to allow for a place of worship. Originally,  
3 as part of that request, the applicant was  
4 also granted a Variance from Section 21.10 and  
5 21.12(D)(6) of the Zoning Resolution to allow  
6 for construction of a church that failed to  
7 provide the required landscaping or screening  
8 near its perimeter.

9           The Conditional Use for monument  
10 sign was granted in April of 2020. And then  
11 commercial permit for new construction was  
12 approved to allow for an accessory structure  
13 in 2023. And we processed an exterior  
14 modifications permit for expansion of the  
15 parking lot in October of last year.

16           On the following page, you can see  
17 the zoomed-out aerial showing the property in  
18 Orange Township. It's up there by 71 off of  
19 Bale-Kenyon Road. And then you can see the  
20 zoomed-in view. The parcel is highlighted in  
21 yellow of the existing facility there in the  
22 middle of the parcel. The proposed expansion  
23 would be to the north side of the existing  
24 building.

1           So, in terms of Staff Review,  
2 fairly simple, the Conditional Use, so this is  
3 something that we had asked legal counsel  
4 previously about when Conditional Uses are  
5 expanded, we do recommend that the Board  
6 approves an additional Conditional Use, just  
7 to make it clear that that is a conditionally  
8 approved use on the property, so we have  
9 included that. Again, that does not affect  
10 the current operations or current Conditional  
11 Use. If for some reason the Board were to  
12 deny the newly requested Conditional Use, it  
13 does not affect the previous Conditional Use.

14           And then the Area Variance is a  
15 25-foot side yard setback, and that is  
16 proposed to encroach 5 feet into the 25-foot  
17 yard setback, which requires Section 7.01-A,  
18 it's roughly a 20% Variance Request, if you're  
19 doing the math. One other thing to note, as a  
20 general reminder to everyone, Orange County  
21 recently completed a Zoning Code update.  
22 Essentially, these standards are the same.  
23 The 25-foot side yard setback remained in  
24 FR-1, but the section number it did change.

1 Same with Conditional Use, it was previously a  
2 Conditional Use in FR-1. It remains a  
3 Conditional Use, but the section number it did  
4 change.

5           On the following page you can see  
6 the architectural plans of the expansion,  
7 expansion being on the left side there. Down  
8 below is the Site Plan of the entire property.  
9 So again, expansion is on the north side. And  
10 then Exhibit 3 is the zoomed-in expansion. So  
11 it's a little hard to see, but you can see the  
12 measurements there that the Staff has done in  
13 red. So the 25-foot side yard setback is the  
14 second dashed line that runs through just a  
15 couple of the corners of that building. You  
16 can see the site renderings of the proposed  
17 building.

18           That is all Staff has at this  
19 time, other than to mention that the applicant  
20 did include in their application a letter from  
21 the Olentangy Local School District stating  
22 roughly that they had no issue with the plans  
23 as they were presented to them.

24           CHAIR ROSS: Okay. Thanks. Do

1 you have any questions for Robin?

2 MR. MCCOY: The closeup of the  
3 Variance Request where you have the 4.12 feet,  
4 1.68 feet, so that, go back to one more slide;  
5 what am I seeing because it's very hard to see  
6 here? I understand the blown-up view in the  
7 next slide is the building portion. What am I  
8 seeing with the parking lot on that drawing  
9 now up in the corner?

10 MR. DUFFEE: Yeah, so the parking  
11 lot would encroach the building setback.

12 MR. MCCOY: Even further, correct?

13 MR. DUFFEE: Correct. But the  
14 parking lots do not have to conform to the  
15 building setback. There are building  
16 setbacks.

17 MR. TREFZ: Was there anything in  
18 for screening?

19 MR. DUFFEE: I'm sorry?

20 MR. TREFZ: So, in the original  
21 you said something about screening, bushes or  
22 whatever to help protect the neighbors.

23 MR. DUFFEE: Yes. That was a  
24 requirement in the old Zoning Code that

1 between residential and non-residential  
2 properties that there would be a screening  
3 requirement, and that was waived at that time.

4 MR. TREFZ: Okay.

5 MR. PAX: And then also site  
6 lighting. So, seeing the standards within the  
7 Zoning Code, I wasn't sure exactly -- I  
8 couldn't tell within the submission with the  
9 parking lot and how that's being handled and  
10 addressed.

11 MR. DUFFEE: Yeah, so I have --  
12 the applicant did submit for a Zoning Permit  
13 prior to us kind of catching that the Variance  
14 would be required. I did not personally  
15 review the Photometric Site Plan, but I  
16 believe it to be in order. Obviously, that's  
17 something we'll check at the permitting stage  
18 as well, that there's no light spillage onto  
19 the neighboring property.

20 MR. PAX: Alright. And the foot  
21 candles spread, yeah, zero lighting. That was  
22 the one curious -- I didn't know if that had  
23 been submitted because of a photometric study.

24 MR. DUFFEE: I believe so. That

1 is something that we'll review prior to  
2 improving the Zoning Permit. The maximum  
3 permitted foot candles on another residential  
4 property are 0.4 foot-candles. So it's not  
5 quite 0.0, but close.

6 MR. PAX: And then following back  
7 up on the question regarding the buffer,  
8 landscape screening. Is there a requirement  
9 of the trees and plantings within, if you're  
10 doing you know, pervious, impervious on the  
11 parking area, that trees be inserted within  
12 that area?

13 MR. DUFFEE: So there is now,  
14 there is in our new Zoning Code. But because  
15 a permit was submitted prior to the zoning  
16 change, we don't believe those rules would  
17 apply here.

18 MR. PAX: Okay.

19 CHAIR ROSS: Any other questions?  
20 Okay. Applicant, would you like to come  
21 forward and tell us about this submission?

22 MR. POSTERARO: Yeah. Vinnie  
23 Posteraro with Ethos, 6576 Africa Road. You  
24 know, as the Orange Township was developing

1 and looking at the new Zoning Resolution, it  
2 was our team's understanding that there was a  
3 consideration to just adjusting that setback,  
4 which is why you see a little bit of that  
5 slight encroachment into this space, into the  
6 25-foot setback, as that is maintaining in the  
7 Zoning Resolution and did not change, which is  
8 the reason for us requesting an Area Variance  
9 here of just 5 feet into that setback. We  
10 have seen that the Township has approved  
11 similar and even a few greater setbacks for  
12 Area Variances in an FR-1 District, Zoning  
13 District, and so that's the reasoning for  
14 requesting this Area Variance.

15 CHAIR ROSS: I want to just  
16 confirm for our transcriptionist that you were  
17 sworn in.

18 MR. POSTERARO: Yes.

19 CHAIR ROSS: Is that correct?

20 MR. POSTERARO: Yes.

21 MR. TREFZ: I have a question  
22 simply because I can't read it. There's the  
23 building -- the new part of the building looks  
24 like it's running into a two section piece of

1 something. What is that? No, go back to --  
2 it's that, whoops, it's right there. It's  
3 that peanut-shaped thing that I'm trying to  
4 figure out, right there.

5 MR. POSTERARO: Yeah. That is a  
6 retention basin for -- I mean, Kyle, do you  
7 mind speaking to that a little bit more? You  
8 know a little bit more about what that purpose  
9 is there.

10 MR. WEBER: Yes. So, Kyle Weber,  
11 350 Worthington Road. I'm with The Kleingers  
12 Group for the Civil Engineers on the project.

13 That the retention basin was  
14 designed to handle the new addition and flows  
15 to that. We are not modifying existing, which  
16 is on the south end. It worked better to  
17 create something on the north end for the new  
18 addition.

19 MR. TREFZ: It just looked like  
20 you had two buildings and a lawn around it,  
21 and I couldn't figure out what the buildings  
22 were.

23 MR. WEBER: Yeah, you're talking  
24 to the right of the addition there.

1 MR. TREFZ: Yeah.

2 MR. WEBER: Yeah, that's just the  
3 retention -- or detention basin on the  
4 project.

5 MR. TREFZ: Just one? I seem to  
6 see two.

7 MR. WEBER: So, those are -- there  
8 are four bay micro pools. They're just  
9 outlined in our Site Plan here. It's part of  
10 the detention basin.

11 MR. TREFZ: Okay. As long as it's  
12 all one retention basis, yeah.

13 MR. WEBER: It is, yeah.

14 MR. POSTERARO: Yes.

15 MR. TREFZ: Okay.

16 CHAIR ROSS: And I would just like  
17 to confirm for the recording that you were  
18 sworn in.

19 MR. WEBER: Correct.

20 CHAIR ROSS: Okay. Any other  
21 questions for the applicant?

22 MR. TREFZ: No.

23 MR. PAX: I will say, though, one  
24 quick comment. The site, when I did a quick

1 search on it, that's 6.3 acres for the  
2 property, so obviously, we're there for the  
3 5-acre requirement for place of worship, but  
4 also the pervious, impervious there, far below  
5 that requirement of the 35% for maximum for  
6 impervious areas of --

7 MR. TREFZ: The parking area.

8 MR. PAX: Basically, for the  
9 parking of the building. So that's the one  
10 good thing at least within the development  
11 complying with the standard with zoning there.

12 CHAIR ROSS: Thank you.

13 VICE-CHAIR NEFF: You said that's  
14 a retention basin?

15 MR. POSTERARO: Yes.

16 VICE-CHAIR NEFF: Is that safely  
17 marked off from the school?

18 MR. POSTERARO: It's a dry basin,  
19 correct.

20 VICE-CHAIR NEFF: A dry basin, you  
21 said. Okay. Thank you.

22 MR. POSTERARO: Correct.

23 MR. TREFZ: So retention, not  
24 detention.

1 MR. WEBER: Detention basin, dry  
2 basin, yes.

3 MR. TREFZ: Dry, okay.

4 CHAIR ROSS: Okay. Any questions?  
5 Okay. Is there anyone in the audience who'd  
6 like to speak about this? Okay.

7 Do we have a Motion?

8 MR. TREFZ: I move to approve,  
9 based on these factors, Case No. VA-CU-26-04  
10 for the property located at 6861 Bale-Kenyon  
11 Road, Lewis Center, Ohio, 43035, seeking an  
12 Area Variance for the Orange Township Zoning  
13 Resolution Section 7.01-A to allow for an  
14 additional encroachment of 5 feet into the  
15 required 25-foot setback on the side setback  
16 requirement.

