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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, Dana Costa, Mel House and Chris  
Murnane, held at the Liberty Township Hall,  
7802 N. Liberty Road, Powell, Ohio, called at  
7:00 p.m. on Tuesday, August 1, 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'd like to go  
4 ahead and call to order the meeting of the  
5 Liberty Township Board of Zoning Appeals.

6 If everybody would be so kind as  
7 to turn off, silence, something your cell  
8 phones so we don't hear them, that would be  
9 wonderful.

10 Mary Beth, would you like to go  
11 ahead and call the roll, please?

12 MS. ROBINSON: Dana Costa.

13 MR. COSTA: Present.

14 MS. ROBINSON: Mel House.

15 MR. HOUSE: Present.

16 MS. ROBINSON: Kelly Kammann.

17 CHAIRMAN KAMMANN: Present.

18 MS. ROBINSON: Vince Margello.

19 MR. MARGELLO: Here.

20 MS. ROBINSON: Chris Murnane.

21 MR. MURNANE: Present.

22 CHAIRMAN KAMMANN: Great. We need  
23 three affirmative votes to pass any Motion  
24 this evening.

1           Aside from our Board, we have Mary  
2 Beth Robinson and we have Staci Hood with our  
3 Zoning Department.

4           If anybody thinks that they may or  
5 definitely would like to speak tonight, I'd  
6 ask you to stand up at this time. I'm going  
7 to swear you in.

8           Raise your right hand, please.

9           "Do you promise to tell the truth,  
10 the whole truth and nothing but the truth so  
11 help you God?"

12           ALL: "I do."

13           CHAIRMAN KAMMANN: You can have a  
14 seat. And all of you are signed in, I assume.  
15 Okay. That's another one we need to do.

16           Mary Beth, why don't we go ahead  
17 and read the first Notice, please.

18           MS. ROBINSON: DPV #23-13  
19 submitted by James and Jennifer Youness  
20 requesting to amend Wedgewood Park Development  
21 Plan as it applies to their property located  
22 at 9460 Alyssa Drive, Powell, Ohio 43065 (aka  
23 Lot 4644, Wedgewood Park, Section 2, Phases  
24 A&B) to allow for rear yard setback reduction

1 from 10 feet to 5.5 feet for an existing pool  
2 house. This .757-acre Planned Residence zoned  
3 property is located in Range 19, Township 3,  
4 Section 3, Liberty Township, Delaware County,  
5 Ohio.

6 CHAIRMAN KAMMANN: Do we have  
7 anybody on the Board that needs to abstain  
8 from this application? Okay. Wonderful.

9 Staci, can you read the Staff  
10 Report, please.

11 MS. HOOD: The home located at  
12 9460 Alyssa Drive built in 2005 and sits on  
13 approximately .75 acres. Both the Wedgwood  
14 Part Section 2 Development Plan and the  
15 Liberty Township Zoning Resolution Section  
16 10.07(C) requires a 10 foot rear yard setback  
17 for accessory structures.

18 Liberty Township Zoning Resolution  
19 Section 10.07(C) states in part the following:  
20 Setback Requirements: No part of any  
21 permitted, building, principal, or accessory  
22 structure, or use, except that of a lawn, and  
23 as provided for under Section 7.13, shall  
24 encroach upon a required setback. The

1 physical relationship of permitted uses and  
2 structures and their minimum yard space shall  
3 be determined in accordance with the  
4 following: (and there's a chart) Accessory  
5 structures is 10' setback from the side lot  
6 line, 10' setback from the rear lot line.

7           The existing 10 by 10 pool house  
8 does not meet the required rear setback  
9 requirement of 10 feet with a setback of 5.5  
10 feet, thereby encroaching 4.5 feet into the  
11 required setback.

12           Included with this application is  
13 an approval email from Vaughan Group, dated  
14 February 24th, 2022, for the installation of a  
15 pool house. And I stand corrected, because it  
16 was mentioned before we went on the record,  
17 we'll just say Lisa Mills with the Homeowners  
18 Association, a letter to the Liberty Township  
19 Board from the applicant, a copy of the survey  
20 indicating the location of the existing pool  
21 house and a photo of the pool house.

22           Also included with this  
23 application are letters of support from two  
24 neighbors, E. Ray Critchett, dated April 26th,

1 2023, address 9426 Alyssa Drive, and Jennie  
2 Aldrink, dated April 24th, 2023, address 8600  
3 Creighton Drive.

4 CHAIRMAN KAMMANN: Thank you very  
5 much. Do we have any questions about the  
6 Staff Report itself, or for Staci? Okay.

7 MR. HOUSE: I have a quick  
8 question.

9 CHAIRMAN KAMMANN: Sure.

10 MR. HOUSE: So we have letters  
11 from which residents? I saw 9426 and 94 --

12 MS. HOOD: So the last two pages  
13 are E. Ray Critchett, if I'm saying that  
14 correctly. I apologize if I'm not.

15 MR. CRITCHETT: It's Critchett.  
16 I'm their neighbor.

17 MS. HOOD: Oh, Critchett. And  
18 Jennifer Aldrink.

19 MR. HOUSE: And she was 9460  
20 Alyssa Drive?

21 MS. HOOD: 8600 Creighton Drive.

22 CHAIRMAN KAMMANN: We can get that  
23 clarified in the presentation to make sure you  
24 know all of that. Do you have any follow-up

1 questions?

2 MR. HOUSE: I do not.

3 CHAIRMAN KAMMANN: Okay. If the  
4 applicant would like to come up and introduce  
5 themselves. Please start by stating your name  
6 and address for the record.

7 MR. YOUNESS: James Youness, 9460  
8 Alyssa Drive.

9 MS. YOUNESS: I'm Jennifer.

10 CHAIRMAN KAMMANN: What would you  
11 like to tell us about the application and why  
12 you feel you have a hardship that you need a  
13 variance for.

14 MR. YOUNESS: Well, I guess we'll  
15 start from the beginning, in a sense.

16 Going through the entire project  
17 we had gone through and gotten HOA and  
18 Township approval for the pool first, it  
19 started there, the whole project, the fence  
20 area. Didn't get approval for the pool house  
21 because we didn't know we were actually going  
22 to put one in until we got everything  
23 completed at that point. But the overall  
24 project was approved through HOA and the

1 Township initially. And through that process,  
2 even with the fence, we didn't -- nobody ever  
3 mentioned the setback guidelines with us.  
4 That's not complete ignorance, we should have  
5 looked deeper into it ourselves, too, so  
6 that's a bigger problem.

7           The HOA approved the pool house.  
8 And then they also didn't mention any setbacks  
9 and they didn't mention any issues with it.  
10 So when we had the contractor come in, give  
11 plans, give some ideas as far as what we  
12 wanted to do with it, the area that was fit  
13 perfectly adjacent for pool -- or adjacent for  
14 pool, the decking, and his comment to us was,  
15 hey, you have HOA approval and it's less than  
16 100 square feet, you shouldn't need permits.  
17 So we just took his word for it and we moved  
18 forward. And he had done everything else in  
19 our backyard as far as that the decking, the  
20 wall around the pool and so we took his word  
21 for it and went for it. So that's the problem  
22 we have.

23           CHAIRMAN KAMMANN: Just a quick  
24 question.



1 MR. YOUNESS: Sure.

2 CHAIRMAN KAMMANN: Did they ever  
3 clarify whether they were talking about  
4 building permits or zoning permits and that  
5 there's a difference?

6 MR. YOUNESS: They didn't clarify  
7 any of it, no.

8 CHAIRMAN KAMMANN: At this point,  
9 have you been made aware of that, the  
10 difference between a zoning and building  
11 permit?

12 MS. YOUNESS: Now we are.

13 CHAIRMAN KAMMANN: Okay, cool.

14 MR. YOUNESS: Now we are.

15 MS. YOUNESS: Now that we're here,  
16 we do, but until that point, we didn't.

17 CHAIRMAN KAMMANN: Please  
18 continue. I just wanted to know where you  
19 guys are coming from.

20 MR. YOUNESS: Oh, no, those -- I  
21 mean, that was really it, just the events kind  
22 of how they went through, so.

23 MS. YOUNESS: Yeah, I mean, it  
24 just fit. I mean, the hardship is a pool

1 comes with a lot of things, so having a spot  
2 to put the things was very important;  
3 otherwise, it was just going to be stuff  
4 everywhere. So just aesthetically, we wanted  
5 to have a place to keep things tidy looking.  
6 And then the pool was already there, the fence  
7 was already there, so in order to get it  
8 within the confines, it unfortunately went  
9 into the setback.

10 CHAIRMAN KAMMANN: Sure.

11 MR. YOUNESS: I mean, there's not  
12 another place as far as placement of it that  
13 fit within the confines of keeping it behind  
14 the homes so the neighbors don't have to see  
15 it; otherwise, it becomes an eyesore. And we  
16 didn't want to throw some random shed up there  
17 either.

18 CHAIRMAN KAMMANN: Yeah, I got it.  
19 So let me be candid, because I want you guys  
20 to be able to respond to us in a productive  
21 way that will help you make your best case.

22 MR. YOUNESS: Sure.

23 CHAIRMAN KAMMANN: I looked  
24 through your submitted documentation about

1 hardship.

