BEFORE THE ORANGE TOWNSHIP

BOARD OF ZONING APPEALS

- - -

In the Matter of:

Public Hearing - Variance/Conditional Use Application

- - -

PROCEEDINGS

before Members of the Orange Township Board of Zoning Members; Chair Sue D. Ross, Vice-Chair Stacey Neff(not present), Kelvin Trefz, Joe Pax, Chris Wellington and Nikolas McCoy held at Orange Township Hall, Moffett Room, 1680 East Orange Road, Lewis Center, Ohio, called at 6:00 p.m. on Thursday, May 21, 2026.

Also Present:
Eric Gayetsky,
Senior Zoning Officer,
Charlie Schneider,
Zoning Compliance Officer.

- - -

- - - - -

P R O C E E D I N G S

- - - - -

CHAIR ROSS: I'd like to call to order the Board of Zoning Appeals meeting of May 21st, 2026.

MR. GAYETSKY: I'll call the roll.

Ms. Ross.

CHAIR ROSS: Here.

MR. GAYETSKY: Mr. Trefz.

MR. TREFZ: Here.

MR. GAYETSKY: Mr. Pax.

MR. PAX: Here.

MR. GAYETSKY: Mr. Wellington.

MR. WELLINGTON: Here.

MR. GAYETSKY: And Mr. McCoy.

MR. MCCOY: Here.

CHAIR ROSS: Okay. If there's anyone here this evening 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; if so, state I do.

PEOPLE TO TESTIFY: "I do."

CHAIR ROSS: When we open the floor to your testimony for an application, the Applicant will speak first, and then we'll open it up for people from the audience, and at that time, please step to the mic and provide your name and address, and remind us that you've been sworn in.

MR. GAYETSKY: Alright. Well, good evening, Members of the Board of Zoning Appeals. My name is Eric Gayetsky. I'm the Senior Zoning Officer here at Orange Township, and I will be taking you through three cases this evening. One of which is old business, a continuation from the last hearing, and that is Case No. VA-26-06.

So, the Applicant here is Ignition Holdings. The site is at 10030 Columbus Pike. This lot is a 9.4 acre size parcel with the planned -- I believe that's a PC zoning on that parcel. This request is seeking five Area Variances from Orange Township Zoning Resolution Section 21.04(C) to allow a plan

with five warehouse buildings to encroach into the 100-foot setback to the west, south, and north.

So, as described in the Summary, this applicant is requesting Variances from Orange Township Zoning Resolution Section 21 for five new warehouse buildings to encroach into the required 100-foot setback due to abutting residential districts. This project consists of five 8,976 square foot warehouse buildings to the west of existing buildings on the property, as well as accompanying utilities to serve the proposed buildings and a gravel lay down area.

The parcels to the south and the west of the part of the property are owned by Highbanks Metro Park, so they're technically zoned Farm Residential District, FR-1, which necessitates the Variances.

The application was initially heard at the April 16th, 2026 BZA meeting, and that resulted in continuance to today's meeting on May 21st, 2026, because that was granted by the BZA.

Updated materials, including Revised Site Plan renderings and aerial photos have been provided by the Applicant as of May 6th. And I wanted to give you a bit of a summary with regards to those. So, since the previous meeting, the Applicant revised the plans to show new locations for warehouse buildings No. 1 through 5, that is shown in the Applicant's Site Plan, which is in Exhibit 1 as well. And so, I'll go through Buildings 1 through 5 and those changes.

So, Building No. 1 has been relocated 25 feet southward from the previous location. So, previously it had a 50-foot setback from the property line to the north side. Now it is a 75-foot proposed setback from that property line.

Building No. 2 has been relocated approximately 30 feet northward. Note, due to the relocation of Building No. 2 a Variance is now required for an encroachment in the setback from the north property line. So you can see that in the Site Plan, and we'll get to Exhibit 1 as well.

For Buildings No. 3 and 4, they do maintain the 50-foot setback distance from the property line, which is the west property line, so a 50-foot Variance is being requested. And then for Building No. 5 that has been relocated approximately 40 feet towards the west, so there is a Variance for that one as well.

The subject site is located 10030 Columbus Pike. Again, a 9.4 acre parcel, which is the west side of U.S. 23 and it abuts Highbanks Metro Park land on the west and south lot lines.

So, I did describe generally where it's located, but just north of this parcel, the adjacent land is Farm Residential District zoned. It's Single Family Residential land use currently. To the south is also Farm Residential District, and land use is Highbanks Metro Park. Alright. To the east, the zoning district is Planned Commercial, and Office District. This entails a Nissan Dealership, as well as auto repair business. And to the west, the zoning district is our

Farm Residential District, High Banks Metro Park land use.

Alright. So, we had a couple aerials in your packet, which shows there are some existing buildings, predominantly on the south side of the site; three buildings to note there. They do have some drive aisles, but for the most part the lot is undeveloped on the west and the north sides. There's also a small pond, a little water feature central to the lot.

And then we have Exhibit 1, that is the Revised Site Plan. So, the Revised Site Plan, as described, with the buildings being relocated, Buildings No. 1 through 5. Just for your reference, to make it more convenient, I placed the updated Site Plan on the left side so you can compare that with what was previously presented in April. Buildings No. 1 and No. 2 are shown with the setback. That should be 50-foot setback -- or sorry, 75-foot setback for No. 1 and 2 from the north side property line, which represents a 25-foot Variance request, or 25% from the

requirement of 21.04(C). The setback from the west property line remains 50 feet, that's for buildings No. 2 through 4, and that represents -- that's a 50-foot Variance representing a 50% deviation from the requirement of 21.04(C). And then for Building No. 5, as shown with a setback of 57 feet 9 inches from the west property line, representing a variance of 42 feet and 3 inches, or approximately 42%. We did use the measuring software called Bluebeam to show you where we obtain our measurements. So, potentially that is 75 feet from the north property line, 50 feet from the west property line for Buildings No. 2 through 4, and 57 feet 9 inches from the west property line for Building No. 5.

We have from the Applicant's packet the elevations. Those are the same as presented in April. So we have summarized them, but I'll take us through the Variance requests once more for each building. So, for Building No. 1, the Applicant is proposing Building No. 1 have a setback of 75 feet from the north side property line. That's

representing a variance of 25 feet, or 25% from the requirement. For Building No. 2, that's the setback, same as Building No. 1 of 75 feet being proposed for the north side property line, that represents the 25-foot variance, or 25% from the requirement. And so Building No. 2 also has that Variance request from the west side property line, so the applicant is proposing a setback of 50 feet from the west side property line, representing a variance of 50 feet, or 50% from the requirement. Building No. 3, the Applicant is proposing that the setback request property line remain 50 feet, so that is a 50-foot Variance, and a 50% deviation from the standard. For Building No. 5, the Applicant is proposing that the setback from the west property line be 57 feet and 9 inches, representing a Variance of 42 feet and 3 inches, or approximately 42%.

The Applicant has supplied some new photography. I copied that into the Staff Report. So you see the generally undeveloped lot. This I believe is taken from the north

side of the property showing the existing buildings on the south side. And then several aerial photos for better understanding of the existing layout.

I believe that's all I have for description of the Variances. And the rest is Board Analysis and potential Motions for your consideration. If there any questions, please let me know.

CHAIR ROSS: Any questions for Eric?

MR. TREFZ: No.

MR. PAX: I don't have any.

MR. MCCOY: Not right now.

CHAIR ROSS: Would the Applicant like to step up and tell us about your application.

MR. RUSSMAN: Here or here?

CHAIR ROSS: You can sit at the table if you'd like. If you'd just identify yourselves before you speak for the transcriptionist.

MR. RUSSMAN: Name and address?

CHAIR ROSS: Yes.

MR. RUSSMAN: Will Russman, 3363 Brawmiller Road, Delaware, Ohio. And yes, I was sworn in.

MR. ONG: Andrew Ong, 2550 Corporate Exchange Drive. And yes, I was sworn in.

MR. COLLINS: Wesley Collins, 1715 North Star Ave. Yes, I was sworn in.

MR. BLEND: Chad Blend. My address is 200 Miranova, Columbus, Ohio. Yes, I was sworn in.

MR. ONG: Well, thank you guys again for hearing us the second time. We took kind of your comments from our original proposal and just shifted things a little bit.

I think our main concern here was going to be the setback to the north side that we had initially been showing as 50 foot in our last round, and we've since reduced it to 75 foot. So we've increased the setback 25 feet. I think the discussion was that because that section to the north was still zoned as FR-1, we still wanted to hold at least the 75, or a 25% reduction from the building setback.

And I think we kept these, the western and the southern ends the same because that was going to be abutting the Highland Metro, so we were able to keep those as 50 foot. We shifted everything south to maintain a 75-foot building setback line. And I think this still works with what Sphere will need for their truck turning, as you can see kind of going around, as well as their operations.

