BEFORE THE ORANGE TOWNSHIP

BOARD OF ZONING APPEALS

- - -

In the Matter of:

Public Hearing - Variance Applications, Conditional Use Application.

- - -

PROCEEDINGS

before Members of the Orange Township Board of Zoning Members; Chair Sue D. Ross, Vice-Chair Stacey Neff, Kelvin Trefz, Joe Pax, and Christopher Wellington, held at Orange Township Hall, Moffett Room, 1680 East Orange Road, Lewis Center, Ohio, called at 6:00 p.m. on Thursday, September 17, 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 September 17th, 2026.

MR. GAYETSKY: And I'll call roll.

Ms. Ross.

CHAIR ROSS: Here.

MR. GAYETSKY: Mr. Trefz.

MR. TREFZ: Here.

MR. GAYETSKY: Mr. Pax.

MR. PAX: Here.

MR. GAYETSKY: Ms. Neff.

MS. NEFF: Yes.

MR. GAYETSKY: And Mr. Wellington.

MR. WELLINGTON: Here.

CHAIR ROSS: Okay. For those who are here in the audience, if you'd like to speak or testify this evening, I'd like you to stand and raise your hand. So, if you're going to stand up and speak at all this evening, that's considered testimony for any of the applications. Can you stand and raise

your hand and be sworn.

Do you solemnly swear that the testimony that you shall give shall be the truth, the whole truth, and nothing but the truth; state "I do". And when it's your turn to offer testimony, please come to the podium, tell us your full name, address, and remind us that you've been sworn in.

PEOPLE TO SPEAK: "I do."

CHAIR ROSS: Thank you.

MR. GAYETSKY: All right. Well, good evening, Members of the BZA. My name is Eric Gayetsky, Senior Zoning Officer with Orange Township. I'm going to take you through two items of New Business before us this evening. Aside from those items, we have some housekeeping. We're just going to go through several months of minutes that we have taken a look at the end of the meeting.

So, for the first item tonight we have Conditional Use Case CU-26-15. That's for the property located at 1392 East Orange Road. The Applicant/Owner is Jud and Kate Poulter. The Zoning District of the property

is Farm Residential District.

The property owners are seeking a Conditional Use Permit from the Orange Township Zoning Resolution Section 24.05(B) to replace a 38 by 40 foot non-conforming existing barn on property zoned Farm Residential District.

As a note, in 2022, the non-conforming existing barn that's located immediately to the north with dimensions of 40 by 60 foot was granted a Conditional Use for a 20 foot by 20 foot addition onto the front of that building. "According to the Orange Township Zoning Resolution, no nonconformity may be expanded or substituted except upon the granting of a Conditional Use Permit issued by the Board of Zoning Appeals pursuant to the provisions of this section, Section 28.11, Conditional Uses and Variances."

So, looking at the surrounding area, there are several types of Zoning Districts here. To the north is Single Family Planned Residential District. Land use is Glen Oak HOA Open Space. To the south, Single

Family Planned Residential as well. Land use is Villages of Oak Creek. To the east, Single Family Residential District, as well as Farm Residential. Those land uses include Northpoint Meadows neighborhood and Farm Residences. And finally, to the west, the Zoning District is Farm Residential District. Land use is Farm Residence.

Alright. This is just a short ways down from us here at Orange Township Park. This property you can see is set back at about a lengthwise away from Orange Road, and it's -- you'll actually get a better view with the second screenshot here.

So the barn in question is the one just to the south. It's that one. And it's just to the south, almost right on top of the property line. We'll talk about that non-conforming aspect here momentarily.

The Staff Review, from Section 24.05(B) of the Orange Township Zoning Resolution, that states expansion or substitution for those options. "No nonconformity may be expanded or substituted

except upon the granting of a Conditional Use Permit issued by the Board of Zoning Appeals pursuant to the provisions of this Section and Section 28.11, Conditional Uses and Variances." Subsection (3) states, "A non-conforming use, structure, or sign may be altered or reconstructed in a manner that will make the nonconformity substantially more in conformance with the standards of this Zoning Resolution substantially more in character with its surroundings."

So the proposed replacement of the non-conforming use, that is the existing barn, is proposed to be 38 feet by 40 feet in dimensions. The existing barn dimensions are approximately -- the Applicant notes the condition of the barn is deteriorating, including a chimney that is partially falling down. The Applicant states that the proposed replacement will promote safety and allow for long-term storage of on-maintenance equipment, as well as other items storage.

We have some site photos upcoming as well, so you can visualize the existing

barn more clearly.

But before that, Exhibit 1 is the Site Plan. And the Applicant notes that location towards the front of the property there. Exhibit 2 is the Site Plan with the measurements that show specifically where on the property the replacement will go. Again, this is located in the same place or proposed to be as the existing barn, which is shown as 4 feet 9, almost 4 feet 10 inches from the side property line, and again, further setback from the roadway than the barn to the north.

For Exhibit 3, here are the site photos. This barn has deteriorated in various ways, including with a chimney-type structure that you can see on the first photo, as well as the last photo on the next page.

That's the Conditional Board Analysis. Here is the criteria for decision for Conditional Use, criteria for consideration, and the example Motions. I'm here for any questions, if you should have them.

CHAIR ROSS: Does the Board have

any questions for Eric?

CHAIR ROSS: I do. Help me understand, Eric. Under Section 24.05(B)(3) it says, "It shall be reconstructed," part of it, "altered or reconstructed in a manner that will make the nonconformity substantially more in conformance with the standards." How far should a building right there be set back from the property line? I'm guessing that's what the nonconformance is; is that correct?

MR. GAYETSKY: Yeah. Well, I believe you would have to meet the Code, if you're talking about a permitted use, and as I understand, it would be 70, I'd have to double check, from Orange Road.

CHAIR ROSS: What about from the property line on the west?

MR. GAYETSKY: The property line setback for an accessory structure from the sides is 25'. This is the non-conforming aspect of the existing barn. And I believe in the Applicant's description and the application, the Applicant describes improving the condition as far as the safety aspects and

not being open to pests and things of that nature due to the current condition that is an issue as it stands.

CHAIR ROSS: Within our criteria to make a ruling, is that something that can be considered in order to bypass the fact that they would not be making it substantially more in conformance, the fact that it's in ill repair?

