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BEFORE THE ORANGE TOWNSHIP  
BOARD OF ZONING APPEALS

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In the Matter of:  
Public Hearing -  
Variance Applications

- - -

PROCEEDINGS

before Members of the Orange Township Board of  
Zoning: Chairman Rick Oster; Members Aaron  
Shiple, Jr., Kelvin Trefz, Sue D. Ross and  
Punitha Sundar, held at Orange Township Hall,  
Moffett Room, 1680 East Orange Road, Lewis  
Center, Ohio, called at 6:00 p.m. on Thursday,  
January 20, 2022.

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

3 - - -

4 MR. OSTER: Okay. Orange Township  
5 Board of Zoning Appeals for Thursday January  
6 20, 2022. Roll Call.

7 MR. BEARD: Mr. Shipley.

8 MR. SHIPLEY: Yes.

9 MR. BEARD: Ms. Sundar.

10 MS. SUNDAR: Yes.

11 MR. BEARD: Mr. Oster.

12 MR. OSTER: Yes.

13 MR. BEARD: Ms. Ross.

14 MS. ROSS: Yes.

15 MR. BEARD: Mr. Trefz.

16 MR. TREFZ: Yes.

17 MR. BEARD: All right. The first  
18 item of business on our Agenda is to elect the  
19 new Chair and Vice-Chair for the remainder of  
20 2020. So we'll start with the Chair, if we  
21 have any nominations.

22 MR. OSTER: That's 2022.

23 MR. BEARD: Yeah, 2022.

24 MR. TREFZ: I nominate Rick.

1 MS. SUNDAR: I second.

2 MR. BEARD: Are there any other  
3 nominations, or anyone else want to be  
4 considered for it?

5 MR. OSTER: Don't all speak at  
6 once.

7 MR. BEARD: All right. We have a  
8 Motion on the table for Mr. Oster to become  
9 chair for 2022, seconded by Ms. Sundar. Those  
10 voting:

11 MR. BEARD: Mr. Shipley.

12 MR. SHIPLEY: Yes.

13 MR. BEARD: Ms. Ross.

14 MS. ROSS: Yes.

15 MR. BEARD: Mr. Oster.

16 CHAIRMAN OSTER: Yeah.

17 MR. BEARD: Mr. Trefz.

18 MR. TREFZ: Yes.

19 MR. BEARD: Ms. Sundar.

20 MS. SUNDAR: Yes.

21 MR. BEARD: All right. Mr. Oster,  
22 you will be Chair.

23 The next item is for selection of  
24 the Vice-Chair for 2022. I'll take any

1 nominations.

2 CHAIRMAN OSTER: Mr. Shipley.

3 MR. TREFZ: I'll second.

4 MR. BEARD: All right. We have a  
5 Motion from Mr. Oster to nominate Mr. Shipley  
6 as Vice-Chair for 2022, seconded by Mr. Trefz.

7 Those voting:

8 MR. BEARD: Mr. Shipley.

9 MR. SHIPLEY: Yes.

10 MR. BEARD: Ms. Ross.

11 MS. ROSS: Yes.

12 MR. BEARD: Mr. Oster.

13 CHAIRMAN OSTER: Yes.

14 MR. BEARD: Mr. Trefz.

15 MR. TREFZ: Yes.

16 MR. BEARD: Ms. Sundar.

17 MS. SUNDAR: Yes.

18 MR. BEARD: Mr. Shipley will be

19 Vice-Chair for 2022.

20 CHAIRMAN OSTER: Okay. I'll be  
21 swearing in the witnesses. Anyone who intends  
22 to testify, please raise your right hand and  
23 be sworn.

24 - - -

1 PARTICIPANTS TESTIFYING

2 being first duly sworn, testifies

3 and says as follows:

4 - - -

5 CHAIRMAN OSTER: When it's your  
6 turn to offer testimony, please state your  
7 full name, address and affirm that you've been  
8 sworn in.

9 MR. BEARD: And as Staff, I affirm  
10 that I've been sworn in.

11 MR. WIEMKEN: I also affirm.

12 CHAIRMAN OSTER: The first  
13 variance application VA-21-18.

14 MR. BEARD: I will go over the  
15 Staff Report. The applicant is Suncraft  
16 Corporation Inc, James Knox. The owner is  
17 Mary Sanders. The site is 2490 Koester Trace.  
18 The Parcel ID No. is 318-210-12-004-000. It's  
19 zoned Single Family Planned Residential  
20 District. They're seeking an area variance  
21 for Rezoning Case 19680 Meadows at Lewis  
22 Center for a structure to get encroached into  
23 the rear setback.

24 The summary of the request is that

1 they're requesting for a screened porch that  
2 will encroach 15 feet into the 35-foot rear  
3 yard setback. The subject property is located  
4 on the south of Koester Trace, just north of  
5 Lewis Center Road. The site is currently  
6 owned by Mary Sanders. The surrounding areas  
7 to the north is Single Family Planned  
8 Residential District with a single family  
9 residence and also Koester Trace open space.  
10 To the south is also zoned Single Family  
11 Planned Residential District; it's HOA open  
12 space and then Lewis Center Road and then  
13 across from that is a farmer's fence. To the  
14 east and the west are all Single Family  
15 Planned Residential Districts and have single  
16 family homes.

