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BEFORE THE BOARD OF
ZONING APPEALS
LIBERTY TOWNSHIP

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In the Matter of:
Zoning Appeals Hearings:

PROCEEDINGS

before Members of the Board of Zoning Appeals:
Chairman Kelly Kammann; Members Vince Margello
and Christie Marker, held at the Liberty
Township Hall, 7802 Liberty Road, Powell,
Ohio, called at 7:00 p.m. on Tuesday, June 6,
2023.

- - -

ALSO PRESENT:
Staci Hood, Liberty Township Zoning Officer
Mary Beth Robinson, Liberty Township Secretary

- - -

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

2 - - -

3 CHAIRMAN KAMMANN: I'll call to
4 order the meeting of the Liberty Township
5 Board of Zoning Appeals. I'd ask everybody if
6 you would please to turn off your cell phones,
7 put them on silent just so they don't
8 interrupt us today.

9 Mary Beth, will call the roll,
10 please.

11 MS. ROBINSON: Kelly Kammann.

12 CHAIRMAN KAMMANN: Present.

13 MS. ROBINSON: Vince Margello.

14 MR. MARGELLO: Present.

15 CHAIRMAN KAMMANN: Christie

16 Marker.

17 MS. MARKER: Present.

18 CHAIRMAN KAMMANN: Great. We have
19 three votes -- three Board Members here this
20 evening, which means it takes three
21 affirmative votes to pass a Motion, so I just
22 want to make sure everybody realizes it's not
23 a majority, it's a three vote to pass.

24 We have Mary Beth Robinson, she is

1 our Zoning Secretary. And we have Ms. Staci
2 Hood. What is your title these days, Staci.

3 MS. HOOD: Zoning Officer.

4 CHAIRMAN KAMMANN: Zoning Officer.

5 Thank you.

6 Well, I want to do now is anybody
7 who thinks they may want to speak tonight, I'd
8 ask you to stand and I'll swear you in. I'm
9 assuming you guys -- some or all of you plan
10 to speak.

11 AUDIENCE: I plan on it, yeah.

12 CHAIRMAN KAMMANN: Have you had
13 gentlemen signed in?

14 AUDIENCE: Yes.

15 CHAIRMAN KAMMANN: Okay. Great.

16 I'll ask you to raise your right hand.

17 "Do you promise to tell the truth,
18 the whole truth and nothing but the truth so
19 help you God?"

20 AUDIENCE: I do.

21 CHAIRMAN KAMMANN: Okay. Great.

22 You can have a seat. Thank you.

23 Mary Beth, do you want to read us
24 the first Notice?

1 MS. ROBINSON: BZA #23-09
2 submitted by Jeffrey and Christy Murdock for
3 the property at 4931 Cascade Drive, Powell,
4 Ohio 43065 (aka Lot 1100, Scioto Hills, No.
5 4), requesting a reduced side yard setback
6 from 25 feet to 15 feet for an accessory
7 building. The 1.0-acre farm residence zoned
8 property is located in Ranch 19, Township 3,
9 Section 3, Liberty Township, Delaware County,
10 Ohio.

11 CHAIRMAN KAMMANN: Thank you, Mary
12 Beth. Anybody on the Board need to abstain
13 tonight?

14 Great. Staci, would you like to
15 read the Staff Report for us, please.

16 MS. HOOD: The home located at
17 4931 Cascade Drive was built in 1988. It's
18 2650 square feet in size and located on a one
19 acre lot. The property dimensions are 192.75
20 wide by 225.97 deep on the east side and
21 226.03 deep on the west side, and 32-foot wide
22 by 31 1/4-foot deep by 14-foot wall height
23 accessory building, or a pole building is
24 being proposed 15 feet away from the west side

1 property line.

2 Liberty Township Zoning Resolution
3 Section 8.07(C)(2) side yard setback states in
4 part the following: No building or other
5 structure shall be located closer than 25 feet
6 to any side lot line. The proposed accessory
7 building will be located 15 feet from the side
8 property line on the west side of the property
9 encroaching 10 feet into the required 25-foot
10 side yard setback.

11 The applicant has included in the
12 Application for your reference a letter from
13 the applicant dated April 12, 2023 requesting
14 approval of the accessory building. The
15 mortgage location survey dated June 18th,
16 2019, renderings of the proposed accessory
17 building, a letter of support from Mike
18 Ridgeway and Sally Keener, the property owners
19 to the west, address 4959 Cascade Drive, dated
20 April 4th, 2023, an aerial site view and
21 renderings indicating the property lines and
22 location of the proposed accessory building, a
23 copy of the estimate from Grayber Oak
24 Flooring, Inc. dated March 23rd, 2023, which

1 includes details of the proposed accessory
2 building.

3 CHAIRMAN KAMMANN: Thank you,
4 Staci. Would the applicant like to come
5 forward and talk to us about your Application.
6 Start, if you would, by stating your full name
7 and address for the record.

8 MR. MURDOCK: Jeffrey T. Murdock,
9 4931 Cascade Drive, Powell, Ohio 43065.

10 CHAIRMAN KAMMANN: Okay. What
11 would you like to tell us about this
12 Application, sir.

13 MR. MURDOCK: So the reason we've
14 requested the variance is because of the
15 hardships that will be created by the standard
16 25-foot setback. And when we went into
17 designing our building and plans for what we
18 wanted to do, we didn't think that the setback
19 would be problematic. As we got further down
20 into the planning process, we realized that we
21 actually had the plan derived and the quote
22 and an estimate from Graber Oak Floor, who is
23 a barn and accessory building provider. We
24 realized at that point that the setbacks were

1 going to a problem, as the angle of approach
2 from the back of our driveway to back trailers
3 into the accessory building, which is one of
4 the primary uses, we're going to utilize that
5 for storage of utility trailer, tractor or
6 some other equipment. But the standard
7 setback would push it over to where I'd have
8 to leave my truck and trailer kind of back
9 around the back point of our house. And so it
10 creates a pretty significant hardship for
11 getting something into that eastern bay of the
12 building, as it's a two garage doors.

13 CHAIRMAN KAMMANN: How far would
14 it be from like the doors on the barn to like,
15 for example, where your driveway ends at your
16 house, so to speak?

17 MR. MURDOCK: That's about 60 feet
18 from the end of the driveway.

19 CHAIRMAN KAMMANN: Okay.

20 MR. MURDOCK: But from the back
21 porch, which extends past the edge of the
22 driveway, that's only about 40 feet. So then
23 got my truck and trailer combined are almost
24 55 feet in total length. So a 22-foot truck

1 and 28-foot long on the trailer and trying to
2 weave those back, ten windows back from the
3 trailer, that extra little, that could result
4 in a lot of damage, potential damage to the
5 house, to the barn, to the trailer, to our
6 vehicles. You know, there's a lot going on
7 when you're backing up a vehicle like and a
8 trailer like that. And so I first approached
9 our neighbors and made sure that they'd be
10 okay with it. And once Mike and Sally gave us
11 their blessing, we proceeded to apply for the
12 variance.

13 CHAIRMAN KAMMANN: Okay. Is that
14 all you wanted to share with us?

15 MR. MURDOCK: No. Additionally,
16 there were previously three structures in the
17 back of the property. When we purchased the
18 house there was some older, dilapidated barns.
19 We've since removed two of those. You know,
20 that area was already fairly clear of any
21 trees. So by putting the new accessory
22 building as far back in that corner as
23 possible, it will eliminate the need for any
24 removal of additional trees, which is

1 something that we're trying to eliminate
2 because we enjoy the views of the woods from
3 our back porch, from our kitchen, from our
4 house.

