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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  
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,  
April 21, 2022.

- - -



1                   CHAIRMAN OSTER:   Sounded a little  
2   intimidating, didn't it.

3                                   - - -

4                   PARTICIPANTS TESTIFYING

5   being first duly sworn, testifies  
6   and says as follows:

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

12                  MR. BEARD:   All right.   The first  
13   case that we're hearing tonight is Variance  
14   Case VA-22-03.   The Applicant is Kirk Denyes -  
15   Bob Webb Homes.   The owner is Bala Labishetty.  
16   The site is 477 Quarter Way, Delaware, Ohio  
17   43015, Parcel ID No. 318-233-07-027-000.   It's  
18   zoned Single Family Planned Residential  
19   District.   They're seeking an area variance  
20   from Rezoning Case 10745 North Orange for an  
21   existing patio that encroaches on the rear  
22   yard setback.   The Applicant has requested an  
23   area variance with an existing residential  
24   patio that would encroach 14 feet and 6 inches

1 into the 35-foot rear yard setback.

2                   History of the request is the  
3 Zoning Staff received a complaint that  
4 numerous lots within the North Orange  
5 subdivision had accessory structures without  
6 proper permitting. After looking through  
7 previous records, the original permit for this  
8 home, Permit No. 13-0228, did not have the  
9 current patio shown on the approved permit.  
10 Since the structure was built without a  
11 building permit, this was in violation of  
12 Orange Township Zoning Resolution Section  
13 25.02, a Zoning Permit Required. The  
14 violation case was started, Violation Case No.  
15 20210023, and the property owner was notified  
16 of the violation. The property owner was  
17 informed that if the existing patio were to  
18 remain, the property would need to seek an  
19 area variance.

20                   We have the surrounding area  
21 north, south, east, west are all zoned Single  
22 Family Planned Residential District. To the  
23 north is Quarter Way, single family house; to  
24 the south a single family residence; to the

1 east is Reins Court, single family residence;  
2 across the street and to the west, a single  
3 family residence.

4           In the Staff Report you were  
5 provided a zoomed-out aerial of the site and  
6 then also the zoomed-in aerial of the site.  
7 For the Staff review, the variance request is  
8 from the rear yard setback. The rear yard  
9 setback requirement is 35 feet. The existing  
10 patio would encroach 14 feet and 6 inches into  
11 the 35 feet rear yard setback. This is  
12 roughly a 41 percent variance request from  
13 Rezoning Case No. 10745 North Orange, Single  
14 Family Planned Residential District.

15           Exhibit 1 is a site plan that  
16 shows the existing patio dimensions. We also  
17 provided a site photo that was taken for the  
18 violation case showing the current patio.  
19 That is all that I have.

20           CHAIRMAN OSTER: Is there anybody  
21 that wishes to speak on this case?

22           MR. BEARD: I will, I guess, I  
23 have one thing I'd like to add.

24           CHAIRMAN OSTER: Okay.

1                   MR. BEARD: I forgot to mention.  
2 The neighbor just south of this property that  
3 is part of the -- abuts the rear yard setback,  
4 they had called, asked questions. Once I  
5 explained to them what they were asking for  
6 and that nothing was changing was how it  
7 currently is, they said they were supportive  
8 of it. The patio has been there pretty much  
9 since the house was built.

10                   MR. SHIPLEY: The setback, the way  
11 it is on that, you couldn't have a patio?

12                   MR. BEARD: Correct.

13                   MR. SHIPLEY: Not a concrete  
14 patio.

15                   CHAIRMAN OSTER: Well, see, that's  
16 kind of been a thing that I was -- I've gone  
17 back and forth for the years that I've done  
18 this, and before was concrete was not included  
19 in setbacks.