17 I've provided you with a  
18 zoomed-out aerial of the site and also the  
19 zoomed-in aerial of the site. As you can see,  
20 this is the house as it's being built. It is  
21 completed and they didn't have final  
22 compliance since then.

23 The Staff Review, the proposed  
24 screened porch would encroach 15 feet into

1 the 35-foot setback. It's roughly a 43 percent  
2 variance request from Rezoning Case 1968  
3 Meadows at Lewis Center. We have an exhibit  
4 site plan. At the time that the Staff Report  
5 was created, the plan showed 115 feet for the  
6 side depth, but it's actually 135 feet. The  
7 measurements is it's 20 feet from the rear  
8 property line. Then this is the updated site  
9 plan that we received.

10 I believe the property owner is  
11 here, if you have questions or if she has  
12 comments that she would like to make. And I  
13 do know from speaking with her that she did  
14 get approval from her HOA and it just came  
15 this week, or last week, so their HOA has  
16 approved this. I did not receive any calls or  
17 comments from any neighbors, so that is where  
18 we are at.

19 CHAIRMAN OSTER: Thank you, Jeff.  
20 Is Mary Sanders here?

21 MS. SANDERS: Yes. It should be  
22 Louanne Sanders.

23 CHAIRMAN OSTER: If you wish to  
24 come up, state your name and address and

1 affirm you've been sworn in.

2 MS. SANDERS: Louanne Sanders,  
3 2490 Koester Trace, Lewis Center, Ohio. My  
4 name is actually Louanne and my middle name is  
5 Mary, so I don't know if that's a significant  
6 change to happen.

7 CHAIRMAN OSTER: Okay. Good to  
8 know. Okay.

9 MR. BEARD: Do you have anything  
10 to ask, Ms. Sanders?

11 MS. SANDERS: No. I just don't  
12 know why my builder is not here. I don't know  
13 if that's normal or --

14 CHAIRMAN OSTER: Do you know  
15 anything about the construction? This is  
16 going to be a screened-in?

17 MS. SANDERS: Yes, sir.

18 CHAIRMAN OSTER: Okay.

19 MR. TREFZ: If it has the  
20 foundation --

21 CHAIRMAN OSTER: It's going to  
22 have a footer and a foundation on it, correct?

23 MS. SANDERS: Yes.

24 CHAIRMAN OSTER: Okay. Kind of



1    like a concrete floor deal and then built up  
2    and screened in?

3                   MS. SANDERS:  No, it's not going  
4    to be concrete.  It will be raised.  There's a  
5    paver patio and the screened porch will sit  
6    higher than the paver patio.  There are steps  
7    that will go down.

8                   MS. SUNDAR:  Do we have any  
9    pictures?

10                  CHAIRMAN OSTER:  Yeah, I was kind  
11   of wondering --

12                  MS. SANDERS:  Let me see what I  
13   have.

14                  MR. TREFZ:  Did you say the  
15   screened porch is going to be sitting over a  
16   paver patio?

17                  MS. SANDERS:  No.  The paver patio  
18   is right next to it.

19                  MR. TREFZ:  So it's in the middle  
20   of the house?

21                  MS. SANDERS:  Yes.  Well, it's --  
22   it will come directly out from the kitchen and  
23   it will edge the end of the house and it will  
24   come out and just meet the paver patio.

1           CHAIRMAN OSTER:  So this is going  
2  to be kind of like on a deck?

3           MR. TREFZ:  No.

4           MS. SANDERS:  No.

5           CHAIRMAN OSTER:  Deck footer?

6           MR. TREFZ:  It's on a foundation  
7  footer, sort of in this drawing.

8           CHAIRMAN OSTER:  But that's just a  
9  post, isn't it?

10          MR. TREFZ:  Yeah.

11          MR. SHIPLEY:  Right.  But it's in  
12  concrete footer.

13          MR. TREFZ:  It's in concrete.

14          CHAIRMAN OSTER:  Yeah.  Well, most  
15  decks are --

16          MR. SHIPLEY:  Yeah, it's right  
17  there.

18          CHAIRMAN OSTER:  Yeah, once you go  
19  into a footer, so it's going to be built on  
20  like a deck?

21          MR. SHIPLEY:  Yeah.

22          MR. TREFZ:  Yeah.

23          CHAIRMAN OSTER:  It will go up off  
24  the ground and skirted.

1                   MR. TREFZ: Yeah. The side piece  
2 is showing in that. Just to double check, the  
3 dimensions are 14 by 14, correct?

4                   MS. SANDERS: Yes, sir.

5                   MR. SHIPLEY: Correct me if I'm  
6 wrong, this is for my own design -- the center  
7 there is a paved patio coming off the back of  
8 the house.

9                   MS. SANDERS: Yes.

10                  MR. SHIPLEY: The deck is going to  
11 come off the far side over here and you'll  
12 have steps going down onto the patio. Is that  
13 what you're talking about?

14                  MS. SANDERS: Yes.

15                  MR. SHIPLEY: All right.

16                  MR. TREFZ: Well, here's the house  
17 itself. Is that the setback?

18                  MS. SANDERS: Yes. It's right --  
19 that's why we had to apply for the variance  
20 because it's right at the edge of the house.

