

1 BEFORE THE ORANGE TOWNSHIP
2 BOARD OF ZONING APPEALS
3 - - -
4 : In the Matter of:
5 : Public Hearing -
6 : Variance Applications
7 : - - -
8 PROCEEDINGS
9 before Members of the Orange Township Board of
10 Zoning: Chairman Aaron Shipley, Jr.; Vice
11 Chair Kelvin Trefz; Members Sue D. Ross,
12 Stacey Neff and Punitha Sundar, held at Orange
13 Township Hall, Moffett Room, 1680 East Orange
14 Road, Lewis Center, Ohio, called at 6:00 p.m.
15 on Thursday, January 19, 2023.
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1 P R O C E E D I N G S

2 - - -

3 MR. SHIPLEY: We'll call to order
4 the meeting of the Board Zoning Appeals for
5 January.

6 MR. WIEMKEN: Okay. For roll
7 call:

8 MR. WIEMKEN: Ms. Neff.

9 MS. NEFF: Here.

10 MR. WIEMKEN: Ms. Ross.

11 MS. ROSS: Here.

12 MR. WIEMKEN: Mr. Shipley.

13 MR. SHIPLEY: Here.

14 MR. WIEMKEN: Ms. Sundar.

15 MS. SUNDAR: Here.

16 MR. WIEMKEN: And Mr. Trefz.

17 MR. TREFZ: Here.

18 MR. WIEMKEN: We have a quorum.

19 All right. I'm going to start it out here by
20 electing the Chair and Vice Chair for the
21 remainder of the 2023 calendar year for the
22 Board of Zoning Appeals.

23 So let's start with the Chair. Is
24 there any nominations or Motions?

1 MS. ROSS: I'd like to nominate
2 Aaron Shipley as Chair.

3 MR. TREFZ: I'll second that.

4 MR. WIEMKEN: Okay. We have a
5 Motion to nominate Mr. Shipley as the Chair of
6 the Board of Zoning Appeals for the remainder
7 of 2023 calendar year for the Board of Zoning
8 Appeals, seconded by Mr. Trefz. Those voting:

9 MR. WIEMKEN: Ms. Neff.

10 MS. NEFF: Yes.

11 MR. WIEMKEN: Ms. Ross.

12 MS. ROSS: Yes.

13 MR. WIEMKEN: Mr. Shipley.

14 CHAIRMAN SHIPLEY: I'll abstain.

15 MR. WIEMKEN: Ms. Sundar.

16 MS. SUNDAR: Yes.

17 MR. WIEMKEN: And Mr. Trefz.

18 MR. TREFZ: Yes.

19 MR. WIEMKEN: Great.

20 CHAIRMAN SHIPLEY: Thank you.

21 MR. WIEMKEN: And then for Vice
22 Chair, is there any nominations?

23 MS. SUNDAR: I would like to
24 nominate Mr. Trefz for that.

1 MS. ROSS: I'll second.

2 MR. WIEMKEN: Okay. A Motion was
3 made by Ms. Sundar to nominate Mr. Trefz as
4 the Vice Chair for the remainder of the 2023
5 calendar year for the Board of Zoning Appeals,
6 seconded by Ms. Ross. Those voting:

7 MR. WIEMKEN: Ms. Neff.

8 MS. NEFF: Yes.

9 MR. WIEMKEN: Ms. Ross.

10 MS. ROSS: Yes.

11 MR. WIEMKEN: Mr. Shipley.

12 CHAIRMAN SHIPLEY: Yes.

13 MR. WIEMKEN: Ms. Sundar.

14 MS. SUNDAR: Yes.

15 MR. WIEMKEN: And Mr. Trefz.

16 MR. TREFZ: Abstain.

17 MR. WIEMKEN: All right. Mr.
18 Shipley, take it away.

19 CHAIRMAN SHIPLEY: All right.
20 Thank you very much.

21 So to start our Board of Zoning
22 Appeals for January, we'll start with the
23 swearing in of witnesses. Anyone who intends
24 to testify, please raise your right hand and

1 be sworn.

2 "Do you solemnly swear the
3 testimony you shall give shall be the truth,
4 the whole truth and nothing but the truth?"

5 State "I do".

6 ALL TO TESTIFY: "I do."

7 CHAIRMAN SHIPLEY: And when it's
8 your turn to offer testimony, please state
9 your full name, address and affirm that you've
10 been sworn in. So when you step up here to
11 the podium, please state your full name,
12 address and affirm that you've been sworn in,
13 please.

14 I'd like to ask everyone to
15 silence your cell phones, if you have your
16 cell phone on you, please. These proceedings
17 are being live-streamed. I appreciate that.

18 We have new business. There are
19 two cases for new business. Variance
20 Application VA-22-18 and Variance Application
21 VA-22-19. Mr. Wiemken, if you could start us
22 off.

23 MR. WIEMKEN: Good evening, Board.
24 So first case on the Agenda is VA-22-18. The

1 Applicant and Owner is Mark Hrusovsky. The
2 site is 1874 Ivy Street, Lewis Center, Ohio
3 43035. Parcel ID number is
4 318-240-47-010-000. The current zoning on the
5 property is Single Family Planned Residential
6 District. And they are seeking an area
7 variance from Rezoning Case 12451, Estates of
8 Glen Oak, to allow for a residential swimming
9 pool to encroach into the rear-yard setback.

10 So going more in depth with the
11 Summary of the request. So they are
12 requesting to allow for the construction of a
13 swimming pool to encroach 14 feet and 2 inches
14 into the 35-foot rear-yard setback
15 requirement. The proposed pool would be fully
16 enclosed with a 60-inch aluminum fence with
17 self-locking mechanisms included at the gate
18 access points.

19 Surrounding the home to the north,
20 south, east and west is all Single Family
21 Planned Residential District. Land use is,
22 surrounding the property are single family
23 residences to the north, east and west. And
24 then to the south is HOA open space. Included

1 in the Staff Report is an aerial photo
2 provided by the Delaware County Auditor's
3 Website. Again, you can see the HOA open
4 space there to the south.

5 And then onto the Staff Review.

6 So again, the rear-yard setback requirement is
7 35 feet. The proposed swimming pool would
8 encroach 14 feet and 2 inches into the 35-foot
9 setback requirement. This is roughly a 40
10 percent variance request from Rezoning Case
11 12451, Estates of Glen Oak.

12 There were no site photos provided
13 from Staff. There were a few provided in the
14 application from the Applicant themselves.
15 Also included by the Applicant was the HOA
16 approval. And then as far as public comment,
17 there was one public comment not in support of
18 the project. I had sent that out to you
19 folks. And that was to the property directly
20 to the east of the home. So this concludes my
21 Staff Report.

22 The Applicant is here, if the
23 Board has any specific questions about the
24 application.

1 CHAIRMAN SHIPLEY: Sir, would you
2 like to speak?

3 MR. HRUSOVSKY: Yes. If I
4 remember correctly, I'll state my name, Mark
5 Hrusovsky, 1874 Ivy Street. And I've been
6 sworn in.

