

BEFORE THE ORANGE TOWNSHIP
BOARD OF ZONING APPEALS

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In the Matter of: :
:
Public Hearing - :
Variance Applications :
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- - -

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,
February 17, 2022.

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

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4 CHAIRMAN OSTER: Good evening. I
5 want to call to order the Board of Zoning
6 Appeals for February 17th, 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 CHAIRMAN OSTER: Yes.

13 MR. BEARD: Ms. Ross.

14 MS. ROSS: Yes.

15 MR. BEARD: Mr. Trefz.

16 MR. TREFZ: Yes.

17 CHAIRMAN OSTER: Okay. Anyone who
18 intends to testify, please raise your right
19 hand and be sworn. And that's anybody that's
20 speaking or anything.

21 "Do you solemnly swear that the
22 testimony that you shall give will be the
23 truth, the whole truth and nothing but the
24 truth? Please state I do.

1 AUDIENCE MEMBERS: I do.

2 CHAIRMAN OSTER: And when it's
3 your turn to offer testimony, please state
4 your full name, address and affirm that you've
5 been sworn in.

6 Do we want to start with the Old
7 Business then?

8 MR. BEARD: So the first case
9 we'll be discussing tonight is Variance Case
10 No. VA-21-19, which is a continuation from
11 last month's BZA hearing. We can go over the
12 Staff Report.

13 The Applicant and Owner is Brad
14 McMahon. The Site is 4766 Royal County Down
15 Court in Westerville, Ohio 43082, Parcel ID
16 No. 318-140-18-019-000. It's zoned Single
17 Family Planned Residential District. They're
18 seeking an area variance from Rezoning Case
19 No. 12-0223 Sanctuary at the Lakes for a
20 structure to encroach into the rear-yard
21 setback.

22 The subject property is located on
23 the southeast of Royal County Down Court. The
24 Applicant is requesting an area variance in

1 12-0223 Sanctuary at the Lakes to allow for a
2 residential deck to encroach two feet into the
3 required 35 feet rear-yard setback.

4 The surrounding areas are all
5 zoned Single Family Planned Residential
6 District. To the north is single family
7 residents in the Royal County Down Court. To
8 the south is HOA open-space property. To the
9 east and west are single family residences.
10 They provided a zoomed out aerial of the site
11 and also zoomed in aerial of the site.

12 For the staff review, the variance
13 request is Rezoning Case 12-0223 Sanctuary at
14 the Lakes. The rear-yard setback requirement
15 is 35 feet. The proposed deck would encroach
16 two feet into the 35 foot rear-yard setback.
17 This is roughly a 6 percent variance request
18 from Rezoning Case 12-0223 Sanctuary at the
19 Lakes.

20 I'd like to provide Exhibit 1 as
21 the site plan showing the proposed deck,
22 dimensions in the rear-yard deck. And then we
23 also provided a Google Street View, as well.
24 That is all that I have.

1 CHAIRMAN OSTER: Thank you, Jeff.
2 I like what you've done here. Is there
3 something that you want to say?

4 MR. LORENZ: Oh, sure. Yeah. If
5 that's okay.

6 CHAIRMAN OSTER: Sure.

7 MR. LORENZ: Thank you. Brian
8 Lorenz, 4111 Village Club Drive in Powell.
9 And I affirm that I was sworn in. With me is
10 Brad McMahon, the homeowner.

11 So, we really took a hard look at
12 what the Board shared with us last -- back in
13 January, and we were able to come up with a
14 solution, that I think even though it still
15 requires a variance, it lessens the effect in
16 it. It basically will, you know, accommodate
17 the request.

18 We were able to situate something
19 like that and really minimize that impact.
20 So, you know, again we're requesting the
21 variance because of some of the irregularities
22 within the lot, the type of rear setback. But
23 again, listening to the Board and their
24 preferences, hopefully this is, you know,

1 something that will be meaningful to you as
2 well.

3 And I'm happy to answer questions.

4 We did provide another letter of approval on
5 this particular design from the HOA and Jeff
6 Essos, if you need those. I was able to get
7 them to you before the meeting.

8 CHAIRMAN OSTER: Thank you. Does
9 anybody have any questions?

10 MR. SHIPLEY: That was my only
11 question, is if the HOA is providing say six
12 percent and if not, then it's worse than what
13 you had.

14 CHAIRMAN OSTER: Yeah, exactly.
15 So, I would make a Motion to approve Variance
16 Case VA-21-19, as modified and submitted
17 today.

18 MS. SUNDAR: I second.

19 MR. BEARD: We have a Motion made
20 by Mr. Oster to approve the Variance Case No.
21 VA-21-19, as amended from last month's
22 hearing, and seconded by Ms. Sundar.

23 Those voting:

24 MR. BEARD: Mr. Shipley.

1 MR. SHIPLEY: Yes.

2 MR. BEARD: Ms. Ross.

3 MS. ROSS: Sustained.

4 MR. BEARD: Mr. Oster.

5 CHAIRMAN OSTER: Yes.

6 MR. BEARD: Mr. Trefz.

7 MR. TREFZ: Yes.

8 MR. BEARD: Ms. Sundar.

9 MS. SUNDAR: Yes.

10 MR. LORENZ: Thanks a lot of you
11 guys -- I appreciate you working with us.

12 CHAIRMAN OSTER: Thank you.

13 MR. LORENZ: Have a great night.

14 CHAIRMAN OSTER: Great job.

15 MR. LORENZ: Thank you.

16 CHAIRMAN OSTER: I think you'll be
17 much happier with that.

18 MR. LORENZ: I think so, too.

19 CHAIRMAN OSTER: It looks really
20 nice.

21 MR. LORENZ: Yeah. You know, it's
22 a little -- we spent a lot of time kind of
23 dissecting that and then laying that out and
24 the designers did a really nice job of making

1 them, you know, situate that and it's pretty
2 unobtrusive, so I think the homeowner is
3 pleased as well. So thank you again for
4 accommodating us.