21                  CHAIRMAN OSTER: And that's a 35  
22 setback in that development.

23                  MR. TREFZ: Yeah, it's 35.

24                               And then also on either side of

1 you there's a light area, like, on the one to  
2 the left as we're looking at it. Do you know  
3 what that is on the other houses on either  
4 side of you?

5 MS. SANDERS: The one to -- as  
6 you're looking at the back of the house, the  
7 house to the left has a small paver patio.

8 MR. TREFZ: Okay.

9 MS. SANDERS: And I don't think  
10 the one to the right has anything.

11 CHAIRMAN OSTER: It looks like it  
12 does.

13 MR. TREFZ: It sure looks like it.

14 MS. SANDERS: It looks like it,  
15 yeah.

16 CHAIRMAN OSTER: Almost in the  
17 same spot.

18 MR. TREFZ: Yeah.

19 MS. SANDERS: Okay. Well, it's,  
20 yeah, it's over than.

21 MR. TREFZ: But, see, with the  
22 paver, we wouldn't have the variance for that.

23 MS. SANDERS: And those houses sit  
24 a little closer to the street. It's because

1 my garage is at the front of the house, so the  
2 house sits high up.

3 MR. TREFZ: It's higher, though,  
4 yeah.

5 CHAIRMAN OSTER: Is there any  
6 other questions?

7 MR. TREFZ: None from me.

8 MR. SHIPLEY: I have none.

9 CHAIRMAN OSTER: Does anybody want  
10 to make Motion? Any comments or a Motion?

11 MR. BEARD: I have a comment.

12 Just briefly, with our Code with our  
13 developments being planned districts, we have  
14 some that allow for the principle dwelling to  
15 be 35 feet and others that have the accessory  
16 building of 5 feet from their property line.  
17 This subdivision is HOA. It has pretty small  
18 lots with 135 feet length minimum.

19 We have gotten quite a few  
20 variance requests here. We've reached out to  
21 the HOA to see if they wouldn't go through an  
22 amendment to their Code to change this. At  
23 the time, they did not feel that they could  
24 get enough support from the residents. There

1 are some lots that are pretty big, but a lot  
2 of the lots closer towards Lewis Center Road  
3 are small. So at that time, they said they  
4 wanted to have their residents go through the  
5 variance process themselves and not go through  
6 the amendment, as they didn't think that the  
7 residents would want to spend that money to  
8 amend it.

9 We are in the process of doing our  
10 Code rewrite, and there is a possibility that  
11 some of our setbacks might change, kind of  
12 like an overlay district that we're looking  
13 at. That's just something to look at. But we  
14 have received, since I have been here, we've  
15 done at least four variances in this HOA, so  
16 it is a common issue that we're dealing with.

17 CHAIRMAN OSTER: Yeah, well, they  
18 do have some room there. And then of course  
19 that treeline and then like a drainage ditch  
20 before you get to the road, so I kind of  
21 thought, you know, in my opinion, they've got  
22 enough room there to give them that kind of  
23 leeway.

24 MR. TREFZ: Jeff, based on your

1 comment, are the setbacks going to be reduced  
2 in general?

3 MR. BEARD: In general, we believe  
4 they will be.

5 MR. TREFZ: Okay. More of a  
6 curiosity.

7 MR. BEARD: We'll see that in the  
8 future. And it could be something where we do  
9 something similar to having the principle  
10 dwelling as a setback and then accessory  
11 dwellings and units a little bit less, as this  
12 is something that we do run across in a lot of  
13 variances.

14 MR. SHIPLEY: I'll make a Motion.  
15 And in looking through our seven factors, it  
16 is a substantial setback of 43 percent, so  
17 it's considered a substantial setback.  
18 Primarily, based upon one, HOA approval, which  
19 is interesting saying that the HOA didn't want  
20 to change that, but yet individually they'll  
21 approve that. So HOA approval. No feedback  
22 from residents, neighbors. And the fact that  
23 we have approved variances in that same  
24 neighborhood, who has a 35-foot setback.

1           So based on those factors, I move  
2 to approve Case No. VA-21-18, property located  
3 at 2490 Koester Trace, Lewis Center, Ohio,  
4 seeking an area variance to allow for  
5 construction to encroach 15 feet into the  
6 35-foot setback.

7           MS. SUNDAR: I second that.

8           MR. BEARD: Motion made by Mr.  
9 Shipley to approve variance case VA-21-18,  
10 seconded by Ms. Sundar. Those voting:

11           MR. BEARD: Mr. Shipley.

12           MR. SHIPLEY: Yes.

13           MR. BEARD: Ms. Ross.

14           MS. ROSS: Yes.

15           MR. BEARD: Mr. Oster.

16           CHAIRMAN OSTER: Yes.

17           MR. BEARD: Mr. Trefz.

18           MR. TREFZ: Yes.

19           MR. BEARD: Ms. Sundar.

20           MS. SUNDAR: Yes.

21           MR. BEARD: Motion carries.

22           MR. SHIPLEY: Ms. Sanders, you  
23 don't need to stay, if you don't want to.

24           MS. SANDERS: Yes. Okay.



1                   MR. SHIPLEY: I know some people  
2 sometimes get confused about that, so I wanted  
3 to tell you, you don't have to stay.