2 MR. YOUNESS: Okay.

3 CHAIRMAN KAMMANN: And literally  
4 nothing applies, except maybe possibly the  
5 concept of, you know, if you come in  
6 proactively, this is where the BZA would have  
7 given you permission to put it anyway.

8 MR. YOUNESS: Okay.

9 CHAIRMAN KAMMANN: You're going to  
10 pretty much make that argument to us because  
11 if you can't show us why it had to be here and  
12 not over here where it's compliant, wherever  
13 over here is hypothetically, we're going to  
14 have a tough time supporting the application.  
15 But if you convince us that if you came in  
16 proactively, this is where this Board would  
17 have approved it, then you stand your best  
18 chance. So I just want to kind of tee that up  
19 to you to try to address that to the Board.

20 MR. YOUNESS: Sure. Appreciate  
21 it.

22 MS. YOUNESS: If it's not adjacent  
23 to the pool deck, it's a shed, right? So if we  
24 moved it within the confines of that fence and

1 we just put it randomly in the backyard  
2 somewhere else --

3 CHAIRMAN KAMMANN: Can you show us  
4 about -- I don't know where the fence is. Do  
5 you have an aerial image or anything like that  
6 that we can look at?

7 MS. YOUNESS: Yeah. See the  
8 little dots that I drew, the really fancy -- I  
9 wish that I had like a bird's-eye view. Yeah,  
10 that's the fence line. So the fence line goes  
11 along here and then across here and then back  
12 up.

13 CHAIRMAN KAMMANN: Okay. And then  
14 what about on the other side?

15 MR. YOUNESS: So it sits another  
16 foot or two beyond the pool house.

17 MS. YOUNESS: It's here.

18 CHAIRMAN KAMMANN: Okay.

19 MS. YOUNESS: Everything in the  
20 backyard is within the house. So if you're  
21 looking at the front of the house, you can't  
22 actually see any of the improvements that  
23 we've done back there.

24 CHAIRMAN KAMMANN: The fence is in

1 the envelope basically.

2 MS. YOUNESS: The fence is --  
3 yeah. so this is the whole where we have kept  
4 everything, so to move it somewhere else  
5 without being in the setback, it would have  
6 been outside the fence. So we would have had  
7 to remove the fencing.

8 CHAIRMAN KAMMANN: Sure.

9 MS. YOUNESS: Build the pool house  
10 and then fence around it, or in the middle of  
11 the backyard, just not within the area that we  
12 have all of the things.

13 CHAIRMAN KAMMANN: Are you able to  
14 show us at all what exists inside of that  
15 fence envelope, like, from like an actual  
16 photography standpoint? Do you have anything  
17 like GPS, something like that?

18 MS. YOUNESS: Like a picture of  
19 our backyard?

20 MR. YOUNESS: Yeah.

21 CHAIRMAN KAMMANN: I want to kind  
22 of like have an understanding of what we're  
23 working with in its totality.

24 MR. YOUNESS: There should be a

1 couple of pictures in the packet.

2 CHAIRMAN KAMMANN: Well, I'm  
3 looking for like the layout. I want to  
4 understand like where the fence exists and  
5 what all is inside the fence so we know what  
6 we've got there. Candidly, I want to figure  
7 out where you have immoveable space versus --  
8 I mean, it's one thing to move a bush versus a  
9 retaining wall, let's put it that way.

10 MR. YOUNESS: Sure.

11 CHAIRMAN KAMMANN: It's massively  
12 different things.

13 MR. YOUNESS: Does Google Earth  
14 work?

15 CHAIRMAN KAMMANN: As long as it  
16 pulls it up. Sometimes it's old.

17 MR. YOUNESS: Yeah, it does. It  
18 actually pulls everything up.

19 CHAIRMAN KAMMANN: And obviously,  
20 I'm going to want you to show that to our  
21 whole Board here, if you would.

22 MR. YOUNESS: Yeah. Sure. So  
23 you've got a new look.

24 CHAIRMAN KAMMANN: Okay. So this

1 whole area is inside the fence here?

2 MR. YOUNESS: So this is inside  
3 the fence over here with a different view than  
4 what you have.

5 CHAIRMAN KAMMANN: And there's a  
6 big tree or something.

7 MR. YOUNESS: With downspouts and  
8 water flow all the way through here.

9 CHAIRMAN KAMMANN: That's not  
10 picked up, right?

11 MR. YOUNESS: No, no, no. No, not  
12 that I'm aware of.

13 CHAIRMAN KAMMANN: Okay.

14 MR. YOUNESS: There's been some  
15 water issues back here and certainly some  
16 water issues in the neighbor's yard.

17 CHAIRMAN KAMMANN: And where's the  
18 fence?

19 MR. YOUNESS: So the fence is  
20 back here.

21 CHAIRMAN KAMMANN: Okay, got it.

22 MR. YOUNESS: And then over here.

23 CHAIRMAN KAMMANN: Makes sense.

24 MR. YOUNESS: So then it runs

1 across here and up the backside.

2 NEIGHBOR: I'm not sure if you  
3 guys --

4 CHAIRMAN KAMMANN: Sir, if you'd  
5 be so kind enough to please show the gentleman  
6 down here.

7 MR. YOUNESS: Sure.

8 CHAIRMAN KAMMANN: I'm sorry, I  
9 can't have anybody speak who has not been  
10 called up and all that stuff and recognized.

11 MS. YOUNESS: It's all of our  
12 neighbors within the who can see the pool  
13 fence -- or the pool house. They came to  
14 support it.

15 CHAIRMAN KAMMANN: Okay.

16 MR. YOUNESS: (Talking to someone  
17 other than the Chairman.) That area, so  
18 there' fencing and then you have just a  
19 super -- he redid all of this because it was  
20 downspouts are coming over here.

21 CHAIRMAN KAMMANN: That helps me  
22 understand it.

23 MR. YOUNESS: There was a lot of  
24 water over here, which caused some flooding



1 once in a while.

2 MS. YOUNESS: Yeah, it's just  
3 all -- like to put it anywhere besides where  
4 it is would be just a random building,  
5 unfortunately, I think it would be an eyesore.

6 (Talking in the background.)

7 CHAIRMAN KAMMANN: Understood.

8 MS. YOUNESS: I understand -- I do  
9 understand your point.

10 CHAIRMAN KAMMANN: Well, the other  
11 thing is, you should be frustrated with,  
12 honestly, your HOA approved something that put  
13 you in violation of Township Code. You should  
14 be very unhappy with them.

15 MS. YOUNESS: They -- it never  
16 occurred to me to be --

17 CHAIRMAN KAMMANN: In theory, I  
18 mean, your loss for moving you would have a  
19 great case, too.

20 UNKNOWN SPEAKER: No, the HOA is  
21 not required to the get the approval from the  
22 Township. The HOA approves --

23 CHAIRMAN KAMMANN: Correct. What  
24 I'm saying, they shouldn't -- it's in

1 violation of the HOA code, though.

2 UNKNOWN SPEAKER: If the HOA  
3 approves it, then it's the homeowner's  
4 responsibility to come to us to take care of  
5 zoning stuff. There's no argument that the  
6 HOA is responsible for them not coming before  
7 us to get zoning.

8 CHAIRMAN KAMMANN: No, I agree  
9 with that. I just think that --

10 MS. YOUNESS: The part that's hard  
11 to me is that the setback is not on anything,  
12 so like when we have any of the plot, the  
13 plots that we have, there is not setback on  
14 there. There's an easement so the easement is  
15 on one side and then across the front --

16 CHAIRMAN KAMMANN: Well, if the  
17 easement and the setback are concurrent, if  
18 you will, they can reside in the same areas.  
19 So your easement probably more or less is your  
20 setback.

21 MS. YOUNESS: The easement is in  
22 the front of the house. There is no easement  
23 in the back.

24 CHAIRMAN KAMMANN: So it's just

1 your setbacks.

2 MS. YOUNESS: Yeah. But it  
3 doesn't have a setback on this plot, on the  
4 property site plot, so even beyond there, it's  
5 just an eyesore.

6 CHAIRMAN KAMMANN: Hold on second.  
7 I want to bring us back here now.

8 (Multiple Discussions.)

9 MR. COSTA: Okay. Guys, can we be  
10 quiet here a little bit, be quiet. Thank you.

11 Your setback is something that's  
12 set by the Township Code and not necessarily  
13 by your deed restrictions or your HOA.

14 MS. YOUNESS: Okay.

15 MR. COSTA: If it is fixed by your  
16 deed restrictions or that level, then it  
17 should show up on your plans. But if not,  
18 it's something that you have to deal with the  
19 Township and understand what the current Code  
20 is. Our Code for setbacks changes frequently.  
21 What can be in the setback, what can't be in  
22 the setback can change, and so I'm just saying  
23 with your current Code when you're going  
24 building is why it doesn't show up on your

1 documentation.

2 MS. YOUNESS: Sure.

3 MR. COSTA: Go ahead.

4 CHAIRMAN KAMMANN: I didn't have  
5 anything, so I was going to actually go to  
6 Board questions. So, Mr. Costa, did you have  
7 any other questions?