5 CHAIRMAN OSTER: Thank you.

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7 MR. BEARD: All right. The next
8 item on the Agenda is Variance Case VA-21-20.
9 The applicant is the owners. It's Microcom
10 Corporation. The site is 855 Corduroy Road,
11 Lewis Center 43035. The Parcel ID No. is
12 318-230-14-005-000 and zoned Planned
13 Industrial District.

14 They have requested an area
15 variance from the Orange Township Zoning
16 Resolution Section 22.03(c)(1) to allow for a
17 wall sign to be above the maximum permitted
18 height. The Applicant has requested that
19 variance of the extended height of 15 feet for
20 a height of 25 feet in an area zoned Planned
21 Industrial District.

22 The subject property is located
23 north of Corduroy Road and owned by the
24 Applicant. The surrounding areas to the north

1 is a Multifamily Planned Residential District,
2 that's Orange Grand Apartments. Southeast and
3 west are also Planned Industrial District.
4 South is Corduroy Road and then industrial use
5 warehouses, to the east is Hoshizaki,
6 industrial, and to the West is Banyan,
7 industrial.

8 They provided a zoomed-out aerial
9 of the site, and also a zoomed-in aerial of
10 the site. And this site is currently being
11 constructed as we speak. It's not completed
12 yet, but it is under construction.

13 So for the staff review Section
14 22.03(c)(1), such sign shall be located on or
15 along a wall of such building, located no more
16 than 15 feet above finished grade of the
17 height of the ceiling of the first floor. And
18 the proposed wall sign, as proposed at 25 feet
19 in height would exceed the 15 feet requirement
20 of ten feet. This is roughly a 67 percent
21 variance request from the Orange Township
22 Zoning Resolution Section 22.03(c)(1).

23 And Exhibit 1 is site detail
24 showing the proposed wall sign height. I

1 didn't provide on the presentation some other
2 exhibits that were part of the application
3 that they submitted, that shows the whole
4 building with design locations. And that's
5 all that I have.

6 CHAIRMAN OSTER: Thank you, Jeff.
7 Is there anybody that wants to speak on this
8 case?

9 MR. DEZSE: Not unless I have to.
10 You know, the documentation is right there.
11 You know, we're looking for your opinion.

12 MR. TREFZ: I have a question, and
13 it's not about the height, but the sign
14 itself. You have RGB LEDs listed in the sign.
15 Please come up.

16 MR. DEZSE: Yes, sir.

17 MR. TREFZ: State your name and
18 your address.

19 MR. DEZSE: My name is Dave Dezse.
20 I'm President/CEO of Microcom Corporation.
21 I'm also the building owner.

22 MR. TREFZ: Are these LEDs going
23 to be fixed to certain color of light?

24 MR. DEZSE: They are going to be

1 fixed to us to our logo color and only our
2 logo color. They won't change ever once they
3 get solidified.

4 CHAIRMAN OSTER: That was my
5 question. And they don't move or flash?

6 MR. DEZSE: No movement.

7 CHAIRMAN OSTER: Just
8 illumination.

9 MR. DEZSE: No movement, no
10 flashing, just the backlight illumination.
11 That's it.

12 MR. TREFZ: Knowing the code, why
13 did you choose to put it at that height?

14 MR. DEZSE: Well, there's two
15 reasons. Number one, to make it more visible,
16 only because if you go up to the existing
17 site, you'll see Hoshizaki on the right side
18 and Banyan on the left. You can't even -- I
19 didn't even know that Hoshizaki's building was
20 to the right of us for the longest time
21 because you can't see the sign. It's so low
22 on the building you don't even notice it's
23 there.

24 So -- and the second reason is,

1 when you look at the proportion of the sign on
2 the building, for us to maintain the 15 feet,
3 it just -- it looks bad. I can't -- I don't
4 know what else to say about that. It just
5 looks bad, so we decided to apply for the
6 variance to see if we can get that.

7 MS. ROSS: Will you have any other
8 signage outside of the building?

9 MR. DEZSE: No, we don't.

10 MR. TREFZ: Jeff, what is the
11 height of the signs on the other two buildings
12 to the left and to the right?

13 MR. BEARD: They're both to 15
14 feet max.

15 MR. TREFZ: Okay. We have an
16 issue of precedent. If this is allowed, then
17 the next person wants the same and the
18 situation might be different, but that's one
19 of the reasons we try to stick to Code.

20 MR. DEZSE: Is there, if I can ask
21 the question, is there a reason why Menards
22 violates the Code and Lifepoint violates the
23 Code and America's Floor Source violates the
24 Code? I mean, went to the neighborhood and

1 took pictures of theirs.