17 VICE-CHAIR NEFF: Second.

18 CHAIR ROSS: Okay. There's a  
19 Motion and a second. We're ready for roll  
20 call.

21 MR. DUFFEE: Ms. Ross.

22 CHAIR ROSS: Yes.

23 MR. DUFFEE: Ms. Neff.

24 VICE-CHAIR NEFF: Yes.

1 MR. DUFFEE: Mr. McCoy.

2 MR. MCCOY: Yes.

3 MR. DUFFEE: Mr. Pax.

4 MR. PAX: Yes.

5 MR. DUFFEE: Mr. Trefz.

6 MR. TREFZ: Yes.

7 MR. DUFFEE: Motion carries.

8 CHAIR ROSS: Okay. The next

9 Motion.

10 VICE-CHAIR NEFF: Based on the  
11 factors discussed in the meeting, I move to  
12 approve Case No. VA-CU-26-04 for a property  
13 located at 6861 Bale-Kenyon Road, Lewis Center  
14 Ohio, 43035 seeking a Conditional Use under  
15 Section 28.11 of the Orange Township Zoning  
16 Resolution to allow for the expansion of an  
17 existing Conditional Use for our place of  
18 worship.

19 MR. TREFZ: I'll second.

20 CHAIR ROSS: Any discussion?

21 Okay.

22 MR. DUFFEE: Ms. Ross.

23 CHAIR ROSS: Yes.

24 MR. DUFFEE: Ms. Neff.

1 VICE-CHAIR NEFF: Yes.

2 MR. DUFFEE: Mr. McCoy.

3 MR. MCCOY: Yes.

4 MR. DUFFEE: Mr. Pax.

5 MR. PAX: Yes.

6 MR. DUFFEE: Mr. Trefz.

7 MR. TREFZ: Yes.

8 MR. DUFFEE: Motion carries.

9 Variance is approved.

10 MR. POSTERARO: Thank you all so

11 much.

12 MR. TREFZ: Thank you.

13 VICE-CHAIR NEFF: Good luck.

14 MR. MCCOY: I do have a question,

15 Robin.

16 MR. DUFFEE: Sure.

17 MR. MCCOY: When you use the term,

18 for as long as I've been here, about "place of

19 worship," when I'm looking in Article V on

20 your chart, or the chart, on your chart, the

21 chart, permitted in Conditional Uses, and I

22 see religious assembly, is that what -- is

23 that the same designation -- is that the

24 designation versus a place of worship?

1 MR. DUFFEE: Yes, it is.

2 Religious assembly, I think we're all getting  
3 used to our new verbiage here.

4 MR. MCCOY: Okay. Sorry to put  
5 you on the spot.

6 MR. DUFFEE: That's fine.

7 MR. PAX: That's a good question.

8 MR. TREFZ: Yeah.

9 - - -

10 CHAIR ROSS: Are you all set?

11 MR. DUFFEE: Ready. Alright.

12 Our next case is Variance Case  
13 VA-26-05. This is for residential property,  
14 7891 Fargo Lane. The Applicant/Owner is Mr.  
15 Keith King. The zoning is Single Family  
16 Planned Residential District. The lot size is  
17 .222 acres. This is seeking an Area Variance  
18 from Rezoning Case 10745 North Orange to allow  
19 for a cable roof pavilion to go over the  
20 existing patio to encroach into the 35-foot  
21 rear yard setback.

22 It's surrounded on all four sides  
23 by a Single Family Planned Residential  
24 Districts, as well as Fargo Lane, and then to

1 the east is Quarter Way as well.

2           You can see the zoomed-out aerial  
3 on the next page there to the west of 23, or  
4 Orange Road. And then the zoomed-in view from  
5 the Auditor's website at the existing patio is  
6 to rear of the home to the east. You can see  
7 the site renderings provided by the Applicant  
8 there. So again, the patio is existing, the  
9 pavilion, which will be newly constructed.  
10 And then the overhead rendering view of the  
11 patio and pavilion.

12           So this is something where  
13 measurements would indicate that the gable  
14 roof pavilion would extend two feet into the  
15 required 35-foot rear yard setback. It would  
16 be approximate 6% Variance request from the  
17 standards of that rezoning case.

18           We did note when we were doing our  
19 review, the Zoning Resolution defines a  
20 structure as "anything constructed or erected  
21 with a fixed location on the ground or  
22 attached to something having a fixed location  
23 on the ground." Traditionally, concrete  
24 patios have been interpreted to meet this

1 definition, and therefore, need to meet  
2 building setbacks. While paver patios have  
3 not been interpreted as structures because, in  
4 theory, the pavers are movable. Because the  
5 existing patio was referred to as "concrete"  
6 in the application, we also included the patio  
7 within the Motions for the Board's  
8 considerations, just to make sure that if the  
9 Variance is approved, then the patio is also  
10 permitted to encroach.

11 Below you can see the Site Plan  
12 with the patio and pavilion drawn in on the  
13 following page. That's the end of our  
14 analysis.

15 CHAIR ROSS: Any questions for  
16 Robin?

17 MR. TREFZ: Can you put something  
18 additional on that diagram? It's too plain.

19 (Laughter.)

20 MR. DUFFEE: We can't  
21 retroactively, but it gets the point across.

22 MR. TREFZ: Sorry.

23 MR. MCCOY: And if this was  
24 approved, is that as a byproduct in being

1 approved in closing that in?

2 MR. DUFFEE: I don't believe so.  
3 I think if there was, you know, there was  
4 something that was going to be built that was  
5 different from the plans that were approved in  
6 the Zoning Permit, then we would have to go  
7 back and do another permit.

8 VICE-CHAIR NEFF: Are these site  
9 renderings provided by the Applicant?

10 MR. DUFFEE: Yes.

11 VICE-CHAIR NEFF: Very nice.

12 MR. KING: Thank you.

13 CHAIR ROSS: Okay. Are you Mr.  
14 King?

15 MR. KING: Yes, Ma'am.

16 CHAIR ROSS: Would you like to  
17 tell us about your application?

18 MR. KING: Yes, Ma'am. I'm Keith  
19 King, 7891 Fargo Lane. I have been sworn in.

20 So what we're planning on doing is  
21 a simple structure off the back of our house  
22 so we can enjoy our patio more with our family  
23 outside. And as I understand it, the posts  
24 just come off the end, instead of tearing up

1 the concrete to put the posts in the concrete  
2 and cause a lot of extra time and then  
3 structure and things like that, it was just  
4 the easiest to put them off the end. And the  
5 posts encroach 2 feet apart, as I understand  
6 it, into the setback.

7 MR. TREFZ: Are the posts set in  
8 the concrete?

9 MR. KING: I believe so, yes.

10 MR. TREFZ: Yeah.

11 MR. MCCOY: I would have been fine  
12 with 1 foot 11 inches, but 2 feet is a bridge  
13 too far for me. (Laughter.)

14 MR. PAX: It does put it over the  
15 percentages.

16 VICE-CHAIR NEFF: You could chisel  
17 off one inch.

18 MR. KING: We'll sneak it back a  
19 little bit. (Laughter.)

20 MR. PAX: Grab your tape measure.

21 CHAIR ROSS: Any other questions  
22 for the Applicant? Any reasonable questions  
23 for the Applicant? (Laughter.)

24 MR. KING: I thought it was very

1 reasonable.

2 CHAIR ROSS: Okay. Is there  
3 anyone in the audience would like to speak  
4 about this application? Okay. I don't see  
5 anyone or hear anyone. Does someone have a  
6 Motion?

7 MR. PAX: I'm prepared to make a  
8 Motion. Based on factors and discussions  
9 during the meeting, I moved to approve Case  
10 No. VA-26-05 for property located at 7891  
11 Fargo Lane, Lewis Center, Ohio, seeking an  
12 Area Variance from Rezoning Case No. 10745  
13 North Orange to allow for a gable roof  
14 pavilion and patio to encroach 2 feet 0 inches  
15 into the required 35-foot 0-inch rear yard  
16 setback in a Single Family Planned Residential  
17 District.

18 MR. MCCOY: Second.

19 CHAIR ROSS: Any discussion on the  
20 Motion?

21 MR. TREFZ: No.

22 CHAIR ROSS: Okay. We're ready  
23 for roll call.

24 MR. DUFFEE: Ms. Ross.

1 CHAIR ROSS: Yes.

2 MR. DUFFEE: Ms. Neff.

3 VICE-CHAIR NEFF: Yes.

4 MR. DUFFEE: Mr. McCoy.

5 MR. MCCOY: Yes.

6 MR. DUFFEE: Mr. Pax.

7 MR. PAX: Yes.

8 MR. DUFFEE: Mr. Trefz.

9 MR. TREFZ: Yes.

10 MR. DUFFEE: Motion carries, case  
11 is approved.

12 CHAIR ROSS: Thank you. Good  
13 luck.

14 MR. KING: Thank you, folks. Have  
15 a great evening.

16 VICE-CHAIR NEFF: You, too.

17 - - -

18 MR. DUFFEE: So this is Case  
19 VA-26-06. The Applicant is Andrew Ong. The  
20 property owner is Ignition Holdings. This is  
21 a property located at 10030 Columbus Pike,  
22 just over 9.4 acres. The zoning is Planned  
23 Commercial. This property is south of the  
24 Township just behind the Nissan North

1 dealership, if you're familiar with the area.  
2 The Applicant is requesting five Area  
3 Variances from the Zoning Resolution to allow  
4 a plan with five warehouse buildings to  
5 encroach into the 100-foot setbacks to the  
6 west, south and north. The warehouses are  
7 just under 9,000 square feet each.

8           To the west the existing buildings  
9 on the property, as well as any utilities that  
10 serve those buildings. The graph will break  
11 down the area. Parcels to the south and to  
12 the west of the property are owned by  
13 Highbanks Metro Park that are technically  
14 zoned FR-1 necessitating the Variance.

15           In terms of the surrounding area,  
16 again, so Farm Residential on three sides. To  
17 the north is a FR-1 property that is indeed  
18 residential in nature. To the south and to  
19 the west are FR-1 properties, again, owned by  
20 Highbanks Metro Park. To the east is Planned  
21 Commercial and Office District, Nissan  
22 dealership and then the Crash Champions  
23 Collusion repair as well.