8 MR. COSTA: I'm assuming that this  
9 retaining wall goes all the way around the  
10 pool deck area.

11 MS. YOUNESS: It does.

12 MR. YOUNESS: Yeah.

13 MR. COSTA: Okay. And then is  
14 there a fall off on either side of it?

15 MR. YOUNESS: So on this side of  
16 it?

17 MR. COSTA: Uh-huh.

18 MR. YOUNESS: Over here, yeah,  
19 there is, and the bushes that are over here  
20 from the actual decking from the pergola that  
21 walk into the yard as well.

22 MR. COSTA: Okay. Thank you.

23 CHAIRMAN KAMMANN: Mr. Murnane,  
24 did you have any questions for the applicants?

1 MR. MURNANE: Not at this time.

2 CHAIRMAN KAMMANN: Mr. Margello.

3 MR. MARGELLO: I'm good.

4 MR. HOUSE: I do. The pool house,  
5 what will be in the pool house?

6 MR. YOUNESS: The chemicals for  
7 the pool, the vacuums, any construction  
8 materials that we work around the pool with  
9 are in there. We're not doing mowers or any  
10 of that stuff in there. It's all pool-related  
11 stuff, all the floats so the neighbors don't  
12 have to look at the majority of those things,  
13 anything to maintain the pools is in there.

14 MR. HOUSE: I understand. And you  
15 mentioned shed, because my way I've always  
16 defined pool house and I think most people  
17 would be a pool house, it would like a  
18 bathroom and a shower and a changing area and  
19 those kinds of things.

20 CHAIRMAN KAMMANN: That's a pool  
21 house.

22 MR. HOUSE: This in my mind, this  
23 is actually a shed.

24 CHAIRMAN KAMMANN: Yeah.

1           MR. HOUSE:  So next to the pool, I  
2 ask the question, next to the pool is there a  
3 shed for storage of pool supplies or is it a  
4 pool house, and does it make a difference?

5           MR. COSTA:  Unless there is a Code  
6 in something that specifies to the contrary, I  
7 don't think I care whether it's a shed or a  
8 pool house.

9           MR. HOUSE:  I just wondered if the  
10 HOA, generally the HOA documents prohibit  
11 sheds.

12          MR. YOUNESS:  Absolutely.  Yep.  
13 We went through that with them and then  
14 they -- I mean, they went through the  
15 approval.

16          MR. HOUSE:  That was my question.

17          MR. YOUNESS:  I think it was more  
18 from the aesthetics of it, too, where the rule  
19 came from because it matches the home and the  
20 colors and everything that go with it.

21          CHAIRMAN KAMMANN:  Right.  Well,  
22 we don't have any more questions at this time.  
23 We may later.  Please feel free to have a  
24 seat.

1 MR. YOUNESS: Sure. All right.

2 CHAIRMAN KAMMANN: Mary Beth, do  
3 we have any correspondence we want to  
4 acknowledge? And what you might want to do is  
5 make sure -- maybe what we should do is this.  
6 Let's see if we have anybody that wants to  
7 speak and then let's get the correspondence.  
8 That way if someone wants to speak who has  
9 submitted, they can choose to speak instead  
10 and that way we don't have to double dip.

11 MS. ROBINSON: Okay.

12 CHAIRMAN KAMMANN: So, thank you,  
13 guys. I'll open this up to public comment.  
14 Do we have anybody who wants to speak to this  
15 application? This is your turn, by the way.

16 MR. COSTA: Let me provide some  
17 quick clarification for anybody else. I think  
18 there were some people that submitted letters.  
19 If you submit a letter and you're not here,  
20 sworn in and testifying, it is just hearsay.  
21 If you want your letter to actually mean  
22 something to the decision to the Board, you  
23 need to be here and be sworn in and be able to  
24 speak to it yourself. So while we appreciate

1 letters that come and support applications and  
2 everything, the sworn testimony on the record  
3 is what allows us to consider it when we are  
4 making a decision on an application.

5           So, as you decide whether you want  
6 to speak, keep that in mind. Also, I don't  
7 think you were sworn in.

8           CHAIRMAN KAMMANN: You were not  
9 sworn in, sir?

10           MR. CRITCHETT: I was not.

11           CHAIRMAN KAMMANN: Okay. Please  
12 raise your hand. Do you promise to tell the  
13 truth, the whole truth and nothing but the  
14 truth, so help you God?

15           MR. CRITCHETT: Yes.

16           CHAIRMAN KAMMANN: Now, sir, your  
17 name and your address for the record.

18           MR. CRITCHETT: Thank you. I'm  
19 Attorney Ray Critchett, 9426 Alyssa Drive,  
20 backyard neighbors with the individuals that  
21 are here today. And I agree with them, the  
22 pool shed or whatever you want to call it, it  
23 is hidden from the trees. It's hidden from  
24 the yards. It's hidden from the streets. It



1 contains all their plastic materials that are  
2 for the pool. It contains all of their  
3 electrical equipment, their cleaning  
4 equipment. It really kind of tiddies up the  
5 area; otherwise, all the neighbors would --  
6 backyard neighbors would see everything else  
7 that's strewed around.

8           Whether or not this was acceptable  
9 or should be acceptable for a variance, I'm  
10 sure there's a million other variances in  
11 Wedgewood Park Estates and Woodland Park that  
12 had the same issue. We had neighbors right  
13 down in the cul de sac that just had the same  
14 issue. Their primary argument with their pool  
15 shed was it had to match the house. So they  
16 were allowed to get the variance, but  
17 aesthetically it had to match the house, so  
18 they did that. Our neighbors off to the other  
19 side have a pool shed, too, and they were  
20 allowed to, whether or not it was a variance  
21 issue, I don't know. But a lot of  
22 neighborhoods -- this is the house on top of  
23 Wedgewood Park, they have smaller yards. All  
24 of the their pool sheds are right up against

1 the line. They've all been allowed.

2           So I don't think that anything  
3 here, number one, aesthetically is displeasing  
4 to the neighborhood. They still have 5 feet  
5 of a variance where Spectrum was able to go in  
6 through there and do their cable work that  
7 they needed to do, so it's not a hearing on  
8 the utilities. And really, there's no reason  
9 why it shouldn't be permitted there, except  
10 for they didn't get prior approval. That's  
11 it. And it wasn't --

12           CHAIRMAN KAMMANN: And it's not in  
13 compliance with the Code, as well.

14           MR. CRITCHETT: It's not in  
15 compliance with the Code. But I have a  
16 feeling there are a lot of other ones in the  
17 neighborhood that aren't compliant with the  
18 Code, but got approval, firsthand. And  
19 whether they got approval or not, we'll figure  
20 it out, but here they were assured by the HOA,  
21 it was approved, by the contractor, it was  
22 approved. This is not something that they did  
23 on their own as a DIY project that they threw  
24 up. They tried and went through all the

1 professional steps to make sure it was  
2 approved. They were assured it was, so they  
3 built it.

4 To tear this thing down and  
5 rebuild somewhere else, number one, is going  
6 to be aesthetically unpleasing to everyone  
7 else because the only way you can do that is  
8 off on side of the yard, which is going to  
9 extend that fence area off to the side.

10 CHAIRMAN KAMMANN: If I may ask  
11 you a question, sir.

12 MR. CRITCHETT: Yes.

13 CHAIRMAN KAMMANN: Is there not an  
14 area that this could go? I don't know where  
15 to put it into context, this picture, it's  
16 sort of over to the side where there's it  
17 looked like a little bit of grass within that  
18 fenced-in area.

19 MR. CRITCHETT: There really  
20 isn't, and that's the reason I was trying to  
21 bring the picture earlier. So if they --

22 CHAIRMAN KAMMANN: Correct me if  
23 I'm wrong, but this is not your yard?

24 MR. CRITCHETT: that's over there

1 in the neighbor's yard. So you come in here  
2 and there's a -- there's a side entrance over  
3 here.

4 CHAIRMAN KAMMANN: But you don't  
5 want an outside fence.

6 MR. CRITCHETT: No. Their fence  
7 area is pretty -- it's tight. Because they  
8 wanted it right here because they have two  
9 dogs so they want their dogs to be able to be  
10 able to go outside. So this fence over here,  
11 it gets shown over here, over on this side  
12 there is a grassy area with the fence, but  
13 that grassy area is like literally from me to  
14 the wall.

15 CHAIRMAN KAMMANN: Right.

16 MR. CRITCHETT: So it's not a big  
17 area. And you guys tear down this, tear down  
18 this slab, everything else to try put it in  
19 there and that's probably going to be in a  
20 variance zone, too. So the only way to do  
21 this outside of variance zone, they have this  
22 area right here, they have a pergola that will  
23 be over here with a fireplace, and then like a  
24 fireplace and a stove and all that stuff off

1 to the side, you take that and move it like  
2 way over here. But it's going to be far away  
3 from the pool and it's going to be outside of  
4 the fence zone.

5 CHAIRMAN KAMMANN: Okay.

6 MR. CRITCHETT: So as it sits  
7 right now, I don't see any way to get it  
8 outside of this variance issue without redoing  
9 the fence and bumping it out. and as soon as  
10 you bump it out, it's going to be visible to  
11 everybody else.