2 MR. TREFZ: Right.

3 MR. DEZSE: There's got to be a
4 thousand different companies out there that
5 all violate the Code.

6 MR. TREFZ: Jeff, do you want to
7 handle that one?

8 MR. BEARD: Yes. Speaking on
9 Menards, that went through a rezoning process.
10 That was part of the development tax
11 divergence, so they sought during that time.
12 When this area was developed, part of the
13 rezoning text, they did not ask for that
14 divergence for this area, so that's why
15 Menards is higher. Lifepoint went through a
16 variance process. The other locations were
17 probably permitted in error, based on
18 development text in that development, that
19 those have been there for many years. So I
20 can't tell you why those are at those heights.
21 But anything new or if they replace their
22 signs, they have to come into compliance.
23 MR. DEZSE: Does that establish
24 precedence?

1 MS. ROSS: Isn't it accurate that
2 each Board of Zoning Appeals Application is
3 its own decision and does not create a
4 precedence because it's based on a case by
5 case basis?

6 MR. BEARD: Correct.

7 CHAIRMAN OSTER: But we always
8 hear about the precedence.

9 MR. DEZSE: Yeah, I'm sure you do.

10 CHAIRMAN OSTER: Everybody comes
11 in says, well, he did it. Well, we don't know
12 why, I mean.

13 MR. DEZSE: I'm sure you do.

14 CHAIRMAN OSTER: You know, a lot
15 of times they did that with zoning and worked
16 something out.

17 MR. DEZSE: And that's kind of the
18 main reason why you'll notice in the
19 application I don't say any of that because --

20 CHAIRMAN OSTER: Yeah.

21 MR. DEZSE: -- we worked with the
22 sign company and I said I don't even want to
23 go there. Let's let it stand on its own
24 merits. I mean, that we believe that we've

1 got a solid look of the building now and we
2 want it to, you know, we wanted it to look
3 good. So, that's why I'm here.

4 CHAIRMAN OSTER: I watched this
5 one go up. I drive by it all the time.

6 MR. DEZSE: Oh, do you.

7 CHAIRMAN OSTER: I use that road
8 --

9 MR. DEZSE: Yeah, Corduroy.

10 CHAIRMAN OSTER: -- to cut out all
11 the other before I get back to High Street.

12 MR. DEZSE: Yeah. It will be nice
13 when it goes through to Big Walnut, too. That
14 will be nice for me because I've got a lot of
15 traffic with the trucks. Dublin Building
16 Systems is the builder of the facility, so
17 they're doing a really nice job.

18 MR. SHIPLEY: It's the 67 percent
19 that drives us through -- it's the standard.
20 That's the main discussion of this.

21 CHAIRMAN OSTER: Uh-huh.

22 MS. ROSS: I agree it's really
23 attractive building, an attractive sign. I
24 understand why you want it where you want it.

1 But according to the rules we have to go by,
2 if it's a substantial difference, we have to
3 consider that, the amount of weight we give
4 that.

5 MR. DEZSE: I understand that.

6 MR. TREFZ: We have seven factors
7 we have to consider on things like this, and a
8 substantial variance is one of those.

9 CHAIRMAN OSTER: Uh-huh.

10 MR. TREFZ: Does anybody else have
11 questions?

12 CHAIRMAN OSTER: No, I don't.

13 MS. SUNDAR: I don't have any.

14 MR. TREFZ: I'll make the Motion
15 to deny Case VA-21-20.

16 Jeff, do we want to state the
17 seven reasons?

18 MR. BEARD: Yes.

19 MR. TREFZ: Okay. First, whether
20 the property in question will yield a
21 reasonable value on return and there can be
22 any beneficial use without a variance. And
23 that's a yes. This is my opinion, others may
24 vary. Whether the variance is substantial,

1 that is a yes also. Whether the essential
2 character of the neighborhood will be
3 substantially altered or whether adjoining
4 properties would suffer a substantial
5 deterrent as a result of the variance. That's
6 a question mark in my mind. I don't think it
7 would, but I'll give you that one. Well, that
8 one is neutral for me. Whether the variance
9 would adversely affect the delivery of
10 governmental services, i.e., water, sewer and
11 garbage, and that one will not. Whether the
12 property owner purchased the property with
13 knowledge of the zoning regulations. I'm
14 assuming you didn't have those. So, 6,
15 whether the property owner's predicament
16 feasibly can be obviated through some method
17 other than a variance. I think that's a yes.
18 Whether the spirit and intent of the zoning
19 requirement would be observed and substantial
20 justice be done by granting the variance. I'm
21 neutral on that one.

22 So, those are the seven factors.
23 And they came out four negatives, this is my
24 notation, and one positive and two neutrals,

1 so that's why I moved to deny.

2 CHAIRMAN OSTER: Is there a
3 possibility of offering him to request a delay
4 or tabling in case he wants to change the
5 height of that sign to something less
6 egregious?

7 MR. BEARD: I mean, that would be
8 his choice, not necessarily ours.

9 CHAIRMAN OSTER: Oh, I don't know
10 that he could do that. What I'm saying is,
11 you know --

12 MR. DEZSE: That was going to be
13 my next question. Okay, if I don't go
14 egregious, what is not egregious?

15 CHAIRMAN OSTER: We can't -- we're
16 not supposed to actually give you any
17 specifics on how to change it, but I would
18 suggest that if you want to do that, something
19 that, you know, was --

20 MR. SHIPLEY: A lot less in
21 percentage.

22 CHAIRMAN OSTER: -- less in
23 percentage.

24 MR. TREFZ: It saves you the fee

1 and gets you on the schedule immediately for
2 the next month.