7 CHAIRMAN SHIPLEY: Thank you.

8 MR. HRUSOVSKY: Okay. Thank you.
9 First of all, I just wanted to thank you for
10 your time. I saw the public comment from our
11 neighbor. He shared the concern about safety
12 very much so as -- even more so than I think
13 they would understand. We have -- we're going
14 to be including a fence and taking all the
15 measures above that we're required to, you
16 know, with alarming the gates and so forth.

17 We would also like to state that,
18 you know, we entered into this process first
19 understanding what we could do with our HOA
20 and the placement of the pool in our yard. We
21 worked with several contractors. We looked
22 into the design process. We entered into a
23 contract and then we entered into the
24 permitting phase when we learned about the

1 rear setback. So we are hopeful we can get
2 this variance approved or the substantial --
3 we would forfeit our 20 percent deposit and
4 then be on the hook for any other contract
5 costs that they've incurred at this point.

6 Lastly -- well, just safety, you
7 know, raising sort of a drowning without the
8 fence. I mean, there is a large -- you can
9 see in the aerial view in our response a
10 picture of that retention pond, which is
11 actually directly behind that neighbor's
12 property. So, that's all I have to say about
13 that. Thank you.

14 MS. NEFF: This is the retention
15 pond, correct?

16 MR. HRUSOVSKY: That is correct,
17 yes.

18 MR. WIEMKEN: So just to, and I
19 think Mr. Wiemken went over this, but a
20 five-foot fence that you're putting around the
21 pool.

22 MR. HRUSOVSKY: Uh-huh.

23 CHAIRMAN SHIPLEY: Self-locking
24 MagnaLatch is really self-locking gates. And

1 the gates will be alarmed, is that what you
2 said?

3 MR. HRUSOVSKY: Yeah. We were
4 going to have either the alarm -- sensors on
5 the gates so that we would be alerted on the
6 inside of our house. And we could even change
7 that to one that would be more audible, to
8 like if someone opened it, it would be -- you
9 could hear it as it was going off. Oh, and I
10 forgot. Ultimately, there would be one of
11 those sensors in the pool that could be
12 placed, and then when you're not using it, to
13 alert you if the water has been disturbed.

14 CHAIRMAN SHIPLEY: What the -- one
15 of the concerns, that 40 percent, and that's
16 considered substantial. It's into the
17 setback. So, did you look at any other
18 options?

19 MR. HRUSOVSKY: We did not,
20 because we were not aware of the setback
21 requirement for this was not on the plot plan.
22 We asked the contractor when we first engaged
23 them, and they were like we work in Orange
24 Township a lot and we're aware of how to get

1 the permits. But not until after we actually
2 submitted the permits did they come back and
3 tell us that, oh, there was a setback
4 requirement with that.

5

6 CHAIRMAN SHIPLEY: Okay. I did
7 see the HOA letter, that the HOA letter says
8 pending.

9 MR. HRUSOVSKY: Yeah, telling me
10 it has to go to the Township.

11 CHAIRMAN SHIPLEY: Yes, sir.

12 Other questions?

13 MR. TREFZ: Yeah. In the diagram
14 that's shown there, there's a circle. Can you
15 explain to me what's in that circle?

16 MR. HRUSOVSKY: Oh, it's just the
17 curve of the patio.

18 MR. TREFZ: And so --

19 MR. HRUSOVSKY: It's just -- so,
20 actually the patio is flat and it has a little
21 curved bump out there.

22 MS. NEFF: Is this it?

23 MR. HRUSOVSKY: Correct. Yes.

24 MR. TREFZ: Yeah.

1 MR. HRUSOVSKY: Shown in that
2 picture there.

3 MR. TREFZ: It's kind of what I
4 thought it looked like, but --

5 MR. HRUSOVSKY: I don't know why
6 they drew it like a -- like you're getting a
7 hot tub, too, or something.

8 MS. NEFF: Like faucet.

9 MR. TREFZ: How many feet are
10 between the current edge of the pool now and
11 the edge of the existing patio, give or take?

12 MR. HRUSOVSKY: Oh, 26 feet, the
13 patio is 16, maybe it's nine feet. If our
14 drawing, the building drawing is showing it's
15 26 from the edge of the house to the edge of
16 the pool, that patio is approximately 16 feet
17 off the house and that little bump out is four
18 feet off, so 20 feet to the pool.

19 MR. TREFZ: So you've never
20 considered moving the pool right up next to
21 the existing patio?

22 MR. HRUSOVSKY: I don't think that
23 would get us out of the easement. Like, we
24 would have to -- that would get us, what, six,

1 seven feet.

2 MR. TREFZ: Six, seven feet off of
3 the 14 feet that you want. Now you've greatly
4 reduced the amount of the variance.

5 MR. HRUSOVSKY: Are you suggesting
6 that I -- you would modify the patio so then
7 it's -- the patio is now a rectangle and then
8 the pool is right up against that rectangle?

9 MR. TREFZ: I am not suggesting.

10 MR. HRUSOVSKY: Okay.

11 MR. TREFZ: I was asking a
12 question of whether you considered that or
13 not.

14 MR. HRUSOVSKY: No, we did not.

15 MR. TREFZ: Okay.

16 MR. HRUSOVSKY: We were told it's
17 35 feet, get a variance by the contractor.

18 MR. TREFZ: Right. But the amount
19 of the variance really affects our decisions.

20 MR. HRUSOVSKY: Okay.

21 MR. TREFZ: Everything else being
22 equal.

23 MR. HRUSOVSKY: Yes.

24 MR. TREFZ: So.

1 MRS. HRUSOVSKY: Remember the pool
2 builder showed us this sketch, if we moved it,
3 it had to be ten feet away from the house.

4 MR. HRUSOVSKY: If we were -- if
5 we were to move it -- if we moved it closer to
6 the patio, I mean, it would be -- it would be
7 taking the patio out or --

8 MRS. HRUSOVSKY: The builder only
9 --

10 CHAIRMAN SHIPLEY: Ma'am.

11 COURT REPORTER: She needs to come
12 closer. I can't hear her at all.

13 MRS. HRUSOVSKY: Sorry. Rebecca
14 Hrusovsky, 1874 Ivy Street and I've been sworn
15 in.

16 CHAIRMAN SHIPLEY: Thank you.

17 MRS. HRUSOVSKY: So when we first
18 became aware of the variance, the builder --
19 the builder gave us one option just to show us
20 to get out of the variance, they would have to
21 move the pool all the way up to get it out of
22 the 35 feet. They would have to cut out a
23 substantial portion of the patio to also stay,
24 I think they said it had to be -- the pool

1 couldn't be any closer than ten feet to the
2 residence, so it would be ten feet from that
3 and then fit the pool, it was just barely
4 going to fit. I think we were still going to
5 be partially encroaching it. But at that
6 point, we would have to tear out a significant
7 portion of our entire patio at that cost and
8 then it would definitely have to change in
9 what the concrete would look like and things
10 to come back around to the pool decking. And
11 I think that also would be a hardship. Then
12 I'd have 35, 40 feet of a backyard that we're
13 just looking at in grass with a super,
14 scrunched-in, you know, pool and design. And
15 there is actually also a gazebo on that back
16 patio that covers the right side of it, and
17 it's a full like 16 by 16 gazebo. I'm not
18 sure if it's in the picture.