MR. GAYETSKY: You know, I think non-conforming is non-conforming. So when you're talking about a replacement, like the Staff is looking at this more from the viewpoint of the nonconformity not changing. And at the same time, a condition enhancement Staff is looking at from perspective of being more in character in terms of the surrounding area. Obviously, yeah, if you had a smaller building, maybe that could be a stronger argument, but at least within the parameters of what's existing, it matches that.

And the Applicant can also speak to perhaps there will be some scaling changes. Maybe it will be a shorter structure. I'm

not exactly certain.

CHAIR ROSS: I, of course, want to make the best judgment and help these folks out, if we can. But I also want to make sure that we're making decisions that are within the Law that we have to follow.

MR. GAYETSKY: Understandable. Yes.

MR. PAX: Were any comments received from the Northwood Meadows property owners to the west of this property?

MR. GAYETSKY: I've received only a single phone call. It was a fairly brief discussion with the owner immediately to the west. And the owner wanted to go over a couple questions associated with the storm water drainage, those aspects, and whether or not there would be issues as far as trespass with putting in a new structure and trees being located on the property line. And my answer was, those are outside of Zoning's purview. Those are not items that are regulated, as far as trespass and construction processes, trees. If they're on this owner's

property, there is no restriction against taking out any trees, since it is an FR-1 property and it is not regulated by development standard, development plan.

Also, the storm water management is not something that Zoning would handle. That would be handled by Delaware Soil and Water District, if it became some kind of a runoff situation, so.

I did try to describe the -- I guess, the clarification to the owner to the west, that those are generally outside of Zoning -- what Zoning manages. And they didn't have any follow up. They didn't convey any specific comments at that time, so. The only comments that I received -- those were the only questions, I should say.

CHAIR ROSS: Okay.

MS. NEFF: Eric, on Exhibit 2, there are two numbers written in blue. One is 62 feet. What is the one to the left of that?

MR. GAYETSKY: Exhibit 2.

MS. NEFF: It's kind of fuzzy.

MR. GAYETSKY: Oh, that's hard to

read.

CHAIR ROSS: I think it's 12 feet from the front of the porch to the edge of the roadway.

MS. NEFF: 12 feet?

MR. TREFZ: Yeah, but they're taken from two different --

CHAIR ROSS: Yeah, one goes to I think the centerline, doesn't it?

MR. TREFZ: Centerline, yeah.

CHAIR ROSS: And then the other one goes from like the -- maybe it's the edge of where the property line is outside the easement.

MS. NEFF: I don't think that could be 50-feet difference, though, right?

MR. PAX: Right. Something is weird there.

MS. NEFF: Maybe the owners know.

CHAIR ROSS: Okay.

MS. NEFF: I'm just curious.

MR. GAYETSKY: We can also measure if you wanted us to look at that on the GIS through the Delaware County Auditor's site, we

could look at that.

MS. NEFF: Okay.

CHAIR ROSS: Maybe that's 32.

MS. NEFF: Yeah, that makes more sense.

MR. PAX: I think it's 32. That would make sense because they could measure 30 feet from the property line to the center.

CHAIR ROSS: From the road.

MS. NEFF: That makes more sense.

CHAIR ROSS: Yeah, because that one up there says 29.46, so that's right.

MS. NEFF: Thank you. I also thought it looked like 12, but didn't think that made sense.

CHAIR ROSS: Okay. Are we done with Eric?

MS. NEFF: Yes.

CHAIR ROSS: Okay. Would the Applicant like to come up and tell us about your project? You can both come, if you want.

MS. POULTER: Kate Poulter, 1392 East Orange Road. I've been sworn in.

MR. PRICE: I'm Ken Price at 1119

Par Court in Sunbury. I'm here representing for her husband Jud.

CHAIR ROSS: Great. Thank you.

MR. PRICE: So, the structure of the -- it's just a replacement of the existing barn right now. And it would be -- I think it would be gray siding with the black roof to match the existing house now. And I think that the dimensions you were just looking at, you might have been talking about the addition to the barn before.

CHAIR ROSS: Right.

MR. PRICE: Not the one now.

MR. TREFZ: Yeah.

MR. PRICE: There's not much else, other than that.

As far as the overall height, it's going to wind up being a little shorter overall because the stop of that barn has the eaves going on up and this one won't have that. But the eave on this new barn will be a little bit taller. Anything else?

MS. POULTER: No. It's no extra. It's not moving. It's really to replace the

exact Floor Plan.

MR. PRICE: Exactly where's it's at.

MS. NEFF: The exact same Floor Plan?

MR. PRICE: No, it's not the same Floor Plan.

MS. POULTER: No, not the Floor plan, but the --

MR. PRINCE: The footprint.

MS. POULTER: Yeah, the footprint is the same.

MR. PRICE: Exactly the same.

MR. PAX: Quick question. So I know you mentioned a gray siding or black roof, all metal.

MR. PRICE: Yeah.

MR. PAX: All metal roof, metal pre-engineered building.

MR. POULTER: And this is all metal.

MR. PAX: Yeah. So, I understand from what you're saying, it's like a conventional gabled roof with a ridge down the

center versus this kind of more of agrarian style.

MR. PRICE: Correct.

MR. PAX: Okay. It's interesting on the owners' concerns, or I should say, the west property owners' concerns with drainage. So I'm looking at your existing. You've got downspouts that are draining on the east side of the building, so that's away from their property, which --

MR. PRICE: There is, directly behind this building, there is a catch basin right there that things are already draining to, and that would be -- it would drain to the same area right there.

MR. PAX: So again, are you saying you intend to drain towards the west?

MR. PRICE: No, no. I'm just saying there is a catch basin right there. This barn is not drained there at all.

MR. POULTER: No, it doesn't drain there.

MR. PRICE: So, from this barn it goes into a pipe that actually comes all the

way towards the back property and around the new house.

MR. PAX: Okay. I only bring that up with the design that you're looking to produce, whether, I mean, whether it's got gutters or not for this type of building is another issue. It's not necessary for a storage building to have gutters. But if they were, that they were discharging on the east side of the building would be preferred.