4                   MS. SANDERS: Okay.

5                   CHAIRMAN OSTER: Good luck.

6                   MS. SANDERS: Thank you.

7                                 - - -

8                   MR. BEARD: The next case on the  
9 Agenda for tonight is variance Case No.  
10 VA-21-19. The applicant/owner is Brad  
11 McMahon. The site is 4766 Royal County Down  
12 Court, Westerville, Ohio. The Parcel ID No.  
13 is 318-140-18-019-000, zoned Single Family  
14 Planned Residential District. And they're  
15 seeking an area variance from Rezoning Case  
16 12-0223 Sanctuary at the Lake for a structure  
17 to encroach into the side yard setback. The  
18 applicant is requesting that the proposed deck  
19 to encroach 4 feet and 6 inches into the  
20 required 12 feet 6-inch side yard setback in  
21 an area zoned Single Family Planned  
22 Residential District. The subject property is  
23 located on the southeast of Royal County Down  
24 Court and they're seeking the area variance

1 from Rezoning Case 12-0223 Sanctuary at the  
2 Lakes.

3           The surrounding areas are all  
4 zoned Single Family Planned Residential  
5 District. To the north is single family  
6 residence and then Royal County Down Court.  
7 And to the south is HOA property, an open  
8 space. And then the east and west are single  
9 family residences. I provided you the  
10 zoomed-out aerial of the site and then also  
11 the zoom-in aerial of the site. The house has  
12 been completed, so they didn't have a final  
13 compliance and it has been completed.

14           For the Staff Review, the side  
15 yard setback is 12 feet 6 inches. The  
16 proposed deck would encroach 4 feet 6 inches  
17 into the 12 feet 6-inch side yard setback.  
18 This is a 36 percent variance request from  
19 Rezoning Case 12-0223 Sanctuary at the Lakes.

20           You were provided Exhibit 1, the  
21 site plan, showing the proposed deck  
22 dimensions and side yard distance. And then I  
23 did include a site photo from Google Street  
24 View just to show from the street what it

1 looks like. Just with holidays and health  
2 issues coming up, we did not get site photos,  
3 so we do not have a site from the side or from  
4 the back of it. I did try to look on Google  
5 from the other street that's adjacent there  
6 and the other houses block it so you won't be  
7 able to see the back.

8 I believe the property owner and  
9 the applicant are here if there are any  
10 questions, if there are any comments or  
11 anything they want to add. And I did receive  
12 a couple of calls from neighbors and they were  
13 all supportive of it, so. But I did not get  
14 any negative feedback from any of the  
15 residents.

16 MR. LORENZ: Hi, everybody. Brian  
17 Lorenz, 4111 Village Club Drive in Powell.  
18 I'm here representing Brad and Sarah McMahon.  
19 I attest that I've been sworn in. They're  
20 happy to speak, if need be. Would you guys be  
21 okay, I do have a picture on my phone that  
22 shows the neighbors' houses to the back. I  
23 can pass it around, if you want to see it. If  
24 not, you know, it's up to you. But let me

1 kind of show you what's going on back here.

2 MR. TREFZ: It's of the neighbor's  
3 house?

4 MR. LORENZ: It's both neighbors'  
5 houses. So the McMahon's house is going be  
6 here, so you can see here is a house with a  
7 deck.

8 MS. SUNDAR: Yeah.

9 MR. TREFZ: Right.

10 MR. LORENZ: Their proposed house  
11 will look just like that. Yeah.

12 MS. SUNDAR: Yeah, very similar.

13 MR. LORENZ: Thanks for letting me  
14 do that, you guys.

15 CHAIRMAN OSTER: This is what now?

16 MR. LORENZ: So McMahon's house is  
17 right here where my hand is. And their deck  
18 is essentially going to match the look of this  
19 deck, which is their next door neighbor to the  
20 south.

21 CHAIRMAN OSTER: So their stairs  
22 are over in the 12-and-a-half?

23 MR. LORENZ: I don't know that for  
24 sure.

1                   CHAIRMAN OSTER:   Okay.

2                   MR. LORENZ:   But I can tell you  
3   that the house adjacent to this house has --  
4   did receive, it's my understanding, a variance  
5   for their patio, which extends way out into  
6   the rear setback.

7                   CHAIRMAN OSTER:   Yeah.   Okay.   The  
8   rear?

9                   MR. LORENZ:   Yeah, where there's  
10  more room.   So the McMahons are there.   This  
11  deck situation, this is their next door  
12  neighbor, will match exactly to what they're  
13  doing, and there's that patio.   I can send an  
14  email out to you, if you need me to.

15                  The McMahons also did receive HOA  
16  approval.   And if I could, we brought a copy  
17  of that, which we could submit that into the  
18  record so you guys have that.

19                  CHAIRMAN OSTER:   Thanks.

20                  MR. LORENZ:   Okay.   So yes, we're  
21  asking for a variance to encroach the side  
22  yard setback.   When we originally started with  
23  the project, we were looking at putting in at  
24  5 1/2 feet, but obviously, variances are very

1 important and we wanted to show that we would  
2 be able to, you know, work with the Township  
3 and so we've reduced that by a foot. I think  
4 the way it situates and the way it lines out,  
5 it will look much cleaner. It will match the  
6 neighbors. So if you pushed it further in  
7 towards the house, it wouldn't be as  
8 aesthetically pleasing. You would have it  
9 going through the middle, you know, almost to  
10 the great room.