19 MS. SUNDAR: The existing one?

20 MRS. HRUSOVSKY: Yeah. And so, to
21 do that we would also have to forfeit our
22 gazebo and come up with another option there,
23 so I just felt like we wanted to pursue this
24 as an option before we tried to make any

1 significant modifications and additional costs
2 to do that.

3 MS. NEFF: Are setbacks the same
4 regardless of the properties that abut, like
5 the electric line versus houses?

6 MR. WIEMKEN: Yeah. In that
7 specific development text, it's 35 feet for
8 rear yards across the whole development.

9 MS. NEFF: Regardless.

10 MR. WIEMKEN: Yeah. Even if it
11 abuts open space or just another residence.

12 MS. NEFF: Okay. How much do you
13 -- does anyone know, how much open space that
14 is between the houses that is the electric
15 line area?

16 MR. WIEMKEN: I can give you an
17 approximation using the Auditor's website real
18 quick. I think Andrew has got it up there.
19 So for -- yeah, for -- are you talking about
20 just the power lines or the property lines?

21 MS. NEFF: I'm just curious, like,
22 how far that is between the two houses.

23 MR. WIEMKEN: Sure. Yep. So from
24 the --

1 MR. KOENIG: This distance here?

2 MS. NEFF: Yes.

3 MR. WIEMKEN: Yeah, I think it's
4 around like 250, 245.

5 MS. NEFF: Okay.

6 MR. KOENIG: 250 feet.

7 MS. ROSS: When we consider a
8 variance, the percentage is important to us as
9 one of our deciding factors, and 40 percent is
10 considered significant, just something that we
11 have to consider in our decision. So I
12 believe that's why Mr. Trefz was asking if you
13 had considered moving it a little closer to
14 the existing patio because that changes that
15 percentage.

16 MRS. HRUSOVSKY: Yeah, the pool
17 builder only showed us if they could get it
18 out of the variance and what that looked like
19 and that definitely seemed to be significant
20 and totally changed the use and potentially
21 even our decision to have entered into the
22 contract to do that in the first place. It's
23 just not, you know, the design and use that we
24 had in mind. I don't know, right, like, to go

1 back and ask where we can end up at a lesser
2 percentage as to what would be more acceptable
3 right now.

4 MS. SUNDAR: I'm just trying to --
5 I'm not trying to suggest because we are not
6 supposed to suggest anything. I think it's
7 your choice whether you're going to more focus
8 on the pool or the extra space, wherever you
9 could, you know, redesign, the gazebo or the
10 patio, you know, that all three could fit in
11 and still be in this variance so that you can
12 get it approved. That's how I could see the
13 potential of it.

14 MRS. HRUSOVSKY: Sure.

15 MS. SUNDAR: Because I can see the
16 gazebo and the patio, you know, that is
17 something you can work on it, but the variance
18 is more -- 40 percent is more.

19 MR. HRUSOVSKY: The patio
20 measures, is it 16 by 38, so it's 16 feet off
21 the back of our house. And that little curve
22 there is an additional four, so the furthest
23 point the patio leaves the house is 20 feet.
24 If we move -- so moving the pool to the edge

1 of that ground, moves it I think only three,
2 four feet, if the pool is now right up against
3 where the patio is. If we cut in more, then
4 that's -- yeah, it was not an option that we
5 were shown. It was either tearing out the
6 patio or going forward with the variance. I
7 believe that they proposed the tearing out the
8 patio as well. We'll just submit the plans
9 this way and you don't have to worry about the
10 variance.

11 CHAIRMAN SHIPLEY: And there's not
12 much space now between the existing patio. Is
13 the existing patio pavers?

14 MR. HRUSOVSKY: No. It's stamped
15 concrete.

16 CHAIRMAN SHIPLEY: Stamped
17 concrete, okay. And so there's not -- you're
18 saying there's about three feet between the
19 existing patio and the pool deck?

20 MR. HRUSOVSKY: It shows it on one
21 of the plans here.

22 MR. WIEMKEN: I pulled up their
23 plans that they had submitted in our scaling
24 software. So the existing patio right now

1 from the edge of the home to the edge of the
2 rectangular portion is 16 feet. And then that
3 circular portion from the center of the circle
4 to the edge is about five feet. And then from
5 the edge of the circle to the property line is
6 about 40-and-a-half feet.

7 MR. TREFZ: So you're gaining
8 essentially six feet if you move the top side
9 of the pool even with the bottom side of the
10 patio, the way we're looking at it?

11 MR. WIEMKEN: I think that, yeah,
12 that adds up. Currently, as proposed, between
13 the edge of the rectangular portion of the
14 existing patio and the edge of the patio
15 surrounding the pool is about six-and-a-half
16 feet.

17 MR. TREFZ: Okay.

18 MS. NEFF: And so that would take
19 their encroachment about eight feet into 35
20 instead of 14?

21 CHAIRMAN SHIPLEY: Right.

22 MR. WIEMKEN: Uh-huh.

23 MR. TREFZ: That's correct.

24 CHAIRMAN SHIPLEY: It's not quite

1 half, but it's close.

2 MR. TREFZ: Nope. It's closer.

3 MRS. HRUSOVSKY: We also had
4 thought, from a safety standpoint, I didn't
5 want the pool as close to the house to have --
6 you know, where you're just walking right now
7 and into it. Between the kids and the dogs, I
8 was actually quite looking forward to having
9 it further away from the house, thinking about
10 just the backyard space and how we would
11 utilize that. Just wintertime, keeping that
12 grassy space there for the dogs and that sort
13 of thing, besides trying to go across a
14 concrete that's now 16 feet, plus a pool deck
15 and then my dogs getting around to the back of
16 the house. I don't know, it's just -- an area
17 that crossed our mind when we were
18 intentionally not incorporating the pool deck
19 to the existing patio, of course before we
20 were aware of the setback.

21 MS. NEFF: Is it the norm that
22 houses have the same setback regardless of
23 where they sit like this? In other
24 neighborhoods, would they have had more of a

1 setback?

2 MS. SUNDAR: Yes.

3 MR. WIEMKEN: Yeah, so it kind of
4 depends on the development text. For this
5 subdivision in particular, all the homes just
6 have a straight 35 feet rear-yard setback for
7 both primary and accessory structures.
8 There's some other subdivisions where in their
9 development text it specifies 35 feet for the
10 primary structure and then five feet for any
11 accessory structures.

12 MS. NEFF: Okay. But does that
13 vary because of them sitting next to the power
14 lines and stuff?

15 MR. WIEMKEN: Oh, next to the open
16 space?

17 MS. NEFF: Yeah. Would that give
18 them more space than other areas in the
19 Township?

20 MR. WIEMKEN: No. And sometimes
21 -- there was a case last year where they
22 abutted a golf course and actually the
23 rear-yard setback was stricter. It was 40
24 feet instead of 30 feet, just because it

1 abutted the golf course.