MR. PRICE: It will wind up having gutters in there. Like I said, there's a drainage line running directly along this side of the building going to its back. They'll be tied into it.

MR. PAX: Okay.

MS. POULTER: On the south side.

MR. PAX: Okay.

MR. PRICE: And then as far as the tree comment, there would be no construction --

MS. POULTER: There's no trees.

MR. PRICE: There's no trees right there as far as the --

MS. POULTER: That's on the other side of the fence, none of that would be touched.

MR. PAX: Okay.

MR. TREFZ: Was there any consideration to moving the footprint away from the side yard?

MR. PRICE: The problem is there's no room to move it. So your 25 foot is what you're, I believe, is what you're talking about.

MR. TREFZ: Yeah.

MR. PRICE: The driveway comes right past there, so there's no room to move it out to that location.

MS. POULTER: It's the shared driveway.

MR. TREFZ: Shared between whom?

MR. PRICE: There's another house --

MS. POULTER: There's another house on the -- in the colored photo. It's a flag lot. There's a house on the other part that make up the flag.

CHAIR ROSS: He split that lot off of the --

MR. PRICE: Yeah, right there with the pool. See the pool over here?

MR. TREFZ: Yeah.

MR. PRICE: So that drive. And so you don't see the new house back here now. So that drive past the barn comes straight on back to where the cursor is now. There's a house back there now. That's their house.

MS. POULTER: And if we moved it, it would be in the middle of everybody's driveway.

MR. TREFZ: Of this driveway, yeah.

MR. PAX: That's a big deal.

MR. TREFZ: You don't want to circle around twice?

MR. PRICE: One thought was just directly over top of the driveway and you just drive through.

MS. NEFF: Yeah.

CHAIR ROSS: Okay. Any other questions for the Applicant? Okay. You can

take a seat.

MR. PRICE: Thank you.

CHAIR ROSS: Is there anybody from the audience that would like to make comment on this application? Okay. I don't see anyone, Eric. Are we ready for a Motion?

MR. PAX: I'll make a Motion.

CHAIR ROSS: Okay.

MR. PAX: Based upon testimony this evening, I move to approve Case No. CU-26-15 for a property located at 1392 East Orange Road, seeking a Conditional Use from Orange Township Zoning Resolution Section 24.05B3 to allow for the replacement of a non-conforming existing use with a 38-foot by 40-foot structure in an area zoned Farm Residential District (FR-1).

MS. NEFF: I'll second.

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

Ms. Ross.

CHAIR ROSS: Yes.

MR. GAYETSKY: Mr. Trefz.

MR. TREFZ: Yes.

MR. GAYETSKY: Mr. Pax.

MR. PAX: Yes.

MR. GAYETSKY: Ms. Neff.

MS. NEFF: Yes.

MR. GAYETSKY: And Mr. Wellington.

MR. WELLINGTON: Yes.

CHAIR ROSS: Good luck. Thanks for coming in. You don't have to stay for the rest of the meeting.

MS. POULTER: Thank you.

- - -

MR. GAYETSKY: Alright. Moving along. Our next case of New Business is Case No. VA-26-16. This is an Area Variance request for the site 5301 Maple Drive by the Applicant Trillium Builders. Owner is Arhas Luxury Homes, LLC.

This is a 0.314 acre lot, Single Family Planned Residential District zoning. The Applicant is requesting three Area Variances from Rezoning ZON-24-04, and all of the other previous Amendments of Evans Farm to allow for a proposed new residence to be set back 10 feet 8 inches from the rear property

line, encroaching 24 feet 4 inches into the 35-foot required rear yard setback. Also, for two egress windows to be set back 4 feet 8 inches from the side property line, encroaching 1 feet 4 inches into the 6-foot side yard setback.

The property is zoned Single Family Planned Residential. The lot, #9020, is currently undeveloped, and it abuts a private access drive along the front property line. It is bounded along the rear property line by open space owned by Evans Farm. The property is currently owned by Arhas Luxury Homes.

So the surrounding area, all four directions around the property are Single Family Planned Residential District. The land used to the north is Open Space Reserve. That's approximately 13 or so acres, and single family residences as well. To the south, the land use is Maple Drive right-of-way, as well as single family residences and private alley. To the east, single-family residences, undeveloped land, part of that same tract. And then to the west

is more single family residences. And just to note, that's where that access drive location will be.

So here's the zoomed-in view from 2024. It doesn't show that essentially all the other lots are either under construction or recently completed with new residences on the north side of Maple Drive.

Alright. The Staff Review, as stated in the intro, for two side yard setback Variance requests and one rear yard setback Variance. The Area Variance from the side yard for this lot 6 feet and 0 inches -- I'm sorry, the requirement is for 6 feet and 0 inch setback. So there are two Variances being requested since there are two egress windows that will encroach the same distance into the side yard setback. The window locations and encroachments are shown within Exhibits No. 2 and 3 upcoming.

For the Area Variance on the rear yard setback, the requirement is for 35 feet. And this is one Area Variance that's being requested due to the proposed residence

encroaching into the rear yard setback. So you will see that here in one moment.

Okay. This is the Site Plan without any measurements. The rear is that 10 foot -- 10.68 feet. The side with the egress windows to the east is the 4.6 feet, 4.7 feet. And then Exhibit No. 2 with the measurements just puts it into feet and inches, so 10 feet 8 from the rear, which is an attached garage, and then 4 feet 8 inches from the side.

So, the new residence will be set back 10 feet 8 inches from rear property line. So that encroachment is 24 feet and 4 inches into the 35-foot rear yard setback. The garage is considered an attached garage based on the attachment point being entirely accessible, conditioned space. So it is not looked at as an accessory structure. It's looked at all as part of the primary dwelling. The Variance request does represent a 69% Variance ask.

And then Exhibit No. 3 is the egress windows. I think my labels shifted slightly, but I tried to label them No. 1 and

2, just so we have a reference for the upcoming Motions. Two egress windows will be set back 4 feet 8 inches from the side property line, respectively, encroaching 1 feet 4 inches into the 6 foot side yard setback. This represents -- both of these represent an approximately 22% Variance request.

And then we dodged some raindrops, but we obtained a few photos for your benefit. So, here's the view looking to the east on Maple Drive at the private access entrance point. And so the lot is the one that has that real estate sign up front. The second photo down there shows a little bit more extent -- more of the extents of the lot looking to the north.