5 And also positioning the barn as
6 far in that corner as possible will provide
7 the cleanest views of the woods. As you get
8 further in that corner, behind us in the
9 woods, that's all mostly briars and thistles
10 and it's not really much to look at in the
11 back corner. But as you go over, you know,
12 even just 10 or 15 feet, it becomes more of a
13 hardwood forest and you can see you back there
14 and see wildlife. And it also would prevent
15 -- additional play, you know, area for our
16 children, our two young children who like to
17 play in the backyard.

18 CHAIRMAN KAMMANN: I want to ask a
19 question. And I apologize if you're not
20 familiar with talking about the reference.

21 MR. MURDOCK: Sure.

22 CHAIRMAN KAMMANN: But your
23 mortgage location survey, is that an accurate
24 representation of the orientation of the home

1 and the driveway on the property?

2 MR. MURDOCK: Is it that one?

3 CHAIRMAN KAMMANN: No. But we can
4 go with that one, if you want to. Can you
5 zoom out just slightly for us, Mary Beth?
6 Does that allow you to? Perfect, right there,
7 right. Is that a rough -- I know it's
8 obviously hand drawing, but it isn't a fairly
9 accurate representation.

10 MR. MURDOCK: So that one, I
11 believe, was one that you all had on file from
12 a previous applicant, if I recall.

13 CHAIRMAN KAMMANN: Okay.

14 MR. MARGELLO: That's your
15 mortgage location survey, right?

16 MR. MURDOCK: Yes, I believe that
17 is.

18 CHAIRMAN KAMMANN: Right, that's
19 what I'm looking at. That's what I'm trying
20 to understand. That's is what I was referring
21 to.

22 MR. MURDOCK: Yeah. Okay.

23 CHAIRMAN KAMMANN: Is this an
24 accurate representation?

1 MR. MURDOCK: I would believe so.
2 I mean, I haven't -- I didn't go out and take
3 measurements myself to confirm it. I assumed
4 that something like that is --

5 MR. MARGELLO: But it's stamped by
6 a registered surveyor?

7 MR. MURDOCK: Yes, so I would
8 assume that that's accurate. Yeah.

9 CHAIRMAN KAMMANN: Yeah, actually,
10 I think it probably would be more helpful,
11 Mary Beth, in the packet, it's on -- gosh, I
12 can't figure out what page it is. It's almost
13 towards the end of the -- it looks like a GPS
14 overview with a picture of a barn that was
15 drawn on in.

16 MR. MURDOCK: Yeah.

17 CHAIRMAN KAMMANN: If we could
18 pull that up, that would be awesome. No, no,
19 no, not that one.

20 MR. MARGELLO: It's the one with
21 the colored barn.

22 CHAIRMAN KAMMANN: It's a GPS
23 picture that someone colored in a barn.

24 MS. ROBINSON: Is it on the

1 Application?

2 CHAIRMAN KAMMANN: It is.

3 MR. MARGELLO: It's on the

4 Application.

5 MR. MURDOCK: Yeah, it's the
6 colored picture.

7 CHAIRMAN KAMMANN: Right there.

8 Perfect. Thank you so much.

9 MR. MURDOCK: So you can see --

10 CHAIRMAN KAMMANN: That's

11 obviously an accurate representation.

12 Where are the doors going to be on
13 the barn? Can you point to that, sir?

14 MR. MURDOCK: Like where the BAR
15 are?

16 CHAIRMAN KAMMANN: Yeah. So that
17 would be center left center.

18 MR. MURDOCK: So that
19 representation of the red barn is 32 -- or 31
20 1/4 deep, 42 wide, because there's an awning
21 on the right side, on the east side. I wanted
22 to put an awning. So that won't be enclosed.
23 That would just be an awning.

24 CHAIRMAN KAMMANN: No, I get that.

1 I'm trying to understand orientation.

2 MR. MURDOCK: Yeah. So the two
3 garage doors will be like where the B and A
4 are.

5 CHAIRMAN KAMMANN: So, the reason
6 I'm asking is I'm assuming your intention
7 would be to extend your driveway directly
8 towards those doors?

9 MR. MURDOCK: Yes.

10 CHAIRMAN KAMMANN: So you want to
11 go -- it basically would come right to here.

12 MR. MURDOCK: Yep.

13 CHAIRMAN KAMMANN: It would seem
14 that the natural flow would take you to AR not
15 BA.

16 MR. MURDOCK: Well, there's two --

17 CHAIRMAN KAMMANN: It actually
18 seems like you have a straighter approach, if
19 you comply. That's why I'm trying to
20 understand where the doors are relative to
21 that orientation of that.

22 MR. MURDOCK: So there would be
23 two 12-foot doors, one here and one here. In
24 this back corner of the house is where we

1 didn't want to cross.

2 CHAIRMAN KAMMANN: Now I'm
3 understanding better.

4 MR. MURDOCK: Because coming back
5 as you have to cut the trailer, or cut this
6 way to --

7 CHAIRMAN KAMMANN: So you're
8 coming basically -- I want to show this for
9 you guys, too. My fingers are basically the
10 doors. So if you comply, you would be here
11 and that's where you can really see how that
12 visually --

13 MR. MURDOCK: Yes.

14 CHAIRMAN KAMMANN: -- this is
15 perfect. This is more challenging. I
16 understand. Thank you.

17 MR. MURDOCK: Yeah, sorry for my
18 lack of clarity there.

19 CHAIRMAN KAMMANN: I just wanted
20 to clarify that. So why don't we go and do a
21 little bit of questions here. Let the Board
22 ask you some questions.

23 MR. MURDOCK: Okay.

24 CHAIRMAN KAMMANN: Ms. Marker, did

1 you have any questions?

2 MS. MARKER: So the existing
3 driveway, do you have any feel for how far
4 that driveway is from the property line on our
5 -- where it's closest to the property line,
6 not what you're seeing left on the picture?

7 MR. MURDOCK: You mean from the
8 concrete to where the property line is?

9 MS. MARKER: From the concrete to
10 the property line.

11 MR. MURDOCK: I do not know that
12 measurement. I believe it's in one of those
13 schematics. But I didn't confirm for accuracy
14 what that dimension is. I would imagine it's
15 around 20 to 25 feet.

16 CHAIRMAN KAMMANN: That's about
17 what I see, yeah.

18 MR. MURDOCK: Because the one
19 schematic shows 50 feet from the corner of the
20 house.

21 MS. MARKER: Yeah, one shows 50
22 from --

23 MR. MURDOCK: Yeah, so -- it's
24 probably about 20 feet wide at the house there

1 outside of the garage, or where the garage
2 could be -- the garage door space where my
3 truck and trailer are positioned in that
4 picture. So from the edge of that concrete
5 over to the property line is probably about 30
6 feet, 25 to 30 feet.

7 CHAIRMAN KAMMANN: Okay.

8 MS. MARKER: And so you're, again,
9 just to clarify, your concern is backing that
10 trailer with your boat or your whatever with
11 it into the garage door that's farthest to our
12 right in the picture.

13 MR. MURDOCK: Correct .

14 MS. MARKER: Would be a problem if
15 we moved it over because you're going to have
16 to try to come around that corner of the
17 house.

18 MR. MURDOCK: Yeah. And I have
19 another trailer that's not depicted here
20 that's longer than its wide. You know,
21 there's going to be two bays, one for each
22 trailer.

23 MS. MARKER: Is this way, you're
24 going to have to curb the other way to get to

1 the left-hand door?