20                   MR. SHIPLEY: In setbacks, yeah.

21                   CHAIRMAN OSTER: And we've done  
22 poles and stuff like that in here, all the  
23 sidewalks and patios around the poles were not  
24 included and it was the pole that was put into

1 the ground for the structure or the footer or  
2 -- that's the only thing that was really  
3 governed, which is, if it's just a slab on top  
4 of the ground, it didn't matter if it was  
5 concrete, pavers, whatever.

6 MR. SHIPLEY: Well, my main point  
7 was that the way that's set up is, you have to  
8 get in there and see.

9 CHAIRMAN OSTER: Yeah, I know what  
10 you're saying, but you know, you had said  
11 since it's concrete.

12 MR. SHIPLEY: Yeah.

13 CHAIRMAN OSTER: Well, prior to  
14 that, it was not a problem.

15 MR. SHIPLEY: Right.

16 CHAIRMAN OSTER: So, nobody is  
17 here to speak on their behalf, in my opinion,  
18 I would make a Motion to approve VA-22-03 for  
19 the fact that it's slab concrete on top of the  
20 ground and it looks okay to me.

21 MR. TREFZ: Jeff, when was the  
22 house built? Do I miss that?

23 MR. BEARD: No.

24 CHAIRMAN OSTER: In here on that

1 plat thing it was 2008.

2 MR. TREFZ: Thank you. That's  
3 close.

4 CHAIRMAN OSTER: Yeah, I figured  
5 that was probably pretty close.

6 MR. TREFZ: Close enough, yeah.  
7 Also, one other question, Jeff. The house in  
8 this diagram, the house right to the left of  
9 it.

10 MR. BEARD: Uh-huh.

11 MR. TREFZ: It kind of looks like  
12 it's got the same issue.

13 CHAIRMAN OSTER: It's bigger.

14 MR. TREFZ: Yeah, I know.

15 CHAIRMAN OSTER: You know, and  
16 that was just an observation and that's all I  
17 was going to say on it.

18 MR. BEARD: For violations to  
19 occur, we have to be able to see it from  
20 either the right-of-way or a neighboring  
21 property has to give us access to be able to  
22 see it. From the road right-of-way, we can't  
23 see that one, so we can't use the Auditor's  
24 site to enforce the violation.

1 MR. TREFZ: Unless you get  
2 permission of someone to walk in.

3 MR. BEARD: Right, to be able to  
4 see that, so. There was --

5 MR. SHIPLEY: Was that a Motion?

6 MR. BEARD: There was a Motion.

7 MR. TREFZ: Yes.

8 CHAIRMAN OSTER: Yeah, I made a  
9 Motion. Based on --

10 MS. SUNDAR: I seconded it.

11 MR. SHIPLEY: Thank you.

12 CHAIRMAN OSTER: Yeah. Based on  
13 my experience, we haven't really been --  
14 unless it's footered.

15 MR. BEARD: All right. We have a  
16 Motion made by Mr. Oster to approve Variance  
17 Case VA-22-03, seconded by Ms. Sundar.

18 Those voting:

19 MR. BEARD: Mr. Shipley.

20 MR. SHIPLEY: Yes.

21 MR. BEARD: Ms. Ross.

22 MS. ROSS: Yes.

23 MR. BEARD: Mr. Oster.

24 CHAIRMAN OSTER: Yes.

1 MR. BEARD: Mr. Trefz.

2 MR. TREFZ: Yes.

3 MR. BEARD: Ms. Sundar.

4 MS. SUNDAR: Yes.

5 MR. BEARD: The Motion carries.

6 - - -

7 MR. BEARD: All right. The next  
8 case is Variance Case VA-22-04. The  
9 applicant/owner is Kirby and Melissa Howard.  
10 The site is 7839 Overland Trail Drive,  
11 Delaware, Ohio 43015. Parcel ID No.  
12 318-233-05-011-000, zoned Single Family  
13 Planned Residential District. The request is  
14 seeking an area variance from Rezoning Case  
15 10745 North Orange for an existing patio that  
16 encroaches into the rear setback. The  
17 applicant is requesting an area variance for  
18 an existing residential patio to encroach 17  
19 feet into the 35-foot rear yard setback in an  
20 area zoned Single Family Planned Residential  
21 District.