And then next photo is a more zoomed in of the previous. There is some tall grass there, obviously, but you can see that the property line is in line with the neighbor's fence. The next photo is at the rear of the property, near the treeline. Or I guess I should say where the more prominent trees are

located is approximately where the rear property line is, and that, as mentioned earlier, is all owned by Evans Farm. It's open space, common space. The last photo is just a zoomed in version of the previous.

CHAIR ROSS: Sorry, Eric. I need to excuse myself a minute.

MR. GAYETSKY: And I think that is the extent of the Staff Review. If we want to take a quick pause, we can do so, and then Ms. Ross will join us again. I'm not sure if you want to call a recess, if someone wants to, I believe we can do that. And Ms. Ross can come back. We can just wait patiently.

MS. NEFF: Yes. Do I make a Motion?

MR. GAYETSKY: You can make a Motion.

MS. NEFF: I make a Motion to call a brief recess.

MR. TREFZ: I'll second.

MR. GAYETSKY: Okay. We can call it a brief recess if it's five minutes or less.

MS. NEFF: Yes.

MR. TREFZ: Five minutes or less.

CHAIR ROSS: Oh, I'm so sorry. It comes on.

MS. NEFF: I was calling a brief recess. Do you want me to use my glass and get her some water?

CHAIR ROSS: I have to use my brand new Orange Township glass.

MR. GAYETSKY: Alright. Well, we'll move right along since we didn't take a vote, so we'll keep the session going here.

Alright. So I think I've stated that this was the extent of the Staff Review. The rest of it is the Board Analysis for an Area Variance, as well as the example Motions for the two egress windows, as well as the new residence. If any questions came up or any clarification, please let me know.

CHAIR ROSS: Okay. Are there any questions for Eric from the Board?

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

MR. WELLINGTON: No.

CHAIR ROSS: Okay. No questions from the Board.

Would the Applicant like to come forward?

MR. GUPTA: Thank you for taking your time.

MS. NEFF: Can you please state your name and address, please, for the record.

MR. GUPTA: Oh, I'm sorry. Yes. Ankur Gupta. I'm the owner of Trillium Builders. I'm a builder at Evans Farm. I've built about a dozen homes.

MS. NEFF: Sorry, we just need your address. Sorry, it's the protocol.

MR. GUPTA: 6759 Burnside Lane, Dublin, Ohio.

CHAIR ROSS: Okay. Thank you.

MR. GUPTA: This is for -- the Variance is for the garage setback, which is 35 feet. This lot has an odd shape to it. All of the homes around this lot have been completed and built or are under construction. And because of this odd shape, there's been a challenge in finding a home that fits

appropriately to meet the requirements of Evans Farm in the community and kind of what the homeowners expect in there. So this is something that we came up with, and we thought that it blends really well in the community.

We have approval from the ARB, as well as the developer, both from the ARB requirements, and they've also said that they would approve -- or that they support the variance as well. I spoke to Dan Griffith as well, and I provided an email from him saying that he supports -- he would support the Variance as well.

CHAIR ROSS: Okay. Any questions for the Applicant?

MR. TREFZ: Looking at the plot, it looks to me as if you could rotate the garage towards the house and almost get out of that side yard set -- or back yard setback.

MR. GUPTA: Rotating clockwise?

MR. TREFZ: Clockwise.

MS. NEFF: To 12:00.

MR. GUPTA: 12:00.

MS. NEFF: Instead of 10:00.

MR. TREFZ: Yes.

MR. GAYETSKY: Well, it is a 35-foot required rear setback, so I'm not sure --

MR. PAX: Yeah, it would be still an encroachment, but not nearly as egregious.

MS. NEFF: Not nearly 69%.

MR. TREFZ: Yeah.

MR. GUPTA: That's definitely possible. We wanted to provide the best visual for the entrance from the alley, so right now it follows the angle and the path of the alley.

MR. TREFZ: Yeah.

MR. GUPTA: Which provides easier access and provides a better visual of the home.

MS. NEFF: Is there a driveway on that top part here facing the north?

MR. GUPTA: Yeah, so there's a driveway here.

MR. TREFZ: Yeah, it's on the long side of the garage.

MR. GUPTA: Yeah.

MS. NEFF: Oh, okay. I see now. Yeah. Okay.

MR. TREFZ: Eric, there's no special thing about the easement going under the driveway; is that correct?

MR. GAYETSKY: Zoning wouldn't enforce anything with easements. Those are up to the easement holder.

MR. TREFZ: Yeah.

MR. GAYETSKY: And it's a private agreement. So it looks like on the Site Plan, it states AEP's easement. We wouldn't have any jurisdiction or standards for AEP's easement.

MR. TREFZ: Yeah.

CHAIR ROSS: I understand the complication of being able to fit the desired home on this unusually-shaped property, but I believe that the extension and the garage -- I'm not sure what the hardship is to have that extend so far into the easement when it actually could be placed elsewhere on the site. One of the criteria that we look at is not how it looks, but we do consider -- we do

have to consider in our criteria whether we think the easement is significant -- the Variance is significant. And anything over 25% we consider significant, so 69% asked is a lot.

MR. GUPTA: Understand. So, the garage is also placed in that location to provide the most backyard private space behind the house, so it also does provide screening for the homeowner for their backyard as well, which was a desired feature for us.

MR. PAX: I have just a general question on the site itself and the future development. So, if I -- if you can go back to the overall site, the color one actually. I think it's at the beginning of the -- okay, right there.

Okay. So I understand that on the west side of the property that's at the, like, a 30 degree angle there, that's where the private drive is that accesses the garage.

MR. GUPTA: Correct.

MR. PAX: I'm also trying to understand -- I've never been out here, but

I'm looking at the drive across the street from proposed curb cut. That's -- do I understand correctly that you basically enter the garages from the back of the houses, basically?

MR. GUPTA: That's correct. Yes.

MR. PAX: Okay. So, is that the same strategy that would happen on these lots that are going to the north that I see, there's like planned eight of them that go north?

MR. GUPTA: That's correct.

MR. PAX: So that private drive will turn and go straight north following that line.

MR. GUPTA: That's correct. It's an entire alley in all those homes.