24           On the following page you can see

1 the zoomed-out and then the zoomed-in versions  
2 of the aerial just on the west side of 23  
3 there. And then on the following page there  
4 you can see the Site Plan provided by the  
5 Applicant. So Building 1 would be encroaching  
6 to the north, that 100-foot setback would  
7 encroach 50 feet. Buildings 2, 3 and 4 would  
8 encroach 50 feet to the west, and then  
9 Building 5 would encroach 50 feet to the  
10 south.

11                   So again, you know, we've talked  
12 about standards that the numbering change from  
13 the previous Zoning Resolution to the current  
14 Zoning Resolution, this is one of those. So  
15 the spirit of the provision is still in place,  
16 but the number, it did change. So, as a  
17 reminder, anytime there's Non-Residential Uses  
18 that abut Residential Uses or properties that  
19 are zoned Residential, it triggers 100-foot  
20 setback, which is usually greater than other  
21 setbacks that are found in the Zoning  
22 Resolution.

23                   So, when we're looking at this,  
24 the Highbanks Metro Park is technically zoned

1 FR-1, which is technically a Residential zone,  
2 therefore, necessitating the 100-foot setback.

3 Exhibit 2 had the preliminary  
4 elevations of the building. And then these  
5 are all the same, but it's the same language  
6 for each of the five buildings, as they each  
7 encroach the 100-foot setback. Exhibit 3 is a  
8 site photo by the Applicant. This is showing  
9 southeastern of the property facing north.

10 And then you have Board Analysis  
11 and approval or denial Motions, the Board's  
12 Motion. That is all I have at this time.

13 CHAIR ROSS: Any questions for  
14 Robin?

15 MR. TREFZ: No.

16 CHAIR ROSS: Okay. Would the  
17 Applicant like to speak?

18 MR. ONG: Yeah, I just want to  
19 reiterate -- Malcolm Ong, 1627 Gilmore Park  
20 Ave.

21 CHAIR ROSS: And you were sworn  
22 in?

23 MR. ONG: Yes.

24 CHAIR ROSS: Thank you.

1           MR. ONG: That this is against a  
2 Residential property. It's a residential  
3 100-foot setback, but that is -- it's a  
4 Highbanks Park so it's not being used with  
5 residential uses. That's the main reason why  
6 we're looking for a 50-foot variance.

7           MR. MCCOY: The property to the  
8 north is a Highbanks?

9           MR. ONG: The property to the  
10 north is not Highbanks. It is a residential.  
11 There is natural screening there. It's forest  
12 area, so we don't worry about the light  
13 pollution. But yeah, Highbanks on the other  
14 two adjacent properties.

15          MR. MCCOY: What are the buildings  
16 used for?

17          MR. BLIND: Chad Blind, 11055  
18 Reynolds Road, Utica, Ohio. I'm with Tenby  
19 Construction. We're the design builder for  
20 the project.

21          CHAIR ROSS: And you were sworn  
22 in, sir?

23          MR. BLIND: I was sworn in, yes.  
24 The buildings will be used for contractor

1 storage. So, the idea would be, you know,  
2 equipment could be parked in there and  
3 contractors can operate out of those buildings  
4 and store their equipment there.

5 CHAIR ROSS: Are the -- I guess  
6 I'd like to clarify where the access is to the  
7 buildings. Is it on the ends? Are there bays  
8 along the sides?

9 MR. BLIND: So, the plan is for  
10 the buildings to have overhead doors for  
11 people to drive vehicles into on the gable  
12 ends, which are the short ends, and then there  
13 are also the man doors on the elevations as  
14 well for people to come in and out, so.

15 MR. MCCOY: So these are rentals?

16 MR. BLIND: Pardon me?

17 MR. MCCOY: These are rentals?

18 MR. BLIND: Yes, that would be the  
19 plan.

20 VICE-CHAIR NEFF: Do they -- so if  
21 someone wants to rent this, do they rent the  
22 whole building or part of a building?

23 MR. BLIND: Would you guys multi  
24 tenant the buildings or not?

1 MR. RUSSMANN: Single tenant.

2 MR. BLIND: Single tenant, so.

3 VICE-CHAIR NEFF: And there's  
4 five?

5 MR. BLIND: That's right.

6 MR. TREFZ: And you said  
7 construction equipment could be stored in  
8 there, that means either diesel or gasoline  
9 probably in the building, right?

10 MR. BLIND: That's correct.

11 MR. TREFZ: Any other chemicals in  
12 the building?

13 MR. BLIND: Not that we're aware  
14 of at this time.

15 MR. TREFZ: Do you have a  
16 restriction on anything?

17 MR. BLIND: Well, so yes, the  
18 buildings are -- they're under the square  
19 footage that requires a fire suppression  
20 system, so whatever would be in there, would  
21 have to fall under that restriction. It  
22 would, you know, something would be allowed to  
23 be in a building that is unsprinkled.

24 VICE-CHAIR NEFF: How will you

1 monitor that with your tenants?

2 MR. BLIND: This is the property.  
3 But I would think that that would be something  
4 that, you know, would be stipulated in the  
5 lease, that they would have an agreement that  
6 stipulates what would be allowed to be stored  
7 within the building, and that it would have to  
8 comply with the approved use of the building.

9 MR. PAX: And the building is not  
10 -- I'm looking and it says, pre-engineered  
11 metal building, or what's the structure?

12 MR. BLIND: It's a post-frame  
13 building, a wood, post-frame building, metal  
14 siding for the sides and then a metal roof on  
15 top.

16 MR. PAX: Okay.

17 VICE-CHAIR NEFF: And the access  
18 to 23 comes out beside the used car lot from  
19 Nissan North; is that correct?

20 MR. BLIND: Yes, that's correct.

21 VICE-CHAIR NEFF: How much traffic  
22 do you anticipate? That's a rough in and out  
23 there.

24 MR. BLIND: And we've seen some of

1 ODOT's plans for 23 as well.

2 VICE-CHAIR NEFF: Fair.

3 MR. BLIND: But, you know, having  
4 -- the idea is that, you know, the folks would  
5 come in early in the morning and mobilize to a  
6 site and then come back in the evening and  
7 leave their equipment there, so it's not going  
8 to be constant in and out. It'll be, you  
9 know, a little bit here and there, not -- it's  
10 not going to be like a retail or something  
11 where people are attracted to come in and out  
12 off of 23. It will be, you know, typically  
13 folks leaving early and coming back late at  
14 night to store the equipment.

15 VICE-CHAIR NEFF: Okay. You know  
16 what you're getting into there.

17 MR. BLIND: Well, yes, they  
18 operate there currently so they're very  
19 familiar with it.

20 VICE-CHAIR NEFF: Okay.

21 MR. BLIND: They've got a business  
22 that operates from their currently so they're  
23 familiar with their traffic challenges.

24 MR. MCCOY: The existing three

1 buildings on the south side, are they not in  
2 the 100-foot setback already?

3 MR. DUFFEE: It would appear that  
4 they are.

5 MR. MCCOY: Yeah. Well, I have an  
6 issue with the north side building, Building  
7 No. 1, due to the entirely residential -- even  
8 though FR-1 is a residential nature on all  
9 sides. Mary T. Butts, 55.53 acres.

10 CHAIR ROSS: That was kind of why  
11 I was asking about access into the buildings.  
12 Because of the placement of that building so  
13 far to the north, there's quite a bit of room  
14 for it to move to the south to get out of some  
15 of that.

16 MR. BLIND: There's an existing  
17 pond in the middle of the site that serves as  
18 a storm water basin.

19 CHAIR ROSS: If you'll show -- he  
20 can show us this image. It shows almost 81  
21 feet in between the side of that and this, and  
22 it isn't even the pond. It's just kind of the  
23 circle, the oval that goes around the pond.

24 VICE-CHAIR NEFF: Oh, so you're

1 saying they could move it in.

2 CHAIR ROSS: I'm just wondering if  
3 that was an option when you're talking about  
4 site circulation.

5 MR. ONG: Yes. We checked with  
6 like the truck maneuverability, and we did  
7 need that 50-foot setback with that building  
8 to drive in and out of it, to be able to  
9 maneuver the trucks around there.

10 MR. TREFZ: Give me 40 acres and  
11 I'll turn this truck around.

12 CHAIR ROSS: Yeah, that is really  
13 a concern for me because I just don't see how  
14 it cuts your maneuverability if it moves to  
15 the south. Because you're going in either  
16 this end or you're going in this end.

17 MR. ONG: Correct.

18 CHAIR ROSS: With a big truck.

19 MR. ONG: Correct.

20 CHAIR ROSS: With equipment.

21 MR. ONG: Yes.

22 CHAIR ROSS: Moving it this way,  
23 how does that affect your access?

24 MR. ONG: So when you're turning

1 in to the south, you're not able to get that  
2 turn radius when the building is moved south.

3 CHAIR ROSS: Because of this area?

4 MR. ONG: Correct. Yes.

5 CHAIR ROSS: Okay. Great. That  
6 helps me understand.

7 MR. MCCOY: When did you purchase  
8 this property?

9 MR. RUSSMANN: '22? '22, I  
10 believe.

11 MR. MCCOY: Because your answer to  
12 -- or at least your claim in your Area  
13 Variance Determination Factors that you were  
14 not aware of the zoning restriction when the  
15 property was purchased?

16 MR. RUSSMANN: No sir. On the  
17 south side and the west side, I believe,  
18 against the Highbanks Park, we were unaware of  
19 the 100-foot setback of that being FR-1.

20 MR. MCCOY: But you were aware of  
21 the north side?

22 MR. RUSSMANN: Yes.

23 MR. MCCOY: I'm against, at least  
24 with in regard to Building 1. The standard

1 for this is practical difficulties, No. 1,  
2 whether the property will yield a reasonable  
3 return or any beneficial use without the  
4 Variance. I think at least on the north side  
5 the property will give you four buildings  
6 rather than five to rent out. The Variance is  
7 substantial. It's a 50% Variance on a  
8 100-foot setback from a residential property.  
9 The essential character of the neighborhood  
10 will not be substantially altered, unless  
11 residential homes go in there to the north of  
12 you. You purchased the property with  
13 knowledge of the Zoning Restriction. And  
14 whether the predicament can be obviated by  
15 through some other method. Yes, it could.