22 This one is similar to the last  
23 request we had. It was also part of that  
24 slate, the numerous lots. Previous permits

1 were 19537 and 06-0448, did not have the  
2 current patio shown, so the zoning violation  
3 was started. The Violation Case was 20210024.  
4 And once again, the property owners were  
5 notified and then they were informed that they  
6 would need the area variance, if the existing  
7 patio were to remain.

8           The surrounding areas north,  
9 south, east, west are all Single Family  
10 Planned Residential District. Then you have  
11 single family residences surrounding; to the  
12 west is Overland Trail Drive and then the  
13 single family residence across the street.  
14 We've provided you the zoomed-out aerial of  
15 the site and then also the zoomed-in aerial of  
16 the site.

17           For the Staff review, the rear  
18 yard setback requirement is 35 feet. The  
19 existing patio would encroach 17 feet into the  
20 35-foot rear yard setback. This is roughly a  
21 48 percent variance request for Rezoning Case  
22 10745 North Orange (SFPRD).

23           Exhibit 1 is the site plan that  
24 shows request of 17 feet. Exhibit 2 is a

1 zoomed-in version of the site plan showing the  
2 dimensions. That is all that I have.

3 CHAIRMAN OSTER: Is there anybody  
4 that wants to speak on this case?

5 MR. HOWARD: I'm the property  
6 owner.

7 CHAIRMAN OSTER: Okay. Please  
8 come up.

9 MR. HOWARD: I'm not sure what to  
10 say, but --

11 CHAIRMAN OSTER: Well, I mean, you  
12 know, I'm sure you want to tell us all about  
13 it.

14 MR. HOWARD: Sure. I think the  
15 point was brought up before --

16 CHAIRMAN OSTER: State your name  
17 and address and that you've been sworn in.

18 MR. HOWARD: Oh, I'm sorry. I  
19 don't follow directions well.

20 CHAIRMAN OSTER: That's okay.

21 MR. HOWARD: My name is Kirby  
22 Howard. I'm at 7839 Overland Trail in North  
23 Orange Development. It looks like a few of  
24 our neighbors are here tonight. And so, is

1 there any other information you need from me?

2 MR. BEARD: No.

3 MR. HOWARD: Okay. So, we've been  
4 in the house 13 years, first owners. Similar  
5 to the last property, we were built, what,  
6 2008. And we have a large green space behind  
7 our property. And also our house was built at  
8 35 feet 4 inches from the setback, so I could  
9 have built a 4-inch structure to not be in  
10 violation of the setback. I'm not trying to  
11 be a smartass. It just kind of is what it is.  
12 I have -- but visually, as you look at our  
13 backyard, I've got over 100 feet between  
14 myself and my neighbor's property. We're on a  
15 corner lot and plenty of distance from my  
16 neighboring property. So, yeah, that's kind  
17 of where we stand.

18 MR. TREFZ: You have a pavilion  
19 and then the patio, right?

20 MR. HOWARD: Yes.

21 MR. TREFZ: Okay.

22 MR. HOWARD: So we built a  
23 pavilion over the existing patio. It's an  
24 open-air roof structure. It sits on the west

1 side of our patio.