MR. PAX: Okay. With that being said, the property that is directly north of this property, I'm trying to understand what -- is that a permanent green space, or is that for future development that they could turn off of that private lane and have another, you know, property abutting that residential

property?

MR. GUPTA: I'm not 100% sure, but I believe it's private space. That entire street, Maple Drive, as it goes further east and then wraps around the corner and then heads south, is all wooded. So I would imagine that it would stay wooded up to that alley.

MR. PAX: I don't know how -- if there's any way of assurance on that. That's a very critical point from green space versus future property when we're dealing with a rear setback, obviously, so that property always could be deeded off or sold off. It's green now, but I even can contest on my own property that it can get sold and then all of a sudden you got a house 50 feet behind you, so that's the consideration we're having. Even with the 69% variance, that while it may be green now, it obviously could be another property, and so then you're compromising the viability of that property by putting that garage so close. So, the questions that we're having as far as that, how to mitigate that encroachment,

that's the one thing I'm looking at.

So, there's a lot of house on that trapezoid. So I'm curious also, you know, if you take it to a two-car garage, maybe that owner wants a three-car, but that's a significant decrease in the encroachment. It's still a nice, generous -- I mean, even if it's two-and-a-half garage, that's going to make it more viable from the standpoint of maintaining the integrity or intent of the Code on a setback and respect of that property.

So, that's the first comment when I reviewed it, was looking at it, was I understand why you want to keep it parallel with the private drive to conserve that rear yard. I understand that from a design standpoint. But why three? Why, you know -- I know a lot of homeowners want three garages, but then again, what does the site support? And it may only support two -- two full garage bases and maybe a 4 foot extension for them to use for storage of lawn equipment, et cetera.

So that's at least where I'm standing right now. I'll stop blabbering on,

but that's a concern for how much you're trying to squeeze into that.

MR. GUPTA: Sure, I understand.

MR. WELLINGTON: I've got a couple of questions, if you guys don't mind. How many homes did you say you built in Evans Farm?

MR. GUPTA: I've built about a dozen in Evans Farm.

MR. WELLINGTON: How many of them have three car garages?

MR. GUPTA: I would say about two of them.

MR. WELLINGTON: Okay. Would you say most of the properties, in general, from your experience in Evans Farm, have two to three car garages?

MR. GUPTA: That's correct.

MR. WELLINGTON: I can't help but notice in looking at the diagram, and Eric, maybe this is something you can help with, but properties to the west on Maple Drive appear to have pretty significant encroachments to that rear property setback to that green space

area. Do you happen to know, Eric, if there were any Variances granted for those properties?

MR. GAYETSKY: We did not look closely to see if any others have had Variances. I can say that there have been a few Variances further to the east in the last three years, in my own awareness of doing BZA cases. So one of those was encroaching in the front for a front porch. I believe that was 2 or 3 feet. One entailed frontage on, I believe, the private alleyway when public frontage is required, and that was also -- both of those were granted Variances for what they were requesting. But I can't place whether or not there have been any rear setback Variances granted.

I did want to touch on Mr. Pax's question. According to the Development Plan documents that I was able to sift through here in just the last few moments, it would seem to show that area, the 13 or so acre parcel behind the home and to the north and east, is going to remain open space because that is

required to have a certain area of open space across the entire development. So, while that alleyway will continue, that private alley will go to the north, that will seek to bound private property and lots going to the north on the -- I guess be the west side, and then the larger lot will remain open space. So, sorry to tail off from your original inquiry.

MR. WELLINGTON: No, that's helpful. I'm kind of thinking of this almost high level from a real estate perspective. Would you, in your opinion, say that this boosts the curb appeal of the property?

MR. GUPTA: One hundred precent.

MR. WELLINGTON: It's a tough lot.

MR. GUPTA: Yeah, it's a tough lot. It's been passed between builder to builder. And it's the last lot on Maple. I've entertained a couple of potential clients who have discussed it with me, and people are not able to visualize what you can do. So this is being built as a spec.

MS. NEFF: Okay.

MR. GUPTA: And you know, the comments I've gotten both from Dan Griffin and the ARB, we've come up with a really amazing home. The price point is expensive, and for this home, we're charging 1.7. So a two-car lot will not work at that price point for us. We would have to completely redefine the house.

So, the homes to the west that are under construction right now are very similar in price point. Bob Webb has put a home on the market for 1.8 million just two houses down. So, in order to compete with that kind of look and feel and the amenities that that home has, we feel like we need to provide a home with those kind of features.

CHAIR ROSS: The design that you've put forward is beautiful. It's beautiful.

MS. NEFF: It's gorgeous.

MR. GUPTA: Thank you.

CHAIR ROSS: You should be very proud of that design. But when we consider every application -- that comes forward is

considered as on its own, completely on its own. So we don't look at any other Variances that have been granted for similar things. It could be exactly the same plan on exactly the same type block, a block over, where we would not consider anything about that because it is only based on the testimony and the criteria that we receive in your application.

And although it is lovely, I feel that it's -- it may look like the right design on this lot. I think that something to move that garage out of -- somewhat out of that rear setback is really important and would help us to keep it within the criteria that we have to use to judge your application.

Any other questions or comments for the Applicant?

MR. PAX: I mean, it borders on you're tweaking on a design concept, but bottom line, again, the three car is one thing, but also the length of your connector. I mean, any way that you can pull that garage closer to the primary residence, reduce the width and length of that connector, and still

maintain your esthetics to the existing house when you're pulling that garage is going to be helpful. I mean, it's anything, any gesture to increase that setback, that encroachment on the rear setback is huge. So, you know, it's nice to have a connector there for, you know, like the mudroom almost, to go out for dinner and store stuff and transition into the garage, but bottom line that's one space I think you could squeeze. And then also just considering, you know, whether it's a two-and-a-half garage and the benefit of that to a prospective buyer, maybe it's not three, but you've got at least some storage area off of the side of it, from an esthetic standpoint could still complement the design. It's something to consider.

