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BEFORE THE ORANGE TOWNSHIP  
BOARD OF ZONING APPEALS

- - -

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  
Shipley, 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,  
March 17, 2022.

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

3                               - - -

4                               CHAIRMAN OSTER: Good evening.

5 I'll bring this meeting to order for the  
6 Orange Township Board of Zoning Appeals for  
7 March 17th, 2022. If you will call the roll.

8                               MR. BEARD: Mr. Shipley.

9                               MR. SHIPLEY: Yes.

10                              MR. BEARD: Ms. Sundar.

11                              MS. SUNDAR: Yes.

12                              MR. BEARD: Mr. Oster.

13                              CHAIRMAN OSTER: Yes.

14                              MR. BEARD: Ms. Ross.

15                              MS. ROSS: Yes.

16                              MR. BEARD: Mr. Trefz.

17                              MR. TREFZ: Yes.

18                              CHAIRMAN OSTER: Okay. We would  
19 like to have a moment of silence in  
20 remembrance of Cindy Davis, our Zoning  
21 Secretary.

22                              Next would be the swearing in of  
23 witnesses. Anyone who intends to testify,  
24 please raise your right hand to be sworn.

1                    "Do you solemnly swear that the  
2 testimony that you shall give shall be the  
3 truth, the whole truth and nothing but the  
4 truth?" State I do.

5                    AUDIENCE MEMBERS: I do.

6                    CHAIRMAN OSTER: When it's your  
7 turn to offer testimony, please state your  
8 full name, address and affirm that you've been  
9 sworn in. And I would also like to remind  
10 everybody to mute their phones.

11                   MR. BEARD: All right. So the  
12 first case on the Agenda is Variance Case  
13 VA-21-20. The applicant/owner is Microcom  
14 Corporation. The site is 855 Corduroy Road,  
15 Lewis Center, Ohio. The Parcel ID No. is  
16 318-280-14-005-000. Zoning is Planned  
17 Industrial District.

18                   They're seeking an area variance  
19 from the Orange Township Zoning Resolution  
20 Section 22.03(c)(1) to allow for a wall sign  
21 to be above the maximum permitted height.  
22 They are asking for a wall sign that will be  
23 22 feet when the permitted height is 15 feet  
24 in an area zoned Planned Industrial District.

1           The surrounding areas to the north  
2   are Multi-Family Planned Residential  
3   Districts. It's Orange Grand Apartments. To  
4   the south is Planned Industrial, it's Corduroy  
5   Road and it's industrial use. To the east is  
6   also Planned Industrial and it's Hoshizaki.  
7   To the west is Planned Industrial District and  
8   it's Banyan.

9           They've provided a zoomed-out  
10   aerial of the site and then also a zoomed-in  
11   aerial of the site.

12           So under the Staff Review, the  
13   variance request is from Section 22.03(c)(1),  
14   "The zoned sign shall be located at a maximum  
15   height of 15 feet above finished grade." The  
16   proposed wall sign that they're proposing is  
17   22 feet in height above the finished grade, so  
18   it will exceed the 15 feet height by seven  
19   feet. This is roughly a 47 percent variance  
20   request from Orange Township Zoning  
21   Resolution.

22           Then this is updated since this  
23   was continued from last month, this request  
24   changed from a ten-feet request to seven-feet

1 request, and the percentage went from 67  
2 percent to 47 percent, due to this change in  
3 the variance request. Exhibit 1 is the sign  
4 details that show the proposed height of 22  
5 feet.

6 We did go out and take some site  
7 photos just to show the location and it's  
8 under construction currently. And that is all  
9 that I have.

10 CHAIRMAN OSTER: Okay. Is there  
11 anyone who would like to speak?

12 MR. DEZSE: Yep. I also sent  
13 perspectives on the building with the new sign  
14 type as well. They're not in the  
15 presentation? Oh, you may have them there,  
16 just not up there.

17 MR. BEARD: They have them there.

18 MR. DEZSE: Okay.

19 CHAIRMAN OSTER: We do.

20 MR. DEZSE: Okay. All right. I  
21 wanted to make sure that you can see what it  
22 looks like now with the 22 feet versus the  
23 higher.

24 MR. TREFZ: Would you state your

1 name and address, please.

2 MR. DEZSE: Yes. My name is David  
3 Dezse. The address is 855 Corduroy Road,  
4 Lewis Center, Ohio. The last name is Dezse,  
5 D-e-z, as in Zebra, s, as in Sam, e, as in  
6 Edward. I've done that a few million times.

7 MR. SHIPLEY: So this is a  
8 carryover from the last meeting. I don't  
9 think there was any discussion about the sign  
10 itself. It was just the height of the sign.

11 DEZSE: Yep.

12 MR. SHIPLEY: So it's been reduced  
13 -- is it 22 feet presently?

14 MR. DEZSE: Yeah, it was reduced.  
15 What was it? What was it before?

16 CHAIRMAN OSTER: It was ten foot.

17 MR. DEZSE: Yeah, it was ten foot  
18 over, so I think it was at 25 feet before.

19 MR. SHIPLEY: Yeah. 67, 47.

20 CHAIRMAN OSTER: Right. It's  
21 still a big ask.

22 MR. SHIPLEY: It is, it's 47  
23 percent.

24 CHAIRMAN OSTER: Anything over 25

1 percent is -- it's large. Do you have  
2 anything to add other than the request?

3 MR. DEZSE: Yeah, I've got a  
4 couple things to add. When we were evaluating  
5 the sign placement this time, we took it all  
6 the way down to 15. It looks really bad.  
7 There's currently a building up there that is  
8 east of us that has it at the 15, but they  
9 went ahead and put additional signage clear at  
10 the top of the building for their road number  
11 because you can't see their sign. It's too  
12 low. It gets blocked by cars that are in the  
13 parking lot, so we view that as a problem.