3 MR. DEZSE: Sure.

4 CHAIRMAN OSTER: Yeah, I'm not
5 sure how that fee works. How does that work,
6 Jeff?

7 MR. BEARD: If you ask for a
8 continuance and we know what date you're
9 coming back and you're coming back to the next
10 hearing, there will be no fee. But if you
11 take it to a date to be determined, then there
12 would be half of the permit fee.

13 MR. SHIPLEY: I agree that the
14 building looks great. The signage looks
15 great.

16 MR. DEZSE: It better for what
17 it's costing me. That's all I can tell you.

18 MR. SHIPLEY: The 67 percent of
19 the variance is sizable.

20 CHAIRMAN OSTER: It is.

21 MR. DEZSE: Yeah.

22 MR. SHIPLEY: So someplace in
23 there.

24 MR. TREFZ: The threshold for us

1 is 25 percent, right? That makes it
2 substantial.

3 MR. SHIPLEY: Anything that's
4 lower than this.

5 CHAIRMAN OSTER: We try to, like
6 he said, face everybody's case on its own
7 demerit.

8 MR. DEZSE: Sure.

9 CHAIRMAN OSTER: What can you do
10 and why do you want to do this or that? But
11 yeah, when you get to over 50 percent, you
12 know, it's just way too much. So I would just
13 rethink that and come back.

14 MR. DEZSE: I can do that. Do you
15 -- how would you suggest -- the application
16 still stands as is and I just supply
17 documentation that shows it in a different
18 position? Is that what you're saying?

19 CHAIRMAN OSTER: Yeah. You would
20 actually change that. Jeff will tell you
21 exactly how to do that.

22 MR. DEZSE: Okay. I can do that.

23 MR. BEARD: So right now you would
24 ask for a continuance for the hearing. Do you

1 want to come back to the next month's hearing?

2 MR. DEZSE: That's what I want to
3 do.

4 CHAIRMAN OSTER: Okay. I'll make
5 a Motion that we move for a continuance on
6 Variance Case VA-21-20.

7 MS. ROSS: Second.

8 MR. BEARD: Motion was made by Mr.
9 Oster to continue Variance Case VA-21-20 to
10 the March BZA hearing, seconded by Ms. Ross.
11 Those voting:

12 MR. BEARD: Mr. Shipley.

13 MR. SHIPLEY: Yes.

14 MR. BEARD: Ms. Ross.

15 MS. ROSS: Yes.

16 MR. BEARD: Mr. Oster.

17 CHAIRMAN OSTER: Yes.

18 MR. BEARD: Mr. Trefz.

19 MR. TREFZ: Yes.

20 MR. BEARD: Ms. Sundar.

21 MS. SUNDAR: Yes.

22 MR. DEZSE: When is the date of
23 the next meeting? I can probably look that
24 up.

1 CHAIRMAN OSTER: Yeah, it's
2 usually the third Thursday.

3 MR. BEARD: It's March 17th, I
4 believe.

5 MR. TREFZ: Yes, March 17th, same
6 time.

7 MR. DEZSE: Okay.

8 MR. BEARD: We would want the
9 revised materials no later than March 7th, if
10 you can provide it.

11 MR. DEZSE: Yeah. We can easily
12 do that. No problem. Thank you, guys.

13 CHAIRMAN OSTER: Thank you.

14 MR. TREFZ: Thank you.

15 - - -

16 CHAIRMAN OSTER: The next case is
17 VA-22-01.

18 MR. BEARD: The next case Variance
19 is Case No. VA-22-01. The Applicant/Owner is
20 Amanda and Alex Kerber. The site is 8746
21 Clarksdale Drive, Lewis Center 43035. Parcel
22 ID No. is 318-341-10-007-000, zoned Single
23 Family Planned Residential District. They're
24 seeking an area variance from the Orange

1 Township Zoning Resolution to allow for a
2 fence less than five feet in height to enclose
3 the swimming pool. They are also seeking a
4 variance of 15 feet from the rear-yard
5 setback.

6 The summary is, this Applicant is
7 requesting an area variance to allow her four
8 feet tall fence around the area zoned Single
9 Family Planned Residential District. They are
10 also seeking a variance of 15 feet from the
11 rear-yard setback. The subject property is
12 located on the east side of Clarksdale Drive
13 and owned by Amanda and Alex Kerber. The
14 surrounding areas north, south, east and west
15 are all zoned Single Family Planned
16 Residential District. To the north is a
17 single family residence, to the south is a
18 single family residence, and to the east is
19 HOA open space and ponds and then South Old
20 State. To the west is Clarksdale Drive and
21 single family residence.

22 We provided a zoomed out aerial of
23 the site and also a zoomed in aerial design of
24 the site.

1 And I don't know if you guys want
2 to go variance by variance or if you want to
3 do a summary of both of them and then we can
4 discuss it.

5 MR. TREFZ: Let's do a summary
6 of both of them.

7 MR. BEARD: Sure. The first area
8 variance is from the Orange Township
9 Resolution Section 21.05(c) for the fence
10 height requirement of five feet, all swimming
11 pools, childhood wall fence, that should not
12 be less than five feet in height. So, the
13 fence height proposed is four feet in height
14 and they're requesting a one-foot variance to
15 allow for the fence to be less than the
16 required five feet in height. This is a 20
17 percent request from the Orange Township
18 Zoning Resolution Section 21.05. They are
19 also having a safety, retractable safety cover
20 locking that will be in place.