2 MS. NEFF: Gotcha. Okay.

3 MR. WIEMKEN: But again, that just
4 depends on the development.

5 MS. NEFF: Depends on the -- okay.

6 CHAIRMAN SHIPLEY: Any other
7 questions?

8 MS. SUNDAR: Yeah, just one. I
9 want to confirm already Mr. Trefz here asked
10 you. Have you ever thought about keeping the
11 existing patio just the way it is and then --

12 MRS. HRUSOVSKY: What was the
13 question? I'm sorry.

14 MS. SUNDAR: Just keeping the
15 existing patio just the way it is and just
16 doing more on the patio on the other side.
17 Then you would have a space what you think
18 about in the safety point, like, there would
19 be patio and then the pool, so that the house
20 is not too close to the pool. Have you ever
21 given that a thought?

22 MR. HRUSOVSKY: We have not -- I
23 just ask Mr. Brett. I forgot his last name.
24 So the distance from the curve to the edge of

1 the pool is five-and-a-half feet, so yeah, I
2 mean, we did not consider that, but you know,
3 moving it would move it out of the setback
4 five-and-a-half feet, which, I don't know. I
5 can't do the math in my head. But I don't
6 think that would -- I mean, that --

7 MR. TREFZ: It won't get you out
8 of the 35.

9 MS. NEFF: But it's less
10 substantial.

11 MR. TREFZ: Yeah.

12 MR. HRUSOVSKY: We would be a
13 little, you know, 36 something in there.

14 CHAIRMAN SHIPLEY: I think it's
15 less than 36.

16 MS. NEFF: It would be more like
17 25, wouldn't it?

18 CHAIRMAN SHIPLEY: Yeah, I think
19 it's --

20 MS. NEFF: Closer to 25 or so.

21 MR. HRUSOVSKY: I'm trying to do
22 the math in my head, too.

23 CHAIRMAN SHIPLEY: It puts you
24 under ten feet. And that's -- again, that's

1 our -- the reason we're having this discussion
2 is because of the 40 percent.

3 MR. HRUSOVSKY: Yes. I got that.

4 CHAIRMAN SHIPLEY: And that's a
5 substantial encroachment into the setback so
6 that's the reason that we're having the
7 discussion that we're having.

8 MR. HRUSOVSKY: Personally, I
9 don't think it's a problem. It's just
10 reshaping it, but yeah.

11 MRS. HRUSOVSKY: Well, I think --
12 part of the design is -- so the pool deck is
13 designed as just a brushed concrete finish
14 versus the existing as a stamped colored
15 concrete. So we weren't trying to connect
16 them because the thought was they won't match
17 and how would we get those two things to blend
18 and look nice, so that was also kind of into
19 that design to just that it was a separate
20 structure and pool deck and that the concrete
21 would be different. So it would -- I think
22 we'd have to go back and revisit the overall
23 design of the pool to try to make it, if it
24 was going to pull all the way up to that

1 existing patio.

2 CHAIRMAN SHIPLEY: Did you do the
3 math on that, Brett?

4 MR. WIEMKEN: Yeah, so if they --

5 CHAIRMAN SHIPLEY: I saw you
6 working on it.

7 MR. WIEMKEN: -- had moved the
8 edge of the pool to the bottom of the circular
9 part, that would reduce their request down to
10 an eight foot eight-inch request, which I
11 didn't do the percentage, I guess. So that
12 would be about 24, 25 percent request, just
13 under 25, so.

14 MS. ROSS: Would they have to come
15 back -- table tonight or continue to another
16 meeting and come back with a different --

17 MR. TREFZ: Careful.

18 MR. WIEMKEN: Yes. So --

19 MS. ROSS: No, I mean, if that was
20 -- if they make a change to this plan, is that
21 what they have to do?

22 MR. WIEMKEN: Sure. They could
23 request to continue this application.

24 MR. TREFZ: There you go.

1 MR. WIEMKEN: To the next meeting
2 date in February, or however long it takes
3 them, if they wanted to modify their plans.

4 MS. ROSS: Yes, if they wanted to
5 modify the plan in anyway.

6 MR. WIEMKEN: Yep. And that would
7 be their decision. They would have to ask for
8 a continuance.

9 MS. ROSS: Right.

10 CHAIRMAN SHIPLEY: Right. And
11 that gets it to the 25 percent, or below 25
12 percent, perhaps, which takes it out of the
13 substantial category.

14 MS. SUNDAR: But we're not
15 guaranteeing it.

16 MR. TREFZ: No, we can't guarantee
17 it.

18 CHAIRMAN SHIPLEY: No, no.

19 MR. TREFZ: Brett, would you
20 explain the difference between table and
21 continue?

22 MR. WIEMKEN: Well, one of the
23 other factors is cost. There is a tabling
24 fee, where it's free to continue. But you can

1 continue to a date time certain, which we have
2 our calendar available online, but the next
3 meeting date would be February 16th, next
4 month. So if you were to modify your plans,
5 then you could submit that change to the
6 Zoning Department. We share that with the
7 Board. And you'd be on the agenda.

8 MR. TREFZ: But that request has
9 to come from you.

10 MR. WIEMKEN: Right. Yes.

11 CHAIRMAN SHIPLEY: Right, you have
12 to request to continue.

13 MRS. HRUSOVSKY: And if we say
14 okay, we want to see how the Board feels and
15 then there would be -- so if we don't table,
16 there's a vote, then if it's denied, then
17 there's a different appeal process that would
18 happen, if want to then modify and ask or
19 what?

20 MR. WIEMKEN: So, yeah, if -- so
21 if it were acted on and the decision was made
22 to deny, then you would have to -- well, and
23 then your zoning permit would be denied. So
24 then to come back for another variance, you

1 would have to substantially modify your plans
2 in order to come back for another variance.
3 That process kind of helps vent from folks
4 reapplying for the same thing over and over
5 and over. So if they substantially modify
6 their plans, then you'd be eligible to reapply
7 for a variance.

8 MR. TREFZ: What's the cost on
9 that?

10 MR. WIEMKEN: It would be the same
11 fee.

12 MR. TREFZ: Again?

13 MR. WIEMKEN: Again.

14 CHAIRMAN SHIPLEY: If you continue
15 it --

16 MR. TREFZ: So like I said, I
17 wanted to make sure they had the information.

18 MR. WIEMKEN: Correct. Yeah.

19 MRS. HRUSOVSKY: Tabling and
20 modifying -- or continuing and modifying.

21 CHAIRMAN SHIPLEY: Continuing
22 tabling and continue with the new modifying
23 is.

24 MR. TREFZ: Continuing.

1 CHAIRMAN SHIPLEY: Tabling and
2 continuing.

3 MR. WIEMKEN: Continue and
4 modifying is --

5 MRS. HRUSOVSKY: Continuing and
6 modifying is still not a guarantee that there
7 is an approval vote next time, it's just that
8 it might be me more favorable because there's
9 less of it.