14 We also intend to landscape pretty  
15 heavily around the building. We've got a  
16 pretty substantial budget there. And if I put  
17 it at the 15, you can't put any landscape near  
18 the building on that corner of the building at  
19 all. So our goal is to actually have the  
20 signage where you can see it in an  
21 aesthetically pleasing place in order to make  
22 the building look nice and then add  
23 landscaping around the front of the building  
24 to additionally enhance the curb appeal of the

1 overall facility.

2           We do have customers that come  
3 into our facility quite a bit and we're  
4 spending quite a bit of money on the building  
5 so we want it to look really nice, so those  
6 are parts of the reasons. The other part of  
7 the reason is we have truck deliveries and if  
8 they can't find your building, they send you a  
9 bill, so even if you have it marked pretty  
10 clear, they will miss it. So you know, those  
11 are the main reasons for placing the sign  
12 where we have it now.

13           MR. SHIPLEY: Jeff, this is the  
14 current perspective here; is that true?

15           MR. BEARD: Yes, 22 feet.

16           MR. SHIPLEY: Okay. So that puts  
17 the sign directly in line with the --

18           MR. DEZSE: With the windows, you  
19 are exactly right.

20           CHAIRMAN OSTER: Yeah, I was going  
21 to say, it looks like it is exactly in line  
22 with the windows.

23           MR. DEZSE: Yeah. If you bring it  
24 below, it almost looks like a mistake. If you



1 -- I actually think that it looks better now  
2 than it did maybe in the higher position  
3 because it is in alignment with the upper  
4 windows.

5 MR. SHIPLEY: Not that that is a  
6 -- it's eye-catching, I'll just say that. I  
7 think it looks like it almost fits.

8 MR. TREFZ: In your landscaping,  
9 are you intending to mound up any dirt or  
10 anything to --

11 MR. DEZSE: No. We don't want to  
12 change the grade, but we intend to put  
13 shrubbery around the base of the building and  
14 a couple of trees out in front of it.

15 MR. TREFZ: And what's the height  
16 of the trees?

17 MR. DEZSE: The height of the  
18 trees will probably be somewhere around seven  
19 to eight feet, something like that.

20 MR. TREFZ: Okay. So the top of  
21 the trees are still almost five feet below the  
22 sign.

23 MR. BEARD: Well, that's to begin  
24 with.

1 MR. DEZSE: That's to begin with.

2 MR. TREFZ: Yeah.

3 MR. DEZSE: The trees are going to  
4 grow.

5 MR. TREFZ: Then I'll ask you,  
6 what's the maximum height of trees you're  
7 intending to plant?

8 MR. DEZSE: We'll probably put in  
9 some sort of Dwarf Maple. You know, max  
10 height will take us right about to the base of  
11 the sign.

12 MR. TREFZ: Yeah, it would.

13 (Board looking at  
14 documents/photos.)

15 MR. TREFZ: I don't have any other  
16 questions.

17 MR. DEZSE: I kind of watched his  
18 sketches and stuff there and I thought if you  
19 want to see it, we can show you kind of a  
20 perspective of what we were thinking about  
21 with the greenscape. So, you know, the trees  
22 and the shrubs on the corner of the building  
23 would actually -- you know, you'd still have a  
24 visible sign.

1                   MR. TREFZ: But the way you have  
2 it imaged, there's a tree on the end of the  
3 entrance, the left end as we're looking at it,  
4 and a tree about in the middle. There's  
5 nothing on the end of the building, the left  
6 end.

7                   MR. DEZSE: Yeah, we've got --  
8 these shrubs will get, you know, about  
9 four-and-a-half or five feet tall. And  
10 then -- but the end of the sign protrudes to  
11 about right here.

12                  MR. TREFZ: Okay.

13                  MR. DEZSE: But I thought you  
14 might want to see that.

15                  MR. TREFZ: Yeah. And you've  
16 sketched that in at the starting height, the  
17 way it looks to me.

18                  MR. DEZSE: Yeah, that's about the  
19 starting position of the landscape. We have a  
20 pretty substantial budget for the landscape  
21 just because, I mean, we want the building to  
22 look nice. (Hands new images to Board.)

23                  MR. TREFZ: This is what he's  
24 talking about right here.

1                   CHAIRMAN OSTER: I think this is  
2 the top of the first floor. We're at 15 foot.

3                   MR. TREFZ: It might be.

4                   CHAIRMAN OSTER: I mean, that's  
5 how our code reads.

6                   MR. SHIPLEY: Right.

7                   CHAIRMAN OSTER: Fifteen foot or  
8 at the top of the first floor.

9                   MS. SUNDAR: Have you given the  
10 thought, like, 20 or 19, like, somewhere in  
11 the middle?

12                  MR. DEZSE: Well, what I did was,  
13 based on the last time I asked if you guys  
14 could give me some guidance there, so now what  
15 I'm trying to do is just kind of dial in on  
16 where we want to be. The higher the sign, the  
17 better it looks only because of the height of  
18 the building. I mean, the building is pretty  
19 tall. So if you put it too low, it looks like  
20 a mistake, so we're trying to dial in on the  
21 magic number, I guess.