12 CHAIRMAN KAMMANN: Do we have any  
13 questions for the witness? Thank you very  
14 much, sir. Appreciate it.

15 Yes, sir, did you want to say  
16 something?

17 MR. YOUNESS: I wanted to add  
18 something on that. It's a pretty legitimate  
19 question on that side yard. As far as you  
20 look at that, that bottom line is on an angle,  
21 so you have more room behind that right now  
22 then we would if we put up a fence around the  
23 left-hand side. So if you look at those plans  
24 -- and then there's also a ton of water issues

1 back there, so that's where everything rolls  
2 back. We had some issues with the neighbors  
3 behind us. We had to work with him, too,  
4 because there was runoff. He put a tile thing  
5 in the back of his yard because he had a lot.

6 CHAIRMAN KAMMANN: I assume you're  
7 referring to what would be -- what would look  
8 to be roughly 50, 60 feet north of the shed,  
9 is where you're talking about? I think that's  
10 what you're talking about.

11 MR. YOUNESS: Yeah, the grassy  
12 area you were mentioning.

13 CHAIRMAN KAMMANN: Okay. The  
14 opposite corner of the shed basically, right?

15 MR. YOUNESS: Yeah.

16 CHAIRMAN KAMMANN: Right. The  
17 opposite rear corner, right?

18 MR. YOUNESS: Right over here.

19 CHAIRMAN KAMMANN: That's what I  
20 thought.

21 MR. YOUNESS: Yeah. So the bigger  
22 concern is putting something in that's going  
23 to rot, which we don't want. I mean, it is --  
24 over there it's outrageous wet.

1                   CHAIRMAN KAMMANN: Oh. Fair  
2 enough. If you don't mind, I'm going to  
3 continue to public comment.

4                   MR. YOUNESS: Sure.

5                   CHAIRMAN KAMMANN: Do we have  
6 anyone else who wanted to give public comment  
7 tonight about this?

8                   First of all, did you get sworn  
9 in, please?

10                  MR. ALDRINK: I need to be sworn  
11 in, please.

12                  CHAIRMAN KAMMANN: Okay. Please  
13 raise your right hand. Do you promise to tell  
14 the truth, the whole truth and nothing but the  
15 truth, so help you God?

16                  MR. ALDRINK: Yes.

17                  CHAIRMAN KAMMANN: Great. Sir,  
18 could you please state your full name and  
19 address for the record.

20                  MR. ALDRINK: Sure. Mike Aldrink,  
21 8600 Creighton Drive. And to Mr. Costa's  
22 point about the letter that was written, that  
23 was my wife, Jennifer, 8600 Creighton. We are  
24 that house with the closest direct view of the

1 building discussion about. So I just want it  
2 on the record that besides a letter, we're  
3 also here to affirm that many weeks in which  
4 turns into months happened in discussion of  
5 where to put this because that would help all  
6 of us as neighbors. And with us obviously  
7 having a close view of this we all as  
8 neighbors came up with a decision that this  
9 would be the best place.

10 We understand the zoning thing  
11 now, but at the point, you know, of discussion  
12 through all those weeks, we just came up with  
13 this idea because there was really no other  
14 place due to the land just falling off over to  
15 the left screen there, that would make sense  
16 for this shed.

17 CHAIRMAN KAMMANN: And that's  
18 really what I -- I think what I'm hearing is  
19 that I'm not seeing just how difficult the  
20 slope and drainage is in that other potential  
21 error.

22 MR. ALDRINK: It's impossible.

23 CHAIRMAN KAMMANN: Okay.

24 MR. ALDRINK: Again, I just wanted



1 to reiterate the fact that as neighbors, we're  
2 here showing support that we were in months of  
3 discussion on where this thing can go.

4 CHAIRMAN KAMMANN: Okay.

5 Appreciate it.

6 MR. ALDRINK: Thank you.

7 CHAIRMAN KAMMANN: Do we have

8 anyone else who wants to speak to this?

9 Okay. Mary Beth, what do we have  
10 for correspondence? Anything that we want to  
11 just note that we received from? I don't want  
12 to read it, but do we have anybody who didn't  
13 speak tonight that we received correspondence  
14 from?

15 MS. ROBINSON: No. The only were  
16 those two that spoke.

17 CHAIRMAN KAMMANN: Okay. Perfect.

18 Okay.

19 MR. MARGELLO: I want to ask the  
20 owner one more question.

21 CHAIRMAN KAMMANN: Sure. You want  
22 to ask who, sir?

23 MR. MARGELLO: Yeah, I want to ask  
24 the owner one more question. Who built the

1 shed?

2 MR. YOUNESS: JDR, Jason is the  
3 contractor.

4 MR. MARGELLO: And he was the one  
5 that told you that he didn't need a building  
6 permit or anything?

7 MR. YOUNESS: Correct.

8 MR. MARGELLO: Put that down so we  
9 know if he ever comes in.

10 CHAIRMAN KAMMANN: All right.  
11 Okay. I'm going to go ahead and close down  
12 public comment and we'll go into Board  
13 discussion.

14 Mr. Costa, let's start with you.  
15 What are your thoughts?

16 MR. COSTA: The retaining wall and  
17 the drainage and slope on either side of the  
18 property, I don't think would allow a  
19 compelling relocation of this shed, pool  
20 house, whatever you want to call it. I think  
21 the place it's at is appropriate, is  
22 reasonable and probably what I would have  
23 supported if they came in initially. I do  
24 agree with their neighbor, that this was not

1 some egregious violation or attempt to skirt  
2 the Zoning Code, that they were trying to do  
3 the right thing and they pulled permits and  
4 did the things to do for the rest of the  
5 project. I'm in favor of the application  
6 without modification.

7 CHAIRMAN KAMMANN: Mr. Murnane.

8 MR. MURNANE: I agree with all  
9 those points Mr. Costa just mentioned. And  
10 just to add on to that, it sounds like a  
11 little bit of a breakdown in the process of  
12 the builder and putting it together, the  
13 permit versus the zoning direction, the  
14 township variance, but I'm in support of what  
15 they would like to do.

16 CHAIRMAN KAMMANN: Okay. Mr.  
17 Margello.

18 MR. MARGELLO: I think there are  
19 several options that they could have put this  
20 pool shed. And I think if they came in here  
21 with that presentation, we would have approved  
22 it because even though there are options,  
23 that's probably the best place to put the pool  
24 house, so I would agree with the application.

1                   CHAIRMAN KAMMANN: Okay. Mr.  
2 House.

3                   MR. HOUSE: Well, I'm struggling  
4 with Code compliance. And I would agree with  
5 Mr. Margello, that there appears to be, but  
6 without actually seeing the property, there  
7 appears to be other options for the shed. And  
8 on the other hand, I understand the need  
9 having had a pool myself and the children and  
10 all their pool toys and chemicals, and so I  
11 understand the need. I certainly take into  
12 account that the residents around that  
13 property concur and have come to an agreement  
14 that that is the best place. And so while I  
15 certainly have reservations about the  
16 approval, I would be in favor or moving  
17 forward.

18                   CHAIRMAN KAMMANN: Okay. As for  
19 what it's worth, the only thing I would say  
20 different than what's already been said is if  
21 I didn't hear testimony about the challenges  
22 of the alternate locations working, I don't  
23 think I would approve this application.  
24 Because even with the neighbors' support, even

1 with the good intentions, there still has to  
2 be some justification. And if that is the  
3 critical, necessary justification we got, that  
4 without it, I couldn't support it. I just  
5 wanted to say that. Would anybody like to  
6 make a Motion? I think we're all in favor  
7 here.

8 MR. COSTA: I do want to say that  
9 this shed and this project was after the pool  
10 was already constructed. And so what they're  
11 looking for is not something that would just  
12 work if they were coming from scratch on this  
13 project and had a blank slate to design,  
14 because they could have just decided the pool  
15 5 feet closer, the pool deck 5 feet closer and  
16 put the shed within compliance in the first  
17 place. But to have a pool and then decide  
18 afterwards to add the shed on, at that point  
19 you have limitations by what's already  
20 physically constructed.

21 And so I understand your point,  
22 and I do understand your point when it comes  
23 to Code compliance, but I think that  
24 understanding that in the sequence of the

1 story that they told and the build project  
2 that they put on, I still think you probably  
3 would have approved it if the --

4 MR. MARGELLO: Yeah, but the only  
5 hardship is that the builder didn't do what he  
6 was supposed to do.

7 MR. COSTA: Well, I mean, the  
8 hardship is the property is not to built to  
9 support it on the other areas, and the  
10 existing pool -- the pool deck is so close to  
11 that property that there's no other place  
12 without wrecking out the concrete and redoing  
13 the pool deck.

14 MR. MARGELLO: Right. But what  
15 I'm saying is, they could have put it  
16 someplace else before they build it here  
17 because there are other options.

18 CHAIRMAN KAMMANN: That's his  
19 point.

20 MR. COSTA: That's my point, is  
21 this was not -- this wasn't the beginning --  
22 this wasn't a whole project built all at once.  
23 And so at the point where they decided to add  
24 this afterwards, their other options were

1 limited.