2 MR. MURDOCK: But curving that
3 way, I don't have to worry about the house at
4 all.

5 MS. MARKER: Gotcha.

6 MR. MURDOCK: I mean, maneuvering
7 the trailer and the truck isn't a problem so
8 much as when you're doing it. And then
9 there's that other obstacle that you lose
10 track of where you're not thinking of because
11 you're trying to watch where the back of the
12 trailer may be in correlation to the entry of
13 the garage and you can clip that far end.
14 It's very hard to see, you know, back to that
15 30-40 feet behind you.

16 MS. MARKER: So how did you decide
17 upon asking for 15 feet?

18 MR. MURDOCK: I just felt like it
19 was a reasonable amount based on what I need
20 without going further than necessary to
21 encroach on our neighbors.

22 MS. MARKER: Okay. And the
23 neighbors that have given you the letter of
24 support are the ones that are closest to the

1 barn?

2 MR. MURDOCK: Yes, house is
3 pictured just to the left of the barn and that
4 would be Mike and Sally, Mike Ridgeway is
5 here.

6 MS. MARKER: I think that's the
7 questions.

8 CHAIRMAN KAMMANN: Okay. Mr.
9 Margello.

10 MR. MARGELLO: I'm not concerned
11 about where you have it at because there was
12 three pieces of sheds back there anyway that
13 look a lot closer than what you have here.

14 MR. MURDOCK: Yeah.

15 MR. MARGELLO: What's going on --
16 what kind of truck do you have that's that
17 long?

18 MR. MURDOCK: An F-150 quad cab
19 with a six-and-a-half foot bed.

20 MR. MARGELLO: Okay.

21 MR. MURDOCK: So it's about 22
22 feet long.

23 MR. MARGELLO: Okay. And how long
24 are the trailers?

1 MR. MURDOCK: My equipment trailer
2 is 18 plus the beak and then our boat trailer
3 is a 21-foot boat and that's got a three-foot
4 swim platform on the back and then the tongue
5 on a boat trailer is longer for launching so
6 it gets up to about 28 feet overall length for
7 that one. So when I hook them together, it
8 gets up to about 50 foot.

9 MR. MARGELLO: What's the trailer
10 used for, not the boat but the trailer?

11 MR. MURDOCK: I just use it -- I'm
12 big do it yourselfer. I do all my own
13 projects, you know, within reason. I have to
14 Kubota tractor with a front loader and
15 rototiller on the back and I use that to clear
16 a lot of -- what you see in this picture in
17 the front yard, for instance, is a lot of
18 dirt. That's all overgrowth, and it's just
19 for personal use.

20 MR. MARGELLO: Oh, so it's
21 personal use?

22 MR. MURDOCK: Yep, yep.

23 MR. MARGELLO: So you need a
24 trailer for personal use?

1 MR. MURDOCK: Yeah, I buy things.

2 CHAIRMAN KAMMANN: My neighbor is
3 like that.

4 MR. MARGELLO: No, I understand.
5 I'm just wondering, are you running a business
6 out of it?

7 MR. MURDOCK: No, I'm a Regional
8 Sales Manager for the Master Lock Company part
9 of Orchard Brands Innovation, and I work from
10 home. I have a home office in our house. And
11 so we have a three-car garage. I like to work
12 with my hands. I like to do my own work. I
13 have a lot of tools. I have a lot of
14 equipment. And I'm the type that instead of
15 paying somebody to do it, I like to go buy the
16 tools that I need. That's how I was brought
17 up. I then do it myself and then I have the
18 tools as I need them for future jobs and
19 future projects, so.

20 CHAIRMAN KAMMANN: You are exactly
21 my neighborhood that moved away last year.

22 MR. MURDOCK: Mine could attest to
23 that.

24 CHAIRMAN KAMMANN: I hate it that

1 he left.

2 MR. MURDOCK: So yeah, but last
3 year I bought pallets of cedar chips for my
4 mulch and I couldn't get it delivered in a
5 timely manner, so I just took my trailer. I
6 went up to Ohio Mulch. They loaded it with
7 the work truck and I brought it home. I used
8 it for stone. I use it to haul my tractor to
9 the dealership, as well. It's a Kubota with a
10 front loader so I need a decent-sized tractor
11 trailer to haul that on.

12 MR. MARGELLO: Mary Beth, is this
13 zoned -- I mean, is this zoned FR1?

14 CHAIRMAN KAMMANN: Uh-huh.

15 MR. MARGELLO: Okay. So what
16 you're saying is it's not a business being run
17 out of there with this other trailer?

18 MR. MURDOCK: Absolutely not. No.

19 MR. MARGELLO: Okay. The
20 building, it's just a metal barn?

21 CHAIRMAN KAMMANN: Pole barn.

22 MR. MURDOCK: Pole barn. It will
23 be built as pole barn, yeah.

24 MR. MARGELLO: What color?

1 MR. MURDOCK: I'd like to go dark
2 red. We would like to redo our house with
3 dark red hardy siding.

4 MR. MARGELLO: And your neighbors
5 know this?

6 MR. MURDOCK: Yeah.

7 MR. MARGELLO: Okay. Because I
8 know you have the one side neighborhood. How
9 about the other side, why don't you have their
10 approval?

11 MR. MURDOCK: Well, I didn't
12 approach them. I don't really know them very
13 well and it's quite far from their home and
14 their house is completely in the woods. You
15 can hardly even see their house from our yard.

16 MR. MARGELLO: Okay.

17 MR. MURDOCK: If I was standing in
18 the middle of our backyard, you can almost not
19 even see their home because it's so densely
20 forested around our house.

21 MR. MARGELLO: Okay.

22 MR. MURDOCK: I talked to most of
23 the other surrounding neighbors, though.

24 MR. MARGELLO: Okay. So you're

1 not -- and boat, I don't have a problem with
2 this. I've got a boat.

3 MR. MURDOCK: Yeah.

4 MR. MARGELLO: The trailer just
5 concerns me because I just, you know, if you
6 run the business out there, then I just need
7 to know if you're running a business out
8 there. And it's zoned FR1 and many of the
9 pole barns we build are FR1 and the color you
10 want is red as long as your neighbors are okay
11 with it.

12 MR. MURDOCK: Yeah.

13 MR. MARGELLO: So I don't have any
14 other questions.

15 MR. MURDOCK: Okay. Thank you.

16 CHAIRMAN KAMMANN: I have a couple
17 -- a question and a comment. So question,
18 HOA, are you part of an HOA?

19 MR. MURDOCK: We are not. Our
20 neighbors are the last home that is HOA and we
21 made sure of that when we were buying. This
22 was our intention when we were looking for a
23 home was a house that had enough property for
24 us to build a barn. And we made sure --

1 CHAIRMAN KAMMANN: I'm only asking
2 in the context of wanting to know if they had
3 an opinion that we wanted to hear, but it's
4 irrelevant.

5 MR. MURDOCK: Okay.

6 CHAIRMAN KAMMANN: We're totally
7 good.

8 MR. MURDOCK: Okay.

9 CHAIRMAN KAMMANN: The comment I
10 was going to give you is, when we talked about
11 the distance from the setback it is -- this is
12 a common mistake, it's not to the foundation
13 of the building.

14 MR. MURDOCK: Okay.

15 CHAIRMAN KAMMANN: It's to any
16 point on the building. So if you have eaves,
17 for example, you need to make sure you keep
18 that in mind.