16                   So, I'm not in favor of granting  
17 the way it's presented.

18                   MR. PAX: Specifically for  
19 Building 1?

20                   MR. MCCOY: Specifically for  
21 Building 1.

22                   VICE-CHAIR NEFF: Any issues with  
23 the others at all; Building 5?

24                   MR. MCCOY: Not that I could be

1 moved on -- I mean, none that I could not be  
2 moved on, I should say.

3 VICE-CHAIR NEFF: Okay.

4 MR. TREFZ: And the three existing  
5 buildings are going to stay?

6 MR. BLIND: Yes.

7 MR. TREFZ: And they're going to  
8 be rented also?

9 MR. BLIND: I believe they already  
10 are rented.

11 MR. RUSSMANN: Yes. The property  
12 is being maintained or occupied as well.

13 MR. TREFZ: So it's a total of  
14 eight buildings in this space?

15 MR. RUSSMANN: Yes.

16 MR. MCCOY: What is the reason  
17 behind the 45-foot separation between the  
18 buildings? If you're in and out is, let's say  
19 Building 2, 3 and 4, you're in and out of  
20 those buildings through your overhead doors  
21 are east to west; is that correct?

22 MR. BLIND: Correct.

23 MR. MCCOY: Okay.

24 MR. RUSSMANN: So, the concept of

1 our plan here is contractors that are similar  
2 to us. We do electrical contracting and we  
3 have trucks, trailers, machines, dirty  
4 equipment that doesn't typically bide well in  
5 the Class A warehousing space. So our concept  
6 is to find similar contractors that are  
7 looking for outside storage, lay down yard for  
8 steel, anything like that. And their trucks  
9 and trailers, excavators, skid steers, when  
10 they come back, they're dirty. They can't  
11 always be parked inside a warehouse location.

12 So our concept, as being an  
13 electrical contractor, is to offer this space  
14 to other contractors, similar to our business,  
15 that complement each other, providing a space  
16 that is secure, being back off of 23 with good  
17 23 access. Because as we were searching, this  
18 type of space in this area is very limited.  
19 So we felt like we were providing a home  
20 similar to the reason we ended up with this  
21 property was for that outside storage, as well  
22 as small warehousing areas.

23 MR. MCCOY: So is it your intent  
24 to fence the entire area?

1           MR. RUSSMANN: Yes. I would say  
2 three sides is currently fenced.

3           CHAIR ROSS: Before we go any  
4 further, can I get your name, address and  
5 affirm that you were sworn?

6           MR. RUSSMANN: Yes. Will  
7 Russmann, 3363 Braumiller Road, Delaware,  
8 Ohio. And yes, I was sworn in.

9           CHAIR ROSS: Thank you. I was  
10 going to ask the same question about the  
11 fencing. So there would be outside storage  
12 and under roof storage?

13          MR. RUSSMANN: Correct.

14          CHAIR ROSS: And on the north  
15 side, you talked about the natural buffer that  
16 is provided on the property next door, is any  
17 of that green space of the woods, is any of  
18 that yours, behind your property?

19          MR. RUSSMANN: About two feet.

20          MR. PAX: One thing, too,  
21 regarding the separation of your buildings. I  
22 don't know, as far as you're doing combustible  
23 construction, so you have a separation  
24 requirement for those buildings. Has that

1 been determined by your architect or whoever  
2 on that spacing? Is that anything that's  
3 germane to that being combustible  
4 construction?

5 MR. BLIND: Well, the spacing is  
6 over the required.

7 MR. PAX: Over that required  
8 separation of the buildings?

9 MR. BLIND: It would be 20 feet.

10 MR. PAX: Okay, 20 feet, great.

11 Okay.

12 VICE-CHAIR NEFF: Can you talk a  
13 little bit more about how that outside storage  
14 works for each building? Is it -- so if I  
15 rent Building 3, where is my allotted storage  
16 space outside?

17 MR. BLIND: It would be adjacent  
18 to your building. It will be a gravel drive  
19 where you can park and lay material down if  
20 you want to lay material down outside.

21 VICE-CHAIR NEFF: So would it be  
22 on the sides and the back?

23 MR. BLIND: It would typically be  
24 on the sides because the back -- the front and

1 back would have overhead doors, so you  
2 wouldn't want to block those overhead doors  
3 with equipment or material stored there.

4 VICE-CHAIR NEFF: So building --  
5 the building to the north would just have the  
6 -- what would that be south storage, it  
7 wouldn't have north and south side storage?

8 MR. BLIND: That's right because  
9 that would be a drive.

10 VICE-CHAIR NEFF: Okay.

11 CHAIR ROSS: Any other questions  
12 for the Applicant? Is there anyone else here  
13 who'd like to speak on this application?

14 Okay. We're ready for a Motion.

15 VICE-CHAIR NEFF: Given the  
16 discussion, does the Applicant want to make  
17 any alterations to the -- how do we talk  
18 through that, Robin? We always struggle with  
19 this little bit.

20 MR. DUFFEE: Sure. I mean, so you  
21 can ask if the Applicant wants to revise their  
22 plan or if they want to proceed with the vote  
23 with the plan as shown. There would be  
24 nothing preventing the Applicant from

1 receiving a denial for one or more of the  
2 buildings and then coming back next month with  
3 another plan. That is at the Board's  
4 description.

5 MR. RUSSMANN: So we could ask for  
6 approval for all buildings, except for one,  
7 maintaining the north 100-foot setback; is  
8 that what you're asking?

9 VICE-CHAIR NEFF: Can you help us  
10 with that?

11 MR. BLIND: Can we ask for a  
12 compromise on Building No. 1 and maybe instead  
13 of 50 foot, it would be 25 foot?

14 MR. PAX: In essence they can  
15 table, correct, and then alter?

16 MR. TREFZ: No.

17 MR. PAX: They cannot do that? Or  
18 request an extension, excuse me, then request  
19 a continuance?

20 VICE-CHAIR NEFF: A continuance.  
21 Right?

22 MR. DUFFEE: So, the Board can  
23 continue the application to the next month and  
24 have the Applicant to come back and make

1 changes. The Applicant does have the right to  
2 request a tabling, which is a bit of a legal  
3 difference. So the tabling is -- continuing  
4 is to a time, date, place, certain. Tabling  
5 is to an indefinite time, but it could be, in  
6 theory, the next month.

7 VICE-CHAIR NEFF: But is it all or  
8 none?

9 MR. DUFFEE: No.

10 MR. TREFZ: It's individual.

11 VICE-CHAIR NEFF: Okay.

12 MR. DUFFEE: Yeah. So the  
13 Variance Requests are broken out by building.

14 VICE-CHAIR NEFF: Okay.

15 MR. DUFFEE: So the Board has the  
16 option to deny Building 1, approve all the  
17 other ones; deny all the buildings, approve  
18 all the buildings, approve 2, deny 3.

19 VICE-CHAIR NEFF: So without them  
20 reapplying and paying the application again,  
21 they could either -- they could table or ask  
22 for a continuance for one of the buildings?

23 MR. DUFFEE: Correct. You can  
24 vote on the other four.

1                   VICE-CHAIR NEFF:  Yeah.  Okay.

2  Does that help you?  Do you want a few  
3  minutes?

4                   MR. BLIND:  Yeah.  (Discussion  
5  between Applicant parties.)

6                   MR. BLIND:  Can we get a  
7  compromise tonight on Building 1, or do we  
8  have to come back with a different plan at a  
9  later date?  So in other words, would the  
10 Board be open to, if we were to get rather  
11 than a 50-foot reduction, a 25-foot reduction,  
12 so we could be 75 feet off of the property  
13 line?

14                  CHAIR ROSS:  Would you need to  
15 have that separate so we have a plan and all  
16 of the attachments?

17                  MR. DUFFEE:  So I think that  
18 ultimately that is up to the Board.  I think  
19 if you wanted to -- we'll say the magic number  
20 is 25 feet.  If you wanted to approve a  
21 25-foot setback, subject to the condition that  
22 the Applicant provides an updated Site Plan to  
23 Staff, then they might not have to come back  
24 until the next month.  But if the Board feels

1 strongly that, you know, you want to see a  
2 plan before you will approve it, then that is  
3 an option as well.

4 CHAIR ROSS: Okay. Then what are  
5 the wishes of the Board?

6 VICE-CHAIR NEFF: What do you say,  
7 Mr. McCoy?

8 MR. MCCOY: I'm a no on 25 feet,  
9 too, on the north side.

10 VICE-CHAIR NEFF: I would be okay  
11 with 25 feet.

12 MR. PAX: So this would be a  
13 condition on the approval --

14 MR. MCCOY: Because I think the  
15 other buildings can be moved closer together  
16 and rearranged and loosened up. This is a --  
17 I think this is more about storage outside the  
18 building sometimes here than there is inside  
19 the building.

20 MR. RUSSMANN: So just for  
21 clarification, if we move for approval on the  
22 remaining buildings, not Building 1, and it's  
23 placed outside the 100-foot setback, then  
24 there's no Variance required for -- so if

1 you're not approving any less and we have to  
2 just maintain the 100 foot, if we set that  
3 back, we would not need to meet again; is that  
4 correct?

5 MR. DUFFEE: Correct. If you meet  
6 the setbacks, the zoning is approved --

7 MR. TREFZ: If you meet the  
8 setbacks.

9 MR. RUSSMANN: If you meet the  
10 setbacks, then there's no reason for an  
11 additional variance meeting with the Board.

12 MR. MCCOY: That makes me question  
13 whether, if you say you're going to move  
14 Building 1, you're going to move it in 50 feet  
15 now, or however you're going to do it, that  
16 makes me question your dimensions on what  
17 you're stating about what turnaround area you  
18 needed.

19 MR. RUSSMANN: I think we would  
20 have to look at -- I think we're going to have  
21 to look at that space on site to find out  
22 whether that building stays or goes. That's  
23 going to really determine at a 100-foot  
24 setback whether that building --

1           MR. ONG: We looked at the  
2 100-foot setbacks and it's not feasible for  
3 what they want to accomplish, driving in and  
4 out the vehicle maneuverability is not  
5 feasible with that 100 foot.