22                  CHAIRMAN OSTER: Is there any  
23 other questions?

24                  MS. SUNDAR: No.

1                   CHAIRMAN OSTER: Does anybody want  
2 to make a Motion?

3                   MR. SHIPLEY: Yeah, I'll make a  
4 Motion.

5                   MR. BEARD: Do you want to make  
6 sure there's nobody else in the audience?

7                   CHAIRMAN OSTER: Thank you. Is  
8 there anybody else that wants to speak on this  
9 matter? Okay.

10                  MR. SHIPLEY: So I'm looking at  
11 the -- at that building, particularly, when we  
12 take into consideration, you know, it's 47  
13 percent, so it's substantial. We have a list  
14 of items we go through that we've talked about  
15 before so, but I do agree aesthetically I  
16 think that's probably, as it come across it's  
17 just me, so based upon that information, based  
18 upon the new perspective, the drawing that I  
19 have here and going through our go/no-go  
20 criteria and based on those factors, I would  
21 move to approve VA-2120 for the property at  
22 Corduroy Road.

23                  CHAIRMAN OSTER: I would second.

24                  MR. BEARD: We have a Motion made

1 by Mr. Shipley to approve Variance Case  
2 VA-21-20, seconded by Mr. Oster. Those  
3 voting:

4 MR. BEARD: Mr. Shipley.

5 MR. SHIPLEY: Yes.

6 MR. BEARD: Ms. Ross.

7 MS. ROSS: Yes.

8 MR. BEARD: Mr. Oster.

9 CHAIRMAN OSTER: Yes.

10 MR. BEARD: Mr. Trefz.

11 MR. TREFZ: No.

12 MR. BEARD: Ms. Sundar.

13 MS. SUNDAR: No.

14 MR. BEARD: Motion carries.

15 MR. DREFZ: That means we're good?

16 CHAIRMAN OSTER: You're good.

17 MR. DREFZ: Thank you, gentlemen.

18 I appreciate it.

19 CHAIRMAN OSTER: You're welcome.

20 - - -

21 MR. BEARD: All right. Our next

22 case is Variance Case VA-22-01. The

23 applicant/owner is Amanda and Alex Kerber.

24 The site is 8746 Clarksdale Drive in Lewis

1 Center. The Parcel ID is 318-341-10-007-000.  
2 It's zoned Single Family Planned Residential  
3 District.

4 They're requesting two variances  
5 from the Orange Township Zoning Resolution and  
6 the Oak Creek Subdivision. The first one is  
7 to allow for a four-foot fence around the  
8 swimming pool, so it's a variance from the  
9 five-foot requirement of the Orange Township  
10 Zoning Resolution.

11 And then they're also seeking a  
12 variance of ten feet from the rear-yard  
13 setback. The subject property is located east  
14 of Clarksdale Drive, on the east of Clarksdale  
15 Drive and is owned by Amanda and Alex Kerber.  
16 The surrounding area is all zoned Single  
17 Family Plan Residential District. To the  
18 north and south you have single family  
19 residences, to the east as HOA open space and  
20 ponds and then to the west is Clarksdale Drive  
21 and then single family residence. We have a  
22 zoomed out aerial for the site and then also a  
23 zoomed in aerial of the site.

24 For the Staff Review, an area

1 variance from Orange Township Zoning  
2 Resolution Section 21.05(c), the fence height  
3 requirement of five feet. All swimming pools  
4 shall be walled or fenced, shall not be less  
5 than five feet in height. The fence height as  
6 proposed is four feet in height. The  
7 applicant is requesting a one-foot variance to  
8 allow for the fence to be less than the  
9 required five feet. This is a 20 percent  
10 request from the Orange Township Zoning  
11 Resolution Section 21.05.

12           The second variance is area  
13 variance from Rezoning Case 3038 Oak Creek  
14 rear-yard setback. The rear-yard setback is  
15 25 feet. The applicant is proposing an  
16 in-ground pool with a safety cover that will  
17 encroach ten feet into the rear-yard setback.  
18 A variance of ten feet is requested. This is  
19 a 40 percent variance request. This request  
20 changed from 15 feet to ten feet, and the  
21 percent went from 60 percent to 40 percent due  
22 to this change in the variance request.

23           They provided a site plan showing  
24 the proposed pool outlined and then they



1 provided a picture of the rear of the house to  
2 show the bump-out that they were discussing at  
3 the last meeting last month. There's a view  
4 of the house from South Old State and then  
5 from Clarksdale Drive. We do have some site  
6 photos. So the cone represents where the edge  
7 of the pool would be based on site plans that  
8 were provided. That's all I have.

9 CHAIRMAN OSTER: So that cone is  
10 going to be the edge of the pool or the  
11 concrete that's going around it?

12 MR. BEARD: The edge of the pool.  
13 That's what we measure to. We don't measure  
14 the concrete around it.

15 CHAIRMAN OSTER: That's what I  
16 thought. It looked awfully close to the  
17 fencing.

18 MR. TREFZ: Jeff, was there  
19 another image below this one?

20 MR. BEARD: That's actually for  
21 the next property.

22 MR. TREFZ: Oh, okay.

23 MS. SUNDAR: Jeff, can you go back  
24 to the previous picture, please?

1 MR. BEARD: Yes.

2 MS. SUNDAR: Thank you.

3 MS. ROSS: The site drawing that  
4 we have in our packet shows the existing fence  
5 and then it shows a seven-foot area to where  
6 the walkway around the pool, the deck goes,  
7 and then that is supposedly three-feet wide  
8 before it hits the pool, so it would be ten  
9 feet from the fence, so that doesn't really  
10 look like ten feet.

11 CHAIRMAN OSTER: Yeah, it's kind  
12 of deceiving, isn't it? And that's exactly  
13 what I thought because that's supposed to be  
14 ten foot.

15 MR. BEARD: Yeah, it is ten feet.  
16 We measured it.

17 CHAIRMAN OSTER: Yeah. It just  
18 doesn't look like much, especially on the  
19 other photo.

20 MS. ROSS: No.

21 MR. SHIPLEY: Exactly right.

22 MR. TREFZ: Yeah, the other photos  
23 were much of an angle so we didn't get a true  
24 --

1 CHAIRMAN OSTER: Yeah.

2 MR. TREFZ: This isn't bad.

3 CHAIRMAN OSTER: But that's still,  
4 you know, not quite a section and a half of  
5 the fencing there. Which should be right in  
6 line with the ten.