MR. RUSSMAN: And I think last time a couple things that we wanted to address was to the north side, with that being residential, we have maintained 15 feet of green space all around the property line for future screening. And the reason for the additional photos was to show how grown up really that is surrounding us right now with the tree lines, so for us to do any immediate screening with how much the Highbanks Park has grown up and how much the residential to the north of us is, it would be -- I think we'd be starving any plants that we put in right now at this time to be able to grow in that space. And that's why we really took the

drone photos and showed that our neighbors both have very mature natural screening at this point right now, but we did include in our plans a 15-foot green space along all property lines for future screening, if it was to change.

So, property to the North, I know Mrs. Butts is in talks about what she -- what her intentions are with that property from a few different developers, and we wanted to respect that. Met with her since our last meeting on her intentions of what she'd like to see, whether she had any concerns, and she just mentioned that if we would maintain space for screening as needed, that was her only thing that if it does remain residential, that we would honor, you know, them as FR-1 property and provide additional screening.

MR. TREFZ: Because all the screening right now is not on your property.

MR. RUSSMAN: Correct.

MR. TREFZ: It's on their property, yeah.

MR. RUSSMAN: Correct. Correct.

But if you look at those photos that -- I mean, those trees are -- the majority of those trees are 60 to 70 foot trees at this point.

MR. TREFZ: Yeah.

MR. RUSSMAN: So if they were to be removed, we wanted to maintain that setback area so that we could put screening in. If it does change hands, either the park or Mrs. Butts' property change hands, as soon as development went, we would have room to put that screening in.

MR. TREFZ: Okay.

MR. RUSSMAN: So I think that's the majority of what we were looking for to -- that were your guys' concerns with our neighbors and our setback regions.

The other main focus for us on requesting these setbacks is to maintain traffic flow and parking on the interior of our property instead of the exterior. So we discussed laydown yards. We kind of submitted a plan showing where those yards would be. Also, one of the photos shows an existing one of Building 1. That photo is up

in the top right-hand corner. That's one of our existing buildings that kind of has the gravel surrounded. That butts up to the dealership. And that is kind of our model building of what it would look like for leasable space for each unit where they have additional parking and laydown yard. So that was really kind of an example of what the business use would be. I know you guys asked about that last time, so we really wanted to cover with the photos where our concept came from and what that currently looks like.

CHAIR ROSS: Okay.

MR. PAX: I have a couple questions. So we did receive correspondence from Ms. Butts. And one of her concerns -- there were two concerns that she listed beyond just the screening also. And not that you -- she may not have discussed with you, but she sent us in a letter. One of which was runoff and drainage. So it's interesting, I know that you have an existing pond and in your drawings it looks like it's being -- is that being expanded into a retention pond?

MR. RUSSMAN: Yes.
MR. PAX: Okay.
MR. ONG: Yep. The goal of the site was to be draining everything to the inside of that pond, and then everything discharges to the south. So, if you can see on maybe that picture to the right, those three buildings, between the third -- the first one to the left and the second one to the left, there's an existing storm sewer that we would be connected to that already discharges from the pond. So we would just provide any catch basins or any drainage inlets around the edges of the property to maintain the flow inward.
MR. PAX: And what pavement -- is it just scratch gravel around all of these buildings that we're seeing denoted with the cross hatch in your Plan?
MR. RUSSMAN: Yes.
MR. PAX: That's gravel, there's no asphalt?
MR. RUSSMAN: No. The only thing that would be asphalt is -- what's currently

asphalt on entry coming into the property, we would maintain that.

MR. PAX: Okay. But what we're seeing within this proposal, at least, with these areas in gray, is gravel?

MR. RUSSMAN: Is gravel.

MR. PAX: That's pervious.

MR. RUSSMAN: Yes.

MR. PAX: That's important. That's helpful. At least on the runoff to address more concerns of even Metro Parks, so that's good. The buildings themselves then, I assume, do they have gutters on the sides of them on these gable roofs?

MR. BLAND: Yes, gutters and downspouts. Yes.

MR. PAX: And downspouts?

MR. BLAND: Yes.

MR. PAX: And those connect into the underground storm system, or is that --

MR. BLAND: No. There's sheet ran across the gravel to a catch basin.

MR. PAX: Okay. So, they discharge it right outside the building,

basically, in the splash blocks, or whatever.

MR. BLAND: Yeah.

MR. PAX: I'm just getting some little detail of that so I understand. That makes sense.

And then the other concern that she raised was light pollution and glare, potentially, especially for her neighbors that would be on the north. And within your sketch and the drawings, it's not necessarily presented on how you intend to illuminate if there's wall packs for security of stored areas.

MR. RUSSMAN: Yeah. We intend to wall pack each building, and then when the lease agreements are done, if they would require, because this was brought up in the last meeting, if they would require any additional lighting, that would be permitted on -- for their buildout for each additional customer, if they wanted additional lot screening. So they would have to go through additional zoning review and permitting for any parking lot lighting or anything like

that. So in our initial build it will be wall pack units with a 50-foot light span, basically off a shielded wall pack that would give 50 foot of coverage, which in all areas would not reach the property line -- would be at the base of the property line. So there wouldn't be any white wash -- or light wash, I mean. And that's what our current buildings have. The office building that currently sits there to the north and the west, it would be the same wall pack units that are on those buildings currently.

MR. PAX: Okay. And noting that you typically just have man doors coming out of the long side of your buildings. No overheads on the long side of all your buildings. All of your overhead access into the buildings are on the short ends of the building, basically the gable ends of the building; is that correct?

MR. RUSSMAN: Except for, you see the middle buildings, if you see where we've kind of spaced those buildings for the laydown yards, so --

MR. PAX: Are you talking on the west? I'm sorry.

MR. RUSSMAN: Yeah, it's on the west building labeled 3 and 4, I believe those two buildings.

MR. PAX: Yes.

MR. RUSSMAN: Those do have buildings on -- or overhead doors on the north and south side of those. And that's really just to face where their proposed laydown, leasable area would be.

MR. PAX: But that's where the access into the buildings, overheads are on those north and south side of those buildings, is what you're trying to say?

MR. RUSSMAN: As well as one in the front, yes.

MR. PAX: Okay.

MR. RUSSMAN: So each building is getting two overhead doors.

MR. PAX: The only reason I'm asking such specific questions on it is I'm trying to understand, too, as we're reviewing against the previous submission, the position

and spacing between the buildings. Before they were equal, basically, and now there's a differentiation on this bottom south two buildings being very close. The overhead access on the sides explains that, as far as intent and why it was spaced that way.

MR. RUSSMAN: Yeah. And the reason we changed that spacing was to really kind of show that we wanted to maintain any of that laydown yard for traffic to be within the -- not on the exterior of the properties. So depending on the tenant that comes in there, whether -- and again, this will come out at leasing. Buildings 1 and 2 to the north, we would look for more specific of a tenant that may not have as much outside space need, as they would inside space need. And then allowing Buildings 3 through 5 to give those tenants more laydown protected space, which also protects the residents to the north.

MR. PAX: Yes. That is primary key concern, I think, also. I appreciate the 75-foot increase, but limiting that outside

storage on the north side of those buildings is also going to be probably helpful and appreciated by Ms. Butts, also.

MR. RUSSMAN: Yeah, and our intention is to be -- you know, our intention with this whole project and the reason we've taken additional time to meet with all of our neighbors is to address their concerns. We're not trying to -- we're not trying to make anything where, you know, it's a hindrance to the dealership. We don't want to make her -- you know, take anything away from the beautiful property that Mrs. Butts already has. And that's why we've kind of tried to address, you know, the 15 foot of barrier space that, depending on what gets developed on her property, or how that -- we have room to address that at the time when it's needed.

MR. PAX: And again, no intent for overall parking lot lighting, poles, that would be illuminating the general area?

MR. RUSSMAN: Yeah.

MR. PAX: Because you're using your wall packs.

MR. RUSSMAN: Wall packs, yep, wall packs.

MR. PAX: Okay.

MR. RUSSMAN: And the nice thing security-wise about this, we've also mentioned in our packet, that our gate location has moved towards 23. So if you -- it's kind of hard to see on this. Yeah, right up in that area, that's where the new gate location is. So everything on our property from their back with the dealership and the Crash Champions, the auto repair shop, everything to our property, except for on the north and the park side, is double fenced. So, we really feel like security-wise with the park, you know, has really good security being closed after dark, and then with that residential area also having very limited access on how to get in there, really kind of provides a low-risk area for most of our tenants.

MR. PAX: Okay. Thank you.

MR. GAMBLE: Can I speak to this?

CHAIR ROSS: One moment, please. We'll get to you.