6           MR. MCCOY: For five buildings.

7           MR. ONG: For we're talking about  
8 Building 1.

9           MR. PAX: I mean, respectfully, I  
10 mean, perhaps that building only is half that  
11 building has entry in one and it's a smaller  
12 price to pay on that to --

13           MR. RUSSMANN: Well, that's why  
14 I'm saying, if we maintain that 100-foot  
15 setback, if we don't need to come back, we're  
16 going to have to probably re --

17           MR. PAX: To make it work.

18           MR. RUSSMANN: Reassess that  
19 building size and the location, potentially.

20           CHAIR ROSS: Well, honestly, if  
21 you look at Building 5, they're driving  
22 through a narrow channel to get to the end to  
23 access that building. There's 45 feet there.  
24 And there's a pinch point. And you've placed

1 that building there and said that you can get  
2 in and out of it easily, apparently. I'm not  
3 sure --

4 MR. BLIND: No, that's not true.

5 CHAIR ROSS: I'm not sure --

6 MR. BLIND: The only one that is  
7 actual drive through -- the only one that  
8 supports drive through is Building 1. The  
9 other ones do have overhead doors on each  
10 side, but you're not going to pull through  
11 with a trailer. So Building 1 was the only  
12 one that supported the drive through with a  
13 trailer scenario in our maneuverability study.

14 MR. TREFZ: Everything else you  
15 have to back out to the east to get back on a  
16 road and turn.

17 MR. BLIND: That's correct. So  
18 Building 1 was really our gem of an offering  
19 to the community because it had that drive  
20 through ability.

21 VICE-CHAIR NEFF: How does  
22 everyone feel about 25 feet versus 50?

23 MR. TREFZ: Well, there is  
24 something else I was thinking.

1 VICE-CHAIR NEFF: Okay.

2 MR. PAX: Has anyone heard from  
3 the adjacent property?

4 VICE-CHAIR NEFF: I assume the  
5 adjacent property owner was reached out to and  
6 they had no comments?

7 MR. DUFFEE: They were on the  
8 owners' list. A letter was sent and we did  
9 not receive any communication.

10 VICE-CHAIR NEFF: Okay.

11 MR. TREFZ: Okay.

12 VICE-CHAIR NEFF: And they have --  
13 how many acres is that property to the north?

14 MR. DUFFEE: It's a lot. They own  
15 several parcels.

16 CHAIR ROSS: 55.

17 MR. DUFFEE: Yeah. So that  
18 particular parcel is, it should say 55, and  
19 then the same property owner also owns the  
20 parcel to the north, which is 40.

21 VICE-CHAIR NEFF: Is that an  
22 occupied residence there?

23 MR. DUFFEE: To our knowledge.

24 CHAIR ROSS: I've never seen a car

1 go in or out of there.

2 VICE-CHAIR NEFF: I know, I always  
3 thought it was vacant, when I drive by there  
4 every day, so I was actually kind of curious.

5 MR. RUSSMANN: She occupies the  
6 farmhouse that's in the middle of that  
7 property.

8 VICE-CHAIR NEFF: Okay.

9 MR. RUSSMANN: Mrs. Butts actually  
10 owns, I believe it's 165 acres there.

11 VICE-CHAIR NEFF: Oh, wow.

12 MR. RUSSMANN: Total. So she owns  
13 all that property, and hers is the white  
14 farmhouse next to the pastures.

15 VICE-CHAIR NEFF: Okay.

16 MR. DUFFEE: For the record, from  
17 the Delaware County Auditor's website, the  
18 owner occupied credit is not claimed on that  
19 southern parcel, but that doesn't mean that  
20 somebody is not living there.

21 VICE-CHAIR NEFF: Okay. Thank  
22 you. I didn't know that list exist.

23 CHAIR ROSS: I'd like to move that  
24 we go into Private Deliberation.

1 MR. TREFZ: I'll second that.

2 MR. DUFFEE: Ms. Ross.

3 CHAIR ROSS: Yes.

4 MR. DUFFEE: Ms. Neff.

5 VICE-CHAIR NEFF: Yes.

6 MR. DUFFEE: Mr. McCoy.

7 MR. MCCOY: Yes.

8 MR. DUFFEE: Mr. Pax.

9 MR. PAX: Yes.

10 MR. DUFFEE: Mr. Trefz.

11 MR. TREFZ: Yes.

12 MR. DUFFEE: The Board is moving  
13 into Private Deliberations.

14 CHAIR ROSS: We will make this  
15 brief as possible. We'll be right back.

16 (Board enters Private  
17 Deliberations.)

18 - - -

19 CHAIR ROSS: Okay. I move that we  
20 return to regular session.

21 MR. TREFZ: I second.

22 MR. DUFFEE: Ms. Ross.

23 CHAIR ROSS: Yes.

24 MR. DUFFEE: Ms. Neff.

1 VICE-CHAIR NEFF: Yes.

2 MR. DUFFEE: Mr. McCoy.

3 MR. MCCOY: Yes.

4 MR. DUFFEE: Mr. Pax.

5 MR. PAX: Yes.

6 MR. DUFFEE: Mr. Trefz.

7 MR. TREFZ: Yes.

8 CHAIR ROSS: After talking in  
9 Private Deliberation about this Applicant and  
10 the Site Plan, when we consider -- each plan  
11 that we consider is independent; the testimony  
12 that we receive, the information you submit,  
13 what we hear from Staff, we take all of that  
14 into consideration. And one of the things  
15 that we look at under our criteria to decide  
16 is the percentage of the Variance Request.  
17 And 25% is considered a significant --

18 MR. TREFZ: A substantial.

19 CHAIR ROSS: A substantial  
20 Variance, and that is one of the criteria that  
21 we can use to turn down or approve an  
22 application. And with that said, we just  
23 don't feel comfortable with the Site Plan that  
24 we see, and we feel you may get a better

1 result if you take a better look at it and  
2 come back with a different solution.

3 MR. TREFZ: You have options of  
4 tabling, which is you'll come back at some  
5 time in the future, or a continuance, which  
6 would be next month.

7 CHAIR ROSS: And a continuous  
8 would not cost you anything, as far as any  
9 more fees to the Township, but taking more  
10 time.

11 MR. TREFZ: Yeah.

12 CHAIR ROSS: But no fees.

13 MR. PAX: What would be the  
14 deadline for them to submit revised documents  
15 if it was next month?

16 MR. DUFFEE: There's no hard and  
17 fast deadline. I mean, we would ask at least  
18 two weeks in advance of the meeting so that we  
19 have time for review and distribute materials  
20 to the Board.

21 MR. MCCOY: And my understanding  
22 standing is, whether you call it a continuous  
23 or tabling is they could pick two months from  
24 now, if they wanted to do that.

1 MR. DUFFEE: Correct.

2 MR. MCCOY: Yeah.

3 MR. TREFZ: The other thing I  
4 would like to say is Building 1 and Building 5  
5 are problematic. We, amongst ourselves,  
6 talked about different things we would try.  
7 And Building 5 on a 45-degree to the right  
8 would give you a better entrance. I don't  
9 know about an exit, if you were doing a pass  
10 through, but that would help. And we really  
11 want you to stay within that 100 feet as much  
12 as possible, because the shielding to the  
13 north may not be there in five years, five  
14 days. Anything to the south, the same way.  
15 So I don't think they're going to sell the  
16 Metro Parks, so I'm not worried about that.  
17 But things change, particularly in this area.

18 What would be your thoughts, would  
19 you like to take a specific date next month or  
20 two months? We have to know to make a Motion.  
21 That's the only reason we're --

22 MR. RUSSMANN: So can I ask for  
23 clarification to what you guys are stating?  
24 So are you stating to maintain 100-foot

1 setback on south and west and the park  
2 locations as well, or the main priority is  
3 100-foot setback for the north only?

4 MR. TREFZ: All the buildings  
5 ought to be within the 25% of the setback.  
6 So, 25 feet instead of the 50 variance.

7 MR. RUSSMANN: So split it in  
8 half, 75-foot setback?

9 MR. MCCOY: I am not in favor of  
10 the north building being anything less than  
11 100 feet. The other ones, 2, 3, 4, 5, as  
12 presented, I'd be more amenable to a Variance  
13 up to 25% on those.

14 You talk about a buffer between  
15 your property and the northern property, the  
16 problem is the buffer is not your buffer.  
17 That's the property owner to the north's  
18 buffer. You don't own that buffer. You don't  
19 control that buffer. And strict reading of  
20 the Code is residential area versus commercial  
21 area, and that's what you've got going on  
22 here.

23 The other question that we have  
24 that we don't know the answer to that feed

1 into this decision making process is lighting.  
2 You know, you're going to fence all this up.  
3 You've got equipment stored outside. How many  
4 lights are on this property? I'm sure that's  
5 a security issue, cameras, everything else.

6 MR. TREFZ: And we would like to  
7 also know, have it clearly delineated on the  
8 map, where people in Building 1 can store  
9 outside. What area is it? Where is it at?

10 MR. MCCOY: Building 2, 3, 4, 5.

11 MR. TREFZ: Building 2, 3, 4, 5,  
12 you know, however many buildings. Because we  
13 know the three existing buildings, the one  
14 photo showed something outside of the back. I  
15 didn't think that was the one, but maybe it  
16 is.

17 MR. PAX: No, there's a different  
18 one that it showed a pond.

19 MR. TREFZ: Oh, yeah.

20 MR. PAX: That one.

21 MR. TREFZ: You can see on the far  
22 left building trucks parked -- oh, I'm sorry.  
23 It's --

24 MR. RUSSMANN: On the far right --

1 I don't think it's in that one.

2 MR. TREFZ: Sorry.

3 MR. PAX: It's going to be the  
4 building right next to that one.

5 MR. TREFZ: And that's what kind  
6 of prompted us to say, okay, I rent Building  
7 4, Building 3, whatever it is, where do I get  
8 to park my stuff?

9 MR. RUSSMANN: Okay.

10 CHAIR ROSS: Well, that helps us  
11 understand your site circulation and where the  
12 buildings need to be. And honestly, you need  
13 to show us a hardship as to why you need the  
14 buildings located within setbacks, if you come  
15 back and they're still within the setback.  
16 And the turning radius and things like that  
17 are things we consider.

18 MR. RUSSMANN: Okay.

19 MR. ONG: We can provide that.

20 MR. TREFZ: Does that cover it?

21 MR. BLIND: I apologize. I forget  
22 would we ask if it's a continuance or a  
23 tabling, so whatever, we would ask for to come  
24 back next month and then we would have a plan

1 submitted two weeks in advance of that. So if  
2 it's --

3 MR. TREFZ: Is next month okay?

4 MR. BLIND: Yes.

5 MR. TREFZ: Okay.

6 CHAIR ROSS: That would be a  
7 continuance.

8 MR. BLIND: Okay. So we would  
9 then for a continuance to come back next  
10 month. And two weeks in advance of that,  
11 we'll have an updated plan submitted to Staff.