7 MR. TREFZ: Yeah. Any additional  
8 comments from the owners?

9 MS. KERBER: I'm Amanda Kerber.  
10 What am I supposed to say, my address?

11 MR. SHIPLEY: Yes.

12 MR. TREFZ: Yes.

13 MS. KERBER: 8746 Clarksdale  
14 Drive.

15 MS. SUNDAR: Your name and  
16 address.

17 MS. KERBER: Oh, yeah. Amanda  
18 Kerber. Okay.

19 CHAIRMAN OSTER: And that you've  
20 been sworn in.

21 MS. KERBER: All right. Yes, I  
22 was sworn in. Okay. I mean, yeah, it  
23 definitely doesn't look that way, but if you  
24 measured it, that's a little deceiving.

1 CHAIRMAN OSTER: Yeah.

2 MS. KERBER: Yeah, the initial  
3 plan that we had was not -- it was not  
4 representative of what it was supposed to be  
5 so, and I apparently didn't notice that. But  
6 this is more what we had in mind, so to have  
7 the pool further away from the house to give  
8 some, you know, some room in there so it would  
9 be, like, at least 11 feet away.

10 MR. TREFZ: Question for you.

11 MS. KERBER: Yes.

12 MR. TREFZ: So behind the fence,  
13 there's another five feet to your lot line; is  
14 that correct?

15 MS. KERBER: I -- yeah, I mean,  
16 that's on the plan. That's -- is that  
17 correct? Do you know?

18 CHAIRMAN OSTER: Yeah, that's what  
19 it looks like.

20 MS. KERBER: Yeah, I mean, I  
21 think, yes. And then from there it's the  
22 pond.

23 MR. TREFZ: Right.

24 MS. KERBER: It just kind of drops

1 off into the retention pond.

2 MR. TREFZ: That's three feet,  
3 that's ten feet, that's 15 feet.

4 MR. SHIPLEY: I think we went over  
5 this last time, but any feedback from  
6 neighbors? HOA?

7 MR. BEARD: The HOA had sent a  
8 message saying that they were okay with it, as  
9 long as the Township was. That they had no  
10 issue with it. And there were neighbors that  
11 were in support of it. We had the map last  
12 time that had the four neighbors around.

13 MS. KERBER: Yeah, both of the  
14 ones on either side.

15 CHAIRMAN OSTER: They're getting  
16 season passes, right?

17 MS. KERBER: Yeah. Exactly. Yes.  
18 I think we made that clear last time.

19 (Laughter.) And then there's others that we  
20 weren't able to chase down because it was  
21 freezing cold back when we started this  
22 process; chasing down people while they're  
23 shoveling driveways.

24 MR. SHIPLEY: They weren't

1 interested in talking about a pool at that  
2 time.

3 MS. KERBER: I mean, yes, at that  
4 time you are, I mean, you can say like, wow,  
5 that sounds amazing. Yeah. But yeah, it was  
6 -- I wasn't interested in walking outside for  
7 an hour. Yeah.

8 But I mean, in general, I haven't  
9 encountered anyone that is opposed to it in  
10 the neighborhood. And we have a pool down the  
11 street that was put in last summer, that also  
12 required a variance, I think, as well.

13 CHAIRMAN OSTER: I think the  
14 pictures were good to show that heating box  
15 for your fireplace hood.

16 MS. KERBER: Yeah. I was like  
17 I've got to make sure to --

18 CHAIRMAN OSTER: I mean, because  
19 that does kind of creates a hazard.

20 MS. KERBER: Yeah.

21 CHAIRMAN OSTER: In my opinion.

22 MS. KERBER: Yeah. Well, and  
23 nobody has bopped their head on it in the, I  
24 don't know, like, almost 15 years we've been

1 living there, so ten years of children.

2 MR. SHIPLEY: But in reality,  
3 you'll have more activity around it with the  
4 pool.

5 MS. KERBER: Oh, yeah, absolutely.

6 CHAIRMAN OSTER: Yeah.

7 MS. KERBER: Yeah. And then  
8 there's still that -- I think there's still  
9 that little like kind of buffer in there to  
10 kind of keep people off of that area.

11 CHAIRMAN OSTER: Are there any  
12 other questions?

13 MS. SUNDAR: No.

14 MR. SHIPLEY: So are we talking  
15 specifically about the setback variance right  
16 now and then we'll talk about the fence?

17 MR. TREFZ: Yeah, because if we  
18 don't do --

19 CHAIRMAN OSTER: Yeah, I think  
20 we've already come to the conclusion that the  
21 fence is a moot point, as long as you're  
22 putting a locking cover on it. We have been  
23 accepting that.

24 MR. SHIPLEY: That's all I wanted

1 to verify.

2 CHAIRMAN OSTER: And in that case,  
3 I think, Jeff, did you say that we can kind of  
4 add everything together instead of keeping  
5 those separated?