MR. GAMBLE: Okay. Thank you.
CHAIR ROSS: Any other questions for the Applicant from the Board?
MR. MCCOY: No, I don't have any.
MR. TREFZ: No, I'm good.
CHAIR ROSS: Okay. A couple of you came in after we started the meeting, and there's a time when we swear in people. If you're going to testify, you need to swear in. So, I know a couple of you came in after that time. If you'd please -- if you intend to speak tonight to testify, please raise your right hand and be sworn. Okay. You, sir, also.
MR. GAMBLE: Okay. My name is Ken --
CHAIR ROSS: Just wait.
MR. TREFZ: We need you to swear in.
CHAIR ROSS: We need you to swear in. Okay. Thank you.
MR. GAMBLE: I'm not going to testify.
CHAIR ROSS: Well, if you are

going to speak before us this evening, that's testimony.

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

PEOPLE TO SPEAK: "I do."

CHAIR ROSS: Okay. Thank you. Alright. Anyone from the audience who'd like to speak, please come up to the mic, give us your name and address, and affirm that you've been sworn.

MR. GAMBLE: My name is Kenneth Gamble. I represent Mary Butts. I'm a lawyer. She brought me in this morning about 9:00, so I don't have a lot of really great information, other than to say that she objects to this. She does not want this to go through.

She'd like to leave it as is, at least in terms of the setback line. We're talking about the difference between a 75-foot setback line and a 100-foot setback line. She would like to leave it at the 100-foot setback

line. And one of her big concerns is what happens to the rest of her property line. I'm not sure exactly how long that is, but when I looked at it on a map, it looked to be about 2000 feet beyond this. And she doesn't want to set a precedent of agreeing to this and then have that used against her in the future, or somebody else that wants to have an additional setback line, so that's her biggest concern.

And she, at this point in time, she's not in favor of it. And I wish I had the opportunity to speak with you. I didn't get brought in until this morning at 9:00. I almost came over to your place after I met with her so we could talk, and she asked me not to, but I certainly would invite you to speak with me on this if you want. That's my card.

MR. RUSSMAN: Okay.

CHAIR ROSS: I would like you to reassure your friend who's hired you that each of the cases that comes before us is based on its own merits. We don't look at precedence

for anything that has happened. It could be exactly the same instance next door and it has it -- since it's a completely different place with different ideas and prospects, then we look at it completely independent from everything else. It's only based on the testimony and the information we received at the time.

MR. GAMBLE: That will be reassuring then. Thank you very much for that. I have nothing further. And I'm sorry for being late. I didn't anticipate all this traffic.

CHAIR ROSS: We understand. Is there anyone else who'd like to speak? Okay.

MR. GAYETSKY: I'd like to make mention to the Board. It does appear that there are seven Variances that would be requested based on the location of Building No. 5. So to that end, I need to make sure you have a copy of all seven of the Variance requests, which I ran off print-wise, so I'm going to go grab those so you each have the being updated, which includes the south

property line Variance, so I'll be right back.

CHAIR ROSS: I do have a question for the Applicant. I think at the last meeting you said you intended to fence this entire area; is that correct?

MR. RUSSMAN: Yes.

CHAIR ROSS: And what type of fencing?

MR. RUSSMAN: So, on the north side, we're matching Mary's wooden fence at this time. I don't know if you've driven down there. It's a five-slat wooden fence with probably about 5 foot in height currently. Along the front side we're matching -- we've got an agreement with the dealership and Crash Champions to match their vinyl fence, which is 6-foot solid plank down the front. And along the park is currently park fence where they have their no trespassing -- I don't even know what you call that type of fencing.

MR. BLEND: Chain link.

MR. RUSSMAN: Chain link, chain fence around the south and west side currently fenced. And again, our intentions would be to

-- if that were ever to change, we would put in probably a black vinyl chain link for the security of all of our tenants, if development was to start in that area.

CHAIR ROSS: I guess my concern is more -- I think it's important for you to have security fencing for your tenants, but if you're going to put storage outside of Building 2 on the north side and the screening comes out on her property, that does not -- even with 15 feet of brand new -- if you want to put in more vegetation along there, 15 feet-wide, just a chain link fence or something like that doesn't block those any potential homes that would be in that area. I think that's a reason why --

MR. RUSSMAN: No. Our intention for that screening would be an arborvitae, which is not a large-base type plant, but does give you tons of height. Some of those arborvitae are up to 30 foot tall, and those would sit within a 15-foot -- within a --

CHAIR ROSS: I'm not a huge fan of those because they don't live very long, and

they -- yeah. I really appreciate the change that you've made to this, your attempt to make it all work.

MR. RUSSMAN: We've really tried to take in consideration of all of our neighbors. And like I said, we spoke with, met with -- since our last meeting with all of our neighbors. We even sent an email to the park with a response from them that said they had no -- basically no comment. They couldn't approve or disagree, but they also said that they have no intentions of additional development. We do work really closely with local rangers because we have had trespassers that say they thought our property was entrance to the park, so we are in communication with them often. We've had in this last storm multiple trees that fell on power lines and destroyed fencing, so we communicate with all our neighbors very regularly.

And again, understanding Mary's concerns and what's coming up. She has a large portion of property there, so we do

understand that she's under fire by everybody. And we've really worked well with her to also match her fencing and maintain, you know, a good relationship with her as well, so.

MR. ONG: I might add that the screening is also going to be something that's going to be code driven, so even if, you know, this approval gets through this BZA process, that'll still have to be reviewed by, I believe, Orange Township Zoning team for all the landscaping. So, if it comes up at that point that maybe there's a better plan that you'd prefer something, I think we would try to be accommodating with that in Orange Township to find a screening that works with you guys.

MR. GAYETSKY: Yeah. There will be a process that they will apply for a zoning permit. We will do a review. That includes features -- I'm not aware of the specifics behind how many trees and things of that nature, but we will weigh it with what the requirements are in our General Development Standards, our Plan Commercial District. We

also want to throw out there that we will also review it for lighting. Something that is generally deferred to the Building Department at Delaware County, though, is storm water and the management of any runoff, so that will be handled subsequent to zoning at the Building Department level. So just to put a few things out there for you.

CHAIR ROSS: Thank you. Any other questions for the Board? Would someone like to make a Motion?

MR. PAX: Building 1 first then?

CHAIR ROSS: Building 1.

MR. PAX: I'll make a Motion.

Based on factors presented this evening, I moved to approve Case No. VA-26-06 for the property located 10030 Columbus Pike, Lewis Center, Ohio 43035, seeking one Area Variance from Orange Township Zoning Resolution Section 21.04, Dimensional Standards, to allow the commercial building identified in the application as Building One to encroach 25 feet into the 100-foot setback in an area zoned Planned Commercial and Office

PC District.

MR. TREFZ: I'll second.

CHAIR ROSS: Any discussion on the Motion? Eric, we're ready for a roll call.

MR. GAYETSKY: Okay. No discussion.

Ms. Ross.

CHAIR ROSS: Yes.

MR. GAYETSKY: Mr. Trefz.

MR. TREFZ: Yes.

MR. GAYETSKY: Mr. Pax.

MR. PAX: Yes.

MR. GAYETSKY: Mr. Wellington.

MR. WELLINGTON: Yes.

MR. GAYETSKY: And Mr. McCoy.

MR. MCCOY: No.

MR. GAYETSKY: Motion carries. That's for Building No. 1.

CHAIR ROSS: Do we have a Motion for Building No. 2?

MR. PAX: I'll make a Motion.

Based on discussed factors and plan revisions made to the original submission, I move to approve Case No.

VA-26-06 for the property located at 10030 Columbus Pike, Lewis Center, Ohio 43035, seeking one Area Variance from Orange Township Zoning Resolution Section 21.04 Dimensional Standards to allow a commercial building identified in the application as Building 2 to encroach 25 feet and 0 inches into the 100-foot required setback in an area zone Planned Commercial and Office PC District.

CHAIR ROSS: Is there a second?

MR. TREFZ: I'll second.

MR. GAYETSKY: Mrs. Ross.

CHAIR ROSS: No.

MR. GAYETSKY: Mr. Trefz.

MR. TREFZ: Yes.

MR. GAYETSKY: Mr. Pax.

MR. PAX: Yes.

MR. GAYETSKY: Mr. Wellington.

MR. WELLINGTON: Yes.

MR. GAYETSKY: And Mr. McCoy.

MR. MCCOY: No.

MR. GAYETSKY: So I have three yeses and two nos, so the Variance carries. The Variance is approved. That's for Building

No. 2, and that was for the north-side property line. So the next one is also for Building No. 2, setback to the west side.

CHAIR ROSS: Do we have a Motion?

MR. PAX: I'll make the Motion.

Based on factors presented and revisions made to the original design, I move to approve Case No. VA-26-06 for the property located 10030 Columbus Pike, Lewis Center, Ohio 43035 seeking one Area Variance from Orange Township Zoning Resolution Section 21.04 Dimensional Standards to allow the commercial building identified in the application as Building 2 to encroach 50 feet into the 100-foot required setback in an area zoned Planned Commercial and Office PC District.