10 MR. TREFZ: There's never a
11 guarantee.

12 MRS. HRUSOVSKY: Sure.

13 MS. SUNDAR: On both the
14 scenarios.

15 MR. TREFZ: Yes.

16 MS. SUNDAR: It's just like you
17 have to work with the cost more to do that and
18 the steps may be -- Mr. Brett could explain
19 you in detail.

20 MR. WIEMKEN: And I'm pulling up
21 the calendar here, just in case you know, if
22 one month isn't enough time. The next hearing
23 date in March would be March 16th as well, so.

24 MRS. HRUSOVSKY: And that time is

1 the time for us to revise and resubmit?

2 MR. WIEMKEN: Uh-huh. So that
3 would be where you could talk to your
4 contractor, potentially modify plans.

5 MRS. HRUSOVSKY: what would be the
6 deadline to get that in to you to be able to
7 submit for the February date?

8 MR. HRUSOVSKY: Right now,
9 tonight.

10 MR. WIEMKEN: Well, usually it's
11 tonight, but you can continue to a time date
12 place certain and then we would -- we always
13 try to get materials out to the Board Members
14 in advance so at least they're aware that the
15 case is on the agenda, since it was continued
16 to that date certain. So we would ask
17 probably a week and a half, two weeks would be
18 best for us. That way we have enough time to
19 distribute those materials to the Board, so.
20 And we can work with you on that as well.

21 MR. HRUSOVSKY: If we ask for a
22 continuance, is that we won't have a decision
23 until February, the next full meeting?

24 MR. WIEMKEN: Uh-huh. Correct.

1 MRS. HRUSOVSKY: We have a pool
2 manufacturer that's going to be delivering
3 this thing to our house at the end of March,
4 so we did not do this in the right order.

5 MR. HRUSOVSKY: Can we have a
6 moment?

7 MRS. HRUSOVSKY: Yeah, can we have
8 a moment?

9 CHAIRMAN SHIPLEY: Oh, certainly.

10 MR. TREFZ: Sure.

11 CHAIRMAN SHIPLEY: Absolutely.

12 MR. TREFZ: You can go over in the
13 corner or go out in the hallway and talk for a
14 minute.

15 CHAIRMAN SHIPLEY: Absolutely.

16 (Applicants in hallway meeting.)

17 MS. SUNDAR: So many of my
18 neighbors, I'm hearing that the contractors
19 are not telling them in the first place that
20 they need to check off all the ways and stuff.

21 COURT REPORTER: Are we off the
22 record or on the record? I'm just asking.

23 MR. WIEMKEN: Well, it is being
24 recorded, so.

1 CHAIRMAN SHIPLEY: Everything is
2 being recorded so we can't be off the record.

3 COURT REPORTER: Okay. Well, I
4 didn't know if you were --

5 CHAIRMAN SHIPLEY: No.

6 MR. TREFZ: No, no. They haven't
7 called time out. They were going over there
8 to debate.

9 CHAIRMAN SHIPLEY: Right.

10 MS. SUNDAR: But anybody would
11 have said this.

12 CHAIRMAN SHIPLEY: Well, we do
13 have to be careful of conversations that we
14 have.

15 MR. TREFZ: Yes. We just want to
16 talk about what we can talk about.

17 CHAIRMAN SHIPLEY: Right.

18 MR. TREFZ: Hope the difference
19 between a continuous and a tabling makes a
20 huge difference to everybody.

21 CHAIRMAN SHIPLEY: Okay.

22 MR. TREFZ: Yes, sir.

23 MR. HRUSOVSKY: To clarify, so the
24 continuance, we would ask for a continuance

1 and we would still be allowed to submit a
2 slightly-modified plan?

3 CHAIRMAN SHIPLEY: Yeah.

4 MR. TREFZ: Yes.

5 MR. HRUSOVSKY: As long as we're
6 well within before the next meeting of the
7 16th of February?

8 MR. WIEMKEN: Correct. Yeah.

9 CHAIRMAN SHIPLEY: Yes.

10 MR. HRUSOVSKY: Okay. In that
11 regard, I would like to request a continuance.

12 MR. WIEMKEN: Okay.

13 MR. TREFZ: Do we have to vote on
14 that?

15 CHAIRMAN SHIPLEY: We do have to.

16 MR. WIEMKEN: Yeah.

17 MR. TREFZ: We have to vote, okay.

18 MR. WIEMKEN: So, Motion to
19 Continue to and then it would February 16th at
20 6:00 here at Township Hall.

21 MR. TREFZ: So moved.

22 MS. ROSS: I'll second.

23 MR. WIEMKEN: A Motion to Continue
24 Variance Application VA-22-18 to February

1 16th, 2023 here at Township Hall, 1680 East
2 Orange Road at 6:00 in the evening; Motion by
3 Mr. Trefz, seconded by Ms. Ross. Those
4 voting:

5 MR. WIEMKEN: Ms. Neff.

6 MS. NEFF: Yes.

7 MR. WIEMKEN: Ms. Ross.

8 MS. ROSS: Yes.

9 MR. WIEMKEN: Mr. Shipley.

10 CHAIRMAN SHIPLEY: Yes.

11 MR. WIEMKEN: Ms. Sundar.

12 MS. SUNDAR: Yes.

13 MR. WIEMKEN: And Mr. Trefz.

14 MR. TREFZ: Yes.

15 MR. WIEMKEN: Okay.

16 CHAIRMAN SHIPLEY: Thank you.

17 MR. WIEMKEN: You guys don't have
18 to stick around.

19 MS. HRUSOVSKY: I kind of want to
20 see where this goes. (Laughter.)

21 MR. TREFZ: You're welcome to
22 stay.

23 - - -

24 CHAIRMAN SHIPLEY: All right. Our

1 next case is Variance Case VA-22-19.

2 MR. WIEMKEN: Okay. Starting with
3 the Staff Report. Variance Case VA-22-19, the
4 Applicant and Owner is Scott Blanchard. The
5 site is 6950 Greenspire Drive, Lewis Center,
6 Ohio 43035. The Parcel ID Number is
7 318-240-22-026-000. It's currently zoned as
8 Single Family Residential District. They are
9 also seeking an area variance from Rezoning
10 Case 12451 Estates of Glen Oak to allow for a
11 residential swimming pool to encroach into the
12 rear-yard setback.

13 So, a more detailed summary, they
14 are seeking an area variance to construct a
15 swimming pool that would encroach 12 feet into
16 the 35 feet rear-yard setback in an area zoned
17 Single Family Planned Residential. The
18 swimming pool is also proposed to have a
19 five-feet tall aluminum fence, as well as an
20 automatic safety cover. The decking material
21 around the pool is proposed to be brick
22 pavers.

23 Surrounding the area to the north,
24 south, east and west is all zoned Single

1 Family Planned Residential District. The Land
2 Use to the north, east and west is single
3 family residences and to the south is HOA open
4 space. Also provided is the Staff Report is
5 an aerial photo from the Delaware County
6 Auditor's Website.

7 And then on to the Staff Review.
8 So, the proposed swimming pool would encroach
9 12 feet into the 35-foot rear-yard setback.
10 This is roughly a 34 percent variance request
11 from Rezoning Case 12451 Estates of Glen Oak.
12 Provided in the Staff Review is a site plan,
13 just kind of showing some of those
14 measurements there.