11                   The issue really gets in with the  
12 stairs. There's significant topography back  
13 there. The stair location there, it's put in  
14 -- I believe, under the Building Code you  
15 almost have to have a second means of egress  
16 for, you know, life-safety issues and whatnot,  
17 so we've got to have steps. And if they move  
18 them anywhere else within the deck, because of  
19 the topography and some of the other things  
20 that are going on there, it's just  
21 aesthetically and also, you know, from a  
22 life-safety standpoint, it makes the most  
23 sense to put it where we've placed it.

24                   I talked about a little bit some

1 of the other variances that I believe were  
2 issued for some of the other accessory uses in  
3 the development. You know, we're trying to  
4 create an outdoor living space that will not  
5 be a detriment to the adjacent homeowners and  
6 actually probably help to add value to the  
7 neighborhood. Just like the last case you  
8 guys worked on, the setbacks in this  
9 particular neighborhood, especially on the  
10 side, are very tough. And the McMahon's lot  
11 is thinner up at the top and as you go towards  
12 the back, it kind of widens out. And so part  
13 of their problem also is you can see their  
14 driveway, which almost squeezes the house kind  
15 of off center and further to that side  
16 setback, and then when we add in the stairs  
17 and the landing there, then that's where we  
18 get in that situation where we're going to  
19 have to go over. That's really all I had to  
20 add, unless you have questions for me, or for  
21 the property owner, is anything you want to  
22 ask?

23 CHAIRMAN OSTER: Is there a reason  
24 why you didn't put the stairs along the rear

1 of it instead of down the side?

2 MR. LORENZ: Yeah. Go ahead,  
3 Brad, and just give your address.

4 MR. MCMAHON: Good evening. Brad  
5 McMahon, 4766 Royal County Down. So we did  
6 design it that way and it really encroaches --  
7 it's a walkout lower level. So if you have  
8 the stairs coming to the back -- from the  
9 back, there's a lot of topography there so  
10 it's really tough to get it even. And then  
11 also, if you would walk out of the basement,  
12 you walk right into the stairs.

13 The other issue we get when we did  
14 it that way is you see the builder stairs that  
15 are there now and there's a room to the right,  
16 that room is on the setback line as well. So  
17 if we put the stairs in the rear of the deck,  
18 we start with the setback line there as well.  
19 And we did try to bump it in so it was even  
20 with the side of the house, since the side of  
21 the house is on the setback line, and then we  
22 have a privacy wall, which we'd be looking at  
23 right out of our living room. It would be  
24 running right on the middle of the mullion of



1 one the windows. So that's why we're asking  
2 for your approval to -- you know, we are  
3 building this back area, but it is just for  
4 the stairs.

5 I have flagged it out. I've met  
6 with the neighbors. They've seen all the  
7 plans and they don't seem to have an issue  
8 with it.

9 MR. SHIPLEY: Jeff, did you hear  
10 specifically from the neighbors to the south?

11 MR. BEARD: No, I don't believe  
12 so. They didn't say where they were. They  
13 were just one of the ones that I received the  
14 letter. I know that the neighbor to north or  
15 east, they had contacted me. They told me  
16 where they lived. The other ones did not.  
17 They asked what the plans were. I let them  
18 know what it was and they said they had no  
19 issues with it.

20 MR. SHIPLEY: Okay. Can I see how  
21 the HOA letter reads, please?

22 CHAIRMAN OSTER: We've been pretty  
23 tight with 12 1/2 size because it's pretty  
24 thin already. Twelve-and-a-half is not much

1 at all. And you know, we're more flexible on  
2 the rear side, you know, if it went out the  
3 rear. And I wouldn't think a lot of the  
4 neighbors would necessarily, may be opposed to  
5 it because once one person gets it, then they  
6 all can get it, or at least try to get it and  
7 apply for it and it starts a new trend and  
8 that they can break that 12 1/2 side setback.

9 MR. TREFZ: Did you consider a  
10 plan that's to the inside on this side where  
11 your barbecue is sitting?

12 MR. MCMAHON: We did. And this is  
13 this part of outside. This room is angled  
14 that way.

15 MR. TREFZ: Right.

16 MR. MCMAHON: So when you put the  
17 stairs here, you know, you are back to this  
18 setback as well.

19 MR. TREFZ: Well, yeah, if you  
20 come straight out and not angle it over.

21 MR. MCMAHON: Well, if you come  
22 straight out, then you end up being in the  
23 middle of the backyard.

24 CHAIRMAN OSTER: Yes.

1                   MR. TREFZ: Well, unless you turn  
2 it like you did on this one. If you come out,  
3 though, with the deck, make a right-hand turn,  
4 now you're low enough, you probably are not  
5 going to see it from the windows or from the  
6 basement doors. Or how many times do you look  
7 at your basement door?

8                   MR. MCMAHON: The kids are down  
9 there every day.

10                  MR. TREFZ: For the kids.

11                  MR. MCMAHON: Yeah. But that's  
12 the other thing with, you know, we will finish  
13 the underneath part of that. And so that will  
14 obstruct the flow of going out to the backyard  
15 as well, if there's stairs in the back of the  
16 house, so.

17                  MR. TREFZ: One of our questions  
18 is, is there another way to accommodate  
19 without being a setback?