2 MR. TREFZ: Okay.

3 MR. HOWARD: It helps out with  
4 getting blinded and baked by the evening sun.

5 CHAIRMAN OSTER: A pavilion, is  
6 that kind of like these pagoda things?

7 MR. HOWARD: It's the same thing.

8 Yeah, yeah.

9 CHAIRMAN OSTER: Okay.

10 MR. HOWARD: Yeah. It's just a  
11 little bit bigger, so it's a pavilion instead  
12 of a pergola.

13 CHAIRMAN OSTER: Is it -- pergola,  
14 yeah. Yeah.

15 MR. HOWARD: Pergola.

16 MR. TREFZ: Pergola, I think is  
17 what you're talking about.

18 CHAIRMAN OSTER: Yeah. Is that  
19 like a full roof, though?

20 MR. HOWARD: Yeah, it's full roof.

21 CHAIRMAN OSTER: Okay. Because  
22 the pergolas I think are open roof, too.

23 MR. HOWARD: Yeah, they can be  
24 open, flat roof. This is kind of the next

1 level. I wanted to -- if you're going do it,  
2 do it right, so I contracted a company to come  
3 in and build it. It's anchored. It's not  
4 going anywhere. It's -- actually, if most of  
5 my neighbors stop by and ask me where we got  
6 it, I will be sure to tell them that you need  
7 an area variance to build anything. And check  
8 your property map.

9 MR. TREFZ: Just check before you  
10 build it, yes.

11 MR. HOWARD: Yeah, absolutely.  
12 The builder tells you it's an open-air  
13 structure, you don't need a permit, so you  
14 think that everything is fine.

15 MR. TREFZ: It's got a footer, if  
16 it's down in there.

17 CHAIRMAN OSTER: Yeah. If it's  
18 got a footer, you know.

19 MR. HOWARD: Yeah.

20 MR. TREFZ: If you stomp pylons in  
21 or it has a footer, then you are required to  
22 --

23 CHAIRMAN OSTER: Right.

24 MR. HOWARD: Understood.

1                   CHAIRMAN OSTER: Which you did is  
2 you used some footers.

3                   MR. HOWARD: Yes.

4                   CHAIRMAN OSTER: And anchor, too.

5                   MR. HOWARD: Yes. So it won't  
6 blow away, yeah.

7                   CHAIRMAN OSTER: Exactly.

8 Exactly.

9                   MR. HOWARD: I'm trying to do it  
10 the right way.

11                   CHAIRMAN OSTER: I understand.

12                   MR. HOWARD: So I used my  
13 handy-dandy Excel skills to try and give you  
14 an idea of the back of the property. And then  
15 this is just the structure diagram from the  
16 company that we had build it.

17                   CHAIRMAN OSTER: These have gotten  
18 so popular, you can buy these at almost all  
19 the stores now.

20                   MR. HOWARD: Yeah. Costco sells a  
21 much smaller, not as well-constructed version  
22 as this.

23                   CHAIRMAN OSTER: Right.

24                   MR. HOWARD: But this is a group

1 of gentlemen came out, Mennonite guys. They  
2 showed up at 5:30 in the morning and they were  
3 gone by 1:00 in the afternoon and it is solid.  
4 The birds love it right now, actually.

5 CHAIRMAN OSTER: Is there any  
6 other questions for him?

7 MS. SUNDAR: No. I want to make a  
8 Motion.

9 CHAIRMAN OSTER: Okay. Go ahead.

10 MS. SUNDAR: I want to make a  
11 Motion, based on the factors, I move to  
12 approve Case No. VA-22-04 for the property  
13 located at 7839 Overland Trail, Delaware, to  
14 approve the Variance of 17 feet into the  
15 35-foot rear setback in an area zoned.

16 MR. SHIPLEY: I'll second that.

17 MR. HOWARD: Thank you.

18 MR. BEARD: Motion made by Ms.  
19 Sundar to approve Variance Case VA-22-04,  
20 seconded by Mr. Shipley.

21 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: Motion carries.