CHAIR ROSS: Is there a second?

MR. WELLINGTON: I'll second.

MR. GAYETSKY: Ms. Ross.

CHAIR ROSS: No.

MR. GAYETSKY: Mr. Trefz.

MR. TREFZ: No.

MR. GAYETSKY: Mr. Pax.

MR. PAX: Yes.

MR. GAYETSKY: Mr. Wellington.

MR. WELLINGTON: Yes.

MR. GAYETSKY: Mr. McCoy.

MR. MCCOY: No.

MR. GAYETSKY: Variance is denied. That's for the west-side property line.

CHAIR ROSS: Is there a Motion for Building 3 property line?

MR. PAX: I'll make a Motion.

Based on factors presented and the plan presented and revised, I move to approve Case No. VA-26-06 for the property located at 10030 Columbus Pike, Lewis Center, Ohio 43035 seeking one area Variance from Orange County Zoning Resolution Section 21.04 Dimensional Standards to allow a commercial building identified in the application as Building No. 3 to encroach 50 feet into the 100-foot required setback in an area zoned Planned Commercial and Office PC District.

CHAIR ROSS: Is there a second?

MR. WELLINGTON: I'll second.

MR. GAYETSKY: Ms. Ross.

CHAIR ROSS: No.

MR. GAYETSKY: Mr. Trefz.

MR. TREFZ: No.

MR. GAYETSKY: Mr. Pax.

MR. PAX: Yes.

MR. GAYETSKY: Mr. Wellington.

MR. WELLINGTON: Yes.

MR. GAYETSKY: And Mr. McCoy.

MR. MCCOY: No.

MR. GAYETSKY: That Variance is denied.

Onto Building No. 4, also west-side property line.

MR. PAX: Based upon factors presented this evening, I move to approve Case No. VA-26-06 for the property located at 10030 Columbus Pike, Lewis Center, Ohio 43035 seeking one Area Variance from Orange Township Zoning Resolution Section 21.04, Dimensional Standards, to allow a commercial building identified in the application as Building 4 to encroach 50 feet into the 100-foot required setback in an area zoned Planned Commercial and Office PC District.

CHAIR ROSS: Is there a second?
MR. WELLINGTON: I'll second.
MR. GAYETSKY: Ms. Ross.
CHAIR ROSS: No.
MR. GAYETSKY: Mr. Trefz.
MR. TREFZ: No.
MR. GAYETSKY: Mr. Pax.
MR. PAX: Yes.
MR. GAYETSKY: Mr. Wellington.
MR. WELLINGTON: Yes.
MR. GAYETSKY: And Mr. McCoy.
MR. MCCOY: No.
MR. GAYETSKY: That Variance is denied.
CHAIR ROSS: And Building No. 5, west property line.
MR. PAX: Yes, I'll make a Motion. Based upon factors presented this evening, I move to approve Case No. VA-26-06 for the property located at 10030 Columbus Pike, Lewis Center, Ohio 43035 seeking one Area Variance from Orange Township Zoning Resolution Section 21.04 Dimensional Standards to allow a commercial building identified in the

application as Building 5 to encroach 42 feet and 3 inches into the 100-foot required setback in area zoned Planned Commercial Office PC District.

CHAIR ROSS: Is there a second?

MR. WELLINGTON: Second.

MR. GAYETSKY: Ms. Ross.

CHAIR ROSS: No.

MR. GAYETSKY: Mr. Trefz.

MR. TREFZ: No.

MR. GAYETSKY: Mr. Pax.

MR. PAX: Yes.

MR. GAYETSKY: Mr. Wellington.

MR. WELLINGTON: Yes.

MR. GAYETSKY: Mr. McCoy.

MR. MCCOY: No.

MR. GAYETSKY: That Variance is denied. So we have seven Variance requests, that's also for Building No. 5, and this is from the south property line. For Mr. Wellington and Mr. McCoy, you can refer to the board that has that Variance. And I was able to provide three copies until the printer quit.

CHAIR ROSS: Is there a Motion?

MR. PAX: I'll make a Motion.

CHAIR ROSS: Thank you.

MR. PAX: Based on the factors presented, I move to approve Case No. VA-26-06 for the property located at 10030 Columbus Pike, Lewis Center, Ohio, 43035 seeking one Area Variance from Orange Township Zoning Resolution Section 21.04 Dimensional Standards to allow a commercial building identified in the application as Building 5 to encroach 50 feet and 0 inches into the 100-foot required setback from the south property line in an area zoned Planned Commercial and Office PC District.

CHAIR ROSS: Is there a second?

MR. WELLINGTON: Second.

MR. GAYETSKY: Ms. Ross.

CHAIR ROSS: No.

MR. GAYETSKY: Mr. Trefz.

MR. TREFZ: No.

MR. GAYETSKY: Mr. Pax.

MR. PAX: Yes.

MR. GAYETSKY: Mr. Wellington.

MR. WELLINGTON: Yes.

MR. GAYETSKY: Mr. McCoy.

MR. MCCOY: No.

MR. GAYETSKY: That Variance is denied. That's all of the Variances for this case.

- - -

MR. GAYETSKY: If I can find the Staff Report, the next two cases are New Business Items. I will take it from the top.

So, this first New Business Case is VA-26-08. This is for the site at 7720 Bale-Kenyon Road. The Applicant and Owner of the site are Zachary and Lisa Austin. The Zoning District is Farm Residential District, and the lot size is 2.6 acres.

So, the Applicant is seeking Area Variance from Orange Township Zoning Resolution Section 20.01(A)(2) to allow for the parking of trailers and recreational vehicle behind an existing privacy fence and in front of the front build line.

With regard to the case history, a neighbor complaint about an RV in front of

the building line and discard materials prompted an initial compliance inspection and violation notice on February 19, 2026, and follow-up inspection and violation notice on March 6th, 2026. During a third inspection on March 25th, 2026, it was noted that the RV was relocated behind the existing privacy fence, while remaining in front of the primary dwellings front building line.

The property owner submitted an Area Variance Application on April 17th, 2026 for a Variance from Section 20.01(A)(2). This property is located at 7720 Bale-Kenyon Road, Lewis Center, and as stated, is owned by Zachary and Lisa Austin.

So, as far as the surrounding area, the Zoning District to the north of here is Single Family Planned Residential District, land uses include the Nicoya Subdivision with open space and Nicoya Court right-of-way. To the south, the Zoning District is Farm Residential District. The land use includes Single Family Residences. Towards the east is also Farm Residential. Land uses are

Bale-Kenyon Road right-of-way, agricultural land across. And to the west the Zoning District is Single Family Planned Residential and the land use is Single Family Residences.

So there's context view on southeast portion of the Township, and then zoomed-in aerial view. This property has frontage off the Bale-Kenyon Road. And you can see a subsequent Exhibit, the location that is proposed for the RV.

Alright. In the Staff Review portions, we looked at this Variance Request from the front building line setback, so it is an Area Variance from Section 20.01(A)(2), which states that "No trailer of any type, no boats, no motor homes, and no equipment of any type shall be parked in front of the front building line, or any parked within a district zoned for Residential Use for more than 24 hours in a day in any 10-day period. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling, even if said dwelling is located behind the minimum line established,

that is building line established by this Resolution.

So, the principal dwelling is set back 385 feet from the centerline of Bale-Kenyon Road, which establishes the front building line. The motor home, which we refer to as the RV, is required to be parked in accordance with the above Code section.

The long-term parking location of the RV, as shown in the Applicant's Site Plan, is roughly 208 feet from the centerline of Bale-Kenyon Road, which does not comply with the above requirement that it be parked behind the front building line. The Applicant has stated that the RV will remain parked behind an existing wood privacy fence with the lattice panels, which is shown in the site photo from 3/24/26 compliance inspection.

An Area Variance is being requested to allow the RV to be parked at the location shown in the following Exhibit, Exhibit 1. So you can see there is an arrow in the shaded area that denotes the location of the RV where the RV is to be kept. And

essentially, that's where the RV has been noted as being parked since the most recent compliance photos were taken.

And then, I did add a few descriptions, well, annotations, just to give you a visual sense of what the Code describes. So that dotted line is the front building line, which runs along obviously where the front of the home is located, so you can see it is a margin, a fairly decent margin between where the RV location is and where the front building line is located.

And in fact, we broke that down further in Exhibit 3. So the requested parking location of the RV is roughly 208 feet, set back from the centerline of Bale-Kenyon Road, which is approximately 178 feet and 7 inches closer than the front building line of the principal dwelling. The principal dwelling setback is measured from the southeast corner of the home is 386 feet, thereabout 386 feet. And then that second photo I mentioned shows the existing privacy fence with what you could call a lattice panel

at the top. The RV is just very minimally visible, but you can make out the white color just behind that. So that was on 3/24/26 that this photo was obtained.