15 And then Staff was able to go out
16 and take some photos there. So the cone that
17 is shown in the photos is 41 feet away from
18 the edge of the home. This is where the edge
19 of the pool would go, the very southern edge,
20 to clarify. There's a few photos there, shows
21 the HOA open space there to the south of the
22 property.

23 As far as public comments, so
24 there was three emails that I received. Those

1 three properties in proximity to the subject
2 property were to the east, the west and
3 directly north, so all the surrounding
4 neighbors there. And the Applicant also did
5 provide the HOA approval for this project.

6 That includes all that I have. I
7 believe the property owner is also here as
8 well, so in case you guys have any more
9 questions or comments.

10 CHAIRMAN SHIPLEY: Sir, would you
11 like to add anything?

12 MR. BLANCHARD: Again, thank you
13 Board for looking at our stuff here. My name
14 is Scott Blanchard. I'm the resident at the
15 address 6950 Greenspire Drive. And I have
16 been sworn in.

17 CHAIRMAN SHIPLEY: Thank you.

18 MR. BLANCHARD: So in essence, my
19 wife and I, we are looking at doing an
20 in-ground pool with the details that Brent had
21 given here in the report to the in-ground,
22 automatic pool cover, the fence with
23 self-closing. The neighbors around have no
24 issues with that. Just looking at layout, we

1 looked at some different designs. We currently
2 have an existing patio that was a paver patio,
3 but it was not built very well, so the process
4 of demoing our current, existing patio and then
5 relaying, redoing essentially everything to what
6 you guys do see here is what we are requesting.

7 CHAIRMAN SHIPLEY: So I'm trying to
8 get a good picture of the back of the house.

9

10

11 MR. BLANCHARD: Yes.

12 CHAIRMAN SHIPLEY: And where that
13 pool begins. So how much -- so the patio
14 you're taking out, the paver patio, and then
15 how much space is between the back of the
16 house and the beginning of the pool deck?

17 MR. BLANCHARD: I think there's a
18 little less than ten feet from the back of the
19 --

20 CHAIRMAN SHIPLEY: Is that the --

21 MR. BLANCHARD: The furthest most
22 point of the house.

23 CHAIRMAN SHIPLEY: Okay. So
24 that's the 9.6. Okay.

1 MR. BLANCHARD: That's the 9.6,
2 yes, sir.

3 CHAIRMAN SHIPLEY: And then
4 there's 13 feet of patio before you get to the
5 pool; is that correct?

6 MR. BLANCHARD: That is correct.
7 Yep, on the northern side of the pool.

8 CHAIRMAN SHIPLEY: Okay. And it's
9 all pavers around the pool?

10 MR. BLANCHARD: That is correct.

11 CHAIRMAN SHIPLEY: So the obvious
12 question, I guess, what options have you
13 looked at? Have you looked at other options?
14 Thirty-four percent is a substantial variance.
15 Have you looked at other options?

16 MR. BLANCHARD: So, in trying to
17 move things closer, and I can tell you from
18 two experiences why we did not want things up
19 as close. Well, there's a couple of factors.
20 Part of having the -- where you can see the --
21 where the potential loungers would be is on
22 the northern side of the pool to be able to
23 face the south, versus if you're out there and
24 you're trying to sun to not have to turn the

1 chair all the way completely around away from
2 the pool away from where kids and other people
3 would be. So we wanted it on the northern
4 side of the pool. The south side in our yard
5 every year when the sun is at certain
6 directions, it actually -- the energy
7 efficient windows, it will actually scorch.
8 You can see lines in our yard where it will
9 actually burn in the grass. It will actually
10 -- and my neighbor next door, who has had a
11 variance approved for a pavilion, he's had his
12 patio furniture catch on fire from these
13 windows.

14 So, there is -- and if you put
15 your hand out in the sun under this, it's hot,
16 so I don't want anybody sitting, laying
17 directly underneath where that space is. So
18 for moving things around to not put the chairs
19 on the south side to not have to flip things
20 around, that's what we wanted to keep it on
21 the north side and keeping that space of where
22 we typically have that damage done to our yard
23 every year, that I have to reseed and fill
24 back in.

1 MS. NEFF: In the drawing, is this
2 your house?

3 MR. BLANCHARD: Yes, that is our
4 home. Yep.

5 MS. NEFF: And so the patio comes
6 around to the home in this section?

7 MR. BLANCHARD: Correct. There's
8 a sliding door off of that kind of south, I
9 guess, west corner of the home and so it kind
10 of extends out and then around, which is our
11 current kind of patio layout. It's just
12 extending to where the pool is.

13 MS. NEFF: Okay. So my
14 calculations, which might be wrong, but it
15 looks like it's about three feet difference
16 between being substantial and less than the 25
17 percent.

18 CHAIRMAN SHIPLEY: I'm not doing
19 the math in my head, but that's probably
20 pretty close.

21 MS. NEFF: Yeah, because it would
22 be nine, nine out of 35.

23 CHAIRMAN SHIPLEY: Right. Right,
24 probably pretty close.

1 MS. NEFF: So pretty close. But
2 you're saying that moving it three feet in, so
3 you would hit that sun line?

4 MR. BLANCHARD: That's right. If
5 we move that in, what we're trying to avoid is
6 where that damage is done. I would rather
7 have landscape or if I have to put rocks in
8 there or something of that nature to hard
9 scape around that area, something that can
10 take the abuse of the sun, that isn't
11 essentially going to catch on fire or
12 essentially die repetitively, ideally.

13 MR. TREFZ: Are there windows on
14 the east side there where you've got the
15 little round picnic table or whatever?

16 MR. BLANCHARD: On the east side
17 of that, we have a large sliding door. That
18 is the only thing we have in where the -- and
19 used to picnic at that point in time. But
20 that right -- sorry. Looking out to the
21 patio, it's a sliding. But if you go to the
22 east side of the house -- is that what you're
23 asking?

24 MR. TREFZ: No. I was asking

1 about the north side of the house but on the
2 east end of that. It comes in, out and back.

3 MR. BLANCHARD: Correct.

4 MR. TREFZ: I'm concerned with
5 this.

6 MR. BLANCHARD: Where that comes
7 in, that is where there's just a sliding door
8 out there.

9 MR. TREFZ: Okay.

10 MR. BLANCHARD: It goes out to the
11 backyard. That's the only entry point from
12 the house to the backyard.

13 MR. TREFZ: We obviously have the
14 same issue as we had on the last case. There
15 are design options I think could be pursued.
16 I can't tell you what to do on that, but 34
17 percent is well over our mark of 25. And it
18 is different each case. We could have nine
19 neighbors right in a row and everybody's case
20 is different. Some of them we may grant, some
21 of them we may not. If it's a gazebo not in
22 ground with no foundation, that's a whole
23 different story. So, the measurement of the
24 pool, which is the -- that's why the

1 measurement goes from the line to the edge of
2 the pool, not to the concrete around the pool.
3 Because the concrete or pavers, whatever you
4 have, aren't on a foundation.