It's also tricky on this from the standpoint of evaluation because that garage is actually going to be behind the property. I mean, when you get a future development on those two adjacent lots, it's not going to be frontage necessarily. It's actually going to be another garage butting up against it. So,

visibility perspective is not nearly as prominent as a main road that's along there. It's an alleyway. So that's the other factor I would argue. The three-car garage isn't nearly as prominent because it's not going to be right visible to the public. It's going to be hidden by houses, so that's from a real estate standpoint and the value of the property is real. So, that's the other factor of why it seems the reduction of the easement or the encroachment is a little easier to swallow because of that factor.

MR. GUPTA: Is there a distance that would be more reasonable?

MR. TREFZ: Like we said, we have a percentage, 25%. Anything over that and anything over is considered substantial, so you would want to reduce it to 24 or less.

MR. GUPTA: Okay.

MR. PAX: Well, percent.

MR. TREFZ: Percent, yes.

CHAIR ROSS: Yes.

MR. TREFZ: That was doing percentages, yes.

CHAIR ROSS: And if you were to come back with a different layout that had -- that maybe was not -- I mean, we still have to consider that everything over that is significant, but if you could show us a hardship that shows why it could not fit on the site with -- if you came back with like a 30 or a 35, but you could show us, you could give us testimony about why it would not fit any closer than that, that's something we would consider. It doesn't mean we'll approve it, but it's also a consideration. We look at hardships.

MR. PAX: So I guess that's the thing. I'm not doing the math right now, but basically, you're looking at just how you get that to 25% off of 35, and then you're -- as you make this. You know, we just mentioned that if you're at 30%, yeah, then it starts to, you know, you can kind of do the math from there.

CHAIR ROSS: I guess what you've kind of heard the feedback of the Board. We can go ahead and make a Motion, make a

decision this evening, or you are also free to --

MR. GAYETSKY: Request a continuance.

CHAIR ROSS: Request a continuance. And you could probably work with Staff to determine what percentage gets you where, correct?

MR. GAYETSKY: So he can --

CHAIR ROSS: He could come back with another plan. You can tell him what the percentage is.

MR. GAYETSKY: Yeah, exactly. It's up to the Applicant to propose what they want to do.

CHAIR ROSS: Right. But they would be able to tell you what percentage that is, so that you would have a better --

MR. GUPTA: On the continuance then, I would have to wait til the next zoning meeting in one month?

CHAIR ROSS: That's correct.

MR. TREFZ: Yes.

MR. PAX: But also, there's no

application -- the fee --

MR. TREFZ: Reapplication fees.

MR. PAX: There's no reapplication fee; is that correct?

MR. GAYETSKY: That is correct.

CHAIR ROSS: Correct. There is a deadline by which you'd have to have the paperwork into Eric.

MR. GAYETSKY: Now, if the Applicant wishes or indicates desire to continue the application to the next meeting, the Applicant technically doesn't need to provide the updated plans before the deadline before the next meeting. The Applicant can have the extent of the next several weeks.

CHAIR ROSS: Okay.

MR. GAYETSKY: But we would generally do our distribution to the Board and get the packets out a week in advance. So that's typically going to allow the Board a little bit more time to review.

MR. TREFZ: Yeah.

MR. GAYETSKY: Yes. That's what the Applicant can provide time-wise.

CHAIR ROSS: And I'll just say for the record, there's no one in the audience, so we can't -- we don't have any other testimony to come forward. And I was going to ask, Eric, did you receive any correspondence or calls or anything from anyone on this?

MR. GAYETSKY: Yeah. It was -- I guess it was a call theme. So, we got another resident who had had general questions, but they did not leave any comment. And they noted their address was further down at Evans Farm Drive, as opposed to Maple Drive, and I think they were more questioning why did they receive the notification. We clarified, you know, what was being asked and that they could not be approved under ordinary circumstances for, so they did not truly have any comment.

MR. GUPTA: I do have a question about the side setback, if that's reasonable.

MR. TREFZ: We've done those in that much before.

MR. PAX: I do have a question, though, on your emergency exit in window wells there, basically, what those are. There's one

concern about safety on those. You're putting those out there, I assume, so that you can get out of the basement for egress, is that why those wells are being put in there?

MR. GUPTA: Correct.

MR. PAX: Okay. So, I don't know if within our mandate that we can dictate it, but basically, planting near those to prevent any chance for someone is going to be walking along and falling into those.

MR. GUPTA: That's correct. Yes.

MR. PAX: Okay. That would be --

CHAIR ROSS: The ones that you have proposed, do they have the grates that go over the top?

MR. TREFZ: Bars.

CHAIR ROSS: Like bars that come down that you pop up when you want to get out?

MR. GUPTA: Typically, no. These window wells are -- they're larger than the typical window wells that you see because they're 49:20 masonry burn wells. Because of the nature of the home, they'll be finished with the exterior cladding of the home versus

a metal window well.

CHAIR ROSS: I would have a real concern if it did not have some sort of a coverage, because there's just so much -- such a short distance there. And you're putting those -- and you said they're oversized. You put those in there, and if just a kid runs along there, they would fall right in there.

MR. WELLINGTON: If it's designed for egress, how are they supposed to get out if there are bars over it?

CHAIR ROSS: Usually, it's like a -- it has hinges on it, so that it goes down so that it could actually be stepped on without -- we've had people here before.

MR. TREFZ: Yeah.

CHAIR ROSS: And that keeps it safe from the ground level, but then when you went out of it, it lifts right up.

MS. NEFF: What do you typically put on these very high-end houses for egress?

MR. GUPTA: So, a lot of the homes that I built in Evans Farm have that metal corrugated window well and it has that -- it

has the metal grate on top with a plastic cover.

MR. TREFZ: Yeah.

MR. GUPTA: And it prevents -- the plastic cover prevents the rainwater. And that is on hinges and that can be lifted. Typically, when we've done these window wells that do not have that, the Delaware Building Department requires us to just do plantings around it to provide a safe distance. We have put a metal gate around one as well, which is an option, which keeps the esthetic better than having a metal grate over it. We have put -- so there's a ladder installed inside and then we put a metal fencing around it and a gate. So that's probably what I would do versus the grate on the floor.

MR. PAX: And Sue, well, I would say the one concern on the grate is where you get the one -- yeah, you put something on there just temporarily, and an emergency happens and they can't get it out. So that that's the risk, really of --

CHAIR ROSS: I think fencing is a

good alternative to that.