12 CHAIR ROSS: Okay. Robin will  
13 give you the exact date.

14 MR. MCCOY: Yeah, I think that's  
15 the difference between the two. A continuance  
16 is kicking it off to the next meeting.  
17 Tabling is still a set date in the future, but  
18 it's more than one spot out.

19 MR. DUFFEE: So that date would be  
20 May 21st at 6:00 p.m. at 1680 East Orange  
21 Road. We need the time, date, place, certain  
22 to make a Motion.

23 CHAIR ROSS: Okay. Does someone  
24 want to make a Motion?

1 MR. TREFZ: I move that we grant a  
2 continuance to May what?

3 MR. DUFFEE: May 21st.

4 MR. TREFZ: May 21st for this  
5 application.

6 MR. PAX: Second.

7 MR. DUFFEE: Ms. Ross.

8 CHAIR ROSS: Yes.

9 MR. DUFFEE: Ms. Neff.

10 VICE-CHAIR NEFF: Yes.

11 MR. DUFFEE: Mr. McCoy.

12 MR. MCCOY: Yes.

13 MR. DUFFEE: Mr. Pax.

14 MR. PAX: Yes.

15 MR. DUFFEE: Mr. Trefz.

16 MR. TREFZ: Yes.

17 MR. DUFFEE: Motion carries.

18 CHAIR ROSS: Thank you.

19 MR. ONG: Thank you. Appreciate  
20 it.

21 MR. TREFZ: Thank you.

22 VICE-CHAIR NEFF: And just for the  
23 record, I have already submitted that I will  
24 not be here at that meeting, so you guys will

1 have an alternate.

2 MR. TREFZ: Fresh eyes.

3 VICE-CHAIR NEFF: Fresh eyes,  
4 yeah.

5 - - -

6 MR. DUFFEE: Alright. Last but  
7 not least, on Variance Case VA-26-06,  
8 Applicant Jordan Zickafoose, MGM Gooding  
9 Boulevard LLC. The property address is 0  
10 Gooding Boulevard, lot size 8.267 acres. The  
11 Applicant is requesting two Area Variances  
12 from the North Orange Planned Commercial and  
13 Office District for a reduction in the minimum  
14 roof slope from 6/12 to 1/4"/12.

15 In addition, the Applicant is  
16 seeking an Area Variance for a new building to  
17 encroach 15 feet into the 150-foot building  
18 setback. The new building will be a 48,000  
19 square foot flex office warehouse, with a  
20 small office and showroom component in the  
21 front of the space with warehouse space in the  
22 back. The height of the new building with the  
23 proposed roof slope will be approximately  
24 37-feet tall. The building depth will measure

1 120 feet.

2                   The property address is 0 Gooding  
3 Boulevard, just north of Halfway Avenue  
4 between Gooding Boulevard and US 23. To the  
5 north on all sides is Planning Commercial and  
6 Office District, to north is North Orange  
7 Family Dentistry, to the south is Halfway  
8 Avenue, to the east is 23 and then Menards  
9 across the way, and to the west is the daycare  
10 and the Pediatric Associates.

11                   So, if you can see the zoomed-out  
12 and zoomed-in parcel there in yellow between  
13 Gooding Boulevard and US 23. Exhibit 1 is the  
14 Site Plan. So this is flipped on its side, so  
15 on the top is Gooding Boulevard and on the  
16 bottom of that is Columbus Pike, so north is  
17 to the right in this Site Plan.

18                   The setbacks are dictated by the  
19 Rezoning Case, which is 10747 North Orange  
20 Planned Commercial and Office District. The  
21 lot is adjacent to US 23 and East Gooding  
22 Boulevard. There's a 150-foot setback from  
23 the right-of-way of US 23. All other public  
24 roads would be a 50-foot minimum setback. The

1 side is 25-foot minimum.

2           And then a special case history  
3 zoning, it was approved with lot lines  
4 adjacent to a residential district as 50 feet  
5 instead of the listed as 100 feet, that does  
6 not apply in this case.

7           Exhibit 2 you can see the site  
8 renderings, the north and south elevations.  
9 So you can see the building proposed there.  
10 As I understand it, there's two roof pitches  
11 there. So the first, you can see the 37-foot  
12 on the right side of that upper drawing with  
13 the office showroom, and that roof pitch. It  
14 looks like a flat roof on the other portion of  
15 the building from this elevation, but if you  
16 go to the next page, you can see the slight  
17 roof pitch, which is on that building from the  
18 east and west views.

19           So, in this rezoning, and this is  
20 not something that is contained within our  
21 base Zoning Code, but in this particular  
22 planned district there is requirement that  
23 with single story buildings we require to have  
24 pitched roofs with gable ends. The minimum

1 slope on that roof is to be 6/12 with  
2 materials being shingles, cedar shake slate or  
3 synthetic slate, metal standing seams. Flat  
4 roofs aren't permitted on buildings of two  
5 stories or greater.

6                   The Applicant is proposing to  
7 reduce that minimum roof slope from 6/12 to  
8 1/4 over 12. If you're doing the math, that  
9 is a roughly 96% Variance Request from the  
10 Rezoning Case.

11                   And in terms of Area Variance  
12 setback that is 15 feet, 150-foot minimum  
13 right-of-way, that is a 10% Variance Request  
14 from the Rezoning Case.

15                   That is all I have at this time,  
16 unless there's any questions that the Board  
17 might have.

18                   CHAIR ROSS: Any questions for  
19 Robin?

20                   MR. MCCOY: The roof slope  
21 variance, cart first, horse first? Building  
22 Code pass versus Board of Zoning Appeals on  
23 the slope? In the sense my question is, I'm  
24 going to ask it bluntly, why are we approving

1 a variance on a building's roof? And you can  
2 answer me bluntly, if I'm missing something  
3 here.

4 MR. DUFFEE: Well, you have not  
5 approved any Variance.

6 MR. MCCOY: Why would we mess with  
7 structural engineering variations on a  
8 building?

9 MR. DUFFEE: Well, so I think  
10 there is, you know, there's different codes  
11 that come into play whenever a new building is  
12 constructed.

13 MR. MCCOY: I'm not trying to be  
14 smart. I'm actually asking a question.

15 MR. DUFFEE: Yeah, no. So, you  
16 know, the Building Code governs, you know,  
17 things that are directly related to the  
18 architecture of the building. The Building  
19 Code looks a variety of considerations. I'm  
20 not an expert in Building Codes. I'm not an  
21 expert in Zoning Codes. I'm not an expert in  
22 architecture. I defer to those who are  
23 experts in architecture to explain those  
24 things. Zoning Code can influence the design

1 of a building, generally the purpose of design  
2 standards, as it relates to buildings and  
3 structures and Zoning Codes is primarily  
4 aesthetics. It's generally not related to,  
5 you know, the engineering of a building, how  
6 the building functions. It's more of, you  
7 know, what does it look like; how does it fit  
8 into the built environment that's existing  
9 already, or the desired environment?

10 MR. MCCOY: Okay. So when they  
11 rezoned this and it was approved, it was  
12 approved at 6/12?

13 MR. DUFFEE: Correct. And that  
14 rezoning was approved, I believe, in 2005.

15 CHAIR ROSS: It happens, perhaps,  
16 because they wanted a particular look along  
17 that portion of 23?

18 MR. DUFFEE: That would be a good  
19 guess.

20 CHAIR ROSS: Well, okay.

21 MR. TREFZ: And we have gotten  
22 several that have been from 6/12 to 5/12.  
23 This is 5 1/2 or 5 1/4, or whatever it is.  
24 That's darn near a flat roof.

1 CHAIR ROSS: Okay. We're going  
2 with Robin and his Staff Report at this point.

3 MR. TREFZ: Yeah.

4 MR. MCCOY: That was a good --  
5 that made me understand what, yeah. Plus,  
6 understanding it was 21 years ago that that  
7 was changed.

8 CHAIR ROSS: Okay. If we don't  
9 have anything else for Robin, would the  
10 Applicant like to speak? And I'll just remind  
11 you, I need your name, address and affirm  
12 you've been sworn for each person that speaks.

13 MR. HARTMAN: Okay. My name is  
14 John Hartman. I work for the Dune Companies,  
15 which is the developer. We have an architect  
16 here, our civil engineer and an owner as well.  
17 Mr. Duffee kind of clarified what we're doing  
18 with the 48,000 square, so I don't want to be  
19 redundant on that, but if you want to speak  
20 more about the roof, we have the architect  
21 here to speak to that.

22 MR. GEYSER: I can maybe answer  
23 that. So Ryan Geysler, Design Collective, 151  
24 East Nationwide Boulevard. I have been sworn

1 in. I don't know if your question has been  
2 answered, but the requirement for the sloped  
3 roof was part of that PUD approval previously,  
4 and we're seeking a Variance from that. And  
5 really the main reason is, is for the  
6 character of the type of building. The type  
7 of building that we're looking for is an  
8 approved use for the site, but the typical  
9 architectural nature of this type of building  
10 does not have a 6/12 pitch roof. It's very  
11 unsustainable for this type of building as  
12 well, not only in using materials that would  
13 be unnecessary for this type of facility, but  
14 as well as heating and cooling costs in the  
15 future for the applicants of the facility as  
16 well. So, there's a lot of different reasons  
17 to that, but that was kind of the primary  
18 drivers to looking to reduce them.

19                   And we understand that some others  
20 have looked at maybe reducing this. And we  
21 tried to do the best that we could. We've  
22 done a lot of different studies of how could  
23 this work and we would feel the best way to  
24 move forward with it was to try to pay homage

1 to that requirement of the sloped roof by  
2 adding those sloped elements to those entry  
3 features of the different tenant spaces.

4           And part of that, too, is looking  
5 at really the context around this building.

6 And I understand many of the buildings aren't  
7 in our specific PUD for this area, but if you  
8 look across the street, directly across the  
9 street, Menards is a flat roof. You've got  
10 Lifepoint Church right across the street.

11 You've got right behind us, the daycare is not  
12 a 6/12. It is a sloped pitch roof, but it  
13 isn't a 6/12. Further south, there's another  
14 building that has a mansard-style roof. It  
15 does have a 6/12, but it is cut off. Further  
16 south you have Caliber Collision is also a  
17 flat roof.