21 The second area variance request
22 is from Rezoning Case 30-3803 rear setback.
23 The rear setback standards is 25 feet. The
24 Applicant is proposing an in-ground pool with

1 a safety cover that will encroach 15 feet into
2 the rear-yard setback. A variance of 15 feet
3 is requested. This is a 60 percent variance
4 request.

5 Exhibit 1 is a site plan showing
6 the proposed pool outline, the existing fence.
7 And then we also have some Google Street
8 images that show the sites; one is the view
9 from South Old State and then the other is
10 from Clarksdale Drive.

11 In their packet, in their
12 application they did provide letters of
13 support from four different neighbors. And
14 this evening, I have provided a map that shows
15 those properties that further outlines the
16 location of the Applicant's property and where
17 the letters of support properties are.

18 And then the Applicant also
19 provide a more detailed drawing of the
20 location of their property lines with the
21 location of the pool and where the fence is
22 located. That is all that I have.

23 MR. TREFZ: Jeff, on that drawing,
24 can you give us the distance from the house

1 to the pool?

2 MR. BEARD: I do not have that.

3 Maybe we could try to -- from the lawn section
4 it's 12-and-a-half feet to the pool area.

5 CHAIRMAN OSTER: Yeah, I was going
6 to say.

7 MR. BEARD: The Applicant is here
8 so they might have better knowledge of that.

9 MS. KERBER: I will try to do my
10 best.

11 CHAIRMAN OSTER: Please state your
12 name and address.

13 MS. KERBER: Okay. My name is
14 Amanda Kerber. The address is 8746
15 Clarksdale Drive.

16 MR. SHIPLEY: Do you affirm that
17 you were sworn?

18 MS. KERBER: Oh, yes, I apologize.
19 Yes, I did. Thank you. I'm sorry.

20 MS. SUNDAR: Do you have the HOA
21 approval?

22 MS. KERBER: I do. I have an
23 email from Gloria Gaskin, who is the head of
24 the HOA. I don't have a letter from her.

1 They have the plans. They have had them for a
2 while.

3 MR. SUNDAR: Did you share this
4 with Jeff?

5 MS. KERBER: I don't think I did
6 Jeff, I'm sorry.

7 MR. SHIPLEY: We can work with
8 you.

9 MR. BEARD: Yeah. That could be
10 something that she could provide.

11 MR. SHIPLEY: And we'll get it.

12 MR. TREFZ: Yeah.

13 MS. KERBER: Yeah. It was a weird
14 time over the holidays and such, so.

15 MR. SHIPLEY: So the question we
16 asked you was the distance between the pool, I
17 guess, the pool itself and the back of the
18 house.

19 MS. KERBER: And the back, yeah.
20 It varies based on which part because we have
21 like kind of an outcrop, like an extension
22 that pops out from the house to the left.

23 CHAIRMAN OSTER: On that side.

24 MR. SHIPLEY: Okay.

1 MS. KERBER: Yeah.

2 CHAIRMAN OSTER: So you have like
3 grass and shrubs and mulch in between and
4 right there at the house and your paver?

5 MS. KERBER: Yes. Yeah, that was
6 just the landscape.

7 CHAIRMAN OSTER: Is that the
8 paver?

9 MS. KERBER: Yes, this is a paver.
10 Uh-huh.

11 MS. SUNDAR: It's a bump from the
12 fireplace at the base of that, right?

13 MS. KERBER: Yes. Yeah. The
14 little rectangle, that's the fireplace.

15 MS. TREFZ: Is there a heat vent
16 coming out or does the fireplace vent up?

17 MS. KERBER: It has the vent, I
18 think, out.

19 MR. TREFZ: The big metal vent is
20 sticking out.

21 MS. KERBER: Yes.

22 MR. TREFZ: So it's hot when you

23 --

24 MS. KERBER: Yes. Yes.

1 MR. TREFZ: Okay.

2 CHAIRMAN OSTER: What's the
3 side-yard setback on this one, Jeff? It looks
4 like --

5 MR. BEARD: I believe the side
6 yard setback is ten feet.

7 CHAIRMAN OSTER: Okay. I was
8 wondering because it looked like that one said
9 10'8" or -- so.

10 MR. TREFZ: Yeah, six.

11 MR. BEARD: Six inches.

12 CHAIRMAN OSTER: Yeah.

13 MS. ROSS: I was just noting that
14 what we have in our application, this plan,
15 it's different than the one that's on the
16 screen.

17 CHAIRMAN OSTER: I was going to
18 say, very much.

19 MS. ROSS: The one we have in our
20 packet does not reflect very much depth of the
21 pavers between the house and the pool.

22 CHAIRMAN OSTER: Yeah, the ones
23 surrounding the pool below, acted like they're
24 the same width as the one at the rear of the

1 pool.

2 MS. KERBER: Yeah, so that does
3 look -- I can see it.

4 MR. BEARD: The one you're looking
5 at, the differences is the one that I was
6 provided with the application was part of
7 their residential application that was
8 submitted. We had reached out to the
9 Applicant that we wanted more details.