5 MR. BLANCHARD: Right.

6 MR. TREFZ: So that's not where we
7 go.

8 MR. BLANCHARD: Correct.

9 MR. TREFZ: Okay.

10 MR. BLANCHARD: Correct.

11 MR. TREFZ: And I'm just saying,
12 there might be a different configuration that
13 does everything you want it to do and yet
14 gives a little more -- you're asking for a
15 little less of a variance.

16 MR. BLANCHARD: So when you say a
17 little less of a variance, what are the
18 parameters? What's the scale or percentage
19 that you guys are looking to have?

20 CHAIRMAN SHIPLEY: It's not that
21 we're looking for a specific, but anything
22 over 25 percent is considered substantial.

23 MR. BLANCHARD: Okay.

24 CHAIRMAN SHIPLEY: And like Mr.

1 Trefz said, every case is looked at
2 separately. There's different circumstances
3 in every case. But anything over 25 percent
4 is considered substantial. Those are
5 discussions that we have, other options. Are
6 there other options that could be? And
7 sometimes there's not, but that's kind of
8 where that comes from. So there's -- we would
9 be remiss just to -- it would be wrong to say
10 there is a standard, there's a line, we can't
11 do that. Anything over 25 percent is
12 considered substantial.

13 MR. TREFZ: And that's one of
14 seven conditions that we look at.

15 CHAIRMAN SHIPLEY: Exactly right.
16 Yeah, thank you.

17 MR. TREFZ: Okay. And when I
18 personally evaluated this project, you didn't
19 have many positives. Okay. Brett, did we
20 ever show them that?

21 MR. WIEMKEN: It's included in the
22 last page of the Staff Report.

23 MR. TREFZ: Yeah, I know it is.

24 MS. NEFF: But do they get that?

1 MR. TREFZ: But do they get a copy
2 of that?

3 MR. WIEMKEN: Yeah, they are sent
4 the Staff Report. It's the same questions
5 that in theory they would answer on the
6 application as well.

7 MR. TREFZ: Yeah. Right. It's
8 similar or the same, but -- everybody says,
9 oh, I didn't know about the zoning
10 requirement. Well, you may not have, but --

11 MR. BLANCHARD: We knew. I mean,
12 we -- that's why we haven't moved forward with
13 anything because -- and I even told our
14 builder that I want to have the approval.

15 MR. TREFZ: Sure.

16 MR. BLANCHARD: Before we move
17 forward. But I guess my -- with the neighbor
18 next door, what my hope was that with where we
19 are putting things, who has been granted a
20 variance, at least in line site, when I look
21 at towards the back of approximately, now
22 granted it's not hard set perfect down to the
23 exact inch, but in line site if you look
24 across where he's been granted a variance for

1 building a whole concrete foundation for a
2 pavilion, it's pretty close to where we're
3 looking for the back edge of the pool.
4 There's a retention pond behind us. Nobody is
5 going to be behind us. So I guess I see
6 what's the -- such a tight restriction. I
7 mean, there's certain reasons why I'm sure you
8 guys know those things, but if there's nobody
9 -- we're out on the utility easement, you
10 know.

11 MR. TREFZ: Well, whether it's
12 your house that's next to the open land or
13 across the street, which is next to back doors
14 to neighbors, makes no difference because of
15 the setback is the same for all of the lots.
16 You may -- it may look like you have a lot
17 more land behind you.

18 MR. BLANCHARD: No, I agree. I
19 know it may look like that. I guess what's
20 the likelihood of needing that space that is
21 still within our property behind this pool, you
22 know, I guess is my mindset. You know, what's
23 the likelihood of needing that additional space
24 to go into their, especially

1 if we're out of the utility easement.

2 CHAIRMAN SHIPLEY: Right. We
3 still have to work off of the setbacks.

4 MR. BLANCHARD: Sure. So my
5 question then, I guess, would be, what is the
6 -- what would be the required footage to move
7 closer to the home to be within 25 percent?

8 CHAIRMAN SHIPLEY: Again, I can't
9 do that math in my head.

10 MS. NEFF: It's about three feet.
11 Because if you look at -- so to do the
12 calculation, you take the amount you're
13 encroaching, which is 12 feet and divide it by
14 35. So 12 divided by 35 is what, the 33
15 percent?

16 CHAIRMAN SHIPLEY: Correct.

17 MR. TREFZ: Yeah.

18 MR. WIEMKEN: Twenty-five percent
19 is right at nine feet, so it would be --

20 MS. NEFF: Yeah. So you're three
21 feet-ish away.

22 CHAIRMAN SHIPLEY: It would be
23 about three feet.

24 MS. NEFF: That being said, that

1 doesn't mean it will be approved, I mean. But
2 that takes it out of substantial.

3 CHAIRMAN SHIPLEY: Takes it out of
4 the substantial category.

5 MS. NEFF: That's why I was asking
6 about that -- the --

7 MR. BLANCHARD: I mean, I'll go
8 out because I probably have areas where I --
9 and I'll remeasure where I probably can see
10 where grass seed is growing in from last year
11 because it's probably still greener than the
12 rest of it. So I can go look and see and make
13 sure that it's -- I tried to stake it out as
14 best I could with the measurements. But I
15 also know measurement-wise I think right where
16 you place, where I thought the last area of
17 the back edge of the patio is, is where I
18 think that cone is, is where the pool is. So,
19 if I go back out and look at that, then that
20 may be something to consider to see were my
21 measurements digitally also not as accurate.

22 CHAIRMAN SHIPLEY: Does anybody --
23 do you have any questions? Does anybody else
24 have any questions?

1 MS. SUNDAR: No. Does he want to
2 continue or?

3 MR. BLANCHARD: I think at this
4 point for a potential three feet that may be
5 hopefully, you know, if the yard is not in
6 that zone then negligible, then I think I
7 would say continue at this point, which would
8 mean to just resubmit to you again, I guess, a
9 newer design, if we're going to go that route;
10 is that correct? If I'm understanding that
11 process, is that what --

12 MR. WIEMKEN: For a continuing,
13 yes.

14 CHAIRMAN SHIPLEY: For a
15 continuance, yes.

16 MR. BLANCHARD: For continuing,
17 correct. And that doesn't require us to pay
18 the additional \$600 again to be there,
19 correct?

20 CHAIRMAN SHIPLEY: Not a
21 continuance.

22 MR. BLANCHARD: Correct. So I
23 think at this point for a potential three
24 feet, I think let's look at it and get a

1 continuance.

2 CHAIRMAN SHIPLEY: Okay.

3 MR. WIEMKEN: Is there a Motion by
4 the Board to continue to February 16th here at
5 Township Hall?

6 CHAIRMAN SHIPLEY: I'll make a
7 Motion based upon the Applicant's request for
8 a continuance to continue to February 16th.