MR. PAX: Yes.

MR. TREFZ: Yeah.

MR. PAX: To me, at least, I know we've had this situation before. We've talked about thick plantings around it so that that would mitigate the risk for kids walking along. That was --

MR. TREFZ: Or even mowing the yard and you step over it.

MR. PAX: Yeah. I mean, you're going to have a slight little curb going down there and everything that to where the well is. So, I mean, so at least in my mind that is the one assurance that, as a condition, would be either thick plantings, Evergreen plantings, or a fence to protect it.

CHAIR ROSS: Okay.

MR. PAX: So that's just me. I don't know if that's sufficient on the plantings, but I think if it's an Evergreen, that's always going to be there, not a, you know, tree or anything, but Evergreen bush, then that's protecting our interests with the

children and everything, so.

CHAIR ROSS: Okay. Any other comments from the Board?

MR. PAX: The only procedural question I have is if he -- if there's a continuance for the one Variance, we can still proceed with the other two, and there's nothing further formal that we need to do with that?

MR. GAYETSKY: I think we had a warehouse building proposal -- or five warehouses and we did in the same fashion, there was at least one Motion made for one hearing, some of the other Variances were continued to the subsequent. So, to answer that question.

MR. PAX: Okay, good.

CHAIR ROSS: Okay. You can have a seat, if you'd like.

MR. GUPTA: Thank you.

CHAIR ROSS: Thank you. Okay. If there are no other questions for Eric or the Applicant, would someone like to propose a Motion?

MR. TREFZ: We have two of them.
MR. PAX: Yeah, we have two -- well, we have three total, but --
CHAIR ROSS: Do you want us to proceed with both Motions for the garage and the egress, or do you want to just address the egress and request a continuance?
MR. GUPTA: The latter.
CHAIR ROSS: Okay. So the first Motion should be on the continuance.
MR. TREFZ: I move that we allow continuance for Case No. VA-26-16. And you'll work with Eric to get the dates and all the new information to him. I would also -- well, no, I have to stop. Sorry.
CHAIR ROSS: Do you have the date for that meeting, Eric?
MR. GAYETSKY: I believe it's October 15th.
CHAIR ROSS: So continue to October 15th.
MR. GAYETSKY: Yes, it's going to be on the 15th. And maybe just for -- I should have thought of this. For easier

workflow, it might be better potentially to do the Motions on our egress window, two Motions for those first, just so that there's no confusion that we continue the application prior to making the Motions on these items tonight.

CHAIR ROSS: Okay. Alright. Thank you. Do we have a Motion on the side yard setback, Variance No. 1.

MS. NEFF: Based on these factors, I move to approve Case No. VA-26-16 for a property located at 5301 Maple Drive, Lewis Center, Ohio, seeking an Area Variance from Rezoning Case No. ZON-24-04 Evans Farm and all other previous amendments, to allow for an egress window shown as Egress Window No. 1 within Exhibit 3 of this Report to encroach 1 feet 4 inches into the 6-foot side yard setback in an area zoned Single Family Residential District.

CHAIR ROSS: Before you second that, I'd like to make a friendly amendment that we add the condition that each egress window is continually surrounded by

Evergreens.

MR. TREFZ: Evergreens or a fence?

MS. NEFF: Landscaping.

MR. PAX: Well, Evergreens or a fence.

CHAIR ROSS: Evergreens or a fence, yes.

MR. GAYETSKY: Do you want to reread your Motion with that added to it?

MS. NEFF: Sure. Read the whole thing again?

MR. GAYETSKY: It might be cleanest.

MS. NEFF: That's fine. That's fine. Okay.

MR. PAX: Can I clarify something, Stacey?

MS. NEFF: Sure.

MR. PAX: It's Evergreen up to a minimum 3-foot tall.

CHAIR ROSS: Thank you.

MR. PAX: Okay. It doesn't need to be a Christmas tree or anything, just Evergreen bush, whatever, 3 foot.

MS. NEFF: Based on these factors, I move to approve Case No. VA-26-16 for a property located at 5301 Maple Drive, Lewis Center, Ohio, seeking an Area Variance for Rezoning Case No. ZON-24-04 Evans Farm and all previous amendments to allow for an egress window shown as Egress Window No. 1 within Exhibit 3 of this Report to encroach 1 feet 4 inches into the 6-foot side yard setback in an area zoned Single Family Residential District, with the conditional factor that the window is surrounded by Evergreens up to 3 feet tall -- minimum of 3 feet tall, or a fence.

CHAIR ROSS: I'll second.

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

Ms. Ross.

CHAIR ROSS: Yes.

MR. GAYETSKY: Mr. Trefz.

MR. TREFZ: Yes.

MR. GAYETSKY: Mr. Pax.

MR. PAX: Yes.

MR. GAYETSKY: Ms. Neff.

MS. NEFF: Yes.

MR. GAYETSKY: And Mr. Wellington.

MR. WELLINGTON: Yes.

MR. GAYETSKY: Okay. That's Variance No. 1.

CHAIR ROSS: Okay. The Motion for Variance No. 2, side yard setback.

MS. NEFF: I'll read it again.

Based on these factors, I move to approve Case No. VA-26-16 for a property located at 5301 Maple Drive, Lewis Center, Ohio, seeking an Area Variance from Rezoning Case No. ZON-24-04 Evans Farm and all other previous amendments to allow for an egress window shown as Egress Window No. 2 within Exhibit 3 of this Report to encroach 1 feet 4 inches into the 6-foot side yard setback in an area zoned Single Family Residential District, with the conditional factor that the egress window is continuously surrounded by Evergreens with a minimum height of 3 feet or a fence.

CHAIR ROSS: I'll second.

MR. GAYETSKY: Motion made by Ms. Neff, seconded by Ms. Ross.

Ms. Ross.

CHAIR ROSS: Yes.

MR. GAYETSKY: Mr. Trefz.

MR. TREFZ: Yes.

MR. GAYETSKY: Mr. Pax.

MR. PAX: Yes.

MR. GAYETSKY: Ms. Neff.

MS. NEFF: Yes.

MR. GAYETSKY: And Mr. Wellington.

MR. WELLINGTON: Yes.

MR. TREFZ: Are we going to do the continuance now?