10 CHAIRMAN OSTER: Okay.

11 MR. BEARD: So this was provided
12 here just recently, just yesterday or this
13 morning. And what the difference there next
14 to the house is on the plans that you received
15 in your application, it is shown from the
16 inside of the light gray bricks, so there's a
17 light gray here. They went from this darker
18 gray to this darker gray. So the bricks --
19 the pavers must be six inches apart -- or six
20 inches -- or 12 inches maybe, so it's the two
21 feet. So they measured inside and not the
22 outside. So on the inside it shows 9'6, and
23 it went from, like I said, from this gray to
24 this gray, instead of from the house back.

1 MS. ROSS: My thought is the
2 difference between where it says 17 feet on
3 that area between there and the edge of the
4 pool versus it looks like about three times as
5 much of paving.

6 MR. BEARD: Yep.

7 MS. ROSS: So this is accurate
8 what we have on the screen.

9 MR. BEARD: Yep.

10 MS. ROSS: Did you ever consider
11 shortening up that amount of pavers so that it
12 would come out of the -- would not extend into
13 the setback so far?

14 MS. KERBER: Oh, yeah, that's -- I
15 going to have to ask about that because I did
16 not notice that when we got this. We did not
17 have a site plan available for our house, not
18 at the County, not at here, so they have to
19 kind of just kind of slice the image over top
20 and that's this one that has the extra that --
21 yeah.

22 I would probably, I mean, I would
23 want to talk to the contractor about that
24 because that is very different. Thank you for

1 noticing that.

2 MS. SUNDAR: Yeah. That was the
3 about the same question on my side, too.

4 MS. KERBER: Yeah.

5 MS. SUNDAR: If you want to move
6 it closer to the house so that, you know, you
7 really don't need the setback. Yeah.

8 MR. BEARD: Are you replacing the
9 patio that is there now?

10 MS. KERBER: Yes. Yeah, the patio
11 that is there now would be gone, so it would
12 be replaced.

13 MR. BEARD: So that's how --

14 MR. SHIPLEY: Well, it looks more
15 like they've tried to -- they used that patio,
16 instead of replacing that.

17 CHAIRMAN OSTER: Well, the good
18 thing is that they've got the water on the
19 other side of them, too.

20 MR. SHIPLEY: Right.

21 CHAIRMAN OSTER: They don't have
22 another neighbor.

23 MR. SHIPLEY: Right.

24 CHAIRMAN OSTER: Lot line right up

1 and they don't have to worry about it.

2 MR. SHIPLEY: Do you know the
3 distance between -- I guess this is a pool
4 concern -- not concern. When you step out of
5 the house to the pool, what, I guess, what --

6 MS. SUNDAR: Is the distance
7 between the patio and --

8 MR. SHIPLEY: Not the patio
9 because the patio is going to be replaced.

10 MS. KERBER: Door.

11 MR. SHIPLEY: Well, the door and
12 the pool.

13 MS. KERBER: Okay. Let me see.

14 MR. TREFZ: The door and the
15 steps.

16 MS. KERBER: Yeah.

17 MR. SHIPLEY: I'm just trying to
18 get a feel for --

19 MS. KERBER: I know.

20 MR. SHIPLEY: We're talking about
21 if there's room to do this or not.

22 MS. KERBER: Right.

23 MR. SHIPLEY: There may not be.

24 CHAIRMAN OSTER: Well, my issue

1 with that is she has that hot box there.

2 MR. TREFZ: Fireplace.

3 MR. SHIPLEY: There may not be
4 room to do that.

5 CHAIRMAN OSTER: And I don't know
6 that that would be wise because it's going to
7 be close enough, in my opinion, the way it is.

8 MR. SUNDAR: Jeff, if you can go
9 back to that picture, the last picture,
10 please.

11 MR. SHIPLEY: That was my guess,
12 I'm not sure if there's room to pull it back.

13 CHAIRMAN OSTER: Yeah. You're
14 going to want, you know, especially with kids
15 --

16 MR. SHIPLEY: Distance.

17 CHAIRMAN OSTER: -- some distance
18 there.

19 MR. TREFZ: They ought put a
20 protective over it and I doubt it if they're
21 going to the swimming pool when you've got a
22 fireplace on.

23 CHAIRMAN OSTER: That's true.
24 Some people do it aesthetically, but yeah,

1 that's true.

2 MR. TREFZ: I'm not saying it
3 won't happen. It's just --

4 MS. KERBER: Yeah, you haven't met
5 my kids.

6 CHAIRMAN OSTER: I see them out
7 there.

8 MS. KERBER: Yeah, one of them.
9 The other one is home with COVID. Sorry.

10 Yeah, I mean, I think this, just
11 seeing the difference there, I probably would
12 want the table because I'm not -- I don't
13 know. I'm being given these plans and then it
14 looks different as far as that, the width
15 there between the steps and the pool on the
16 newer image where it's overlaid.

17 MS. SUNDAR: What is opposite the
18 fireplace on the other side? What is on the
19 other side?

20 MS. KERBER: Oh, on the other
21 side, it's the air conditioner. So there's a
22 fireplace on the left and then to the right is
23 the air conditioning unit.

24 MR. TREFZ: I see it.

1 CHAIRMAN OSTER: Yeah.

2 MS. KERBER: And right now it's
3 just got like a little landscape around it.

4 CHAIRMAN OSTER: Okay.

5 MR. SHIPLEY: And there's nothing
6 behind her except for the pond.

7 CHAIRMAN OSTER: Yeah, just water
8 features.

9 MR. TREFZ: Again, that's a
10 substantial variance.

11 CHAIRMAN OSTER: I suppose all
12 these people that signed for you are getting
13 season passes.

14 MS. KERBER: Well, two of them our
15 neighbors to either side. Then It was also
16 difficult to track people down with the snow,
17 to actually like face to face with someone.