6 MR. BEARD: As long as they're the  
7 same Motion, or the same --

8 MR. TREFZ: The same decision.

9 MR. BEARD: Yeah.

10 MR. SHIPLEY: Okay.

11 MR. TREFZ: I move to approve both  
12 of them.

13 MS. SUNDAR: I second.

14 MR. BEARD: A Motion has been made  
15 by Mr. Trefz to approve Variance Case VA-22-01  
16 for both variances for variance request of the  
17 four-foot height fence and also the setback,  
18 the ten-foot setback variance in the rear-yard  
19 setback. Seconded by Ms. Sundar. Those  
20 voting:

21 MR. BEARD: Mr. Shipley.

22 MR. SHIPLEY: Yes.

23 MR. BEARD: Ms. Ross.

24 MS. ROSS: No.



1 MR. BEARD: Mr. Oster.

2 CHAIRMAN OSTER: Yes.

3 MR. BEARD: Mr. Trefz.

4 MR. TREFZ: Yes.

5 MR. BEARD: Mr. Sundar.

6 MS. SUNDAR: Yes.

7 MR. BEARD: Motion carries.

8 MS. KERBER: Thank you.

9 CHAIRMAN OSTER: You're good to go.

10 MS. KERBER: Pool party.

11 MR. SHIPLEY: Enjoy.

12 MS. SUNDAR: Enjoy the pool.

13 - - -

14 MR. BEARD: All right. The next  
15 case is Variance Case VA-22-02. The  
16 applicant/owner is Jeff Hume. The site is  
17 2825 Jeanne Court, Lewis Center. The Parcel  
18 ID is 318-133-02-030-000. It's zoned Single  
19 Family Planned Residential District. They're  
20 seeking an area variance from Rezoning Case  
21 3752 Cross Creek to allow for a deck to  
22 encroach into the rear-yard setback. And  
23 they're asking for a six-feet encroachment  
24 into the 30-foot rear-yard setback in an area

1   zoned Single Family Planned Residential  
2   District.

3                   The subject property is located  
4   east of Jeanne Court and owned by Amber and  
5   Jeff Hume. The surrounding areas are all  
6   zoned Single Family Residential District. To  
7   the north is HOA open space and single family  
8   residence behind that. The south is Jeanne  
9   Court and single family residence east and  
10  west are both single family residences.

11                  We provided you a zoomed-out  
12  aerial of the site and then also a zoomed-in  
13  aerial of the site.

14                  For the Staff Review, the area  
15  variance from rezoning Case 3752 Cross Creek,  
16  the rear-yard setback is 30 feet. The  
17  proposed deck would encroach six feet into the  
18  30-foot setback. This request will be a 20  
19  percent request from Rezoning Case 3752 Cross  
20  Creek.

21                  I would provide the Exhibit 1,  
22  which is the site plan showing the new deck  
23  outline over an open deck. Then this exhibit  
24  here is one that -- this is the approved

1 permit that we have on file for this site.  
2 What they have listed that it was a patio, but  
3 it was really a wood deck that was installed,  
4 so we thought the wood deck was just a small  
5 yellow area, which is what is highlighted, but  
6 then the patio, I believe they must have told  
7 one of the former zoning staff that it was a  
8 patio and look at the setbacks on this one, so  
9 it was in the setbacks when he bought the  
10 property. So this was kind of a tricky  
11 situation trying to figure out what was what  
12 when we thought this was what was there.

13           They've provided their mortgage  
14 survey that shows that deck all the way out  
15 there, and then he provided some pictures. He  
16 has actually torn it apart so it's not there  
17 right now, so when we show the site photos, it  
18 will not be there. Then we have some site  
19 photos. There were some that got mixed with  
20 the last application, so I'll have to go back  
21 to those. The cone represents where it will  
22 go into. That is the distance from the house  
23 that they're proposing. That's all that I  
24 have.

1                   CHAIRMAN OSTER: Please state your  
2 name, your address and that you've been sworn  
3 in.

4                   MR. HUME: Jeff Hume, 2825 Jeanne  
5 Court, Lewis Center 43035. Yes, I've been  
6 sworn in. If you look at those photos, I  
7 don't know how anyone could say, ah, I don't  
8 know if it's going to look better.  
9 (Laughter.)

10                  CHAIRMAN OSTER: That's a good  
11 point. I was really confused on --

12                  MR. HUME: The guy who built the  
13 last thing was too. I mean, if you look  
14 underneath, there's double six-by-sixes  
15 wrapped in plywood.

16                  CHAIRMAN OSTER: So you're  
17 ripping out that like open room up there?

18                  MR. HUME: So I ripped off that --  
19 well, it's a --

20                  CHAIRMAN OSTER: Kind of like an  
21 open --

22                  MR. HUME: It's a four-foot  
23 section and then four six-by-six posts with  
24 uneven distance between them all. You can't

1 see it because it's black and white. There,  
2 you might be able to see it, if he just can  
3 zoom in.

4 CHAIRMAN OSTER: Okay.

5 MR. HUME: That's holding the  
6 third floor up.

7 CHAIRMAN OSTER: Oh, okay.

8 MR. HUME: So, they're not evened  
9 space; one has got three feet, one has got  
10 four feet and one has got two-and-a-half feet  
11 of space between them. See?

12 CHAIRMAN OSTER: Yeah. Yeah.

13 MR. SHIPLEY: Oh, yes.

14 CHAIRMAN OSTER: I was kind of  
15 wondering.

16 MR. HUME: And then the third  
17 story is the same as the first story that I  
18 removed early on during COVID, when we were  
19 starting this project, and didn't realize that  
20 that made it worse by getting rid of some of  
21 the eyesore, because that was way into the  
22 build-back line. That was 20 feet off that  
23 T1-11 on its side wall. That's T1-11 this way  
24 instead of engineered to go vertical.

1 CHAIRMAN OSTER: Right.

2 MR. HUME: Instead of siding, it  
3 was easier, I guess, for him.

4 MS. SUNDAR: Out of the box  
5 question. What is the year built of this  
6 house?

7 MR. HUME: Year built?

8 MS. SUNDAR: Uh-huh.

9 MR. HUME: It says anywhere from  
10 '01 to '02. I think you guys have it as '02,  
11 but the concrete says '01, so the house was  
12 built in '01 or '02.