20                  MR. MCMAHON: The only other way  
21 is to do a spiral staircase, which is very  
22 hard to navigate, if you're trying to get  
23 anything up on the deck or down.

24                  CHAIRMAN OSTER: Very.

1 MR. TREFZ: Yeah.

2 MR. LORENZ: Yeah. That's why I  
3 want the kids and the parents.

4 CHAIRMAN OSTER: I was wondering  
5 why --

6 MR. LORENZ: It kind of -- it's  
7 not a life-safety, but it becomes a  
8 life-safety.

9 MR. MCMAHON: We did come to you  
10 without really exploring all of the options.

11 MR. TREFZ: Yeah, I understand  
12 that. But there's an ideal, which you take  
13 the entire setback and have more patio and a  
14 wider stair, and then there's something that  
15 you can live with. And we've got, like, what  
16 Mr. Oster said, it's a floodgate. Once we let  
17 one through, more will come. And this is for  
18 all of our variances.

19 MR. MCMAHON: Right.

20 MR. TREFZ: It's just not this,  
21 so. And that's why I was asking. It's one of  
22 our checked boxes.

23 MR. MCMAHON: Right.

24 MR. LORENZ: Let me ask this. So

1 we started at 5 1/2 feet. We can take it down  
2 to 4. Would that make you feel any better?

3 MR. TREFZ: You mean from 4' 6" to  
4 4?

5 MR. LORENZ: Yeah.

6 CHAIRMAN OSTER: No. You know --

7 MR. TREFZ: No. Six inches isn't  
8 going to do much on the percent of the  
9 variance.

10 CHAIRMAN OSTER: Like I said,  
11 pretty much my time with BZA, they didn't like  
12 going under the 12 1/2.

13 MR. LORENZ: I understand that.

14 CHAIRMAN OSTER: It's -- I know  
15 for a lot of things on the houses, like,  
16 bump-outs, like a kitchen, you know, that's  
17 only a couple of feet, it goes over that 12  
18 1/2 and into that and you have to get approval  
19 on even something like that, let alone  
20 something that's going into the ground. And,  
21 you know, and we're not really here to  
22 redesign anything.

23 MR. LORENZ: That's right. Right.

24 CHAIRMAN OSTER: We're just here

1 to say yes or no.

2 MR. LORENZ: That's right.

3 CHAIRMAN OSTER: And I don't know.

4 To me, it looks like you've got the room on  
5 the rear to come down in whatever kind of  
6 fashion that you want to do. And whether  
7 that's a little shadow of an L or whatever,  
8 but 4 1/2 into the 12 1/2 is sizable.

9 MR. SHIPLEY: What's the setback  
10 onto the rear, just out of curiosity?

11 MR. BEARD: It's 35.

12 CHAIRMAN OSTER: It should be 35.

13 MR. LORENZ: Well, you just gave a  
14 variance of 15 feet into a 35 setback.

15 MR. SHIPLEY: There's a continued  
16 piece back there also.

17 MR. LORENZ: With no -- I mean,  
18 she didn't --

19 CHAIRMAN OSTER: Yeah. The rear  
20 setbacks are larger.

21 MR. LORENZ: I understand that.

22 CHAIRMAN OSTER: And we're a  
23 little more lenient on using more of your rear  
24 setback or yard, however you want to look at

1 that. The sides are pretty tight.

2 MR. LORENZ: The sides are really  
3 tight.

4 CHAIRMAN OSTER: Really tight.

5 MR. LORENZ: Especially in his  
6 neighborhood, yeah.

7 CHAIRMAN OSTER: Almost all of  
8 mine is that way.

9 MR. LORENZ: Is it? Okay.

10 CHAIRMAN OSTER: Yeah. It's -- 12  
11 1/2 is -- and that's why they've been pretty  
12 strict on the sides.

13 MR. LORENZ: Fair enough.

14 CHAIRMAN OSTER: Because then the  
15 houses and that is just getting too close.  
16 You're almost, I used to say within a spitting  
17 distance, but you know.

18 MR. TREFZ: To the point, the room  
19 to left is where we're looking at it, to the  
20 lot line is 36.6, according to the diagram you  
21 gave us.

22 MR. LORENZ: Uh-huh.

23 MR. TREFZ: So we've got a little  
24 more room to do that and that's that pointy

1 room that's going out. I have no idea what  
2 size the room is, but yeah.

3 MR. LORENZ: So, are you saying  
4 look at putting it over on that side?

5 MR. TREFZ: No. I was simply  
6 saying, you're not even in the -- you're not  
7 up to the 35 at the closest point of the  
8 house, according to what I have here.

9 MR. LORENZ: Okay, I follow you.

10 MR. TREFZ: And that's all.

11 MR. LORENZ: Yep. Okay.

12 CHAIRMAN OSTER: So what you're  
13 saying is you feel that he has room to do it  
14 on the rear rather than on to the side?

15 MR. TREFZ: Yeah, that's what I'm  
16 saying. And like Rick said, we're not here to  
17 redesign your hard work.

18 MR. LORENZ: No, of course. Yeah.

19 No.

20 Can I ask you a couple of  
21 procedural questions?

22 CHAIRMAN OSTER: Uh-huh.

23 MR. LORENZ: you know, kind of  
24 hearing what you guys -- a couple of you are



1 saying, it's probably -- I don't know that  
2 you'd give me a straw poll before you voted on  
3 this, right. Now, I always like to ask. It  
4 never hurts. If he wants to request a  
5 tabling, can he come back at the next month?  
6 And then the second question would be, if you  
7 vote and you deny it, how much -- if he  
8 continues to want to pursue this action, how  
9 long does he have to wait til he would  
10 resubmit something?