18 But yeah, the neighbors on either
19 side are, of course, very excited about it, if
20 we're allowed to have it. And then, you know,
21 with a whole street of children that are
22 usually in somebody's backyard at some point
23 in the summertime, so yes. And I do work from
24 home. I -- we have a current camera in the

1 backyard and motion detector, and I can
2 certainly add to that system to get more
3 cameras so that we have more views.

4 MR. SHIPLEY: Well, I think for
5 the -- I think you've done your part with
6 regards the safety -- the lock and safety
7 covering.

8 MS. KERBER: Yeah, that's --

9 CHAIRMAN OSTER: And that's really
10 designed to help protect you because you're
11 the one that's liable.

12 MS. KERBER: Right, yeah, that and
13 then also, it's just keeps like clean and you
14 know, there's a lot of benefit there for that
15 one, and so, yeah, that type of thing. And
16 plus, I like my friends, you know.

17 CHAIRMAN OSTER: Sure.

18 MS. SUNDAR: I make a Motion for
19 the Variance Case V-22-01, to table to come
20 back with --

21 MR. TREFZ: Not table.

22 MS. SUNDAR: Pardon me. I'm
23 sorry.

24 MR. TREFZ: What's the right word?

1 MR. SHIPLEY: I think she needs to
2 make that.

3 MR. BEARD: Continue.

4 MR. TREFZ: Then we can make that
5 motion. Not table, continue.

6 MR. BEARD: Continue.

7 CHAIRMAN OSTER: Continue.

8 MR. SHIPLEY: Right.

9 MS. SUNDAR: Sorry.

10 CHAIRMAN OSTER: So you can find
11 out exactly what the dimensions questions are.

12 MS. KERBER: Yeah.

13 CHAIRMAN OSTER: And then come
14 back and let us know if you want to proceed
15 with what appears like with that Jeff has
16 there on that other final, or if it's last in
17 between --

18
19 MS. KERBER: Yeah, absolutely.
20 Because that's --

21 CHAIRMAN OSTER: The light and
22 the gray patio pavers.

23 MR. SHIPLEY: Right.

24 MR. TREFZ: Just make sure you

1 have all the dimensions there.

2 MR. KERBER: Yeah. Yeah, I will.

3 I was --

4 MR. SHIPLEY: And the main
5 discussion piece is 60 percent.

6 MS. KERBER: Yeah, it's a lot.
7 And our backyard is, I would say, pretty small
8 in comparison, and so it's something that, I
9 mean, I definitely understand that it's a lot
10 to ask.

11 MR. SHIPLEY: But you may have a
12 reason for that, that's the variance.

13 CHAIRMAN OSTER: Right.

14 MS. KERBER: Right, right, of
15 course.

16 CHAIRMAN OSTER: And that is why
17 you come up and present your case and your
18 mindset of why you need this.

19 MS. KERBER: Yes. And we have
20 never really considered having a pool until
21 like it was just something that -- I never
22 really thought it would be an option, I guess,
23 more like financially for me. And so yeah, I
24 mean, that's --

1 MR. SHIPLEY: The kids want a
2 pool.

3 MS. KERBER: Yeah. I mean, I
4 think I would always want one. It just wasn't
5 something I would ever consider. I was like,
6 oh, I can't do that, so.

7 MR. SHIPLEY: So you can request a
8 continuance.

9 MS. KERBER: Yeah, I would like to
10 do that because I -- I don't know why they're
11 so different, so yes.

12 MR. SHIPLEY: Well, I would make a
13 Motion to approve the Applicant's request for
14 a continuance to the March 17th meeting.

15 MS. ROSS: Second.

16 MS. KERBER: St. Patrick's Day.

17 MR. BEARD: Motion made by Mr.
18 Shipley to approve the continuance of VA-22-01
19 to the March 17th BZA hearing, seconded by Ms.
20 Ross. Those voting:

21 MR. BEARD: Mr. Shipley.

22 MR. SHIPLEY: Yes.

23 MR. BEARD: Ms. Ross.

24 MS. ROSS: Yes.

1 MR. BEARD: Mr. Oster.

2 CHAIRMAN OSTER: Yes.

3 MR. BEARD: Mr. Trefz.

4 MR. TREFZ: Yes.

5 MR. BEARD: Ms. Sundar.

6 MS. SUNDAR: Yes.

7 MR. BEARD: We'll just need the
8 updated materials.

9 MS. KERBER: Yeah. I'll be more
10 persistent to get that.

11 MR. BEARD: We need to have it in
12 by March 7th.

13 MS. KERBER: Yeah, I can do that.

14 MR. SHIPLEY: And it is a good
15 idea to have dimensions on there.

16 MS. KERBER: Yeah. It looks like
17 there's some over there, but there's not.
18 That isn't there, so yeah. So yeah, I'll have
19 some of those discussions.

20 MR. SHIPLEY: Thank you.

21 CHAIRMAN OSTER: Also, I would
22 like to add that fireplace hot box, is that
23 like steel on the outside there, like sheet
24 metal type?