18           So, the context of the building  
19 isn't out of character for the area with what  
20 we're presenting at that point. And still  
21 trying to bring in those sloped elements to  
22 the building through those entry features and  
23 sloping the sides of the building with the  
24 roof, so to help pick up on that as well.

1                   MR. MCCOY: Can I go back to a  
2 question to you?

3                   MR. DUFFEE: Sure.

4                   MR. MCCOY: So when this was  
5 approved 21 years ago, it would be a 6/12  
6 roof. Would it be possible to -- that if I'm  
7 correct in saying, that that was just a  
8 preference of style at that time, 21 years  
9 ago?

10                  MR. DUFFEE: I'd say that's  
11 likely. I can't speak with any certainty to  
12 that because I wasn't around at the time that  
13 it was passed.

14                  MR. MCCOY: Yeah. Okay.

15                  MR. PAX: Yeah, I mean, I think it  
16 was Gooding House that was there, North Orange  
17 Park, there was a residential character and a  
18 scale that was in play at that point.

19                  MR. MCCOY: So, the whole point of  
20 me bringing this up was it was kind of like  
21 what business do we have to approve the change  
22 in a roof? And now I understand that it's  
23 possible all the way back then that that  
24 wasn't a functional decision based on rezoning

1 it that way. It was a preferred aesthetic --

2 CHAIR ROSS: Could be.

3 MR. TREFZ: Yeah.

4 MR. MCCOY: -- could possibly, you  
5 know, 21 years ago.

6 MR. GEYSER: If we were to  
7 maintain that 6/12 pitch roof on this  
8 building, that roof would be 30 feet tall.

9 MR. MCCOY: Yeah, so that's  
10 another thing I was going to ask is, how tall  
11 is this building if you put that roof on?

12 MR. GEYSER: Yeah, It would be  
13 definitely be out of context for the area.

14 MR. HARTMAN: Because of the depth  
15 of the building.

16 MR. GEYSER: Yeah. And there is  
17 condition in the PUD text that does allow for  
18 low slope or flat roofs, essentially, if it is  
19 a two-story building. The building itself is  
20 of the height of a two-story building. We've  
21 provided windows above the entry features that  
22 they could build a second story above their  
23 offices. Sometimes -- this is a speculative  
24 building, so we don't know who's going to move

1 in yet, but there are times that people do  
2 provide second stories of other offices to  
3 maximize their footprint in these spaces.

4 MR. MCCOY: Even if they were just  
5 mezzanines up there.

6 MR. GEYSER: It could be a  
7 mezzanine as well. So, in the way the  
8 building is currently designed, it's there to  
9 be able to support that, if needed. And the  
10 height is there for the building, so the  
11 building is otherwise --

12 MR. GREGG: And actually -- so,  
13 Jeff Gregg, 2730 Eddington Road. Most  
14 likely --

15 VICE-CHAIR NEFF: And you were  
16 sworn in?

17 MR. GREGG: I was sworn in. There  
18 will be a mezzanine, almost assuredly,  
19 especially given the height in the storage  
20 area behind the showroom. Most people will  
21 take advantage of that height and create a  
22 mezzanine. I don't think most people will  
23 actually add a second floor, but you know, to  
24 Ryan's point, the height is there. And

1 technically, I think it could be considered a  
2 two-story building; although, there isn't an  
3 actual second floor.

4 MR. MCCOY: Makes more sense to me  
5 now.

6 MR. GREGG: Yeah.

7 MR. PAX: So, the one thing I want  
8 to interject, I mean, when you're looking at  
9 the original intent of the Code in the 6/12  
10 pitch, for instance, they were probably very  
11 reticent against warehouse-type buildings  
12 there. That's the main thing that that was  
13 written in for was they were not visualizing  
14 that being so close to a very prime property,  
15 as far as North Orange Park, as far as our  
16 identity of Orange Township, so that's  
17 sensitive.

18 And the other thing, I appreciate  
19 the fact that you're bringing those entry  
20 elements out. They have surface. They're  
21 projecting from the main warehouse or block of  
22 the building. So you're going to get some  
23 scale to that. That adds some visual interest  
24 towards Route 23 with that. But the -- you

1 know, when you consider it all like an idea of  
2 a mansard and I know that's very  
3 unconventional in this type of structure,  
4 where you're bringing the profile of that  
5 parapet down on that entry facade.

6 MR. GEYSER: We did some studies  
7 of that, and just due to the nature of the  
8 construction of building to add that on just  
9 becomes really cost prohibitive and just  
10 unsustainable at that point, just the amount  
11 of steel required and framing to build that  
12 up. So what we did try to do, though, is this  
13 isn't a typical metal building or precast  
14 warehouse like you have over on Corduroy Road.  
15 That's fine. So this is, it's a deep facade  
16 with stone and wood cladding. So it is that  
17 more upgraded look than a typical warehouse  
18 building, right, so.

19 MR. GREGG: And I want to jump in  
20 here, too. I want to stress that this  
21 project, this isn't -- the end user that we're  
22 targeting here is not -- this isn't logistics  
23 or, you know, heavy manufacturing or  
24 industrial. These are quasi -- it's almost a

1 hybrid between office and warehouse. And  
2 these are end users that are -- you know,  
3 value the customer, forward facing showroom to  
4 the customer. The customer comes in. These  
5 are granite, marble show, you know, showrooms  
6 with storage in the back. These are, you  
7 know, you could have lighting, supply. You  
8 could have flooring. You could also have some  
9 contractors of some kind. But these are  
10 people who value the customers coming in the  
11 front and then they have their storage in the  
12 back. This isn't by any means -- industrial  
13 is kind of a bad word, but this is not an  
14 industrial property. Okay. We see this more  
15 -- this is a very unique, hybrid kind of use  
16 here.

17 CHAIR ROSS: So you're not into  
18 using semi trucks?

19 MR. GREGG: So I want you to take  
20 that into consideration when thinking about  
21 this.

22 MR. PAX: Are you having semis in  
23 the back?

24 CHAIR ROSS: So are you

1 anticipating semi-sized trucks or smaller cube  
2 trucks?

3 MR. GREGG: Well, I definitely  
4 have designed it for semis to have access  
5 there. But, you know, some of these companies  
6 could have box trucks. This isn't, you know,  
7 again, I say it's not a logistics building.  
8 You know, there's not going to be semis coming  
9 in and out here all the time. You know, these  
10 -- if we want to go back to my marble showroom  
11 example, you know, what, a couple times a  
12 week, you know, materials are coming in, that  
13 kind of thing. You know, so, yes, there's  
14 definitely going to be a need. We can't build  
15 a 48,000 square foot building and just have  
16 overhead, you know, driving doors. We will  
17 need dock space. But again, it's not  
18 high-intensity type of, you know, truck  
19 traffic.

20 MR. MCCOY: And your docks are  
21 towards Gooding Boulevard, correct?

22 MR. GREGG: So they face Gooding.  
23 We, you know, Ryan, we spoke about that.  
24 That's kind of the need for, you know, going

1 into the setback. You know, we asked for 10%.  
2 You know, the reason is there it's, again, the  
3 circulation for the trucks in the rear, and  
4 then to have enough space for screening. We  
5 didn't want to just put up --

6 MR. MCCOY: Yeah, because the  
7 daycare doesn't want look at your trucks all  
8 day long.

9 MR. GREGG: We don't want to put  
10 up cheap, little, you know, Arborvitaes up.  
11 And maybe that's what ends up there, but we  
12 need to make a landscape bed that's, you know,  
13 wide enough that looks like a landscape bed  
14 and not just trees thrown up, you know, for  
15 screening to Gooding, because there are  
16 overhead doors and dock doors back there.

17 So, again, you know, when you  
18 calculate -- you know, the engineer works on  
19 all this, the landscape bed, the turning  
20 radius for the trucks, and then, you know, how  
21 much parking is needed in the front for the  
22 retail folks, you know, the forward facing  
23 showroom, that's why we came up with a 15 feet  
24 into the setback.

1                   VICE-CHAIR NEFF: Robin, did the  
2 North Orange residential areas receive  
3 notices? Were they within the proximity for  
4 this?

5                   MR. DUFFEE: I'm not sure about  
6 the mail in proximity, but I believe we did  
7 reach out to their HOAs via email.

8                   VICE-CHAIR NEFF: I am really  
9 surprised we don't have any residents from  
10 that area. They're usually here in force.  
11 You guys are lucky.

12                  MR. GREGG: It's because that's  
13 building is beautiful.

14                  VICE-CHAIR NEFF: It's because of  
15 what?

16                  MR. GREGG: The building is  
17 beautiful. The building looks nice.

18                  VICE-CHAIR NEFF: I'm just  
19 surprised.

20                  CHAIR ROSS: As long as you're  
21 talking about the trees that you have along  
22 the Gooding, along Gooding Boulevard, is that  
23 mounded at all to give that some height?

24                  MR. GREGG: That's what I was

1 attempting to explain. Maybe I didn't do a  
2 good enough job.

3           We didn't want to just, you know  
4 -- when we originally calculated all this,  
5 without going into the setback out front, that  
6 landscape area I think was like 8-feet wide.  
7 Okay. And so an 8-foot wide landscape bed is  
8 pretty unimpressive, so we wanted to make the  
9 landscape bed wider so we could build it up  
10 and not just have, again, cheap trees thrown  
11 up along Gooding. We wanted to have more of a  
12 aesthetic to do a better job of screening the  
13 building.

14           CHAIR ROSS: I appreciate that  
15 because not very many people consider that.

16           MR. TREFZ: No.

17           CHAIR ROSS: And most of your --  
18 most of the circulation will come in off of  
19 Halfway Avenue, just to the south?

20           MR. GREGG: Yeah. Yes.

21           MR. MCCOY: I'm not playing on my  
22 phone. I was looking at Google Maps to give  
23 me an idea of what's going on there. You're  
24 right next door to my dentist, so I know where

1 you're at now.

2 MR. GEYSER: If it's helpful, we  
3 do have an Exhibit that we did not submit at  
4 time of the application, but it just shows  
5 some of the surrounding buildings that we  
6 talked about, if that would be helpful for you  
7 guys to see.