11 MR. BEARD: Yeah, so procedurally,  
12 if you know when you're going to come back,  
13 you would just ask for a continuance.

14 MR. LORENZ: Okay.

15 MR. BEARD: If you don't know when  
16 you're going to come back, you would have a  
17 tabling and then you would have a mailing fee  
18 on top of that.

19 MR. LORENZ: Okay. I gotcha.

20 MR. BEARD: For when you do come  
21 back. If it does get denied, legally, what  
22 we've been told is it has to have a  
23 substantial change to be able to come back.

24 MR. LORENZ: Yeah.

1                   MR. BEARD:  You can't do the same  
2  request.

3                   MR. LORENZ:  Okay.

4                   MR. BEARD:  So that would be that  
5  and then there would be a brand new  
6  application fee and everything.

7                   MR. LORENZ:  Yeah.  Do you have a  
8  fee for continuing?

9                   MR. BEARD:  For continuing there  
10 would be no fee, if we did it for the next  
11 month.

12                  MR. LORENZ:  Okay.

13                  MR. BEARD:  If we had a set date,  
14 even if it is two months out, we'd know the  
15 set date.

16                  MR. LORENZ:  Okay.  Gotcha.  Okay.

17                  (Discussion off record.)

18                  MR. LORENZ:  Okay.  All right.  So  
19 thank you for allowing us to consult.  I think  
20 what the McMahons are going to do is ask for a  
21 continuance to the next month's meeting, look  
22 at some options.  And if they can work  
23 something out then, you know, we'll void the  
24 variance request.  If they end up doing

1 something in the rear, I guess this is for  
2 you, Jeff, and still violate that rear  
3 setback, could we amend this application or  
4 would we -- okay.

5 CHAIRMAN OSTER: Yeah. You would  
6 just put it onto the rear and then say, okay,  
7 I'm asking for this much on the rear.

8 MR. LORENZ: Okay.

9 CHAIRMAN OSTER: And like I said,  
10 you know, there's so much more room in the  
11 rear.

12 MR. LORENZ: Right. So, I think  
13 that's what we'd like to do, if that pleases  
14 the Board.

15 CHAIRMAN OSTER: That's the best  
16 option because it's free, you know.

17 MR. LORENZ: Well, exactly. Yeah.

18 CHAIRMAN OSTER: You don't really  
19 want to spend any more than you need to.

20 MR. LORENZ: Yeah. And when do  
21 you meet again? Is it always going to be this  
22 date in February?

23 MR. BEARD: It will be February  
24 17th.

1                   MR. LORENZ: And I know what --  
2   you know, one of the push on so many things is  
3   with construction and all that kind of stuff  
4   and you guys get that, so. Let us go ahead  
5   and take a look at what else we can do and  
6   I'll communicate back with you, if that's  
7   okay.

8                   MR. BEARD: Yeah.

9                   MR. LORENZ: Does that sound good?  
10   Okay.

11                  MR. BEARD: Yeah. We'll need the  
12   Board to make a Motion to approve.

13                  MR. SHIPLEY: Based upon the  
14   Applicant's request, I make a Motion that we  
15   approve a continuance of VA-21-19 to the 17th of  
16   February, 2022.

17                  CHAIRMAN OSTER: I'll second that.

18                  MR. BEARD: A Motion made by Mr.  
19   Shipley to accept the continuous for Variance  
20   Case VA-21-19 until February 17th, seconded by  
21   Mr. Oster. Those voting:

22                  MR. BEARD: Mr. Shipley.

23                  MR. SHIPLEY: Yes.

24                  MR. BEARD: Ms. Ross.

1 MS. ROSS: Yes.

2 MR. BEARD: Mr. Oster.

3 CHAIRMAN OSTER: Yes.

4 MR. BEARD: Mr. Trefz.

5 MR. TREFZ: Yes.

6 MR. BEARD: Ms. Sundar.

7 MS. SUNDAR: Yes.

8 MR. BEARD: Brian, we send out the  
9 packets a week in advance.

10 MR. LORENZ: Okay.

11 MR. BEARD: So if we could have it  
12 like that Monday or Tuesday the week before.

13 MR. LORENZ: Yeah. Like the 14th?

14 MR. BEARD: We'll send it out on  
15 the 10th.

16 MR. MCMAHON: Okay.

17 MR. BEARD: So if we can have it  
18 on the 7th.

19 MR. LORENZ: 7th.

20 MR. MCMAHON: 7th, okay.

21 MR. LORENZ: Okay. I'll be in  
22 touch. Okay. Sounds good. Thank you, guys.  
23 Appreciate your time.

24 CHAIRMAN OSTER: Thank you.

1 MS. SUNDAR: Thank you.

2 - - -

3 MR. BEARD: Then our next item on  
4 the Agenda is approval of minutes. Right now  
5 we do not have the November 18th minutes. The  
6 December 9th minutes were sent out via email.  
7 If you have time to review them, great. If  
8 not, we can postpone them until the next  
9 meeting.