2 MR. MARGELLO: Agree. All I'm  
3 saying is there was other options, but I think  
4 they are in a predicament because of the  
5 builder unaware of the setback, and so they're  
6 between a rock and a hard place. I don't  
7 think we should punish them for that, so.

8 CHAIRMAN KAMMANN: I'd like to go  
9 ahead and make a Motion.

10 I'd like to make a Motion to  
11 Approve DPV #23-13 for James and Jennifer  
12 Youness. And it's a DPV so we don't need to  
13 do findings of fact. I'll ask if we have a  
14 second.

15 MR. HOUSE: Second.

16 MS. ROBINSON: Mr. Costa.

17 MR. COSTA: Approved.

18 MS. ROBINSON: Mr. Kammann.

19 CHAIRMAN KAMMANN: Approved.

20 MS. ROBINSON: Mr. House.

21 MR. HOUSE: Approved.

22 MS. ROBINSON: Mr. Margello.

23 MR. MARGELLO: Approved.

24 MS. ROBINSON: Mr. Murnane.

1 MR. MURNANE: Approved.

2 CHAIRMAN KAMMANN: All right.

3 You're all set.

4 MR. YOUNESS: Thank you.

5 MS. YOUNESS: Thank you.

6 CHAIRMAN KAMMANN: No worries.

7 - - -

8 CHAIRMAN KAMMANN: Mary Beth,  
9 let's go ahead and read the next Notice,  
10 please.

11 MS. ROBINSON: BZA #23-12  
12 submitted by Nicholas Sanderson and Emily  
13 Carpenter for their property at 4320 Home  
14 Road, Powell, Ohio 43065 requesting a variance  
15 to Section 7.15.D.b of the Liberty Township  
16 Zoning Resolution to allow a part of their  
17 proposed fence to be built inside the pole of  
18 their flag lot. This 5.0-acre Farm Residence  
19 zoned property is located in Range 19,  
20 Township 3, Section 2, Liberty Township,  
21 Delaware County, Ohio.

22 CHAIRMAN KAMMANN: Thank you.  
23 Does anybody need to abstain from this  
24 application this evening?



1 All right. Staci, would you be  
2 kind enough to read your report, please.

3 MS. HOOD: The lot located at 4320  
4 Home Road is on 5-acre lot with a single  
5 roadway frontage. The applicant is requesting  
6 an area variance for a proposed 4 foot fence  
7 and a 6 foot privacy fence to be constructed  
8 within the pole of the lot.

9 Liberty Township Zoning Resolution  
10 Section 7.15.D.d states in part the following:  
11 Fencing along the side yard lot lines of the  
12 portion of the lot containing the driveway  
13 pole is prohibited unless the width of the  
14 pole at the road frontage is at least 175 feet  
15 and the fence extends a minimum length of 175  
16 feet away from the road along the pole side  
17 yard lot lines. Such fence shall comply with  
18 the style, material, height and setback  
19 requirements in Section 7.15.B.

20 The Zoning Department finds the  
21 following: The width of the pole at the road  
22 frontage is approximately 151.85 feet, which  
23 does not meet the minimum required road  
24 frontage of at least 175 feet. The fence

1 extends approximately 236 feet away from the  
2 road which does meet the minimum length  
3 requirement of at least 175 feet. The 6-foot  
4 privacy fence, indicated in orange, on the  
5 site map, extends approximately 236 feet away  
6 from the road along the east side of the pole  
7 side yard lot line which does need the minimum  
8 length requirement of 175 feet. The 4-foot  
9 fence, indicated in pink, is approximately 65  
10 feet from the west side of the pole side yard  
11 lot line, which does not meet the minimum  
12 length requirement of 175 feet.

13           Included with this application is  
14 a site plan, written response to the question  
15 of hardship. Also included is a printed photo  
16 of the parcel from the Delaware County  
17 Auditor's website.

18           CHAIRMAN KAMMANN: Thank you. If  
19 you would pull that up for me, Mary Beth,  
20 right there. Staci, I just want to make sure  
21 I'm clear because there's a lot going on here.

22           Are we dealing with anything other  
23 than the sections of proposed fence within the  
24 quote unquote pole?

1 MS. HOOD: No. And the reason I  
2 broke that down for discussion with legal  
3 counsel is to make sure, because this section  
4 of the Code can be confusing, to make sure  
5 that we understand that we're talking about  
6 the width of the frontage of the pole.

7 CHAIRMAN KAMMANN: Right.

8 MS. HOOD: And then the portion of  
9 the fence within the pole.

10 CHAIRMAN KAMMANN: I guess, and I  
11 don't want to talk about the application's  
12 merits, I just want to make sure we're  
13 understanding where the Zoning Department  
14 feels that a variance is necessary. So, what  
15 they're talking about the distance, is if it  
16 was like 25 feet wider, it would meet frontage  
17 requirements and they can put that fence right  
18 up next to the road and it would meet  
19 requirements. Without that, it doesn't meet  
20 that until it widens out at the end of the  
21 pole and they want to put some things within  
22 the pole. So everything they're asking for  
23 within that hole is a variance.

24 What I'm trying to ask is, is

1 there's any portion of fence not within the  
2 pole that would require a variance?

3 MS. HOOD: No. We're simply  
4 discussing the portion of the pink fence and  
5 the portion of the orange fence within the  
6 pole.

7 CHAIRMAN KAMMANN: Great. So we  
8 don't need to worry about it being a privacy  
9 fence versus a non-privacy fence or anything  
10 like that?

11 MS. HOOD: Well, the reason it was  
12 indicated was because that was how the  
13 applicant supplied the information to us and  
14 we wanted to make sure you understood that the  
15 fence to the east is a 6-foot privacy fence  
16 versus what's in pink that's going to be  
17 opposite of it, it's going to have two  
18 different looks when it's a 4-foot fence. So  
19 we just wanted to make sure you understood  
20 that --

21 CHAIRMAN KAMMANN: Well, you're  
22 saying -- not two different looks within the  
23 pink, but you mean the pink versus the yellow  
24 is two different colors?

1 MS. HOOD: Yes. The orange will  
2 be 6 feet. The pink will be 4 feet.

3 CHAIRMAN KAMMANN: Understood.  
4 Okay.

5 MS. HOOD: Yeah.

6 CHAIRMAN KAMMANN: Great. So  
7 again, just to summarize, we're talking about  
8 need a variance for being allowed to have a  
9 fence within that -- we don't need to address  
10 the privacy for it, just the location with in  
11 the pole.

12 MS. HOOD: Pole.

13 CHAIRMAN KAMMANN: Thank you very  
14 much. Does anybody else have any questions  
15 for Staci?

16 MR. COSTA: Is there a requirement  
17 that the fence types match?

18 MS. HOOD: There's nothing within  
19 our Code that indicates that, no.

20 MR. COSTA: Okay. I thought that  
21 you mentioned something. Okay. Thanks.  
22 Appreciate it.

23 CHAIRMAN KAMMANN: Okay. I think  
24 we're good on that then. Let's go ahead and

1 have the applicant come up and tell us about  
2 their application. If you would come up and  
3 start by stating your full name and address  
4 for the record, please.

5 MS. SANDERSON: Nicholas  
6 Sanderson. I live at 4320 Home Road. And  
7 yeah, essentially this fence that we're trying  
8 to build, the only reason we're trying to  
9 bring it into the pole section instead of just  
10 cutting it straight across is there are some  
11 trees and some drainage issues that kind of  
12 come across our property and then all the way  
13 up to the road. And we're trying to just  
14 enclose a large portion of our yard for our  
15 two young daughters and our dogs to run around  
16 to be able to enjoy.

17 Another reason why we're trying to  
18 build it in this way is we do get a lot of  
19 trash blowing into our yard from the street or  
20 from neighbors or from construction and the  
21 library that's going on next door. Well, the  
22 library is done, but all of the other stuff.  
23 And the tree -- or the fences, hopefully one  
24 can catch some of that trash instead of it

1 blowing into our yard.

2 CHAIRMAN KAMMANN: Okay. I  
3 understand that. Is there anything else you  
4 wanted to share with us about. I think I  
5 understand what you're wanting to do, but  
6 maybe you want to speak about the 4 feet  
7 versus the 6 feet, why you want to go up that  
8 far not a little less or a little more, etc.

9 MR. SANDERSON: Sure. yeah. The  
10 6-foot privacy fence is only along the  
11 property line to the east, which is right next  
12 to where there's going to be building  
13 apartments and townhomes right next to the  
14 library. And so the 6-foot privacy fence is  
15 really just for safety and to keep people from  
16 trying to jump over a 4-foot fence or come  
17 into our yard. The 4-foot fence in the front,  
18 we don't feel we need a privacy fence and we  
19 feel that we want it aesthetically pleasing to  
20 have the 4-foot fence in the front. And the  
21 way the elevation of the front part of the  
22 pole lot, kind of the elevation raises and it  
23 goes down into where our house is. And so we  
24 have the fence -- the front of the 4-foot

1 fence positioned kind of as the hill is going  
2 down. So from the front of the property, it  
3 will still be pretty hard to tell that there's  
4 a fence there, and yeah. So the idea that --

5 CHAIRMAN KAMMANN: Is that why you  
6 selected that spot and not again a little bit  
7 further forward or backwards or etc.