9 - - -

10 CHAIRMAN OSTER: My paperwork,  
11 this one here, was a little confusing because  
12 my paperwork shows Mr. Howard.

13 MR. BEARD: Oh, yeah.

14 CHAIRMAN OSTER: Again. And I  
15 don't think --

16 MR. BEARD: It's not.

17 CHAIRMAN OSTER: It's supposed to  
18 be Haar, correct?

19 MR. BEARD: It is. The  
20 application is correct. It's just not on the  
21 Staff Report.

22 CHAIRMAN OSTER: Okay. Well, I  
23 just figured that was a carryover typo.

24 MR. BEARD: It sure is.

1 All right. The next Case is  
2 Variance Case VA-22-05. The applicant/owner  
3 is Daniel and Julia Haar. The site is 4963  
4 Killarney Court, Westerville, Ohio 43082.  
5 Parcel ID No. is 318-140-08-009-000. It's  
6 zoned Single Family Planned Residential  
7 District. So you've got an area variance from  
8 Rezoning Case 3314 Highland Hills at the Lakes  
9 to allow for two egress windows to encroach  
10 into the side yard setback. The applicant is  
11 requesting the two egress windows to encroach  
12 into the side yard setback a little more than  
13 three feet, 3.3 feet, into the 12-and-a-half  
14 feet setback in an area zoned Single Family  
15 Planned Residential District.

16 All surrounding areas north,  
17 south, east and west are all zoned Single  
18 Family Planned Residential Districts and  
19 currently have single family residences. We  
20 provided a zoomed-out aerial of the site and  
21 also a zoomed-in aerial of the site.

22 For the Staff review, the side  
23 yard setback requirement is 12-and-a-half  
24 feet. The egress windows will encroach 3.3

1 feet into the 12.5-foot side yard setback.  
2 This is roughly a 26 percent variance request  
3 from Rezoning Case 3314 Highland Hills at the  
4 Lakes, Single Family Planned Residential  
5 District.

6                   The Exhibit 1 is the site plan.  
7 As you can see on the site plan, the house is  
8 currently 12.2 feet from the side yard  
9 setback, so the house itself is not compliant  
10 with the 12.5-foot setback. We've tried to do  
11 some digging trying to figure out how that  
12 happened, why that happened, what the  
13 situation was. Looking at this case, this  
14 rezoning case kind of overlaps with Genoa  
15 Township. Genoa's standards on the plat are  
16 10-foot side yard setbacks; Orange is 12.5, so  
17 we believe the builder probably thought it was  
18 Genoa.

19                   CHAIRMAN OSTER: Didn't we have  
20 one of these cases before with Genoa?

21                   MR. BEARD: Yeah. I think it was  
22 a different subdivision, or rezoning case.

23                   CHAIRMAN OSTER: Right.

24                   MR. BEARD: But this was another

1 in the same area.

2 MR. TREFZ: But it was still  
3 Genoa.

4 MR. BEARD: Yes.

5 CHAIRMAN OSTER: Yeah. Okay.

6 MR. BEARD: It was right there on  
7 the border, so I think there was some  
8 confusion on this case as well. Then Exhibit  
9 2 is a zoomed-in site plan that shows the  
10 position of the egress windows and the  
11 distance from that. And then provided is a  
12 site photo, some Google images of the home  
13 looking at it to the side. That is all that I  
14 have.

15 CHAIRMAN OSTER: Is there anybody  
16 that wants to speak on this case?

17 MR. SHIPLEY: Mr. Howard, I wanted  
18 to make sure you knew, also, you are welcome to  
19 stay, but it's not required.

20 CHAIRMAN OSTER: You don't have  
21 to.

22 MR. HOWARD: Thank you.

23 CHAIRMAN OSTER: The sun is  
24 shining.

1                   MR. HOWARD: Appreciate it. Have  
2 a good day.

3                   CHAIRMAN OSTER: You, too.

4                   MR. SHIPLEY: Have a good evening.

5                   MR. HAAR: Hi, folks. My name is  
6 Dan Haar, resident of 4963 Killarney Court,  
7 Westerville, Ohio. And let's see, some  
8 additional information. So, a lot of this --  
9 actually, the project for finishing the  
10 basement stems from the fact that about a year  
11 and a half ago, for various reasons that  
12 everybody is probably familiar with, we  
13 decided to move our offices, our business  
14 offices back to the house, and we're a little  
15 cramped in the dining room and office, you  
16 know, which is typically small rooms. So  
17 we've decided to kind of make that move  
18 permanent and we're building out the basement.  
19 The basement project is going to include the  
20 office as well as an extra bedroom.