13 CHAIRMAN OSTER: So, according to  
14 the graphic, you know, the whole thing looks a  
15 little different to me, as far as -- do those  
16 decks --

17 MR. HUME: Those are there but  
18 they don't show it in that engineering drawing  
19 because they've always been there because they  
20 just drew it as one huge deck.

21 CHAIRMAN OSTER: Okay.

22 MR. HUME: From that engineering  
23 drawing from when I bought it.

24 CHAIRMAN OSTER: So how far do

1 those come out from --

2 MR. HUME: From the house right  
3 now?

4 CHAIRMAN OSTER: Yeah.

5 MR. HUME: About -- I forget if  
6 it's eight or ten feet right now.

7 CHAIRMAN OSTER: Yeah, they look  
8 like they take up every bit --

9 MR. HUME: Because that bump-out,  
10 I don't know if you'll show it on a sideways,  
11 is six feet. So that -- see that real thick.

12 CHAIRMAN OSTER: Okay.

13 MR. HUME: That's six feet out.

14 CHAIRMAN OSTER: Okay.

15 MR. HUME: And it's another three  
16 feet, maybe four, is ten feet.

17 MR. TREFZ: So where was the piece  
18 that you tore off then?

19 MR. HUME: So it came --

20 MR. TREFZ: No, don't move there.  
21 Thank you.

22 MR. HUME: It went -- so that's at  
23 20 feet, the cone, correct?

24 MR. BEARD: Uh-huh.

1                   MR. HUME: Which is -- it went  
2 another eight feet out. It was 20 feet off  
3 the front of that T1-11 deck.

4                   MR. TREFZ: So you have some grass  
5 already, So that's why we're not seeing it.

6                   MR. HUME: We brought in dirt and  
7 --

8                   MR. TREFZ: Okay.

9                   MR. HUME: They were there the  
10 other day at the site plan and it's still  
11 sinking, like the dirt and stuff.

12                  MR. TREFZ: Just when you had  
13 grass there and I saw the images of you  
14 tearing it apart, I thought, he got grass  
15 growing really quick.

16                  MR. HUME: No, no, I took this  
17 down in, COVID started in '20, so --

18                  MR. TREFZ: Yeah, so it's been two  
19 years.

20                  CHAIRMAN OSTER: Everybody lost  
21 track of time around that.

22                  MR. HUME: May, June of '20.

23                  MR. TREFZ: Okay.

24                  MR. HUME: And then wood went



1 skyrocket and I'm in construction, so I didn't  
2 have time to do anything. And I still don't,  
3 so I have to hire someone to do it. But, so  
4 we took it down and that's when we stopped --  
5 it was two sheets of Marine-grade,  
6 three-quarter inch plywood, seven-eighths  
7 backer board and stucco over it. I guess to  
8 make it look like a patio. I didn't realize  
9 they called it a patio until I turned it in.  
10 So you can see that's --

11 CHAIRMAN OSTER: Yeah, most of  
12 your patio is Marine --

13 MR. HUME: That was four  
14 dumpsters.

15 MR. TREFZ: Yeah.

16 MR. HUME: Four 20-yard dumpsters.

17 MS. SUNDAR: Is a tree really  
18 close by?

19 MR. HUME: There's a tree that's  
20 got to get cut down. It's growing almost into  
21 the house on the other side right there, yeah.

22 CHAIRMAN OSTER: So your new one  
23 isn't going to be 20 foot out, it's going to  
24 be 14?

1                   MR. HUME:  It's going to be 20  
2 feet off the house.

3                   CHAIRMAN OSTER:  Oh, it's going to  
4 be 20 off of the house?

5                   MR. HUME:  No.  So off the back of  
6 the house, depending which way you're going,  
7 so off the back wall coming out towards the  
8 property line, it's going to be 20 total feet;  
9 16 of a room and a four-foot deck off the  
10 front.

11                  MR. TREFZ:  Okay.

12                  CHAIRMAN OSTER:  That's the part  
13 that was getting me.

14                  MR. HUME:  And it's going to be  
15 14-feet wide because I've got to have steps to  
16 get downstairs and I can't bring the steps out  
17 past the house.  Does that make sense?  So  
18 see, the steps can't come out where the air  
19 conditioner is, so they've got to stay inside  
20 the house.  Unless you guys want to approve  
21 it, but I don't think that happens that way,  
22 so.  We just did that from the start.

23                         So if you see that window, if you  
24 can tell it's a window, up, no up, right

1   there, the left edge of it, as we're looking  
2   at it, will be the end of the room and then it  
3   will be like seven inches inside that and then  
4   you'll go down steps.

5                   MR. TREFZ:   Okay.   So the stairs  
6   are to the left of that window?

7                   MR. HUME:   Yes.

8                   MR. TREFZ:   Okay.

9                   MR. HUME:   There's -- did you get  
10  that packet with all the pictures?

11                  MS. SUNDAR:   Yes, we have it.

12                  CHAIRMAN OSTER:   Yeah.   I was  
13  really confused on it.

14                  MR. HUME:   Sorry, my contractor  
15  had COVID, so I don't normally do this.

16                  CHAIRMAN OSTER:   Because, you  
17  know, the first thing I saw it said removed,  
18  new room is replacing it, so I didn't know if  
19  you were actually doing a room addition on.

20                  MR. HUME:   It's kind of like a  
21  three-season type room, I guess you could call  
22  it.

23                  CHAIRMAN OSTER:   On?

24                  MR. HUME:   Not on any of the

1 things they've built.

2 CHAIRMAN OSTER: Right. You're  
3 taking all of that out?

4 MR. HUME: All the way down, yeah.  
5 And we've got to replace, I hope not much, but  
6 some studs on the wall because the way they  
7 flashed it when they build it, it leaks. It's  
8 a big, moldy mess.