8 MR. SANDERSON: There were a  
9 couple of different reasons. The way it  
10 connects to the side to the 6-foot lot,  
11 there's more openings. The whole side of the  
12 lot is trees and so cutting it over there,  
13 we're able to cut it in between.

14 CHAIRMAN KAMMANN: What are you  
15 talking about where that is?

16 MR. SANDERSON: On the east side.

17 CHAIRMAN KAMMANN: The whole east  
18 side of the property line?

19 MR. SANDERSON: The whole east  
20 side of the property line, yes, is trees.

21 CHAIRMAN KAMMANN: Right.

22 MR. SANDERSON: And so we tried to  
23 cut it over there so we could cut it in  
24 between a couple of trees.



1                   CHAIRMAN KAMMANN:  Actually.  I  
2  think I see what you're talking about.

3                   MR. SANDERSON:  Yeah, there's two  
4  large like kind of pine trees that we're  
5  trying to cut it in between and directly in  
6  front of it.

7                   CHAIRMAN KAMMANN:  Let me say it  
8  to you differently.  Is there like one spot  
9  about 20' wide and that is the only spot you  
10 could possibly go without counting down big  
11 trees?

12                  MR. SANDERSON:  yeah.

13                  CHAIRMAN KAMMANN:  Because that's  
14 what it looks like.

15                  MR. SANDERSON:  Yeah.

16                  CHAIRMAN KAMMANN:  There's only  
17 one spot.

18                  MR. SANDERSON:  Yeah.  Everything  
19 else is just built up and trees.

20                  CHAIRMAN KAMMANN:  Tress, yeah.

21                  MR. SANDERSON:  And they're very  
22 old trees, about 30 years old so they're --

23                  CHAIRMAN KAMMANN:  Understood.  
24 Anything else wanted to add about this, sir?

1                   MR. SANDERSON: Not that I can  
2 think of.

3                   CHAIRMAN KAMMANN: Well, let's see  
4 if we have some questions for you. Mr. House,  
5 did you have any questions for the applicant?

6                   MR. HOUSE: No. I think  
7 understand the project. I question some of  
8 the hardship, the explanation, but it seems  
9 neither here nor there with respect to the  
10 application. I understand what you're trying  
11 to accomplish, so no questions.

12                   CHAIRMAN KAMMANN: Okay. Mr.  
13 Margello.

14                   MR. MARGELLO: Not at this time.

15                   CHAIRMAN KAMMANN: Mr. Murnane.

16                   MR. MURNANE: Not at this time.

17                   CHAIRMAN KAMMANN: Mr. Costa.

18                   MR. COSTA: Do you have any other  
19 fences adjacent to your property or is the  
20 property beside you concerned about that now  
21 or is this just kind of the start of this  
22 fencing in this area?

23                   MR. SANDERSON: So there's no  
24 fencing to the east. That's the development

1 that they're building right now. And to the  
2 west there is a -- they have a fence that goes  
3 along their side of the property and so we're  
4 not building another fence on that side.

5 MR. COSTA: And not in the  
6 property you flagged behind, there's not like  
7 fences and fences and fences we're building?

8 MR. SANDERSON: No.

9 MR. COSTA: Okay. I'm done.

10 CHAIRMAN KAMMANN: I've got a  
11 couple of questions I think I know the answer  
12 to, but I just want to ask anyway. This is  
13 not a shared driveway in any way, shape, or  
14 form, whatsoever?

15 MR. SANDERSON: No. No.

16 CHAIRMAN KAMMANN: Okay. Thank  
17 you. Do you have any correspondence from your  
18 neighbors about their opinions about this?

19 MR. SANDERSON: I do. They've --  
20 well, the neighbors to the west was supposed  
21 to be here tonight, but he was unfortunately  
22 not able to get a babysitter for their kids.  
23 And Chris Vents, in the neighborhood  
24 development, he's okay with this issue -- or

1 this fence, but I mean, he's not here.

2 CHAIRMAN KAMMANN: Okay. But no  
3 one has expressed any concern to you?

4 MR. SANDERSON: No.

5 CHAIRMAN KAMMANN: Okay. The only  
6 other question I have, and this is just  
7 thinking out loud, I totally see where you're  
8 coming from on the privacy thing on the east.  
9 I get it. My question is, how important is  
10 what's going on with the pink to you? If  
11 you've got your privacy fence to the point you  
12 asked for it, how important is the pink  
13 section of the fence to you? Do you really  
14 need to seal it in, is what I'm asking, or do  
15 you really just need that privacy on the east?

16 MR. SANDERSON: Yeah, we would  
17 like to seal it in. I have a six-year-old  
18 daughter, a three-year-old daughter and two  
19 Great Pyrenees. They need a place to be  
20 enclosed and to be safe and not wander out  
21 into a road that's 50 miles per hour.

22 CHAIRMAN KAMMANN: So my last  
23 question is this then, we talked about that,  
24 or I mentioned that magical spot, that was the

1 only spot without trees on the entire east  
2 side, is that exactly where that corresponds  
3 to?

4 MR. SANDERSON: Yeah.

5 CHAIRMAN KAMMANN: Okay. That is  
6 what I wanted to understand. I appreciate it.  
7 I don't have any more questions for you, sir.  
8 Did you have anything else you want to add to  
9 us. you good?

10 MR. SANDERSON: I'm good.

11 CHAIRMAN KAMMANN: All right.

12 Have a seat. Mary Beth, do we have any  
13 correspondence?

14 MS. ROBINSON: No.

15 CHAIRMAN KAMMANN: Okay. I will  
16 go ahead and close that -- I'm sorry. Let me  
17 offer public comment first. Did anybody want  
18 to come and speak to this application? No.  
19 All right. We'll go and close down public  
20 comment and go into Board discussion. I'll  
21 start on the far end. Chris, your thoughts?

22 MR. MURNANE: This might be more  
23 of an administrative question, but the plot  
24 plan, this page here, yeah, looking at it

1 there, does it matter it doesn't marry up with  
2 what we're --

3 CHAIRMAN KAMMANN: What do you  
4 mean exactly?

5 MR. MURNANE: I mean, the  
6 driveway, I mean, are we looking at the right  
7 -- the driveway isn't matching. It doesn't  
8 look like -- I just kind of question why, is  
9 that circular, is there a roundabout driveway  
10 there or is it a --

11 CHAIRMAN KAMMANN: I think I know  
12 the answer your question. It looks like this  
13 flagpole is really narrow. It's not. He's  
14 not trying to go across this whole flagpole.  
15 Notice was to determine their side offset.  
16 That's what's throwing you off, Chris.

17 MR. MURNANE: But is that the  
18 driveway, this circle -- is there a turnaround  
19 driveway there?

20 CHAIRMAN KAMMANN: I can show you.  
21 You can see it right on.

22 MR. MURNANE: I know, but then if  
23 you look at the actual picture. Sorry if this  
24 is administrative. I just don't know.

1                   CHAIRMAN KAMMANN: No.

2                   MR. COSTA: No, no, you're fine.

3 I really don't think this is to scale. I  
4 really don't think this is a scaled drawing  
5 right here.

6                   MR. MURNANE: Yeah.

7                   MR. COSTA: The way that this  
8 looks on the plot plan. Is this your  
9 property, sir?

10                  MR. SANDERSON: Yeah.

11                  MR. COSTA: The way this looks on  
12 the property, you know, with the property  
13 lines and everything. The driveway is much  
14 closer to the western side.

15                  CHAIRMAN KAMMANN: Oh, yeah.

16                  MR. COSTA: Things are straighter,  
17 there's no roundabout, the house is further  
18 back behind where the thing is. The drawing  
19 is just not good.

20                  MR. MURNANE: Right. And so I  
21 think I was just trying to wrap my head around  
22 the variance issue and I'm not seeing like an  
23 apples to apples.

24                  CHAIRMAN KAMMANN: And other

1 thoughts you want to add, Chris?

2 MR. MURNANE: No, not at this  
3 time.

4 CHAIRMAN KAMMANN: Mr. Costa.

5 MR. COSTA: It's a pretty minor --  
6 a minor variance and I think we're trying to  
7 maximize usable areas inside the fence and  
8 avoid cutting down additional trees. I don't  
9 see a significant issue. How far forward are  
10 we going down the flag? I didn't think it was  
11 a big number.

12 CHAIRMAN KAMMANN: I don't know  
13 the exact distance. But I would also just  
14 mention for the record, it's only about a  
15 third of the distance of the flag. Well, this  
16 isn't a scale drawing, so that's why -- yeah.

17 MR. SANDERSON: This is the only  
18 drawing they had.

19 MR. COSTA: So the total length is  
20 three -- so this is very much not to scale.  
21 How about I do this. Applicant, would you  
22 come back up?

23 MR. SANDERSON: Yeah.

24 MR. COSTA: What's the total



1 distance forward of the flag line that this  
2 fence is going to be?