10 CHAIRMAN OSTER: It's up to you.  
11 I did find one thing, I think, but it's up to  
12 you. Yeah, it was -- I think it was on page 9  
13 line 16. "I've used that body shop," not  
14 "I'm".

15 MR. SHIPLEY: Yeah, I see that.

16 CHAIRMAN OSTER: That's the only  
17 thing that I've seen, but you know, I'm not as  
18 good as you on this because my brain seems to  
19 just go right over those spelling things. You  
20 read it and it reads right. Now I know what I  
21 said because I've used that body shop.

22 MR. SHIPLEY: Is that page 9,  
23 Jeff?

24 MR. BEARD: Yeah.

1 CHAIRMAN OSTER: Yeah. Page 9  
2 line 16.

3 MR. SHIPLEY: I wrote down the  
4 wrong page number.

5 CHAIRMAN OSTER: There was another  
6 one.

7 MR. BEARD: The page was kind of  
8 on the transcript when it went from PDF, it  
9 kind of changed.

10 MR. SHIPLEY: Can you go up to the  
11 page above it then to line 20? Yeah, so  
12 there's a few of these in there and I wasn't  
13 sure, I stopped keeping track. Line 22 is, I  
14 think Rick said that, but there's nothing in  
15 front of that. So there's a few of them that  
16 I found in there that there's, you know. But  
17 where it's right above it in line 17 where I  
18 was speaking then, I think that, and Rick can  
19 correct me, but I think that was Rick that  
20 said that. It wasn't me.

21 CHAIRMAN OSTER: I do believe that  
22 was me.

23 MR. SHIPLEY: Yeah. And there  
24 wasn't anything in front of it. I think there

1 was a few of those in there that I found.

2 CHAIRMAN OSTER: I didn't even  
3 catch that.

4 MR. SHIPLEY: Yeah, I stopped  
5 writing them down because they're -- because  
6 that's one thing I was going to bring up with  
7 those, and I think this is the first version  
8 of these type minutes we've had, so I'm going  
9 to bring up the fact that there was multiple  
10 occasions in there where there was a name  
11 missing and who said it.

12 CHAIRMAN OSTER: The only other  
13 thing I saw was a "that that" in there. And  
14 when I read it, I said, yeah, that's probably  
15 exactly how I said it, to. You know, it's one  
16 of those, you know. But when you look at it  
17 in print, you're going "that that," you know.  
18 But that was the only one, that 16, that I  
19 caught. You didn't catch anything?

20 MR. TREFZ: I didn't even look at  
21 it because it came in after I looked at email  
22 and the last three days have not been kind, so  
23 I'll just leave it at that.

24 CHAIRMAN OSTER: Okay. That's



1 fair enough.

2 MR. BEARD: You know, if you want  
3 more time to look at it, then we can do that  
4 and go back over them.

5 MR. TREFZ: I'll definitely look  
6 at them and if there's something else, I'll  
7 send it to you.

8 MR. BEARD: Okay. We can just  
9 postpone until February and do both November's  
10 and December's.

11 CHAIRMAN OSTER: We can do that.

12 MR. SHIPLEY: That way we'll have  
13 time to --

14 CHAIRMAN OSTER: Yeah, I mean, I  
15 read through and it looked pretty good, except  
16 for a couple little -- but I'm sure there's  
17 more in there.

18 MR. SHIPLEY: This is the way  
19 we're going to have these from this point  
20 forward, is transcribed.

21 MR. BEARD: Possibly.

22 MR. SHIPLEY: Okay.

23 CHAIRMAN OSTER: I didn't like  
24 this version as well as the old, and that's

1 because it's a double-spaced. Is the main  
2 difference?

3 MR. BEARD: This is how it comes  
4 from the Court Reporter, how their transcripts  
5 are. It's what we get when we have legal  
6 cases that we get the transcripts from Court  
7 Reporters. This is how it comes.

8 CHAIRMAN OSTER: Well, yeah, but  
9 maybe somebody would feel it's better to be  
10 double-spaced, widened out like that. I don't  
11 know. I found it to be more difficult. For  
12 me, that was just the deal.

13 MR. SHIPLEY: No, I was saying  
14 what I did different.

15 CHAIRMAN OSTER: Yeah. Okay. So  
16 that's a wrap for everything that we need to  
17 do.

18 MR. SHIPLEY: We didn't make a  
19 Motion on the minutes.

20 MR. BEARD: We don't need to make  
21 a Motion, if we're pushing them back next  
22 month, we'll just continue it.

23 MR. SHIPLEY: Okay.

24 CHAIRMAN OSTER: Okay.

1                   MR. BEARD: We just need an  
2 adjournment of the meeting. That's all the  
3 business that I have.

4                   CHAIRMAN OSTER: Meeting  
5 adjourned.

6                   (Thereupon, the proceedings  
7 adjourned at 6:48 p.m.)

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## 1 CERTIFICATE

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

9 IN WITNESS WHEREOF, I have hereunto set  
10 my hand and affixed my seal of office at  
11 Columbus, Ohio, on this 15th day of May 2022.


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Sandra D. Kin, RPR,  
Certified Digital Reporter,  
Certified Digital Transcriber.  
Notary Public - State of Ohio.



18 My Commission expires May 14, 2027.

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