21                   And it would have been impossible  
22 to put the egress windows anywhere else. On  
23 two of the sides it's street-front fronting.  
24 It would be very strange to attempt to put

1 egress windows on either side. Yeah, there  
2 actually isn't any space, unless we wanted to  
3 move the air conditioning unit. And then the  
4 front of the house, obviously, there's no  
5 space there.

6                   The rear of the house on the left  
7 side of the screen, there's an existing deck  
8 and three-season room, so there's no space  
9 there as well. Fortunately, the north side of  
10 the north setback, side yard setback, is well  
11 screened so -- and as it turns out, we've got  
12 a neighbor that showed up here as well  
13 tonight. But due to the coverage with some of  
14 the landscaping and trees, there's no  
15 visibility issues, per se, from anybody  
16 passing by on the street. I think that's it,  
17 before I start rambling on.

18                   CHAIRMAN OSTER: Thank you.

19                   MR. HAAR: And we're not going to  
20 try to jam a pavilion into the side yard  
21 setback area.

22                   CHAIRMAN OSTER: Are you going to  
23 have like two bedrooms downstairs?

24                   MR. HAAR: One.

1 CHAIRMAN OSTER: Just one.

2 MR. HAAR: Yeah, one.

3 CHAIRMAN OSTER: But you're  
4 putting in two egresses.

5 MR. HAAR: Yeah. We just decided  
6 since the bedroom will be enclosed, that gets  
7 an egress window, but then the other side, you  
8 know, just to balance it out.

9 CHAIRMAN OSTER: That's smart.

10 MR. HAAR: Yeah, yeah.

11 CHAIRMAN OSTER: That's smart.

12 MR. HAAR: Yep.

13 CHAIRMAN OSTER: You know, just in  
14 case there's a whole lot of people down there  
15 that would need to get out in an emergency.

16 MR. HAAR: Right. Instead of  
17 trying to funnel into the bedroom to get  
18 through the egress window there.

19 CHAIRMAN OSTER: Exactly. Yeah,  
20 yeah.

21 MR. HAAR: All right. That's all  
22 I've got, so thank you.

23 CHAIRMAN OSTER: Is there any  
24 questions for him by any of the Board Members?

1 MS. SUNDAR: No.

2 MR. SHIPLEY: I don't have any  
3 questions.

4 MS. ROSS: I have a question.

5 MR. HAAR: Sure.

6 MS. ROSS: And this really doesn't  
7 have anything to do with the application, per  
8 se, just a safety question. With those -- the  
9 wells, do they put any type of temporary  
10 plastic covering or anything over those, like,  
11 over window wells to keep somebody from  
12 accidentally stepping into them, like, if  
13 there was a meter reader or somebody that went  
14 through that side yard?

15 MR. HAAR: Sure.

16 MS. ROSS: Is there anything that  
17 keeps them from falling into them?

18 MR. HAAR: There is -- I think  
19 there's a couple of different ways they  
20 approach it. There is both a, kind of a  
21 transparent plastic cover, as well as a grate,  
22 you know, type of hinged thing as well.

23 MS. SUNDAR: Rod-like.

24 MR. HAAR: Yeah. So they approach

1 it a couple of different ways. We're still in  
2 the process of kind of finding the right  
3 person to do the job, so we're, you know,  
4 taking care of the zoning, you know, issues.

5 MS. ROSS: Right. Thank you.

6 CHAIRMAN OSTER: I would  
7 imagine -- yeah, I would imagine anything they  
8 choose. We've had a couple come through here  
9 already and those actually had some kind of a  
10 cover on them.