That's all I have for the Board Review -- I'm sorry, the Staff Review Analysis. The rest is the Board Analysis, criteria for your consideration and example Motion.

CHAIR ROSS: Eric, will you confirm on Exhibit 3 where that fencing is that you showed in the site photo, just so that I'm sure.

MR. GAYETSKY: Sure. I'm sure it's a bit granular in terms of the resolution, but you can see a shadow. So there's, you can see the building outline of the structure with the white windows in the site photo, that's probably the most visible item. I'm not sure -- maybe Charlie can hover with his cursor over top of that structure.

CHAIR ROSS: Okay.

MR. GAYETSKY: The fence is supposed to --

MR. TREFZ: Right where the rectangle is?

MR. GAYETSKY: Yeah, it's the rectangle. The fence is supposed to connect off with that structure. I'm sure the Applicant can further elaborate on that than I can, but you can see a little bit of a shadow.

CHAIR ROSS: I assumed that was where it was, but I wanted to be sure.

MR. GAYETSKY: Sure.

CHAIR ROSS: Thank you.

MR. GAYETSKY: Yeah.

CHAIR ROSS: Any other questions for Eric?

MR. PAX: Are we aware what this -- I mean, the other structures that are to the south of -- is that -- I mean, I don't know if it's germane, but what is -- is that a garage there or something?

MR. GAYETSKY: So, there are several accessory structures. They are -- they've been there a long time. We did not review for exactly when they were added or approved. Really the request is specific to

the RV issue and doesn't entail any sort of other structures on the property, so these are structures that are all accessory. The only principal structure is the one that you can see in Exhibit 2. We based the front building line off of that dotted orange line. And then these structures just, they don't have bearing on the front building line, essentially. So, while the RV is as far forward in the lot, as these structures are, they just don't have bearing on the parking location, and neither does the fence for that matter.

MR. PAX: Okay. Just curious.

MR. GAYETSKY: Yeah, understood.

CHAIR ROSS: If there are no other questions, is there someone here -- is the Applicant here to speak to us this evening?

Would you please give us your name, address, and affirm you've been sworn?

MS. AUSTIN: I'm Lisa Austin, 7720 Bale-Kenyon Road. And yes, I have been sworn in.

CHAIR ROSS: Thank you.

MR. AUSTIN: Zachary Austin, 7720

Bale-Kenyon Road. And I also said that I do.

CHAIR ROSS: Thank you.

MS. AUSTIN: Yeah, so those other buildings, it's technically two buildings that are connected to each other. The first is what we refer to as the small garage. It was built, I want to say I was less than ten when my dad built that. And the pole barn is essentially built right next to it, but they're connected. And that was built in 2001 or '02 would be my best guesstimation. My dad and I used to run a vending business, and he built that pole barn to store our products.

Since then, you know, the property is now ours, so you know, being that that's our garage, and we built the fence 13 years ago when we moved in to help take care of them in their senior years, you know, this stuff belongs back there. Now, the RV did get parked when it broke down. It got towed home from a vacation, and he was ill shortly after that. He hadn't been able to get it fixed. That's why it was parked in the front yard and didn't get moved behind the line soon enough,

but for the most part, it's kept behind that fence.

Unfortunately, since then, you know, we still haven't been able to get to it because he's been working back in that area and trying to get it cleaned up a little bit better. But that's basically what we're asking for is to, you know, keep the stuff back there by our garage. Ideally, it'll get parked parallel, like --

MR. AUSTIN: Yeah, this normal spot would be next to the bigger garage.

MS. AUSTIN: Yeah. So, it will run right along next to it, but being that the engine isn't currently running, he can't get it there. He just can't maneuver it without the power steering to get it over there. It was hard enough to get it back behind there.

MR. AUSTIN: 35 foot is hard to turn.

MS. AUSTIN: Especially with no power steering. But once the vehicle that's in the garage is done, that's next.

MR. AUSTIN: To point out that

there's no way to get anything back behind the building line.

MS. AUSTIN: At the house.

MR. AUSTIN: There is a creek that runs between the house and the driveway, and it runs around the backside of the barn. Okay. So to get the RV behind that line, I would have to build a bridge heavy enough to do it, and then I would have to change the whole landscape because it's all uphill behind the house, which would create quite a mess. And I'm sure other than building the building back there, or building another big fence around back there, which I'm sure the neighbors wouldn't like either, it'd be tough to do. The only place for us to have anything -- and the trailers, I run a business. I'm a contractor. And the trailers are a very important part of it. So without some place to park them, I can't run a business. And there's no way I can get it behind the line.

MS. AUSTIN: But it's all hidden back there, as it shows in that one picture.

I mean, you can kind of sort of see the air conditioner from up top, but -- and lots of trees -- that fence actually runs all the way around to the back side up along the creek. And then lots and lots of, what was the wording that the previous people used, screening, lots of natural screening in there, times of very, very old, you know, very tall trees.

MR. AUSTIN: Yeah, we have a lot of old vegetation that screens it, and we added some. You see in the pictures the greenhouse, and then to the left there are some red oaks.

MS. AUSTIN: Yeah. And we just added --

MR. AUSTIN: This all came about because the RV broke down. The tow truck driver wasn't willing to move it anywhere other than park it, and then of course, here we are.

CHAIR ROSS: So it's currently in the place that's marked with the red rectangle?

MS. AUSTIN: Yes.
MR. AUSTIN: Correct.
CHAIR ROSS: And that's where you intend to keep it when it's ready?
MR. AUSTIN: Well, it will be behind the fence. Originally, it would be next to the garage.
MS. AUSTIN: Which is more even more out of the way.
MR. AUSTIN: Which is even further out of the site.
CHAIR ROSS: And which one is the garage?
MR. AUSTIN: The larger building to the left.
CHAIR ROSS: That one, okay.
MS. AUSTIN: Yeah, that's the little one. So to the right there, where it's essentially completely out of sight.
MR. MCCOY: Okay.
MS. AUSTIN: Well, yeah, but they can't see this, they can see that.
MR. AUSTIN: Yeah.
MS. AUSTIN: It's page 1. But he

started a concrete pad there to be able to, you know, so it can sit on on the concrete and you know, not get stuck in the mud. But in that photo, there's actually two other RVs in that photo that aren't on the property anymore. They're long gone.

MR. AUSTIN: Yeah.

MS. AUSTIN: One got disassembled and the other one was sold, in that aerial photo.

MR. AUSTIN: And at one time we had three of them back there.

MS. AUSTIN: I didn't even realize that when he -- and he saw the picture, he says, well, there's two RVs back there now, and that aerial.

MR. MCCOY: You should have taken the engine out of the one that you sold. (Laughter.) I'm just kidding.

MR. AUSTIN: Well, I do.

MS. AUSTIN: He actually did.

MR. AUSTIN: That is on the list, yes, take out the Ford motor and put the Chevy in there.

MR. GAYETSKY: The aerial imagery is 2024. That's the most recent that we have.

MS. AUSTIN: Yeah.

MR. AUSTIN: Yeah.

MS. AUSTIN: And it was late 2024 that we got the current RV.

MR. MCCOY: When was this house built?

MS. AUSTIN: Originally, in the '50s. I want to say '50 even, but I could be slightly off.

MR. WELLINGTON: And you've been there?

MS. AUSTIN: I was born there.

MR. MCCOY: Born there, okay. And then you said that you built the fence in 2013?

MS. AUSTIN: Yeah, that's when he and I moved back to help take care of my parents when they were in their final decline.

MR. AUSTIN: I had to have some place to hide my stuff.

MS. AUSTIN: Yeah, so he built --

MR. MCCOY: Well, you caused this

problem then. (Laughter.)

MR. AUSTIN: I am the culprit, yes.

MR. MCCOY: The neighbor to the south is also Farm Residential FR-1, has that neighbor been there a long time, the one to the south of you?

MS. AUSTIN: The A-frame?

MR. MCCOY: Yeah, down here.

MS. AUSTIN: I am not sure when they moved in, but they've been there longer than we've been back.

MR. MCCOY: Okay.

MS. AUSTIN: I want to say they've been there since the '90s.

MR. AUSTIN: That property originally belonged to Paul and he sold it to -- sold it off.

MS. AUSTIN: Yeah, but not to that guy. Yeah, my dad actually originally owned that piece of land when they initially bought it in 1961. We received input from the Nicoya Court residents and they are -- they would like that the trailer is behind the fence, the

existing fence.

MS. AUSTIN: They're fine if it's behind it?

CHAIR ROSS: That's the way this reads.

MS. AUSTIN: We're fine with that.

CHAIR ROSS: So I guess what I want to make sure is from Eric, where is considered behind the fence?