3 MR. SANDERSON: The total distance  
4 of the actual --

5 CHAIRMAN KAMMANN: From the start  
6 of the pole to where you want it to go to?

7 MR. SANDERSON: I think it's only  
8 like 85 or 90 feet. And then from there the  
9 road is around 240 feet.

10 MR. COSTA: I'm sorry, I think  
11 I've answered my own question. I think it's  
12 351 for the total of the flag and then 236 for  
13 your front offset from the flag -- or for the  
14 front of the flag back, so make it 64 plus 51,  
15 so 115 forward of the flag point, so we're --  
16 I don't think it's substantial.

17 CHAIRMAN KAMMANN: I'll just add  
18 one thing from my perspective that hasn't been  
19 said, which is I think there's a justification  
20 on the east side for asking for help  
21 potentially in terms of being able to have  
22 shielding. So down the road you may want to  
23 talk to us about this or that and the other to  
24 make sure that you like how you've shielded

1 that, I think you'll find a receptive  
2 conversation if you ever need to have it on  
3 the east side.

4 MR. SANDERSON: Perfect.

5 CHAIRMAN KAMMANN: I also like the  
6 fact that he's putting it where he's not going  
7 to take out big trees. I think that keeps the  
8 community as maximum, which is really what  
9 we're going for here. Mr. Margello, sir, your  
10 thoughts?

11 MR. MARGELLO: We haven't  
12 discussed anything about, what is this fence  
13 going to look like?

14 MR. SANDERSON: It's a wood,  
15 metal-- or the -- is there a picture?

16 MR. MARGELLO: I mean, is it a  
17 6-foot high chain fence?

18 MR. SANDERSON: It's a 6-foot all  
19 wood. Yeah, 6-foot -- fence panels all the  
20 way across. I don't know what they're called.

21 CHAIRMAN KAMMANN: You do know to  
22 make sure it meets Code?

23 MR. SANDERSON: Yes, yes, yes.

24 CHAIRMAN KAMMANN: We have a very

1 specific Code on that.

2 MR. SANDERSON: Yeah. No, it does.

3 The 4-foot fence is just the wood with the  
4 crossbeam, the black and white.

5 MR. MARGELLO: But the 6-foot  
6 fence is what?

7 MR. SANDERSON: It's just the  
8 planks like all the way across.

9 CHAIRMAN KAMMANN: About like a  
10 floating section.

11 MR. COSTA: A stockade fence?

12 MR. SANDERSON: I think that's  
13 what it is, yeah.

14 MR. MARGELLO: So you can't see  
15 through it or anything?

16 MR. SANDERSON: No.

17 MR. MARGELLO: Okay.

18 MR. HOUSE: I'm not sure stockade  
19 fences are --

20 MR. MARGELLO: Well, that's why I  
21 was --

22 MR. COSTA: No, it's -- I'm  
23 looking at the Code now. Privacy fences are  
24 permitted, additional permitted styles of

1 privacy fence include stockade, board and  
2 batten fence or similar styles, so.

3 CHAIRMAN KAMMANN: I just can't  
4 encourage you enough to make sure that of  
5 you've got colors, too, like, there's certain  
6 approved and not true colors, just make sure  
7 you're good with that.

8 MR. SANDERSON: Yeah.

9 CHAIRMAN KAMMANN: Mr. House, any  
10 thoughts from you, sir? Are you supportive,  
11 conflicted?

12 MR. HOUSE: I said have one  
13 question for -- a quick question for Staff. I  
14 assume since it's an FR-1, so he offsets a  
15 minimum of one foot, 90 foot.

16 MS. HOOD: Yes.

17 MR. HOUSE: Okay. Then I would be  
18 -- I understand the issues and I agree that  
19 this is a relatively minor variance, so I  
20 would be in favor of the variance.

21 CHAIRMAN KAMMANN: Okay. I'd be  
22 willing to hear a Motion.

23 MR. MARGELLO: Well, do we have  
24 the proper measurements? Did you determine

1 those, Dana?

2 MR. COSTA: The front offsets and  
3 side offsets are there. I just didn't see  
4 them before I asked.

5 MR. MARGELLO: But when we make  
6 the motion, should we specify how much he's  
7 coming down the pole lot?

8 CHAIRMAN KAMMANN: Yeah, it's not  
9 in the actual application, so we can't -- good  
10 call there. And we can't approve it as is  
11 because I don't see it specified.

12 MR. COSTA: You can use the front  
13 offset, the side upsets if you want to look at  
14 the numbers that are provided in the  
15 application.

16 CHAIRMAN KAMMANN: Actually, it  
17 does state it. It's in there. It's in there.

18 MR. COSTA: As I said, I didn't  
19 see it before I asked him to come and help me  
20 out.

21 CHAIRMAN KAMMANN: I got it. So I  
22 think we're good to go.

23 MR. HOUSE: Well, give me the  
24 figures. So front is 236 feet --

1                   CHAIRMAN KAMMANN:  It's all good  
2 as is, so you can just approve it.

3                   MR. HOUSE:  So we don't have to do  
4 anything but the Motion?

5                   CHAIRMAN KAMMANN:  Well, you need  
6 to go through to findings of fact, but you  
7 don't need to specify a distance other than as  
8 proposed.

9                   MR. HOUSE:  As proposed, okay.  
10 Because if I have to describe all these  
11 distances, I wanted to know them before I made  
12 the Motion.

13                   CHAIRMAN KAMMANN:  Right.  Yeah.

14                   MR. HOUSE:  Okay.  So, I make a  
15 Motion to approve the area variance to allow a  
16 --

17                   CHAIRMAN KAMMANN:  Mel, which  
18 application would you like to make a Motion  
19 on?

20                   MR. HOUSE:  BZA #23-12.

21                   CHAIRMAN KAMMANN:  Thank you.

22                   MR. HOUSE:  An area variance to  
23 allow part of the proposed fence to be built  
24 inside the pole of the flag lot at 4320 Home

1 Road, Parcel #31923001004000.

2 CHAIRMAN KAMMANN: You're good.

3 Please proceed.

4 MR. HOUSE: Area Variance:

5 Whether the property in question will yield a  
6 reasonable return or whether there can be any  
7 beneficial use of the property without the  
8 Variance. I think there can; however, this  
9 certainly improves the usability of the  
10 property.

11 The Variance in C.2. is not  
12 substantial.

13 The C.3, whether the essential  
14 character of the neighborhood would be  
15 substantially altered, or whether adjoining  
16 properties would suffer a substantial  
17 detriment, as a result of the Variance. They  
18 would not.

19 C.4, whether the Variance would  
20 adversely affect the delivery of governmental  
21 services; it would not.

22 C.5, whether the property owner  
23 purchased the property with knowledge of the  
24 zoning restriction; probably did not.

1           C.6, whether the property owner's  
2 predicament can be obviated feasibly through  
3 some method other than a Variance. The answer  
4 would be no, it cannot.

5           C.7, whether the spirit and intent  
6 behind the zoning requirement would be  
7 observed and substantial justice done by  
8 granting the Variance; and it would.

9           CHAIRMAN KAMMANN: And do we have  
10 a second?

11          MS. ROBINSON: You made the  
12 second, okay.

13          CHAIRMAN KAMMANN: No, I'm asking  
14 if we have a second.

15          MR. MURNANE: Second.

16          MS. ROBINSON: Mr. Kammann.

17          CHAIRMAN KAMMANN: Approved.

18          MS. ROBINSON: Mr. House.

19          MR. HOUSE: Approved.

20          MS. ROBINSON: Mr. Margello.

21          MR. MARGELLO: Approved.

22          MS. ROBINSON: Mr. Murnane.

23          MR. MURNANE: Approved.

24          MS. ROBINSON: Mr. Costa.



1 MR. COSTA: Approved.

2 - - -

3 CHAIRMAN KAMMANN: Let's have the  
4 next Notice read, please, Mary Beth.

5 MS. ROBINSON: BZA #23-13  
6 submitted by Jill Pattison and Jonathan Wood  
7 for their property at 9146 Olentangy River  
8 Road, Powell, Ohio 43065 requesting a variance  
9 to Section 8.07.D of the Liberty Township  
10 Zoning Resolution to allow less than a 6/12  
11 roof pitch on a proposed new single family  
12 home. This 3.387-acre Farm Residence zoned  
13 property is located in Range 19, Township 3,  
14 Section 4, Delaware County, Ohio.

15 CHAIRMAN KAMMANN: Thank you. Do  
16 we have anybody that needs to abstain for this  
17 application?

18 Okay. Staci, can we hear the  
19 Staff Report, please.

20 MS. HOOD: The lot located at 9146  
21 Olentangy River Road is 3.387 acres. The  
22 applicant is requesting approval for a flat  
23 roof pitch of less than 6/12 as required under  
24 Section 8.07.D for a proposed two-story home

1 approximately 3,306 square feet.

2 Liberty Township Zoning Resolution  
3 Section 8.07.D states in part the following:  
4 Building Design: footprints, building  
5 orientation, massing, roof shape, pitch and  
6 exterior materials shall blend with other  
7 traditional or historic architecture in the  
8 community or with the site. Roof pitch on the  
9 principal structure shall not be less than  
10 6/12 for the primary roofs. This does not  
11 include garages, porches, dormers, or other  
12 accent features. The proposed principal  
13 structure roof pitch for the primary roofs is  
14 4/12, which does not meet the minimum  
15 requirement of 6/12.