1 MS. KERBER: I think it is and
2 then it has little, like, shingle on top of
3 it.

4 CHAIRMAN OSTER: Yeah. Okay.
5 Okay.

6 MS. KERBER: My husband is at
7 home, so.

8 CHAIRMAN OSTER: I kind of thought
9 most of those were that way now, and you know,
10 which in itself could be a hazard, even if
11 it's on top. You know, it's going to be a
12 metal pointy-type.

13 MS. KERBER: Yes. True. Corner,
14 metal corners.

15 CHAIRMAN OSTER: Thank you. And
16 as much information as you can bring back with
17 you, we would appreciate it.

18 MS. KERBER: Yes, I will be
19 certain to get that. Thank you.

20 - - -

21 MR. BEARD: The next item on the
22 Agenda is to take action on the minutes from
23 the December 9th BZA hearing. Any comments or
24 corrections?

1 MR. SHIPLEY: The only comment is
2 that I like the way these came out.

3 MR. TREFZ: Yeah, the comment I
4 would like is less space between the lines.

5 CHAIRMAN OSTER: You like more
6 space?

7 MR. SHIPLEY: I like the them.
8 Easier for me to read.

9 MR. TREFZ: Yeah, the 20 pages we
10 could have had if we had done it a different
11 way. That's just me.

12 CHAIRMAN OSTER: I think it was
13 easier to read, though.

14 MR. SHIPLEY: For me.

15 CHAIRMAN OSTER: Yeah. To kind of
16 go through.

17 MR. SHIPLEY: I'm old. You're
18 still young, so.

19 CHAIRMAN OSTER: You might be
20 surprised at my age.

21 MS. ROSS: We could always just
22 send it electronically and then there's no
23 paper at all.

24 MR. TREFZ: That was my other

1 thing, I read them online before we got the
2 copy. But I read things online all day long,
3 so. I did not find any corrections, Jeff. I
4 think I sent that to you.

5 MR. BEARD: I think I saw that.

6 MR. SHIPLEY: I thought they were
7 accurate.

8 MR. TREFZ: Yeah.

9 MR. SHIPLEY: What did you find?

10 MR. BEARD: We had one correction
11 on page 8 line 22. That's where they're
12 missing Mr. Oster's name in front of it.

13 CHAIRMAN OSTER: I didn't even
14 catch that.

15 MR. SHIPLEY: Page 8 line 22.

16 CHAIRMAN OSTER: I don't have page
17 numbers.

18 MR. TREFZ: Yeah, they're on the
19 side.

20 CHAIRMAN OSTER: Okay. Page 8,
21 number 22, mine has got my name on it.

22 MR. TREFZ: Mine doesn't.

23 MR. BEARD: Line 22.

24 CHAIRMAN OSTER: Yeah, line 22.

1 Wait a minute, wait a minute.

2 MR. BEARD: This side.

3 (Talking about pages numbers and
4 line numbers.)

5 CHAIRMAN OSTER: Okay. So it's
6 page 9.

7 MR. SHIPLEY: Page 9 starts here.

8 MR. TREFZ: And there's a page
9 break.

10 CHAIRMAN OSTER: That's what it
11 is.

12 MR. SHIPLEY: Now it makes sense.

13 MR. TREFZ: Okay. Maybe
14 formatting might help us with pages.

15 CHAIRMAN OSTER: No.

16 MR. BEARD: That is all that we
17 have.

18 CHAIRMAN OSTER: Yeah, I didn't
19 see -- I see the little arrow, that must be
20 page marker on the left marking.

21 MR. SHIPLEY: I'll make a Motion
22 to approve the minutes from December 9th,
23 2021, amended.

24 CHAIRMAN OSTER: I'll second that.

1 MR. BEARD: Motion made by Mr.
2 Shipley to approve the Variance Minutes for
3 BZA Hearing December 9th, 2001, as amended;
4 seconded by Mr. Oster.

5 Those voting:

6 MR. BEARD: Mr. Shipley.

7 MR. SHIPLEY: Yes.

8 MR. BEARD: Ms. Ross.

9 MS. ROSS: Abstained.

10 MR. BEARD: Mr. Oster.

11 CHAIRMAN OSTER: Yes.

12 MR. BEARD: Mr. Trefz.

13 MR. TREFZ: Yes.

14 MR. BEARD: Ms. Sundar.

15 MS. SUNDAR: Yes.

16 MR. BEARD: And that is all that I
17 have on the Agenda for this evening.

18 CHAIRMAN OSTER: I do like the
19 double space, but if I were you, I would like
20 the single space to save the paper.

21 MR. TREFZ: Or just let us read it
22 electronically.

23 CHAIRMAN OSTER: I'm just saying.

24 MS. SUNDAR: Thank you, Jeff, for

1 the notes. Thank you.

2 CHAIRMAN OSTER: It's just a lot
3 of paper.

4 MS. ROSS: It is a lot.

5 MR. BEARD: That's all I have.

6 CHAIRMAN OSTER: That's all you
7 have. Meeting adjourned. Thank you.

8 (Thereupon, the proceedings
9 adjourned at 7:00 p.m.)

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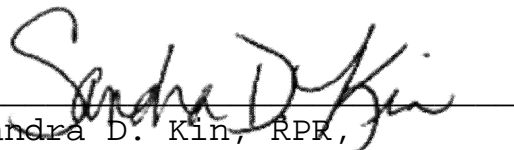
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CERTIFICATE

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.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal of office at Columbus, Ohio, on this 14th day of March 2022.



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



My Commission expires May 14, 2022.

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