MR. GAYETSKY: Yeah, we took a measurement using our, both the Auditor's site using our software for doing architectural measurements, and so the best estimate, or the closest measurement we could come up with is 208 feet. So you can see that broken down in the red measurement, which is Exhibit No. 3, that really goes to the front corner of where the fence ends up, so that's 208 feet from the shortest distance of the center line of the road into the property.

CHAIR ROSS: So as long as it's anywhere from where that 208 arrow stops within that next section before it goes to the front line of the house, that's considered

behind the fence?

MR. GAYETSKY: Uh-huh, as you follow that measurement. Uh-huh.

MS. AUSTIN: Can I get up and look at that?

MR. TREFZ: Yeah.

MS. AUSTIN: I can't make out what he's saying, and I want to make sure so I understand.

MR. AUSTIN: Yeah, he's just talking about where the fence is.

MS. AUSTIN: Oh, yeah, right there.

CHAIR ROSS: So, anything that's behind there.

MS. AUSTIN: Yeah, the fence is actually to the other side of that lean-to roof. That lean-to roof is attached to the fence.

MR. GAYETSKY: Makes sense.

CHAIR ROSS: I guess, maybe I'm kind of beating a dead horse here, but I just want to make sure that a neighbor doesn't come forward in six weeks from now and they have it

parked in front of the building, and that's all pretty much to the furthest left before the creek, and they say, no, it shouldn't be there. And I just want to make sure whatever we decide --

MR. AUSTIN: The fence goes to the creek.

CHAIR ROSS: Okay.

MR. AUSTIN: It continues. There's two openings in it, and I've considered building gates for it so it would be completely enclosed. I haven't ruled that out yet.

MS. AUSTIN: Because he drives his truck back there most nights.

MR. AUSTIN: But since we're --

MS. AUSTIN: Like his daily vehicle.

MR. AUSTIN: Since this has occurred, I'm taking that up again, thought-wise of building the gates so it's completely closed off. So, it's a circular driveway going around in front of the garages, so there's two openings in the gate in the

fence, but the fence basically goes all the way. It actually hangs a foot into the creek, since the creek has eroded, the ground around the way only. I've been trying to deal with the erosion, since I'm moving around again. I went through a couple different surgeries, so it slowed up my process.

MR. TREFZ: Yeah, I'll bet.

CHAIR ROSS: Are there any other questions for the Applicant?

MR. PAX: So I'm trying to, to your point, Sue, that 208-foot setback, and I assume that's what they're talking when they say front yard, it's getting to the what would be, I guess, the east of that fence line, and what we're seeing at 208 feet towards Bale-Kenyon on the right side.

MR. TREFZ: Yeah.

MR. PAX: Okay. But, as I'm looking, as it goes south, there's encroachment of, whether that's a construction material or trucks, or that material, if that encroaches beyond, is that an issue closer to 208 or is it even germane?

MR. GAYETSKY: Yeah. This again is a little outdated on a photo. We would look at any future, if there happened to be a certain parcel, not just this parcel, but any parcel for that matter, an accumulation of debris, junk and materials discarded, we would look at that as a Code compliance case on its own merit. So we would not necessarily be needing to make a Motion for things in this aerial, as these things were not observable in our site inspection. If there was a report, if there was a complaint, we would investigate, and we would subsequently make a determination about if it needs to be cleaned up. But for that matter, the junk and debris is a different category than an RV, a motor home. Does that help clarify?

MR. PAX: It does. I mean, I think one of them may be an RV in that view, anyways that I'm seeing there, just, you know, to the south of the area in red for where the current RV is parked. It seems there's two other RVs on the site in this aerial, and so I think that that white rectangle there is

another RV. I'm not sure. I assume it is.

MR. AUSTIN: Yeah, this picture is a little bit on the old side.

MR. PAX: It seems from --

MR. AUSTIN: The debris, little piles of debris are gone.

MR. PAX: Okay.

MR. AUSTIN: I had them collected to deal with the erosion issues, which I have addressed. The debris, the piles of debris are gone. They're now part of the river bank.

MS. AUSTIN: The concrete, yeah.

MR. AUSTIN: The concrete. And we're only one RV.

MR. PAX: Okay.

MR. AUSTIN: The other two are gone.

MS. AUSTIN: Yeah, they're gone. One moved to Kentucky and one is disassembled.

MR. PAX: It seems that the residents, their primary concern again is it has to be behind the fence, and so that's where I'm trying to understand to the extent of that fence, as it's going to the south of

that greenhouse-like structure there that we see in the photograph. This fence is extending and I'm trying to understand how far south that is.

MS. AUSTIN: To the creek.

MR. PAX: To the creek.

MS. AUSTIN: And then it follows the creek line around.

MR. PAX: Yes.

MS. AUSTIN: Like around behind, because you see -- yeah, right there.

MR. TREFZ: Can someone draw where the fence is because I'm lost.

MR. PAX: Yeah, that would be great, but I don't know if we're going to get there. And even trying to decipher if the creek extends to the south is tricky with this area. It just is.

MR. TREFZ: Yeah.

MS. AUSTIN: It's basically where the yellow line is.

MR. PAX: Okay.

MS. AUSTIN: Or the border of our property is the creek.

MR. PAX: That's very helpful.
MS. AUSTIN: Does that -- okay.
MR. PAX: Yes, that's very helpful.
MS. AUSTIN: Yeah, that side, where it's up top there, like, where you have the cursor -- right -- well, whoops. Yeah, up there, that's going up the hill, but yeah, the creek runs behind the garages, and that whole area is just creek right behind it.
MR. PAX: Okay.
MR. TREFZ: But the fence is on the yellow line?
MS. AUSTIN: Yes.
MR. AUSTIN: Well, that's the property line.
MS. AUSTIN: Which is also the fence. It's on both sides. It circles around.
MR. AUSTIN: The creek is actually the property line. The fence is not in the creek. It's on the back.
MS. AUSTIN: Yeah, it just circles around.

MR. PAX: The fence I assume is to the north of the creek on your property, which would make sense.

MS. AUSTIN: Yes.

MR. PAX: Towards the top, which we were looking at.

MS. AUSTIN: Yes, yes.

MR. PAX: That's fine. That's logical.

MS. AUSTIN: Right. It comes off from the greenhouse, goes to --

MR. PAX: Parallel with Bale-Kenyon, basically.

MS. AUSTIN: Well, that part goes parallel to Nicoya, and then it goes back and becomes parallel to Bale-Kenyon, and then circles back around on the backside to shelter from the folks behind us as well.

CHAIR ROSS: Okay.

MS. AUSTIN: The goal was to try to contain as best as possible.

CHAIR ROSS: Okay. Do we have any other questions for the Applicant? Okay. If there's anyone in the audience that would like

to come up and speak, please come give us your name and address. Affirm you've been sworn in. Please speak to the Board, not to the Applicant.

MS. WARNER-DELEON: My name is Christine Warner-DeLeon. I live at 3716 Nicoya Court, and I was sworn in.

I am the HOA President of Nicoya Court. We've met many times. Our HOA is very active. Over the years, the past several years, the Austins have intermittently parked their RV and work trailers behind the existing fence; however, these vehicles and other work-related items have frequently been moved and left in the open front yard positioned visibly along the street frontage facing Bale-Kenyon.

Nicoya Court, as this is shown, runs adjacent to that. Such conditions can detract from the visual quality of the adjacent neighborhood bordering mid to high value homes, and could diminish our property values on Nicoya Court.

Our recommendations as an HOA is

as Nicoya Court residents we do support the Variance, but strongly recommend that all vehicles in the Variance and other related trucks and trailers always stay behind the existing fence and never return to the front yard, where they have previously been left for long periods of time.

We also want to acknowledge that in the last few couple of months, recent months, the Austin family has maintained their front yard well, upgraded their landscaping, and removed the RV from site, and as well as other trailers. We hope their commitment to the orderly property will continue to include storing work vehicles, trailers, and RVs behind the designated fence or garage areas, as proposed in this Zoning Variance. Thank you very much.

CHAIR ROSS: I have one question for you.

MS. WARNER-DELEON: Sure.

CHAIR ROSS: Since I'm nitpicking everything and asking for clarification, you noted that they've been in the open front

yard. What do you consider the open front yard? So we know exactly what you're talking about.

MS. WARNER-DELEON: On the outside of the fence. Okay.

MR. TREFZ: On the east side of the fence?

MS. WARNER-DELEON: Right.

MR. TREFZ: Okay.

CHAIR ROSS: Okay. So you're not talking about in the driveway or --

MR. DELEON: Along the long section of the driveway.

CHAIR ROSS: Sir, you'll have to wait until you come up to the mic.

MS. WARNER-DELEON: Okay. Along the long driveway. So they have quite a bit of a front yard that goes along that driveway.

CHAIR ROSS: Okay.

MS. WARNER-DELEON: Sometimes it's parked there, as well as sometimes work trailers and other things.