8 VICE-CHAIR NEFF: Okay.

9 MR. TREFZ: Yeah, it probably  
10 would.

11 CHAIR ROSS: Just make sure that  
12 Robin gets one so he can put it in the record.

13 MR. GEYSER: And mostly it's one  
14 of the ones we kind of mentioned as we're  
15 talking through, but it kind of shows a little  
16 thumbnail of the facilities that are nearby.

17 CHAIR ROSS: The people who -- the  
18 homeowners that live in the area behind, the  
19 condos and the single-family homes, are very  
20 vocal about what goes in around them. And  
21 although they moved into an area that they  
22 knew had these commercial areas out front,  
23 they still usually give us a lot of feedback.

24 VICE-CHAIR NEFF: They're very

1 vocal.

2 CHAIR ROSS: And a lot of it is  
3 good feedback about what they want in between  
4 the big road and their homes. So I appreciate  
5 that you brought in a plan for an attractive  
6 building that is going to have real  
7 landscaping and mounding. And I appreciate  
8 that you were willing to go into the setback  
9 on Columbus Pike in order to bring -- even  
10 bring it as much as you can away from those  
11 houses. Because they're the ones that are  
12 going to get to hear the dumpster and hear the  
13 trucks going in and out.

14 It does make me feel better that  
15 you're saying that you're not anticipating it  
16 being someplace that semis roll in and out of  
17 all the time. And I'll just say that --

18 MR. TREFZ: Forty vans from the  
19 latest, greatest cooking craze.

20 CHAIR ROSS: Yeah. That I will  
21 just say, just for the record, that every site  
22 that I see like this, I've lived in Orange  
23 Township for a long time, and every site that  
24 I see they don't make the openings big enough

1 to get the trucks in and out of the site  
2 without rolling over the rocks that they put  
3 on either side. They dig up -- they go over  
4 the curb and they make a big mess and so then  
5 they put in big boulders there, and then the  
6 trucks drive over the big boulders.

7 MR. GREGG: You're right.

8 MR. MCCOY: You could give them  
9 100 feet and they would still mess it up.

10 CHAIR ROSS: They still would.

11 MR. TREFZ: Yep.

12 CHAIR ROSS: They still would.

13 But just anything you can do there to make  
14 that big enough. I'm not an architect and I'm  
15 not an engineer, so I don't know what that  
16 amount is, but I agree, no matter how big it  
17 is.

18 MR. GEYSER: And part of that,  
19 too, is there are two entrances on the west  
20 side of the building, so that will help the  
21 truck maneuvering. If they can't get --  
22 they're coming off Halfway and they're  
23 struggling to make that turn, for some reason  
24 they go further north than the north entrance

1 and turn it from there.

2 VICE-CHAIR NEFF: When was this  
3 property purchased?

4 MR. GREGG: Just two weeks ago.

5 CHAIR ROSS: Wow. Okay. Do we  
6 have any other questions for the Applicants?  
7 I'll open it up to anyone from the audience,  
8 and there is no one, so.

9 MR. TREFZ: I think they all left.

10 MR. PAX: I guess one question I  
11 have, and I appreciate you bringing it up,  
12 Sue, about the mounding. The plan, though,  
13 I'm seeing, does not stipulate the mound. It  
14 just calls for the caliper in the trees. I  
15 guess we could make that as a condition.

16 CHAIR ROSS: Let's make that as a  
17 condition.

18 MR. PAX: Alright. That's good.  
19 Okay.

20 And finally, I mean, I do, like I  
21 said, I do appreciate the fact of the scale  
22 and materials that you're proposing on the  
23 building, that is not going without notice. I  
24 mean, that helps on the scale, the quality of

1 the building, the approach and view from 23,  
2 so that's commendable on it.

3           Signage is not -- is going to come  
4 as a separate, once you get your tenants in  
5 there and we'll be probably seeing you in some  
6 time after this.

7           MR. GREGG: You know we haven't --  
8 soft signage?

9           MR. PAX: Yeah, so.

10           MR. GREGG: You know, we haven't  
11 -- that's one thing we haven't really put a  
12 lot of thought into, but, you know, we're open  
13 for suggestions on that, you know.

14           MR. PAX: There's some pretty good  
15 restrictions on that.

16           MR. GREGG: Yeah.

17           MR. PAX: So when you talking to  
18 the department about it, 15 feet --

19           CHAIR ROSS: Try to keep it within  
20 the Code. That's my recommendation.

21           MR. GREGG: It needs to be -- you  
22 know, we're open.

23           MR. PAX: You've got some control  
24 joints there in your EFIS and everything, so

1 kind of look at the Code what those are  
2 because that can start to set up in compliance  
3 on your signage, on your scoring, and that  
4 might work well.

5 MR. GREGG: Okay.

6 MR. PAX: To reinforce that. And  
7 that would be one suggestion.

8 MR. GREGG: That makes sense.

9 MR. DUFFEE: I will add, with our  
10 updated Zoning Code the signage restrictions  
11 have been changed. So one of those is that  
12 the 15-foot maximum height limit has gone  
13 away, so you won't see signage variances come  
14 before you, but that means our advice to  
15 anyone who looks to put a sign in Orange  
16 Township is to follow the Code.

17 CHAIR ROSS: That's correct.  
18 Well, and they've made significant good  
19 changes to the Sign Code, and I suggest you  
20 work closely with Robin and Staff to stay  
21 within the Code on that. Because for a long  
22 time it was 15 feet and it was not the right  
23 place to have signage and so we had a lot of  
24 people come before us. And I think that

1 there's lots of good information to get your  
2 signage in the right place now without having  
3 to come back to us for a Variance.

4 Okay. Are we ready for a Motion?

5 MR. TREFZ: I think so.

6 MR. MCCOY: Yeah. For the first  
7 one, the Area Variance request for the roof  
8 slope, based on our discussion and the  
9 presentation given by the owner and his  
10 representatives, based on the factors that we  
11 have to consider, I move to approve Case No.  
12 VA-26-07 for the property located at 0 Gooding  
13 Boulevard, Lewis Center, Ohio, 43035, seeking  
14 one Area Variance from the North Orange PCD  
15 Rezoning Case No. 10747 to allow for the roof  
16 slope to be 1/4 inch per 12, instead of the  
17 allowed 6 inches per 12 in an area zoned  
18 Planned Commercial and Office, PC District.

19 CHAIR ROSS: Second.

20 MR. TREFZ: I'll second. Go  
21 ahead.

22 CHAIR ROSS: I'll second it.

23 MR. DUFFEE: Ms. Ross.

24 CHAIR ROSS: Yes.

1 MR. DUFFEE: Ms. Neff.  
2 VICE-CHAIR NEFF: Yes.  
3 MR. DUFFEE: Mr. McCoy.  
4 MR. MCCOY: Yes.  
5 MR. DUFFEE: Mr. Pax.  
6 MR. PAX: Yes.  
7 MR. DUFFEE: Mr. Trefz.  
8 MR. TREFZ: Yes.  
9 MR. DUFFEE: Motion carries.  
10 MR. MCCOY: For the same reasons  
11 and deliberation and the presentation that was  
12 given to us and all the extensive drawings,  
13 and finally somebody giving us a blueprint  
14 that was big enough for me to actually be able  
15 to read, I very, very, very much appreciate  
16 that, and based on the factors that we must  
17 consider in an Area Variance request, I move  
18 to approve Case No. VA-26-07 for the property  
19 located at 0 Gooding Boulevard, Lewis Center,  
20 Ohio, 43035, seeking one Area Variance from  
21 the North Orange PCD Rezoning Case No. 10747  
22 to allow for a commercial building to encroach  
23 15 feet into the 150-foot setback in an area  
24 zoned Planned Commercial and Office, PC

1 District.

2 MR. TREFZ: I'll second.

3 MR. DUFFEE: Ms. Ross.

4 CHAIR ROSS: Yes.

5 MR. DUFFEE: Ms. Neff.

6 VICE-CHAIR NEFF: Yes.

7 MR. DUFFEE: Mr. McCoy.

8 MR. MCCOY: Yes.

9 MR. DUFFEE: Mr. Pax.

10 MR. PAX: Yes.

11 MR. DUFFEE: Mr. Trefz.

12 MR. TREFZ: Yes.

13 MR. DUFFEE: Motion carries, case  
14 is approved.

15 VICE-CHAIR NEFF: Good luck.

16 MR. GREGG: Thank you. I  
17 appreciate it, everyone.

18 MR. TREFZ: Best of luck to you.

19 MR. GREGG: Appreciate it. We're  
20 excited about it.

21 CHAIR ROSS: And although we  
22 didn't put it in the Motion, we probably  
23 forgot, I forgot, we'll look forward to seeing  
24 mounding underneath that set back.

1                   VICE-CHAIR NEFF:  And lots of  
2 trees.

3                   MR. GREGG:  Okay.  Hopefully we  
4 won't disappoint.

5                   CHAIR ROSS:  Good luck.

6                   MR. GREGG:  Thank you.

7                   MR. TREFZ:  What's next?

8                   MR. DUFFEE:  Well, we had some  
9 approval of meeting minutes on the Agenda.  We  
10 received those a few days ago, but did not  
11 hand them out to you all in time so we can  
12 punt those to the following meeting.

13                  CHAIR ROSS:  Okay.  Anything else  
14 before the Board?  Do we have a Motion to  
15 adjourn, please?

16                  MR. TREFZ:  I so move.

17                  CHAIR ROSS:  Second.

18                  MR. DUFFEE:  Ms. Ross.

19                  CHAIR ROSS:  Yes.

20                  MR. DUFFEE:  Ms. Neff.

21                  VICE-CHAIR NEFF:  Yes.

22                  MR. DUFFEE:  Mr. McCoy.

23                  MR. MCCOY:  Yes.

24                  MR. DUFFEE:  Mr. Pax.

1 MR. PAX: Yes.

2 MR. DUFFEE: Mr. Trefz.

3 MR. TREFZ: Yes.

4 MR. DUFFEE: Motion carries.

5 CHAIR ROSS: Thank you.

6 (Thereupon, the proceedings

7 concluded at 7:50 p.m.)

8

9

- - -

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

CERTIFICATE

- - -

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

*Sandra D. Kin*



Sandra D. Kin, RPR,  
Certified Digital Reporter,  
Digital Transcriber and  
Notary Public in and for the  
State of Ohio.

My Commission Expires May 14, 2027.

- - -