9 MS. NEFF: Second.

10 MR. WIEMKEN: Okay. Motion to
11 continue to February 16th located here at
12 Township Hall at 6:00 p.m. Motion made by Mr.
13 Shipley, seconded by Ms. Neff. Those voting:

14 MR. WIEMKEN: Ms. Neff.

15 MS. NEFF: Yes.

16 MR. WIEMKEN: Ms. Ross.

17 MS. ROSS: Yes.

18 MR. WIEMKEN: Mr. Shipley.

19 CHAIRMAN SHIPLEY: Yes.

20 MR. WIEMKEN: Ms. Sundar.

21 MS. SUNDAR: Yes.

22 CHAIRMAN SHIPLEY: And Mr. Trefz.

23 MR. TREFZ: Yes.

24 CHAIRMAN SHIPLEY: Thank you,

1 folks.

2 MR. BLANCHARD: Thank you.

3 - - -

4 CHAIRMAN SHIPLEY: All right. The
5 next item on the Agenda is the approval of the
6 Minutes from November 10th, and December, I
7 think. November and December Minutes, right?

8 MR. WIEMKEN: Uh-huh. Okay. We
9 can start with the November ones. There's a
10 few corrections that everybody had submitted,
11 so let me pull these up here. Okay.

12 So, there's a list here, so please
13 bear with me. So for the November 10th, 2022
14 Minutes: corrections on page 4 line 7, the
15 word feet should be foot; page 5 line 14,
16 remove the word the, it makes more sense
17 there. On page 6 line 15, remove of; page 8
18 line 1, where should be is; page 12 line 4,
19 capitalize the a in as; page 14 line 1,
20 capitalize the a in and; page 16 line 7, there
21 should be they; page 16 line 12, well should
22 be will; page 16 line 22, add a period after
23 the word yes; page 19 line 3, came should be
24 can; page 19 line 4; requested should be

1 request; page 21 line 1, pass should be past,
2 p-a-s-t; page 26 line 6, Ms. Sundar should be
3 Ms. Ross.

4 And there's a few others here, so
5 let me make sure I don't duplicate them here.
6 So page 9 line 2, rent should be changed to
7 current; page 9 line 11, I'll be it, should be
8 albeit, one word. Page 9 line 24, instruction
9 should be changed to construction; page 10
10 Line 1, impingement should be infringement;
11 page 16 line 12, really well should be really
12 are; page 17 line 16, teared should be tiered;
13 page 25 line 24, give should be gave and then
14 page 29 line 2, just a correction on the time
15 from 6:14 to 6:30 p.m. I don't remember it
16 being that short of a short.

17 MR. TREFZ: It was short, but not
18 that short.

19 CHAIRMAN SHIPLEY: I saw that. I
20 thought that was kind of short.

21 MR. WIEMKEN: So that's it for the
22 November Minutes.

23 CHAIRMAN SHIPLEY: Do you need a
24 Motion specifically for November?

1 MR. WIEMKEN: Yes, please. Just a
2 Motion as corrected.

3 CHAIRMAN SHIPLEY: Does anybody
4 else have anything to add?

5 MR. TREFZ: No.

6 CHAIRMAN SHIPLEY: All right.
7 I'll make a Motion that we approve the
8 November Minutes as corrected.

9 MS. ROSS: I'll second.

10 MR. WIEMKEN: Motion to approve
11 the November 10th, 2022 Minutes as amended
12 made by Mr. Shipley, seconded by Ms. Ross.
13 Those voting:

14 MR. WIEMKEN: Ms. Neff.

15 MS. NEFF: Yes.

16 MR. WIEMKEN: Ms. Ross.

17 MS. ROSS: Yes.

18 MR. WIEMKEN: Mr. Shipley.

19 CHAIRMAN SHIPLEY: Yes.

20 MR. WIEMKEN: Ms. Sundar.

21 MS. SUNDAR: Yes.

22 MR. WIEMKEN: And Mr. Trefz.

23 MR. TREFZ: Yes.

24 MR. WIEMKEN: On to the December

1 Minutes. So for December, page 4 line 14,
2 unless should be since; page 9 line 20, lot
3 should be light; page 12 line 10, add is to
4 the applicant is requesting; page 23 line 4,
5 the first name of the individual is spelled
6 incorrectly. It should be Ramakrishna, which
7 is R-a-m-a-k-r-i-s-h-n-a. And then on page 1
8 it lists Stacey Neff present, but on page 2
9 throughout the minutes Ms. Foster was noted in
10 the roll calls and discussion. It was Ms.
11 Foster that was there in attendance. Page 6
12 line 22, that should be than; page 9 line 8,
13 any way should be corrected to just one word;
14 page 12 line 14, feet should be foot; page 17
15 line 17, sweep like, that doesn't make sense.

16 MS. ROSS: It reads, background is
17 like a sweep like in the area.

18 MR. WIEMKEN: Yeah, and I caught
19 that, too. When listening to it, I couldn't
20 come up with any other word that would really
21 fit it well, so.

22 MR. TREFZ: Hey, we say weird
23 things sometimes.

24 MR. WIEMKEN: Yes, yes, so. And

1 then on page 25, it should be Ms. Foster
2 seconded rather than so moved. So those are
3 all the corrections that we have for December
4 Minutes.

5 CHAIRMAN SHIPLEY: Does anybody
6 have anything to add? All right. I'll make a
7 Motion that we approve the December Minutes as
8 corrected.

9 MS. ROSS: I'll second.

10 MR. WIEMKEN: A Motion by Mr.
11 Shipley to approve the December 15th, 2022
12 Minutes as corrected, second by Ms. Ross.
13 Those voting:

14 MR. WIEMKEN: Ms. Neff.

15 MS. NEFF: Yes.

16 MR. WIEMKEN: Ms. Ross.

17 MS. ROSS: Yes.

18 MR. WIEMKEN: Mr. Shipley.

19 CHAIRMAN SHIPLEY: Yes.

20 MR. WIEMKEN: Ms. Sundar.

21 MS. SUNDAR: I abstain.

22 MR. WIEMKEN: And Mr. Trefz.

23 MR. TREFZ: Yes.

24 MR. WIEMKEN: Okay. That's all we

1 have on the Agenda tonight. I would like to
2 officially welcome Stacey. Her first big-time
3 meeting as a regular Member.

4 (Applause.)

5 MR. WIEMKEN: And then also
6 Andrew, he is our new Zoning Inspector, so
7 give a shout out to him as well.

8 (Applause.)

9 CHAIRMAN SHIPLEY: Welcome Andrew.

10 MR. KOENIG: Thank you.

11 MR. WIEMKEN: It's his first Board
12 of Zoning Appeals meeting ever, sp.

13 MR. TREFZ: They're not always
14 easy like this.

15 MR. WIEMKEN: So, as far as next
16 month, we now have three cases on the Agenda,
17 the two that were tonight and there's also a
18 Conditional Use Application as well, so. You
19 guys will be hearing from me soon with those
20 materials, as well.

21 CHAIRMAN SHIPLEY: Does anybody
22 have everything else?

23 MS. SUNDAR: No.

24 CHAIRMAN SHIPLEY: All right.

1 Meeting adjourned. Thank you, folks.

2 (Thereupon, the proceedings

3 adjourned at 6:56 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 on this
11 15th day of February 2023.

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Sandra D. Kin

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

My Commission expires May 14, 2027.

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