19 MR. MURDOCK: Okay.

20 CHAIRMAN KAMMANN: And that no
21 point of the structure is actually --

22 MR. MURDOCK: Beyond, okay.

23 CHAIRMAN KAMMANN: Yeah. If we
24 approve that.

1 MR. MURDOCK: Sure.

2 CHAIRMAN KAMMANN: I'm just kind
3 of thinking to myself.

4 MR. MARGELLO: So are your eaves
5 sticking over farther than the building?

6 MR. MURDOCK: Yeah, I had 16 inch
7 to match the house.

8 MR. MARGELLO: So you're going to
9 need more than that, what you're asking for?

10 MR. MURDOCK: But to be -- just to
11 be honest, I had asked for 15. I planned to
12 put it at 16 to give my builder a foot to work
13 with just because I wanted to -- I didn't want
14 to end up with something that was closer than
15 it should be.

16 MR. MARGELLO: Okay. But you said
17 your eaves are 16 inches?

18 MR. MURDOCK: Yes.

19 MR. MARGELLO: So you're going to
20 have to go --

21 MR. MURDOCK: Yes.

22 CHAIRMAN KAMMANN: You probably
23 want to build it --

24 MR. MURDOCK: But I just say, I

1 already factored in a little bit of extra for
2 them to be able to play with just from
3 experiences that I've heard of other people
4 who have had issues, such as, you know,
5 something being dealt with just a little bit
6 too close. When I was working with the
7 excavator that I was working with, this is a
8 little beyond the scope of something that I
9 would have for myself and he had recommended,
10 he said, hey, if you get 15, go 16. And I
11 have enough -- I have enough space to work
12 with that.

13 CHAIRMAN KAMMANN: I'm glad to
14 hear you say that. I don't think this Board
15 has any more questions for you. Did you have
16 any more comments for the Board?

17 MR. MURDOCK: No. I think that's
18 all I had. I just appreciate you all
19 considering my -- our variance request.

20 CHAIRMAN KAMMANN: Well, have a
21 seat and we'll let you know.

22 MR. MURDOCK: Thank you.

23 CHAIRMAN KAMMANN: Thank you.

24 Mary Beth, do you have any correspondence on

1 this?

2 MS. ROBINSON: No.

3 CHAIRMAN KAMMANN: Well, for the
4 record, I just want to note that we do have a
5 letter we got from the neighbor.

6 MS. ROBINSON: Yeah, that was in
7 the packet.

8 CHAIRMAN KAMMANN: It was in the
9 packet. I just wanted to comment on that for
10 the record that we did receive correspondences
11 to include in the packet endorsing it. Do we
12 have anybody who wants to speak to this
13 Application from the audience tonight? I'm
14 more or less looking at you because you're
15 sitting by him. You're good?

16 MR. RIDGEWAY: I'm the neighbor.

17 CHAIRMAN KAMMANN: All right.
18 You're good.

19 MR. RIDGEWAY: I get to store my
20 lawnmower in his barn. (Laughter.)

21 CHAIRMAN KAMMANN: Well, we're
22 going to go ahead and close down public
23 comment at this time and go into Board
24 discussion. Mr. Margello?

1 MR. MARGELLO: Well, the only
2 thing I think he needs to do is instead of
3 reset the side door from 25 to 15 feet, I
4 think he's going to have to go to 13 feet to
5 be safe.

6 CHAIRMAN KAMMANN: No, he's just
7 going to back off a foot or two, is what he
8 was saying.

9 MR. MARGELLO: Yeah, but what I'm
10 saying is the 15 feet is not going to work
11 with the overhang, so he needs to understand
12 --

13 CHAIRMAN KAMMANN: Right.

14 MR. MARGELLO: You need to
15 understand that you're going to have to go
16 over a little bit farther. Is that going to
17 mess you up on backing up to the boat or the
18 trailer? If you go two more feet, is that
19 going to mess you up backing --

20 MR. MURDOCK: I think I'll be all
21 right with that.

22 MR. MARGELLO: Are you sure?

23 MR. MURDOCK: Yeah.

24 MR. MARGELLO: Okay. I don't have

1 any problem with it.

2 CHAIRMAN KAMMANN: And honestly,
3 just for what it's worth, I don't like the
4 fact that there's like, no offense, very
5 little justification of a hardship, but
6 there's also really no problem with this. It
7 keeps more trees. The neighbor next to is
8 happy, everybody is happy. It's not a big
9 deal. So I'm in favor of it. Christie, your
10 thoughts?

11 MS. MARKER: I'm kind of in the
12 same camp that you are that I was looking at
13 this and feeling like where is the hardship?
14 I'm feeling a little more like there is a
15 hardship if -- with the description of how
16 he'd have to try to come around the corner of
17 the house and with a large trailer truck
18 combination, that could get a little bit
19 tricky. I thought that in the Code, and I was
20 looking for it here, I thought that there was
21 something about you're allowed to have a
22 16-inch overhang.

23

24 CHAIRMAN KAMMANN: You know, I was

1 wondering about that, too, because I can tell
2 you two years ago there was not. And
3 something in my head thinks that we may have
4 -- either we did change that Code or we
5 considered changing that Code last year.

6 MS. MARKER: Do you happen to know
7 that, Mary Beth?

8 MS. ROBINSON: It doesn't ring a
9 bell. I know on some new homes, they allow
10 the eaves, you know, as part of the
11 development of the homes, but I don't know
12 about accessory buildings.

13 CHAIRMAN KAMMANN: You know, it's
14 not going to change I think how we look at
15 this Application, but I think it might be
16 worthwhile for you to contact the Zoning
17 Office later this week and just say, hey,
18 following up on that, can you guys just let me
19 know definitively. Because, hey, if I can get
20 another foot, you want another foot, right?

21 MR. MURDOCK: Absolutely.

22 CHAIRMAN KAMMANN: It doesn't
23 change what we approve, it changes where you
24 put it.

1 MR. MURDOCK: Sure.

2 MS. MARKER: Or you know, if the
3 applicant is just sure that when they do it
4 that all 100 percent of the building is within
5 the setback --

6 CHAIRMAN KAMMANN: Then they're
7 good.

8 MS. MARKER: -- that we give them,
9 then you're good.

10 CHAIRMAN KAMMANN: Yeah. We just
11 don't want you coming back here and saying,
12 oh, I'm sorry, I need two more inches. No one
13 wants to have that conversation.

14 MR. MURDOCK: I agree.

15 MS. MARKER: So I guess I'm
16 generally in favor.

17 CHAIRMAN KAMMANN: Okay. Would
18 someone like to make a Motion? I can make a
19 Motion. I'll make it. Just a second.

20 I'd like to make a Motion to
21 approve BZA 23-09, submitted by Jeffrey and
22 Christy Murdock for the property of 4931
23 Cascade Drive. And I'd like to go through the
24 findings of fact. I believe this -- is this

1 use or area?

2 MS. ROBINSON: Are.

3 CHAIRMAN KAMMANN: Yeah, it's an
4 interesting one. Where the property in
5 question will yield a reasonable return or
6 whether there can be any beneficial use of the
7 property without the variance; it really is a
8 non-factor in this situation. Where the
9 variance is substantial; I think this Board
10 typically defines substantial as more than 20
11 percent, which is what this would be. But I
12 think realistically, it's in the back corner
13 of the yard, surrounded by trees, the neighbor
14 is good with it, this is not a substantial
15 variance whatsoever in reality. Where the
16 essential character of the neighborhood would
17 be substantially altered or whether the
18 adjoining properties would suffer substantial
19 detriment as a result of the variance; they
20 would not. Where the variance would adversely
21 affect the delivery of governmental services;
22 it would not. Where the property owner
23 purchased the property with knowledge of the
24 zoning restriction; they did or should have.