MR. GAYETSKY: Yeah. That's what is up next.

MR. TREFZ: Okay. For Variance No. 3, the rear yard setback, I move that we continue this to the October 15th meeting.

CHAIR ROSS: I'll second.

MR. GAYETSKY: Motion to continue the application for the rear yard setback Variance made by Mr. Trefz, seconded by Ms. Ross. Those voting:

Ms. Ross.

CHAIR ROSS: Yes.

MR. GAYETSKY: Mr. Trefz.
MR. TREFZ: Yes.
MR. GAYETSKY: Mr. Pax.
MR. PAX: Yes.
MR. GAYETSKY: Ms. Neff.
MS. NEFF: Yes.
MR. GAYETSKY: And Mr. Wellington.
MR. WELLINGTON: Yes.
CHAIR ROSS: Motion is continued to the next meeting.
MR. GUPTA: I have a question.
MS. NEFF: Yes, sir.
MR. GUPTA: The front building line setback, is that something that is a Variance on that is easily negotiated or is that pretty strict?
MR. TREFZ: We have changed --
MR. GAYETSKY: It's still 25%.
MR. TREFZ: Yeah.
MR. GAYETSKY: Based on what -- I'll ultimately leave it up to the Board to clarify, but I think I've seen some similar discussion with previous front yard setbacks. That being said, all cases are on their own

merits.

MR. TREFZ: Right.

CHAIR ROSS: Well, I believe one of them was due to a person with disabilities living there that needed a special ramp.

MR. TREFZ: Yeah.

CHAIR ROSS: That's why we flipped one of them.

MR. PAX: So again, I want to clarify. So we're saying it is a 25-foot setback for front yard?

MR. TREFZ: Twenty-five percent.

MR. PAX: Twenty-five percent.

CHAIR ROSS: That would be -- anything over 25% Variance would be significant.

MR. TREFZ: It's a 10-foot setback. And two of the ones I can remember had -- one had a ramp in the front and the other they moved the house forward two feet, and then the porch on top of it so there was another two feet there.

MS. NEFF: It's also 25-feet setback from the road, right?

MR. PAX: Well, it's 24 feet point --

MS. NEFF: .65, yeah.

MR. PAX: .65, yeah, a little more than 24 foot 6 inches. However, the 20-foot building line is what I'm looking at, and so, in essence, the entire house could come forward 4 1/2 feet.

MR. GAYETSKY: And just as far as the Board looking at this from any other perspective, I would say, the best strategy for the Board at this point is to await and see, you know, what kind of proposal comes forward from the builder first. I guess we can only get these --

MS. NEFF: We're not supposed to make recommendations, but that was a good question.

MR. PAX: I'm just trying to clarify the regulatory setback requirements.

MR. GAYETSKY: And I will double check. But I think to your point, Evans Farm has 20 feet for these lots. I will have to double check that because that's not what we

reviewed for this application for the front.

MR. PAX: Yeah, that's a big incredible point, though, while we're considering rear yard setbacks.

CHAIR ROSS: Yes.

MR. GAYETSKY: I think we're moving along into the final items of the evening, which is the three sets of minutes. So I wanted to thank all of you for looking at that. So, if anyone has a feeling about moving ahead with those. I did get at least one set of comments for each one, so we're grateful to have you double check just the generally high level changes here and there, and work with my Administrative Assistant to make sure that little changes here and there were modified.

So, if anyone wants to make a Motion for conditional approval for each of those sets, beginning with May, feel free to do so.

CHAIR ROSS: Is anyone wanting to make a Motion?

MR. PAX: I'll make a Motion to

Approve the minutes from the May 21st, 2026 BZA meeting.

CHAIR ROSS: As amended?

MR. PAX: As amended.

MR. TREFZ: I'll second.

MR. GAYETSKY: Motion made by Mr. Pax, seconded by Mr. Trefz. Those voting:

Ms. Ross.

CHAIR ROSS: Yes.

MR. GAYETSKY: Mr. Trefz.

MR. TREFZ: Yes.

MR. GAYETSKY: Mr. Pax.

MR. PAX: Yes.

MR. GAYETSKY: Ms. Neff.

MS. NEFF: Yes.

MR. GAYETSKY: And Mr. Wellington.

MR. WELLINGTON: Yes.

MR. PAX: I'll make a Motion that we approve the minutes from the June 18th, 2026 meeting as amended.

MR. TREFZ: Second.

MR. GAYETSKY: Motion made by Mr. Pax, seconded by Mr. Trefz. Those voting:

Ms. Ross.

CHAIR ROSS: Yes.

MR. GAYETSKY: Mr. Trefz.

MR. TREFZ: Yes.

MR. GAYETSKY: Mr. Pax.

MR. PAX: Yes.

MR. GAYETSKY: Ms. Neff.

MS. NEFF: Yes.

MR. GAYETSKY: And Mr. Wellington.

MR. WELLINGTON: Yes.

MR. PAX: I'll make a Motion to approve the minutes from the July 16th, 2026 meeting as amended.

CHAIR ROSS: I'll second.

MR. GAYETSKY: Motion made by Mr. Pax, seconded by Ms. Ross. Those voting:

Ms. Ross.

CHAIR ROSS: Yes.

MR. GAYETSKY: Mr. Trefz.

MR. TREFZ: Yes.

MR. GAYETSKY: Mr. Pax.

MR. PAX: Yes.

MR. GAYETSKY: Ms. Neff.

MS. NEFF: Yes.

MR. GAYETSKY: And Mr. Wellington.

MR. WELLINGTON: Yes.

MR. GAYETSKY: That means we are caught up, so thank you, as usual, for all of your efforts.

I do not have anything else for the good of the order, but if someone else does, take it away. Otherwise, again, thank you all for your service.

CHAIR ROSS: Okay. Anyone else have anything before you Board? If not, I move that we adjourn.

MR. TREFZ: I'll second.

MR. GAYETSKY: All in favor.

ALL MEMBERS: "Aye."

(Thereupon, the proceedings concluded at 7:05 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

Sandra D. Freeman,
Registered Professional Reporter,
Certified Digital Reporter and
Certified Digital Transcriber

Notary Public - State of Ohio.
My Commission Expires May 14, 2027.

- - -