9 So you don't see the stairs in  
10 some of the pictures because I've taken them  
11 off and then put some wood up there so none of  
12 my kids fell off of the deck. Because we  
13 started this months ago in Delaware County and  
14 then they waited five or six weeks to let us  
15 know we had to start here.

16 CHAIRMAN OSTER: Yeah.

17 MR. HUME: It would have been  
18 helpful.

19 MR. SHIPLEY: But that's what it  
20 looked like before, so there's a step there  
21 going down?

22 MR. HUME: Yes.

23 CHAIRMAN OSTER: Yeah.

24 MR. SHIPLEY: That's the patio

1 piece you're taking out?

2 MR. HUME: Yeah. And you can see  
3 how much further out it sticks than the  
4 concrete patio on the left.

5 MR. SHIPLEY: I gotcha.

6 MR. HUME: That's still currently  
7 there.

8 MR. SHIPLEY: Right.

9 MR. HUME: On a 30-degree angle.  
10 I think one of my neighbors might have sent in  
11 a note that they're more than happy to see --

12 MR. BEARD: Yeah, one neighbor  
13 emailed and said they were -- one reached out  
14 to us.

15 CHAIRMAN OSTER: I did see that.  
16 I did see that.

17 MS. SUNDAR: The HOA, we have a --

18 MR. HUME: I have an approval from  
19 them.

20 CHAIRMAN OSTER: So you're going  
21 to replace the deck?

22 MR. HUME: Everything. It's going  
23 to take it all the way down to the siding.

24 CHAIRMAN OSTER: It's going to be

1 pretty much the same dimensions as what you  
2 tore out?

3 MR. HUME: No, it's smaller.

4 MR. TREFZ: No.

5 MR. SHIPLEY: No, smaller.

6 CHAIRMAN OSTER: It's smaller.

7 Well, that's what it's showing here.

8 MR. HUME: But that's not even up  
9 to proper drawing to what was actually there.  
10 It was a foreclosed, so the survey, I don't  
11 know when -- it's from before I bought it.

12 CHAIRMAN OSTER: Okay.

13 MR. HUME: So it wasn't even --  
14 they didn't redo a new one because the bank  
15 didn't want to pay for it.

16 CHAIRMAN OSTER: Yeah, I was  
17 looking at this and I'm going --

18 MR. HUME: We knew when we bought  
19 it that it had to be torn down eventually.  
20 There was a 16-foot homemade playground,  
21 two-by-fours, two-by-eights.

22 MR. BEARD: And that was the  
23 mortgage survey that he got when he bought the  
24 house.

1                   CHAIRMAN OSTER: That's why it's  
2 always a good idea to come here and find out  
3 what they did and what was approved before you  
4 buy a house. I mean, a lot of people don't do  
5 that.

6                   MR. HUME: I might have not been  
7 able to buy it, if we did that. I don't think  
8 you guys would have sold the house. It was  
9 pretty bad. And you can tell two-thirds of  
10 the wood highlighted decks were never built,  
11 which is a blessing.

12                  MR. TREFZ: I was just going to  
13 ask you. The ones on the right-hand side were  
14 never built, right?

15                  MR. HUME: No, which is good. I  
16 would have to take them down then. The unit,  
17 the one that's there is anchored into the house  
18 wrong. I don't know how it got a final permit.  
19 Its weight is rested on the house, so it's  
20 trying to pull the house apart.

21                  CHAIRMAN OSTER: Well, the good  
22 thing is to me is you've got green space  
23 behind you. It looked like this whole  
24 development back there pretty much had green

1 space in between most all the houses.

2 MR. HUME: Yeah, that's  
3 unbuildable. I think the sewer or something  
4 goes through it. Someone from some department  
5 in Orange Township walks it twice a month.  
6 It's kind of a flood area at this point, but a  
7 beaver or something dammed it. Well, you  
8 know, in the snow, when you get a hard rain.

9 MR. TREFZ: Yeah. I don't have  
10 any other questions.

11 CHAIRMAN OSTER: Okay.

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

14 CHAIRMAN OSTER: Nothing. Anybody  
15 want to -- I don't think there's anybody else  
16 that wants to say anything either way. Does  
17 anybody want to make a Motion one way or  
18 another?

19 MR. SHIPLEY: I'll make a Motion  
20 that we approve VA-22-02.

21 MR. TREFZ: I'll second.

22 MR. BEARD: The Motion was made by  
23 Mr. Shipley to approve Variance Case VA-22-02,  
24 seconded by Mr. Trefz. Those voting:



1 MR. BEARD: Mr. Shipley.  
2 MR. SHIPLEY: Yes.  
3 MR. BEARD: Ms. Ross.  
4 MS. ROSS: Yes.  
5 MR. BEARD: Mr. Oster.  
6 CHAIRMAN OSTER: Yes.  
7 MR. BEARD: Mr. Trefz.  
8 MR. TREFZ: Yes.  
9 MR. BEARD: Ms. Sundar.  
10 MS. SUNDAR: Yes.  
11 MR. BEARD: Motion carries.  
12 MR. HUME: Thank you guys very  
13 much.  
14 CHAIRMAN OSTER: You're welcome.  
15 Have fun.  
16 MR. SHIPLEY: Good luck.  
17 MR. TREFZ: Yeah, that's what I  
18 was going to say, have fun.  
19 CHAIRMAN OSTER: I would use as  
20 much plastic wood as I could on all that  
21 stuff.  
22 MR. HUME: Well, yeah, it's going  
23 to be composite. Maintenance is a bad word.  
24 Well, you guys have a great day.