11 MS. ROSS: I assumed they did, but  
12 I didn't see it in the specs, so I thought I  
13 would ask.

14 CHAIRMAN OSTER: Yeah.

15 MR. HAAR: Right.

16 CHAIRMAN OSTER: I don't think  
17 anybody would probably install anything that  
18 was going to get them in a liability trouble.

19 MR. HAAR: Right.

20 MS. SUNDAR: If you want to speak  
21 up, you have to state your name, please.

22 CHAIRMAN OSTER: Were you sworn  
23 in?

24 MS. HAAR: Yes, I was sworn in.

1 CHAIRMAN OSTER: Okay.

2 MS. HAAR: Julie Haar, 4963  
3 Killarney Court. I wanted to add that I was  
4 the one that had the conversation with the  
5 contractor that gave us that quote and those  
6 drawings and he recommended against the  
7 plastic. He said they fly away. And he  
8 recommended that we use the metal grate and he  
9 was going to show our kids how to move it.

10 CHAIRMAN OSTER: Yes.

11 MR. SHIPLEY: Thank you.

12 MS. ROSS: Very good. Thank you.

13 MR. TREFZ: This is just a  
14 comment. We have an egress window like you're  
15 putting in and we had a frog terrarium because  
16 they would fall in and couldn't get out, so we  
17 had the plastic and then the metal on top of  
18 it and we've eliminated most of the critters,  
19 not all, but most of the critters from being  
20 down in there.

21 MR. HAAR: Yeah. That's good to  
22 know.

23 MS. HAAR: Thank you for that.

24 Thank you.

1                   CHAIRMAN OSTER: Well, I'm going  
2 to make a Motion on Variance Case VA-22-05,  
3 based on safety-related concerns alone that we  
4 approve this for both of these egress.

5                   MR. TREFZ: I'll second.

6                   MR. BEARD: A Motion was made by  
7 Mr. Oster to approve Variance Case VA-22-05,  
8 seconded by Mr. Trefz.

9                   Those voting:

10                  MR. BEARD: Mr. Shipley.

11                  MR. SHIPLEY: Yes.

12                  MR. BEARD: Ms. Ross.

13                  MS. ROSS: Yes.

14                  MR. BEARD: Mr. Oster.

15                  CHAIRMAN OSTER: Yes.

16                  MR. BEARD: Mr. Trefz.

17                  MR. TREFZ: Yes.

18                  MR. BEARD: Mr. Sundar.

19                  MS. SUNDAR: Yes.

20                  MR. BEARD: Motion carries.

21                  MR. SHIPLEY: Thank you. Good

22 luck.

23                  CHAIRMAN OSTER: Thank you.

24                  MR. HAAR: Thank you.

1 MR. TREFZ: And you all are free  
2 to go.

3 CHAIRMAN OSTER: You don't have to  
4 stay here through the whole meeting.

5 MS. HAAR: Thank you.

6 MR. HAAR: We appreciate that.

7 MR. SHIPLEY: Your support is  
8 appreciated.

9 MS. HAAR: Our moral support.

10 - - -

11 MR. BEARD: I sent the minutes out  
12 late today.

13 MR. TREFZ: You sent them today?

14 MR. BEARD: I did, so.

15 MR. TREFZ: That's why I didn't  
16 see them, so.

17 MR. SHIPLEY: I'm going to go on  
18 the record and tell you that I did not review  
19 those minutes.

20 MR. BEARD: Yeah. So we can push  
21 them off until next month, that is fine.

22 CHAIRMAN OSTER: I reviewed the  
23 minutes.

24 MR. BEARD: If you want to take

1 action on them, we can. If you don't, we can  
2 push them back until next week. That's up to  
3 you guys.