CHAIR ROSS: Okay. I just wanted to make sure I understood exactly what we're

talking about.

MS. WARNER-DELEON: Sure. Good question.

CHAIR ROSS: Any other questions? Okay. Thank you.

MS. WARNER-DELEON: Thank you very much.

CHAIR ROSS: Okay, sir. Your turn.

MR. DELEON: My name is Eric DeLeon. I'm at the 3716 Nicoya Court. I am Dr. Warner's husband. I have been sworn in. As far as I am also on the Board of the HOA.

We see no problem with the fence, but I think there is a discrepancy. You really can't notice. There's no way they can put anything behind the house. It is an incline of extreme. It would be unbelievably cost prohibitive to move all that property to the other side, not withstanding that creek that has caused severe erosion over the years. I mean, we've lived there close to 40 years, there's no way that they could put that up and have -- they have some sort of structure that

would allow them to do that. So that's the only location that they would be able to do that.

We have no complaints of it being there, the fence, the RVs, as long as they're always behind it. And they have done a very well-maintained yard, and they've done a very good job in trying to beautify their property, putting up multiple greenery and everything else. So, as part of the Board Members, we have no problem with it being there.

And in their drawing, the yellow line is a creek. There's -- they can't go any further behind that. And on the other side behind their house is a steep, steep, steep incline.

MR. AUSTIN: It would make a good sled hill.

MR. DELEON: Yeah.

MR. AUSTIN: But other than that, it's good for nothing.

MR. DELEON: Thank you.

CHAIR ROSS: Thank you. Would anyone else like to speak?

MR. GAYETSKY: Just to be clear, that was -- the written correspondence, that was -- well, I should say, the correspondence that was put into the record was also written out in an email received, which you all see in front of you. We did not receive any other correspondence from anyone about this case.

I wanted to bring it to the Board that in the Variance -- the prospective Variance Motions, this does refer to an RV. I did want to bring up that in the Applicant's description of their Variance request, they mentioned utility trailers, so something for the Board to consider is the possibility that utility trailers and RV motor home would be included in the Motion. So since that's not written into the Staff Report, I thought I would bring that up now.

MR. TREFZ: Eric, with what we have in front of us, it doesn't talk about the fence.

MR. GAYETSKY: We did make mention of the Applicant's Site Plan, given that they highlighted specifically where that motor home

would be kept. That being said, if the Board sees it more fitting to use some kind of quantitative reference, such as the 208 feet behind the existing privacy fence and make reference of the Site Plan, I would definitely defer to you. That's your decision.

MR. TREFZ: Okay.

CHAIR ROSS: I would say that just where it says shown in the Applicant's Site Plan, add behind the privacy fence.

MR. TREFZ: Yeah.

MR. PAX: To the west.

MR. TREFZ: Well, I'll give this a stab.

Based on the factors, I move to approve Case VA-26-08 for the property located at 7720 Bale-Kenyon Road, Lewis Center, Ohio, 43035 seeking an Area Variance from Orange Township Zoning Resolution 20.01(A)(2) to allow for a motor home and utility trailers to be parked in front of the building line at the location shown in the Applicant's Site Plan behind the privacy fence shown in Exhibit 1 of this report in an area zoned Farm Residential

FR-1 District.

MR. MCCOY: I second.

CHAIR ROSS: Any questions on the Motion? Okay.

MR. GAYETSKY: Those voting:

Ms. Ross

CHAIR ROSS: Yes.

MR. GAYETSKY: Mr. Trefz.

MR. TREFZ: Yes.

MR. GAYETSKY: Mr. Pax.

MR. PAX: Yes.

MR. GAYETSKY: Mr. Wellington.

MR. WELLINGTON: Yes.

MR. GAYETSKY: And Mr. McCoy.

MR. MCCOY: Yes.

MR. GAYETSKY: That Motion is approved.

CHAIR ROSS: Thank you.

MS. AUSTIN: Thank you very much.

- - -

MR. MCCOY: Eric, may we have a two-minute restroom break.

MR. GAYETSKY: We can accommodate that, sure. We will be back in a couple of

minutes.

(Recess taken.)

MR. GAYETSKY: Okay. Ms. Ross, feel free to take it away.

CHAIR ROSS: Okay. We're ready to restart the hearing.

MR. GAYETSKY: You may proceed.

CHAIR ROSS: Okay. Next before us is the Variance Case VA-26-09.

MR. GAYETSKY: That's our final item for this evening. The second item of New Business. So, Ms. Ross is correct, VA-26-09, which is for the site 3730 Nicoya Court. The Applicant is David Smallwood, with the owner of the property is Adam Moritz. This is a Single Family Planned Residential District zoned parcel, which is a .616 acre size lot. This request is for an Area Variance from Rezoning Case 1467 Nicoya Subdivision to allow for garage and breezeway to encroach 9 feet 3 inches into the 30-foot rear yard setback, as well as a 3 foot 9-inch Variance into the 15-foot side yard setback.

The subject parcel is located 3730

at 3730 Nicoya Court. As stated, owned by Adam Moritz. So, the surrounding area, looking towards the north, the Zoning District is Single Family Planned Residential, that includes other single family residences, as well as Nicoya Court right-of-way. To the south, the Zoning is Farm Residential District, land uses are Single Family Residences. To the east, also Farm Residential, that is a vacant land area. And to the west, the Zoning District is Single Family Planned Residential, land uses are Single Family Residences.

There are a couple of aerial views for you. This is actually close, very close in proximity to the last case down the southeast portion of the Township. The zoomed-in aerial view shows you the details of the existing home, fairly long curve linear concrete driveway with a driveway extension on the south side. And it's at that driveway extension that a new freestanding garage structure is being proposed.

Onto the Staff Review. This

includes two Area Variances. So the one rather than the Summary is from the rear yard setback -- actually, I'll make sure I'm reading correctly. Okay. Yes. The rear yard setback in the Nicoya Subdivision is required at 30 feet 0 inches. The proposed garage will encroach 9 feet 3 inches into the 30-foot rear yard setback, representing a Variance of approximately 31% from the standards established under Rezoning Case 1467 Nicoya Subdivision.

And for the second Area Variance for the side yard setback, requirement 15 feet, the proposed attached garage will encroach in 3 feet and 9 inches into the 15-foot side yard setback, representing a Variance request of approximately 25% from the standards established under Rezoning Case 1467.

So we have a couple Site Plans. The Site Plan on Exhibit 1 is the overall plan. It's going to be easier for you to refer to the Exhibit No. 2, zoomed-in version. So we have firstly that rear yard setback,

that's to the -- the property line is to the right. That's the rear yard property line. And that shows 20 feet and 9 inches will be the proposed setback to the rear property line. And then onto the side yard, the proposed setback is going to be 11 feet 3 inches. You can see the box that is shown for the proposed attached garage, that's slightly off center. We did closely check our scaling and our measurements, and these were also corroborated with the Applicant to confirm that the dimensions of the new garage are shown correctly. So, 30 feet is going to be the proposed width of the garage and 26 feet will be the proposed depth. So we have confirmed those variances from each of the property lines.

As stated, there's a floor plan. You can see the 30-foot width of the garage, the 26-foot depth. And the 8 foot wide breezeway. So this breezeway is attached to the home. Essentially that allows the occupants to go entirely in enclosed space from the residence into the new garage.

And you have a couple of rendering views, so that should give you a better idea of the scale and the finished look of the structure. And then finally, the site photo section. We did our best with these measurements, but to underscore the fact that these are approximate measurements and annotations. So this photo was taken facing north, sort of from the rear property line. And you can see the boundaries with the property line -- the side property line being shown and the red line, the side setback shown in the yellow dotted line, and then the garage, proposed garage is located in the blue line -- of the blue lines.

This second site photo is just a little bit offset from the previous. This is a third photo, is the reverse view showing towards the rear property, the rear of the property, and then just to -- kind of to the side from the side property line looking towards the south for that last photo.

That's all for the Staff Review. The rest is the criteria for your

consideration and perspective Motions.

CHAIR ROSS: Any questions for Eric?

MR. TREFZ: No.

MR. MCCOY: I was reading in the application that the proposed garage is no further into the rear yard setback as the house is.

MR. GAYETSKY: Uh-huh.

MR. PAX: I was wondering that also.

MR. MCCOY: How did that occur?

MR. GAYETSKY: You know, that -- we didn't do a full history on the home. So we were looking at this structure on its own merits. The Board does have the option, if they want to do a separate Motion, they could for the home, but the way that we reviewed this, we were ascribing the Motion, the requirement for a Variance specifically for the new improvement. So I think we looked at the improvement as a strict addition, and so we didn't do any additional Variances for your consideration for anything else.

MR. MCCOY: That's fine. And you may not know, so it was originally built like that?

MR. GAYETSKY: Correct.

MR. MCCOY: Okay.