1 Where the property owners' predicament can be
2 obviated feasibly through some method other
3 than a variance; it could but not as well. I
4 think that's what we're really looking at
5 here. Like, you could comply and get that
6 trailer back there, but what I would consider
7 a fairly mild variance is going to just make
8 that a lot easier. Where the spirit intent
9 behind the zoning requirement would be
10 observed and substantial justice done by
11 granting the variance; I believe it would.

12 Do we have a second?

13 MS. MARKER: I'll second the
14 Motion.

15 MS. ROBINSON: Mr. Kammann.

16 CHAIRMAN KAMMANN: Approved.

17 MS. ROBINSON: Ms. Marker.

18 MS. MARKER: Approved.

19 MS. ROBINSON: Mr. Margello.

20 MR. MARGELLO: Approved. Good
21 luck.

22 MR. MURDOCK: Thank you.

23 - - -

24 CHAIRMAN KAMMANN: Mary Beth, do

1 you want to go ahead and read the next Notice
2 for us, please.

3 MS. ROBINSON: Sir, do you want
4 the second one or the third one? I don't
5 think our third person is here, just so you
6 know.

7 CHAIRMAN KAMMANN: Okay.

8 MS. ROBINSON: DPV #23-10
9 submitted by Robert and Jill Simmons
10 requesting to amend the Wedgewood Development
11 Plan as it applies to their property located
12 at 10478 Buxton Place, Powell, Ohio 43065 (aka
13 Lot 1519, Wedgewood Section 2) to allow a side
14 yard setback reduction from five feet to two
15 feet for two egress windows and wells. This
16 Planned Residence zoned property is located in
17 Range 19, Township 3, Section 3, Liberty
18 Township, Delaware County, Ohio.

19 CHAIRMAN KAMMANN: Thank you. Do
20 we have anybody that needs to abstain?

21 All right. Staci, how about the
22 Report.

23 MS. HOOD: The home located at
24 10478 Buxton Place was built in 1992, It is

1 2577 square feet in size and located on less
2 than one acre lot. The property is 60 feet
3 wide and 119.22 feet deep on the north side.
4 Liberty Township Zoning Resolution Section
5 10.07(C) side yard setback states in part the
6 following: No part of any permitted building,
7 principle or accessory structure or use,
8 except that of a lawn and as provided for
9 under Section 7.13 shall encroach upon a
10 required setback. Additionally, the Wedgewood
11 Section 2 Development Standards For Lot 1486
12 through 1521 states in part the following:
13 Side yard setback shall be a minimum of five
14 feet.

15 The two proposed egress windows
16 will be located two feet from the north side
17 property line encroaching three feet into the
18 required five feet side setback and with the
19 following dimensions: The first egress window
20 is 48 by 60 with a casement window versa lock
21 cap and ladder; the second egress window is 48
22 by 72 with a slider window versa lock cap and
23 ladder.

24 The applicant has included in the

1 Application for your reference a letter from
2 the Associa Real Property Management, Inc,
3 dated April 11th, 2023, approving the two
4 egress windows, mortgage location survey,
5 aerial view of 10478 Buxton Place, first
6 egress window diagram and description of
7 casement window, second egress window diagram
8 and description of sliding window versa lock,
9 retaining wall system information. Also
10 included in the application as specifications
11 for the egress area wall ladders for your
12 reference.

13 CHAIRMAN KAMMANN: Thank you very
14 much, Staci. Would you like to come forward,
15 sir, please state your full name and address
16 for the record. And tell us about your
17 Application.

18 MR. SIMMONS: Okay. My name is
19 Robert Simmons, the address is 1478 Buxton
20 Place. My wife Jill is also on the deed and
21 we are the property owners and the applicants
22 for the zoning variance.

23 As you can see from the plot plan
24 there is zero, I guess what you would call a

1 zero lot line lots for small ones. They're
2 not even meant to be, you know, roomy in terms
3 of yard and as far as the two of us are
4 concerned, you know, it's a plus in
5 maintenance issue in terms of law car and
6 things like that. So we're at a point in time
7 where we're close to retirement and trying to
8 figure out where we're going to be for the
9 rest of our lives. So we're doing major
10 renovations to the entire property and inside
11 and out, including adding a patio and addition
12 to the back portion of the property that's on
13 the south side of the diagram there, all of
14 which is permitted. The basement -- this is
15 in a cluster of, I think, six homes, which
16 would be in the - if you're familiar with the
17 Wedgewood development, it would be in the
18 southeast corner of the development on
19 Fairway. It's off the cul de sac. There's
20 probably six properties that are similar in
21 footprint. This happens to be one of six that
22 has a full basement, most of the other ones
23 have a partial basement. This basement has
24 been completely renovated and updated a few

1 years ago, which is permitted, and it's
2 actually going to be approved as part of this
3 recent renovation that we're going to go
4 through now to have a more updated bathroom in
5 there. So part of the reason for egress
6 windows is the back corner, the north -- to be
7 in the northwest corner. The egress window
8 would be in a bedroom so for safety for, you
9 know, and other reasons that would be an
10 important addition to the home.

11 The other front window is towards
12 the east part of the property, is now like a
13 family room, eating room. It would be an
14 important gathering area for the family.
15 Like I said, it's a pretty extensive
16 renovation. So I think you're really talking
17 about there is existing windows and window
18 wells there already that I think extend
19 probably 18 feet from the boundary -- or 18
20 inches or so, maybe 12-18 inches.

21 CHAIRMAN KAMMANN: That was going
22 to be one of my questions. Can you expand
23 upon that, helping us really understand what
24 things are today versus what they're going to

1 be as far as the size and expansion out.

2 MR. SIMMONS: Yeah, there's two --
3 there's two windows, there's two existing
4 windows there, which are standard windows,
5 which I think are, you know, I'm not a
6 contractor, I'm not a builder, but I think
7 they're 36 inches.

8 CHAIRMAN KAMMANN: Standard-inch
9 windows.

10 MR. SIMMONS: Standard, yeah. And
11 they are basement-type windows.

12 CHAIRMAN KAMMANN: How far is that
13 from your lot line?

14 MR. SIMMONS: Well, there's the
15 window and then there's the well, I think the
16 well extends probably 18 inches outside.

17 CHAIRMAN KAMMANN: Today?

18 MR. SIMMONS: Yeah, today. And
19 then we're asking to extend it to three feet.

20 CHAIRMAN KAMMANN: I just want to
21 understand today how far is it from the lot
22 line?

23 MR. SIMMONS: I think this
24 encroaches three feet -- this is asking for an

1 additional three feet into the --

2 CHAIRMAN KAMMANN: Sir, I
3 apologize, I want to understand first your
4 current windows.

5 MR. SIMMONS: Yeah, I'm trying to
6 figure out in my head.

7 CHAIRMAN KAMMANN: Oh, I'm sorry.
8 I'm sorry. Go ahead, go ahead, please.

9 MR. SIMMONS: I'm trying to think
10 on my feet here.

11 CHAIRMAN KAMMANN: I'm sorry.
12 Please take your time.

13 MR. SIMMONS: Yeah. So it would
14 be -- if it's five feet and 18 inches, it's
15 probably three-and-a-half feet. Okay.

16 CHAIRMAN KAMMANN: So here's my
17 question. I'm just going to be honest because
18 I'm going to ask, how and the heck do the
19 existing windows exist in violation already,
20 is the thing I'm trying to do understand.

21 MR. SIMMONS: I'm not sure that
22 they do exist under existing --

23 CHAIRMAN KAMMANN: Because you're
24 saying that they're like encroaching by a foot

1 and a half, do I understand that?

2 MR. SIMMONS: Well, it's five feet
3 from the well -- the boundary of the property
4 with the six feet --

5 CHAIRMAN KAMMANN: That says
6 seven-and-a-half. Okay. So you're
7 seven-and-a-half -- the house is
8 seven-and-a-half feet from the property line.
9 You're saying the existing windows come out
10 approximately a foot-and-a-half.