1 Thanks again.

2 CHAIRMAN OSTER: You, too.

3 MR. SHIPLEY: Enjoy.

4 - - -

5 MR. BEARD: We did have another  
6 thing that we added to the agenda, which was  
7 the minutes from February BZA hearing. I know  
8 that we had some corrections that Mr. Trefz  
9 had provided and we have some from Ms. Ross.

10 MR. TREFZ: Well, I'm not sure  
11 they're corrections, Jeff.

12 MR. BEARD: Okay.

13 MR. TREFZ: They were questions in  
14 my mind and --

15 CHAIRMAN OSTER: A bit that was  
16 stated that way, kind of.

17 MR. TREFZ: Well, one it says it's  
18 12 inches instead of 12 feet. Twelve inches  
19 didn't make sense in that context. That's  
20 page -- of course, I don't have it in front of  
21 us.

22 CHAIRMAN OSTER: Yeah, I know.

23 MR. TREFZ: But, can you project  
24 those?

1                   MR. BEARD: I do not have them up  
2 on there.

3                   MR. TREFZ: Okay.

4                   MR. BEARD: Yeah. It was page 26,  
5 line 4.

6                   MR. TREFZ: Yeah, line 4, I think.  
7 Yeah, I thought about bringing it up on my  
8 phone but I can't read it that small anymore.

9                   CHAIRMAN OSTER: Me neither.

10                  MR. BEARD: Yeah, I assume it will  
11 probably be feet, page 26.

12                  MR. TREFZ: Okay.

13                  MR. BEARD: And then on page 24  
14 you had line 11.

15                  MR. TREFZ: And the word was what?  
16 That's what threw me off. Recuse or  
17 something?

18                  CHAIRMAN OSTER: Recuse?

19                  MR. TREFZ: Yeah, but it didn't  
20 fit in the sentence, but you were the one that  
21 said it, Aaron.

22                  MR. SHIPLEY: I was?

23                  MR. TREFZ: Yeah, well according  
24 to the transcript.

1                   MR. BEARD:  Maybe it wasn't page  
2  24, because page 24, that would not be in that  
3  line.

4                   MR. SHIPLEY:  I saw your email but  
5  I did not bring my phone in.

6                   MR. BEARD:  It would be page 34.

7                   MR. TREFZ:  Oh, sorry.

8                   MS. ROSS:  Regress.

9                   MR. BEARD:  "So that was my  
10 regress.  I'm not sure if there's room to pull  
11 it back."

12                  MR. SHIPLEY:  Can I see that,  
13 Jeff?

14                  MR. BEARD:  Yeah.

15                  MR. SHIPLEY:  Yikes.

16                  MR. TREFZ:  You got it, Aaron?

17                  MR. SHIPLEY:  I got it.

18                  MR. TREFZ:  Do you need to expand  
19 it about tenfold?

20                  MR. SHIPLEY:  Yeah, I know.  I  
21 think what I said was "that was my guess."

22                  MR. TREFZ:  Oh, that makes more  
23 sense.

24                  MR. SHIPLEY:  Yeah, I think I said

1 that, "that was my guess. I'm not sure there  
2 is room to pull it back." That's probably  
3 what I said.

4 MS. ROSS: That makes sense.

5 MR. SHIPLEY: I didn't look at  
6 that before that. I saw your email right  
7 before I left. And you're usually all over it  
8 so I didn't even pay attention to it.

9 CHAIRMAN OSTER: He's really good  
10 at it.

11 MR. SHIPLEY: I know he is.

12 MR. BEARD: We had a few more.  
13 Page 7, it should be "abstained" instead of  
14 sustained on line 3.

15 MS. ROSS: I apologize, I was a  
16 proofreader in a past life.

17 MR. BEARD: You're good. That's  
18 why we sent them out. On page 16 should read  
19 "I don't have any," on line 13. On page 26,  
20 line 14, take out the word "is," and it should  
21 read "Amanda Kerber". Page 27, line 11 should  
22 be wheel -- or wheel should not be  
23 capitalized. On page 38, line 16 "oh that"  
24 should read "on that". On page 46, line 9

1 should be "abstain" and not "abstained".

2 Those are the only corrections that I have.

3 MR. TREFZ: Cool.

4 CHAIRMAN OSTER: I'll make a  
5 Motion that we approve the changes that Jeff  
6 has documented.

7 MS. SUNDAR: I second.

8 MR. BEARD: There was a Motion  
9 made by Mr. Oster to approve the minutes from  
10 the February 17th BZA meeting as amended,  
11 seconded by Ms. Sundar. 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. BEARD: And then one last  
23 thing. It's not on the Agenda, but we did --  
24 our new Zoning Director did start. He is here

1 present with us. It is Robin Duffee. And we  
2 also have one of the alternates, Pamela  
3 Foster, here as well.

4 So, Robin has been here just over  
5 a week, so I wanted to let you know this is  
6 our new Zoning Director and you guys can chat  
7 with him afterwards, if you wish. But other  
8 than that, that is all that I have.

9 CHAIRMAN OSTER: So this is the  
10 new guy we hit up for raises and all that  
11 stuff, right? (Laughter.)

12 MR. DUFFEE: I'm the one.

13 CHAIRMAN OSTER: Equipment, just  
14 all kinds of stuff.

15 MR. SHIPLEY: Welcome to the fray.  
16 (Laughter.)

17 MR. BEARD: That's all that I  
18 have.

19 CHAIRMAN OSTER: Okay. Meeting  
20 adjourned.

21 (Thereupon, the proceedings  
22 adjourned at 6:55 p.m.)

23 - - -

24

## 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 18th day of April  
12 2022.

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14

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16

17

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



18  
19 My Commission expires May 14, 2022.

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- - -