CHAIR ROSS: And you didn't receive any correspondence from the neighbor that you can see?

MR. GAYETSKY: You mean the immediate neighbor?

CHAIR ROSS: Uh-huh.

MR. GAYETSKY: No, we did not.

MS. WARNER-DELEON: That's us.

MR. GAYETSKY: Oh, that neighbor. I'm sorry. The other one.

MS. WARNER-DELEON: Yeah, Nicoya has been busy.

MR. GAYETSKY: So I will make mention of fact, so it's 3716, we received in the same letter as previous correspondence, a short mention of support in favor of the proposed garage structure after we did --

CHAIR ROSS: Oh, I noticed that that was from the HOA. I just wanted to make

sure that if that person that lives in the house that we can see from there had a problem that we would have heard from them.

MR. GAYETSKY: And so they did state their support of Adam Moritz's proposal for a garage and breezeway addition to the property. Sorry, I'm jumping ahead a little bit, in terms of public comment.

CHAIR ROSS: Okay. Is there anyone here who would like to speak from the audience?

MR. SMALLWOOD: I mean, I'd be happy to --

CHAIR ROSS: You're the Applicant. Oh, Applicant, come forward. Sorry, I skipped you.

MR. SMALLWOOD: I'm here if anybody has any questions.

CHAIR ROSS: Would you like to introduce yourself?

MR. SMALLWOOD: Yeah. My name is David Smallwood. Address is 472 Edgewood Road, Mansfield, Ohio. And I was sworn in.

CHAIR ROSS: Thank you. Tell us

anything we need to know.

MR. SMALLWOOD: Yes. The addition we're asking to rezone is just for a two car garage and breezeway with, like, we just talked about the rear of the garage is not going beyond the existing structure. And then, so I guess the side setback would be -- is what we're -- is actually what is within that setback, the side setback.

MR. MCCOY: And the side setback is what I'm most concerned with. Is the owner not here?

MR. SMALLWOOD: The owner isn't here.

MR. MCCOY: Okay.

MR. TREFZ: And behind the house is Woods, right?

MR. SMALLWOOD: Yeah, I think there's a pond back there.

MR. TREFZ: I was just trying to -- there's an expanse.

MR. SMALLWOOD: Yes.

MR. TREFZ: Okay. And from the side it looks like you've got the same woods,

or you know, land area, you got a flag lot.

MR. SMALLWOOD: Yeah, there's, I mean, there's some trees, smaller, like smaller trees to that side

MR. TREFZ: And what's in the dark clear at the bottom of the photo?

MR. SMALLWOOD: That's a pond.

MR. TREFZ: That's the pond, okay.

MR. SMALLWOOD: Yes.

MR. TREFZ: The fish aren't going to complain?

MR. SMALLWOOD: No, I don't think so. (Laughter.)

MS. WARNER-DELEON: And a couple of ducks.

CHAIR ROSS: Okay. Any other questions for the Applicant? And no one wants to speak from the audience? Okay. Come forward, please.

MS. WARNER-DELEON: Do I need to state my name?

CHAIR ROSS: Yes, please.

MS. WARNER-DELEON: Sure. Christine Warner-DeLeon. I'm at 3716 Nicoya

Court, right next door to this property. I speak on not only for the HOA, but as the next door neighbor. And we are aware of what's happening, and we do support it. Just to provide context, we have a very strict Deed of Restrictions, and part of the reason of the breezeway is that the Deed Restriction says there cannot be any separate building. And thus, that's why there is a continuation of the building, so it does follow the Deed Restrictions that have been in place for 39 years.

MR. TREFZ: A question for you, or the owner, from your diagram it doesn't appear that there's any doorway into the garage from the breezeway.

MS. WARNER-DELEON: Right.

MR. TREFZ: It's not drawn.

MR. SMALLWOOD: Okay. Yeah, I was just looking at it.

MR. TREFZ: I mention it only --

MR. SMALLWOOD: Yeah. So, the existing -- like the existing plans was to have that garage actually attached all the way

to the house.

MR. TREFZ: Oh, okay.

MR. SMALLWOOD: And then the owner -- the owner's wife actually wanted to change it, and she said that's just too much garage. So she wants a, like, a glass breezeway there for plants and such. It might have been like an issue, I'm not giving you that much garage unless I get something I want. I don't know. So that's why the door too is on the exterior. I've got to have the architect change it. But that man door going into the new two-car garage will be in the breezeway.

MR. TREFZ: Yeah, okay. I just wanted to point it out before you started construction.

MR. SMALLWOOD: Yeah. Yeah. No, I'm on site all the time, so I don't really -- I mean, I know what I'm going to build and sometimes the architect, I'm like, yeah, I'm not going to even bother him. But yeah, I'll get that other -- I'll get that fixed.

MR. TREFZ: Okay.

CHAIR ROSS: Any other questions?

MR. TREFZ: I don't.

CHAIR ROSS: We're good then. Thank you.

MR. TREFZ: Yes, thank you.

CHAIR ROSS: Ready for a Motion?

MR. PAX: Yeah, I'll make a Motion.

Based upon the factors presented this evening, I moved to approve Case No. VA-26-09 for property located at 3730 Nicoya Court, Louis Center, Ohio seeking an Area variance from Rezoning Case No. 1467 Nicoya Subdivision to allow for an attached garage with breezeway to encroach 3 feet 9 inches into the 15-foot side yard setback --

MR. TREFZ: Well, 30 years --

CHAIR ROSS: It should be 9 feet 3 inches.

MR. PAX: I'm going into the side yard. I'm sorry. I apologize. I do apologize. I went right into the side yard. I'll begin again, please.

CHAIR ROSS: Yes, please.

MR. PAX: I'm sorry, everyone.

Variance Request No. 1, rear yard setback. Based on the factors presented, I moved to approve Case No. VA-26-09 for property located at 3730 Nicoya Court, Lewis Center, Ohio, seeking an Area Variance from Rezoning Case No. 1467 Nicoya Subdivision to allow for an attached garage with breezeway to encroach 9 feet 3 inches into the 30-foot 0 inch rear yard setback in an area Zoned Single Family Planned Residential District.

MR. TREFZ: Second.

MR. GAYETSKY: Those voting:

Ms. Ross

CHAIR ROSS: Yes.

MR. GAYETSKY: Mr. Trefz.

MR. TREFZ: Yes.

MR. GAYETSKY: Mr. Pax.

MR. PAX: Yes.

MR. GAYETSKY: Mr. Wellington.

MR. WELLINGTON: Yes.

MR. GAYETSKY: And Mr. McCoy.

MR. MCCOY: Yes.

MR. GAYETSKY: The Variance

carries.

MR. PAX: Based on the factors presented this evening, I moved to approve Case No. VA-26-09 for property located at 3730 Nicoya Court, Lewis Center, Ohio, seeking an Area Variance from Rezoning Case No. 1467 Nicoya Subdivision to allow for an attached garage with breezeway to approach 3 feet 9 inches into the 15-foot 0 inch side yard setback in an area Zoned Single Family Planned Residential.

MR. TREFZ: I'll second.

MR. GAYETSKY: Those voting:

Ms. Ross

CHAIR ROSS: Yes.

MR. GAYETSKY: Mr. Trefz.

MR. TREFZ: Yes.

MR. GAYETSKY: Mr. Pax.

MR. PAX: Yes.

MR. GAYETSKY: Mr. Wellington.

MR. WELLINGTON: Yes.

MR. GAYETSKY: And Mr. McCoy.

MR. MCCOY: No.

MR. GAYETSKY: Motion carries.

CHAIR ROSS: Thank you. Good luck.

- - -

MR. GAYETSKY: Well, that's all we have for our cases this evening.

We had one set of minutes that went out. I wanted to double check if anybody had any further comments, wanted additional time to review those, but just for everybody to be aware, that was the March 19th set of Minutes.

CHAIR ROSS: I move for approval of the March 19th, 2026 Minutes, as amended.

MR. TREFZ: I'll second.

MR. GAYETSKY: Those voting:

Ms. Ross.

CHAIR ROSS: Yes.

MR. GAYETSKY: Mr. Trefz.

MR. TREFZ: Yes.

MR. GAYETSKY: Mr. Pax.

MR. PAX: Yes.

MR. GAYETSKY: Mr. Wellington.

MR. WELLINGTON: Abstain.

MR. GAYETSKY: And Mr. McCoy.

MR. MCCOY: Yes.

MR. GAYETSKY: Those have been approved.

We will have one or two sets of Minutes for you to look at by the next meeting. Our next meeting, the regular meeting is scheduled for June 18th.

CHAIR ROSS: Okay. I move that we adjourn.

MR. TREFZ: I'll second.

CHAIR ROSS: All in favor.

MEMBERS: "Aye."

(Thereupon, the proceedings concluded at 7:40 p.m.)

- - -

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

My Commission Expires May 14, 2027.

- - -