11 MR. SIMMONS: Right.

12 CHAIRMAN KAMMANN: So effectively,
13 they're six feet from the property line.

14 MR. SIMMONS: Right.

15 CHAIRMAN KAMMANN: So you want to
16 now go to -- I'm trying to remember the exact
17 measurement you were asking for, sir. You
18 were trying to go to is it two feet?

19 MR. SIMMONS: I think it's three
20 feet from the wall -- three feet from the
21 exterior.

22 CHAIRMAN KAMMANN: Let's make sure
23 we have it right. What I show is to allow a
24 side yard setback reduction from five feet to

1 two feet. So, saying instead of being five
2 feet away, you're asking only to be two feet
3 away.

4 MR. SIMMONS: Correct.

5 CHAIRMAN KAMMANN: So if you're
6 six feet away now, this new window goes a
7 further four feet from your house towards --

8 MR. SIMMONS: I think it goes a
9 further -- it's already 18 and it's going to
10 three. My understanding is it's a four by
11 three well, four foot by three well.

12 CHAIRMAN KAMMANN: That would make
13 some sense then Because if you're saying that,
14 you're at seven-and-a-half feet, so if you're
15 saying to go to three feet, that would be like
16 a four-and-a-half foot well.

17 MR. SIMMONS: Yeah.

18 CHAIRMAN KAMMANN: Okay. I
19 understand now. That helps me grasp -- but
20 that's a big change from where you're at now.
21 So is it just like a giant box that comes out
22 of your house for a window? Like, how does
23 that even work?

24 MR. SIMMONS: They excavate --

1 they build basically what amounts to a
2 retaining wall. It's all below grade.

3 CHAIRMAN KAMMANN: It's all below
4 grade.

5 MR. SIMMONS: It's all below grad.
6 Just like the existing window well. The
7 existing window --

8 CHAIRMAN KAMMANN: So this is only
9 in the basement?

10 MR. SIMMONS: Correct.

11 MR. MARGELLO: So it will add more
12 light, correct?

13

14 MR. SIMMONS: It will add more
15 light.

16 CHAIRMAN KAMMANN: I gotcha you
17 now.

18 MR. MARGELLO: This is no in and
19 out constantly, it's just going to add more
20 light.

21 MR. SIMMONS: No. It will create
22 an exit, which will be light, you know --

23 CHAIRMAN KAMMANN: Yeah, I get it
24 now. Now I fully understand. I thought you

1 were talking about this on the first floor and
2 I was just --

3 MR. SIMMONS: No, no, no, it's a
4 basement.

5 CHAIRMAN KAMMANN: Now I totally
6 get it. Of course, it comes down to three,
7 four feet.

8 MR. MARGELLO: So you're going to
9 have steps going up?

10 MR. SIMMONS: There will be,
11 inside the well there will a ladder -- or
12 actually, it's going to be a mason -- a
13 masonry structure, so it's going to be first
14 versa lock blocks that will have foot holes so
15 you can go in and out for safety reasons, if
16 you want.

17 CHAIRMAN KAMMANN: Yeah.

18 MR. SIMMONS: Which is the way
19 it's supposed to be designed for public.

20 CHAIRMAN KAMMANN: Now that makes
21 a lot more sense. Sorry to bug you with some
22 many questions.

23 MR. SIMMONS: Sorry about that,
24 sir.

1 CHAIRMAN KAMMANN: No, no, no,
2 please continue. I just wanted to make sure
3 we're understanding as you're going through
4 this.

5 MR. SIMMONS: Yeah. So that's, I
6 think in my mind, and again I'm a lay person
7 here, I'm not a contractor, and I've got two
8 builders that are doing most of the interior
9 and exterior renovations. This particular
10 project is going to be done by another
11 subcontractor because, just the egress for
12 this. So I'm kind of here on my own, for that
13 reason.

14 CHAIRMAN KAMMANN: Okay.

15 MR. SIMMONS: But in my mind, it's
16 really, it's below grade, there's a
17 significant amount of improvements that have
18 been permitted that are already done in that
19 basement that will actually be much more
20 valuable and more usable and much more safe by
21 having those egress windows, as opposed to
22 just the normal basement-type window you have
23 that's standard builder stuff.

24 CHAIRMAN KAMMANN: Sure. I

1 totally get it.

2 MR. SIMMONS: It already extends a
3 18 feet out and I think we're taking it 18
4 feet -- 18 inches, I'm sorry, from the wall,
5 exterior wall of the home, just taking it out
6 to three feet. That does probably create --

7 CHAIRMAN KAMMANN: Well, it makes
8 total sense now.

9 MR. SIMMONS: Yeah.

10 CHAIRMAN KAMMANN: Now we
11 understand why you got to come out if you want
12 to do egress. And candidly, what we as a
13 Board need to decide is how we feel about
14 allowing an egress, which is not really
15 visible that much. It's low, right?

16 MR. SIMMONS: Yeah.

17 CHAIRMAN KAMMANN: Versus the fact
18 that it's in violation.

19 MR. SIMMONS: Yeah, it's all low
20 grade. The neighborhood has, again, the
21 footprint of the house and the lot is almost
22 identical, so they have the same five foot on
23 their side. I didn't submit it with the
24 application, but I have a signed statement

1 from them. They're fine with the improvement
2 that I'm making. They don't have a full
3 basement, or they would do it themselves, you
4 know.

5 CHAIRMAN KAMMANN: Yeah.

6 MR. SIMMONS: They have a
7 crawlspace. So, there shouldn't be any issue
8 with respect to the neighbor. But that's the
9 real issue, you've got a ten-foot, I think, if
10 I'm understanding, space between the two
11 homes, so it's really access back and forth
12 between there and it doesn't get in the way.
13 It's not really a structure. It's below
14 ground. It's below grade.

15 CHAIRMAN KAMMANN: You know, I did
16 think of one other thing I'd like to ask,
17 especially now that I understand kind of how
18 this is working. Is there a safety issue that
19 is actually created by this in terms of
20 someone potentially -- because I'm thinking
21 about how narrow these yards are, right?

22 MR. SIMMONS: Yeah.

23 CHAIRMAN KAMMANN: Someone is
24 walking their dog casually not looking where

1 they're going, down the well, so to speak.

2 MR. SIMMONS: Well, it's narrow
3 enough that there's not any traffic. But two,
4 to get to the backyard, to say that there's
5 none, is not really true.

6 CHAIRMAN KAMMANN: I guess, what
7 I'm saying is, is there anything that's going
8 to prevent someone from casually walking right
9 into this?

10 MR. SIMMONS: There will be cap on
11 the -- probably a rod iron cap or a clear cap.

12 CHAIRMAN KAMMANN: That's where
13 I'm going. Yeah.

14 MR. SIMMONS: But we want the
15 light into the piece.

16 CHAIRMAN KAMMANN: I just don't
17 want someone falling.

18 MR. SIMMONS: Yeah.

19 CHAIRMAN KAMMANN: And even
20 something simple, you probably don't want a
21 dead deer dying in that well that fell in.

22 MR. SIMMONS: No.

23 CHAIRMAN KAMMANN: I mean, just
24 don't do it, just find some way to --

1 MR. SIMMONS: Right.

2 CHAIRMAN KAMMANN: Yeah.

3 MR. SIMMONS: Absolutely. No, but
4 there would be some kind of cap.

5 CHAIRMAN KAMMANN: Okay.

6 MR. SIMMONS: On top of the well.

7 CHAIRMAN KAMMANN: I don't have
8 any more questions. Ms. Marker, do you have
9 any more questions.

10 MS. MARKER: So, it's my
11 understanding that to have a bedroom in this
12 basement, you have to have an egress window
13 from a code point of view.