4 CHAIRMAN OSTER: I only found a  
5 couple of things, but of course, I'm not  
6 really good at this like Kelvin.

7 MR. SHIPLEY: It's true.

8 CHAIRMAN OSTER: So it's up to  
9 you, if you want to shove them off, we can,  
10 but I only found two things. And I didn't  
11 print them out and bring the actual -- do you  
12 have a copy of them that we can use?

13 MR. BEARD: We just have them up  
14 here.

15 CHAIRMAN OSTER: Okay. The one  
16 thing I found on page 22, line 18, if you want  
17 to scroll up to that. Yeah.

18 MR. TREFZ: Enlarge that about  
19 nine times. Thank you.

20 MR. WIEMKEN: You said page 20?

21 MR. TREFZ: 22.

22 CHAIRMAN OSTER: I was going to  
23 say, that didn't look like the right line.  
24 Did I make a mistake?

1 MS. ROSS: 19, are you just  
2 striking the S off of creates?

3 CHAIRMAN OSTER: Yes.

4 MS. ROSS: That's line 19.

5 CHAIRMAN OSTER: Line 19, yeah.  
6 I'm sorry. Yep, striking the S off creates,  
7 as far as how I'm remembering that. And then  
8 the other one, I didn't write down, but it was  
9 a statement made by Kelvin after that. And of  
10 course, I figured -- I wasn't quite sure what  
11 all the little dash dashes mean throughout the  
12 document, if that's something that they  
13 couldn't quite make out.

14 MR. BEARD: I believe that's what  
15 it is.

16 CHAIRMAN OSTER: Or a pause. I  
17 mean, because I know I do that a lot.

18 MS. ROSS: I thought it was a  
19 pause.

20 MR. TREFZ: In some cases one of  
21 us will start before the other one is finished  
22 in some places.

23 CHAIRMAN OSTER: Yeah. Well, I  
24 know that one guy that we were doing that

1 whole patio thing with, you know, it kept  
2 going back and forth and he was answering a  
3 lot of our questions because that was a very  
4 confusing case.

5 MR. SHIPLEY: We're pretty guilty  
6 of it, also.

7 MR. TREFZ: I've been known to do  
8 it.

9 CHAIRMAN OSTER: So, yeah, if you  
10 want to keep going down, let's see if we can  
11 see. I'm pretty sure it was -- but then as I  
12 looked at it, I thought, well, no, maybe that  
13 is correct and I said, but since he is the  
14 ninja at this, he'll bring that up.

15 MR. TREFZ: Yeah, well, today  
16 wouldn't let me do much.

17 CHAIRMAN OSTER: Yeah, I don't see  
18 it there either.

19 MR. SHIPLEY: Do you want to look  
20 through them, Kelvin?

21 MR. TREFZ: Yeah. I'll look  
22 through them.

23 MR. SHIPLEY: Okay.

24 MR. BEARD: Okay. Yeah, we can

1 continue it until the next month. That's  
2 fine.

3 MR. TREFZ: Okay.

4 CHAIRMAN OSTER: Yeah.

5 MR. SHIPLEY: He'll catch things  
6 that we don't.

7 MR. TREFZ: Do you need a Motion  
8 to that effect?

9 CHAIRMAN OSTER: I make a Motion  
10 that the Kelvin ninja proofreader go through  
11 these before we approve anything.

12 MS. SUNDAR: I second.

13 MR. TREFZ: No, there are much  
14 better people than I.

15 MS. SUNDAR: No, you're the best.

16 CHAIRMAN OSTER: I don't know. I  
17 struggle with it. I really do. Because I  
18 read right through stuff whether it's wrong or  
19 not.

20 MR. BEARD: That's all we've got  
21 on the Agenda for tonight, so.

22 CHAIRMAN OSTER: Okay. Meeting  
23 adjourned.

24 (Thereupon, the proceedings

1 adjourned at 6:32 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 12th day of May 2022.

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

21 My Commission expires May 14, 2022.

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