14 MR. SIMMONS: Correct.

15 MS. MARKER: And then the second
16 one is just because you want the light?

17 MR. SIMMONS: Correct.

18 MS. MARKER: And you already
19 stated that the neighbors have a crawlspace So
20 they don't have any of that situation on their
21 side.

22 MR. SIMMONS: To answer, there's
23 not likely to want a similar egress coming my
24 way.

1 MS. MARKER: Right. Okay. And
2 you stated that you are going to have a cap on
3 it of some sort?

4 MR. SIMMONS: Correct.

5 MS. MARKER: Okay. I think that's
6 all the questions I have.

7 CHAIRMAN KAMMANN: Mr. Margello.

8 MR. MARGELLO: No questions.

9 CHAIRMAN KAMMANN: I hate to tell
10 you, we don't have any more questions for you.

11 MR. SIMMONS: Okay.

12 CHAIRMAN KAMMANN: That's not a
13 bad thing, though. You may have a seat, sir.
14 Do you have anything else you wanted to add?

15 MR. SIMMONS: No, that's it. If
16 you want this statement for the record that I
17 had signed.

18 CHAIRMAN KAMMANN: Would you just
19 read the name of who it's from, please.

20 MR. SIMMONS: The record owner of
21 the property is Plymouth Management, LLC, and
22 it's Randy Turturice.

23 CHAIRMAN KAMMANN: Oh, you're
24 talking about the HOA letter?

1 MR. SIMMONS: No, no, no. It's
2 from the neighbor.

3 CHAIRMAN KAMMANN: Oh, okay.

4 MR. MARGELLO: Are you in an HOA?

5 MR. SIMMONS: I am in an HOA. I
6 think there's an HOA approval in the file.

7 CHAIRMAN KAMMANN: Yeah, I saw
8 that. That's why I didn't know what you were
9 saying.

10 MR. SIMMONS: No, I didn't submit
11 this.

12 CHAIRMAN KAMMANN: And that's what
13 I was saying, if you don't mind, would you
14 please.

15 MR. SIMMONS: Sure.

16 CHAIRMAN KAMMANN: Sir, apologies.
17 If you would actually hand it to the nice lady
18 over there.

19 MR. SIMMONS: All right.

20 CHAIRMAN KAMMANN: And then I'd
21 ask you to have a seat, and I thank you for
22 your time.

23 MR. SIMMONS: Okay. Thank you.

24 CHAIRMAN KAMMANN: Mary Beth, a

1 perfect segue into correspondence. I think we
2 have some correspondence. Can you read it
3 into the record, please.

4 MS. ROBINSON: Sure. This is to
5 confirm that we have received the Commission's
6 Notice and have no objection to the
7 Application for Variance for the setback
8 requirements filed by Robert and Jill Simmon,
9 the record owners of the residence located at
10 10478 Buxton Place, Powell, Ohio 43065,
11 respectfully Plymouth Management, LLC record
12 owner of adjacent property at 10468 Buxton
13 Place, Powell, Ohio 43065, Randy --

14 MR. SIMMONS: I think it's
15 Turturice.

16 MS. ROBINSON: Turturice,
17 T-u-r-t-u-r-i-c-e.

18 CHAIRMAN KAMMANN: Okay. Thank
19 you, Mary Beth. Do we have anybody who like
20 to speak to this Application in the audience
21 this evening?

22 Okay. Let's go ahead and close
23 out the public comment. Mr. Margello, sir.

24 MR. MARGELLO: Back to me again.

1 CHAIRMAN KAMMANN: Well, I
2 alternate.

3 MR. MARGELLO: No, I understand
4 that -- I have objection. The only thing I
5 think it's going to be tight on that lot line,
6 as long as there, and I think the Building
7 Department is going to cover this, as long as
8 there's a cap over that or some type of grate
9 railing, I don't have problem with it. But to
10 leave it wide open, I think it's going to be
11 very dangerous and you're going to have an
12 insurance issue, but I think that's your
13 responsibility. And I think the Building
14 Department is going to demand some type of cap
15 on that. So we could probably, if we do grant
16 this, we could probably say, you know, let's
17 make sure there's a cap on top of those things
18 or some type of rail, but again, I think the
19 Building Department is going to handle that,
20 so.

21 CHAIRMAN KAMMANN: Actually,
22 Staci, do you know, I'm pretty sure they do,
23 but do you know for certain?

24 MS. HOOD: If they require a cap?

1 CHAIRMAN KAMMANN: Yeah.

2 MR. MARGELLO: Well, he's got it
3 in here. He's showing the cap and the rail in
4 here.

5 CHAIRMAN KAMMANN: If he's showing
6 it, I don't even need to worry about it.

7 MS. HOOD: Yeah, there's a cap
8 right here.

9 MR. MARGELLO: Yeah, I think the
10 Building Department is going to cover it. I'm
11 good.

12 CHAIRMAN KAMMANN: So, Mr.
13 Margello, what are your thoughts on the
14 Application?

15 MR. MARGELLO: I have no problem
16 with it.

17 CHAIRMAN KAMMANN: All right. I
18 don't either. I just want to comment. I
19 think we're going to see a lot more stuff like
20 this in these patio home. It's weird.
21 Everything was weird about --

22 MR. MARGELLO: Do you back up to
23 the golf course?

24 MR. SIMMONS: Yes.

1 MR. MARGELLO: Which hole?

2

3 MR. SIMMONS: Fourteen.

4 MR. MARGELLO: Fourteen.

5 CHAIRMAN KAMMANN: Has he ever hit
6 your house with a ball?

7 MR. MARGELLO: Yeah, did I ever
8 hit your house? No. (Laughter.)

9

10 MR. SIMMONS: That's a little nice
11 buffer area there.

12 MR. MARGELLO: If you find a golf
13 ball back there that says Margello Development
14 on it, give it to me.

15 CHAIRMAN KAMMANN: Of course you
16 play with your own logo balls.

17 MR. MARGELLO: I do.

18 CHAIRMAN KAMMANN: I know you do.

19 (Laughter.) No, I think that addresses it.
20 The think I'm pointing out is just that we're
21 going to see a lot -- I mean, like, this is
22 what's blowing up right now in terms of what
23 we're seeing development-wise. And I think
24 it's a good example of we're going to have to

1 really think about and prioritize spirit and
2 intent of Code above actual Code a lot of
3 times when we see these things. I know that's
4 weird and that's hard to do, but they're just,
5 they're all one-offs. That's all I want to
6 say.

7 Ms. Marker, what are your thoughts
8 on this Application?

9 MS. MARKER: I think we're all on
10 the same page. We need to make sure that it's
11 going to be safe. But as far as allowing it,
12 I don't see any reason to not allow it,
13 especially because that's the only way they're
14 allowed to have that living space down there
15 as a bedroom and so I'm good with it.

16 CHAIRMAN KAMMANN: If I may, just
17 one comment about that. I don't think it
18 matters. It only makes a difference in terms
19 of claiming that as a living space as a
20 bedroom for resale. Like you're welcome to
21 use it as a bedroom regardless, it's just --

22 MS. MARKER: Only if you don't
23 want to tell the inspectors because they will
24 call you on it.

1 CHAIRMAN KAMMANN: Is not
2 officially a better ever, of course. I'm just
3 pointing out, it's not like you can't use it,
4 it's just that you can't claim it's a bedroom.

5 MS. MARKER: Irregardless, I think
6 I'm fine with the Application.

7 CHAIRMAN KAMMANN: Okay.

8 MR. MARGELLO: Are you near the
9 water?

10 MR. SIMMONS: There is a -- well,
11 if you know, the golf course, 14 is on --

12 MR. MARGELLO: I hate that hole,
13 But go ahead.

14 MR. SIMMONS: Yeah, there's a
15 pond.

16 MR. MARGELLO: There's a big pond.
17 Does that back up to your yard?

18 MR. SIMMONS: Yeah. The green
19 does and then the pond is on other side of the
20 green space.

21 MR. MARGELLO: Yeah. Okay. So
22 the green backs up to your yard?

23 MR. SIMMONS: The green backs up
24 to my property, but there's about, I want to

1 say, 30 or 40-yard sloth of green space.

2 MR. MARGELLO: Yeah.

3 MR. SIMMONS: That I think belongs
4 to the club.

5 MR. MARGELLO: Yeah. Okay.

6 MR. SIMMONS: And I think there's
7 a utility access that comes that way.

8 MR. MARGELLO: Yeah, comes through
9 there.

10 MR. SIMMONS: You know, for the
11 power lines.

12 MR. MARGELLO: And you say some of
13 your neighbors already have done this to their
14 homes?

15 MR. SIMMONS: I said some of my
16 neighbors would like to do it to their homes,
17 but in this particular design, most of them
18 don't have a full easement there.

19 CHAIRMAN KAMMANN: There's slab
20 usually.

21 MR. MARGELLO: No, I think it's a
22 great idea. I just I think the Building
23 Department is going to cover you on that.

24 CHAIRMAN KAMMANN: I agree. Mr.

1 Margello, are you in the mood to make a
2 Motion?

3 MR. MARGELLO: Yeah, I can do it.

4 CHAIRMAN KAMMANN: You seem
5 talkative.

6 MR. MARGELLO: Yeah, I can do it.
7 If he gets my golf balls out of that pond, I'd
8 be more than happy to.

9 MS. MARKER: They're going to be
10 in his window well.

11 MR. MARGELLO: Yeah. Okay. I'd
12 like to make a Motion to approve DPV 23-10
13 submitted by Robert and Jill Simmons,
14 requesting to amend the Wedgewood Development
15 Plan that applies to their property located at
16 10478 Buxton Lane, Powell, Ohio 43065, aka Lot
17 1519 Wedgewood Section 2, to allow a side yard
18 setback reduction from five feet to two feet,
19 egress windows and wells. This Planned
20 Residential Zone property is located in Range
21 19, Township 3, Section 3, Liberty Township,
22 Delaware, Ohio.

23 This is an area variance again.
24 Okay, area variance. Whether the property in

1 question will yield a reasonable return or
2 whether there can be any beneficial use of the
3 property without the variance; I'm sure there
4 could be, but I don't see a problem with
5 granting this. Where the variance is
6 substantial; again, I think it is kind of
7 substantial, but I think it also helps the
8 owner with what he's trying to do with the
9 lower level. Whether the essential character
10 of the neighborhood would be substantially
11 altered or whether adjoining properties would
12 suffer a substantial detriment as a result of
13 the variance; I think with the letter from his
14 neighbor and the HOA, it does not. Whether
15 the variance would adversely affect the
16 delivery of Governmental services; only if
17 they fall in the hole. Okay. No, I don't
18 think it would. Whether the property owner
19 purchased the property with knowledge of the
20 zoning restriction; I did not think he did.
21 Or whether the property owners' predicament
22 can be obviated feasibly through some method
23 other than a variance; I don't think it can.
24 Whether the spirit and intent behind the

1 zoning requirement would be observed and
2 substantial justice done by granting the
3 variance; I think it is.

4 CHAIRMAN KAMMANN: I'll second the
5 Motion.

6 MR. MARGELLO: Okay.

7 MS. ROBINSON: Mr. Kammann.

8 CHAIRMAN KAMMANN: Approve.

9 MS. ROBINSON: Ms. Marker.

10 MS. MARKER: Approve.

11 MS. ROBINSON: Mr. Margello.

12 MR. MARGELLO: Approve. Good

13 luck.

14 - - -

15 CHAIRMAN KAMMANN: So we are on to
16 our last Notice for this evening. Did we get
17 any communication at all?

18 MS. ROBINSON: They said this date
19 was fine, so. And I didn't get an email
20 today.

21 CHAIRMAN KAMMANN: I mean, in
22 theory we could do it, but I'd rather not,
23 especially being that this is a fairly
24 complicated one. Do we technically need to

1 continue it or how does that work when they
2 don't show?

3 MR. GRIGGS: Yeah.

4 CHAIRMAN KAMMANN: Okay.

5 MR. GRIGGS: I would continue it
6 at least one time.

7 CHAIRMAN KAMMANN: Yeah.

8 MR. GRIGGS: and if they don't
9 show up again, that's different.

10 CHAIRMAN KAMMANN: That's
11 different.

12 MR. GRIGGS: But I would continue
13 it at least one time.

14 CHAIRMAN KAMMANN: Well, it's just
15 weird that they didn't correspond.

16 MR. GRIGGS: Yes, it is.

17 CHAIRMAN KAMMANN: That's odd. So
18 let me make sure I get all my ducks in a row
19 here, then I'll make a Motion. I'd like to
20 make a Motion to Continue BZA 23-10 for Elan
21 Diab at 6075 Olentangy River Road to a later
22 date to be determined at --

23 MR. GRIGGS: To the next regularly
24 scheduled --

1 MS. ROBINSON: Well, the next
2 opening would be August 1st.

3 MR. GRIGGS: Yep.

4 CHAIRMAN KAMMANN: Okay. So we'll
5 do it August 1st, correct? Is that correct?

6 MS. ROBINSON: Correct.

7 CHAIRMAN KAMMANN: I'd like to
8 continue this Application to August 1st at
9 7:00 p.m. at Liberty Township Hall located at
10 7802 Liberty Road, Powell, Ohio 43065.

11 MS. MARKER: I'll second that
12 Motion.

13 MS. ROBINSON: Ms. Marker.

14 MS. MARKER: Approve.

15 MS. ROBINSON: Mr. Margello.

16 MR. MARGELLO: Approve.

17 MS. ROBINSON: Mr. Kammann.

18 CHAIRMAN KAMMANN: Approve.

19 MR. MARGELLO: Mary Beth, may I
20 suggest that we give these back to you so we
21 can use them at the next meeting?

22 MS. ROBINSON: Sure.

23 CHAIRMAN KAMMANN: That's a good
24 idea. Do we have any minutes, Mary Beth?

1 MS. ROBINSON: No.

2 CHAIRMAN KAMMANN: None. Wow.

3 Okay. I'll make a Motion to Adjourn. All say
4 aye.

5 ALL: "Aye."

6 CHAIRMAN KAMMANN: The meeting is
7 adjourned.

8 (Thereupon, the proceedings
9 adjourned at 7:50 p.m.)

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1 CERTIFICATE

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

9 IN WITNESS WHEREOF, I have hereunto set
10 my hand and affixed my seal of office on this
11 2nd day of July 2023.

12

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18 Sandra D. Kin

19 Sandra D. Kin,
20 Registered Professional Reporter,
21 Certified Digital Reporter,
22 Certified Digital Transcriber.
23 Notary Public - State of Ohio.

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24

My Commission expires May 14, 2027.

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Respectfully submitted:

Liberty Township Board of Zoning Appeals:

By:  7/11/23
Board of Zoning Appeals Chair, Kelly Kammann Date