16 For a summary BZA cases related to  
17 roof pitch, please refer to Exhibit A on page  
18 2.

19 The applicant has provided a  
20 survey, plans for the proposed home, memo from  
21 Old World Custom Homes referencing Section  
22 25.06.C of the Liberty Township Zoning  
23 Resolution, photo of a home for reference.

24 CHAIRMAN KAMMANN: Great. Do we

1 have any questions for Staci about the Staff  
2 Report? Okay.

3                   Would the applicant like to come  
4 up? I guess I need to ask this every time,  
5 have you all been sworn in?

6                   MS. PATTISON: Yes.

7                   CHAIRMAN KAMMANN: Thank goodness.  
8 Please state your full names and address for  
9 the record.

10                   MS. PATTISON: I'm Jillian  
11 Pattison.

12                   MR. WOOD: Jonathan Wood.

13                   MS. PATTISON: We currently live  
14 in Worthington, however, this is our lot that  
15 I'm --

16                   CHAIRMAN KAMMANN: If you don't  
17 mind, would you just state your current  
18 address.

19                   MS. PATTISON: Yes. 249 East  
20 Stafford in Worthington, Ohio 43085.

21                   CHAIRMAN KAMMANN: Thank you so  
22 much. Please tell us about your application.

23                   MS. PATTISON: Yeah. So this lot  
24 is part of a lot that I grew up on as a child

1 and it's a beautiful lot right off of 315.  
2 It's really been our dream for many years now  
3 to build a home next door to my mom's home,  
4 who is here in attendance.

5           So when we discovered the  
6 beautiful homes of Old World, we had April,  
7 who's the architect also present here, come  
8 and walk the lot with us. And we kind of  
9 described our dream home being that one that  
10 minimally disrupts the beautiful lot and the  
11 canopy that is present. And that best kind of  
12 fit also a style that we respect and like and  
13 also respects nature, which is mid-century  
14 modern. Those style homes have a  
15 lower-pitched roof.

16           And I think the 4/12, which is  
17 persistent throughout our primary roofline,  
18 minimally disrupts the canopy. We were not  
19 aware of the 6/12 minimum when this home was  
20 designed, and we, you know, having grown up  
21 there and wanting to live there, we commonly  
22 drive through Liberty Township, but we do see  
23 mid-century style homes with lower than 6/12  
24 roof pitches, so it did not enter our mind

1 that that would not be permitted.

2                   And at this point, I think to  
3 demonstrate, you know, just to discuss  
4 hardships, you know, the home is designed.  
5 It's a beautiful home and we have closed on a  
6 construction loan to build this home, so any  
7 significant change would require us to make  
8 some big changes from that standpoint.

9                   I think also to accommodate a 6/12  
10 pitch, it would, you know, the roof max would  
11 be obstructed. It would not go with the style  
12 of the home. it would be, you know, for a  
13 otherwise very secluded lot that is far away  
14 from 315, far away from the neighbors that do  
15 boarder our property. It would be a more  
16 substantial footprint, I guess. So, that's  
17 kind of our thought process. But thank you  
18 for listening and thanks for reviewing this.

19                   CHAIRMAN KAMMANN: Okay. I think  
20 we might have some questions for you.

21                   MR. WOOD: Sure.

22                   CHAIRMAN KAMMANN: Mr. Margello,  
23 do you have any questions for the applicant?

24                   MR. MARGELLO: No, not at this

1 time.

2 CHAIRMAN KAMMANN: Mr. House.

3 MR. HOUSE: No, not at this time.

4 CHAIRMAN KAMMANN: Mr. Costa.

5 MR. COSTA: How many sections of  
6 the roof would violate those requirements?

7 MS. PATTISON: All of them.

8 MR. WOOD: All of them.

9 MR. COSTA: All of them, okay. It  
10 looks like we've got a bunch of different --  
11 there is a screen-in porch that --

12 MR. PATTISON: There should be a  
13 roof plan here that has -- (talking over each  
14 other) it's lowering the porch, then that  
15 would be a porch recommend.

16 MR. COSTA: So, every single  
17 section of the roof is in violation of this  
18 one. You talked about a canopy. What's over  
19 the house?

20 MR. WOOD: It's a wooded lot.

21 MS. PATTISON: Yeah.

22 MR. COSTA: And so are there  
23 massive Redwoods that extend over the whole --  
24 where there's you know, a huge amount of

1 branches on top of the home, this one.

2 MS. PATTISON: I mean, there's  
3 like some clearing, but nothing has been built  
4 and -- I guess I don't quite understand the  
5 question.

6 MR. COSTA: I'm just asking what  
7 trees are over the house.

8 MS. PATTISON: yeah. So I mean,  
9 classic, I mean, there's Black Walnuts,  
10 there's Elm.

11 CHAIRMAN KAMMANN: I guess, I  
12 built on a lot not terribly different from  
13 this, and you'll have issues with trees  
14 totally irrespective of roof pitch. Honest to  
15 God, the trees you will and will not cut down  
16 will have no difference based off of roof  
17 pitch. Now, the way the house looks on the  
18 lot will change very much. But just so you  
19 know, it doesn't change what stays and what  
20 goes, just for what it's worth.

21 MS. PATTISON: Right. Yeah, I  
22 understand the footprint of the house can  
23 change. I think that maintenance does, you  
24 know, being able to walk the roof safely would

1 be a consideration. And I think the concerns  
2 from a structural standpoint from like snow  
3 burden, you know, a secluded, wooded lot gets  
4 less snow than, you know, something out in the  
5 prairie. You don't get drifts.

6 CHAIRMAN KAMMANN: Okay. Any  
7 other questions, Mr. Costa?

8 MR. COSTA: No.

9 CHAIRMAN KAMMANN: Mr. Murnane?

10 MR. MURNANE: Not at this time.

11 MR. COSTA: Any hardship that you  
12 haven't already expressed?

13 MS. PATTISON: That's it.

14 CHAIRMAN KAMMANN: Okay. You guys  
15 can have a seat. Thank you so much. Okay.  
16 Do we have any correspondence?

17 MS. ROBINSON: We do, but I she  
18 might be speaking.

19 CHAIRMAN KAMMANN: Okay. Well, in  
20 that case, why don't we do some public  
21 comment. Would anybody like to speak about  
22 this application? Have you been sworn in?

23 MS. GAYLE PATTISON: Yes. The  
24 architects are here, also.



1                   CHAIRMAN KAMMANN:  Ma'am, if you  
2  don't mind, can you start by stating your full  
3  name and address.

4                   MS. GAYLE PATTISON:  I'm Gayle  
5  Pattison.  I live at 9160 Olentangy River  
6  Road.  What we're talking about is separate  
7  from my property.  I have no problems with  
8  this variance.  I've watch them carefully  
9  construct this house.  And the primary goal is  
10 to make it fit on this lot and just fit the  
11 neighborhood, fit the tree lot.  And it will  
12 not be very noticeable from 315.  I'm probably  
13 the person who is going to see the most of  
14 this house and I completely approve it.

15                  CHAIRMAN KAMMANN:  Okay.  Thank  
16 you so much.

17                  MR. MARGELLO:  So you said you  
18 will not be able to see the house from 315?

19                  MS. GAYLE PATTISON:  It will be up  
20 on a hill and the trees, the existing trees  
21 will still be there.  So when the lights are  
22 on in the evenings, you will see it, but it's  
23 not going to be a standout overlook.

24                  MR. MARGELLO:  Okay.

1 MS. GAYLE PATTISON: They're tried  
2 very hard to keep as many trees as they could.

3 MR. MARGELLO: Yeah, I'm just  
4 clarifying.

5 MS. GAYLE PATTISON: Sure. Thank  
6 you.

7 CHAIRMAN KAMMANN: Thank you,  
8 Ma'am. Do we have anybody else who wanted to  
9 speak? All right. Is this a team thing or  
10 one at a time?

11 MS. ENGLISH: We can go one at a  
12 time.

13 CHAIRMAN KAMMANN: Are you all  
14 trying to speak together?

15 MS. ENGLISH: We're the builder.

16 CHAIRMAN KAMMANN: Okay. Great.  
17 That's what I wanted to understand.

18 MR. ENGLISH: Kevin English, I'm  
19 sworn in.

20 MS. SMALL: April Small.

21 MR. ENGLISH: She's been sworn in.

22 CHAIRMAN KAMMANN: Thank you,  
23 guys. And what is your business address,  
24 please?

1 MR. ENGLISH: 5425 Maple Glen  
2 Drive, Galena.

3 CHAIRMAN KAMMANN: Great. Please  
4 tell us about what you have to say about the  
5 application.

6 MR. ENGLISH: Yeah, so a couple of  
7 points that I wanted to make, just to  
8 piggyback on mom's case. I don't believe when  
9 the full leaves on the leaves that you will  
10 see that was from 315. It is that high.

11 MS. SMALL: Forty feet above the  
12 street --

13 MR. ENGLISH: In the wintertime  
14 when the lights are on, you'll probably see  
15 them. And then there is a home, an existing  
16 home in the Township, 9502 Olentangy River  
17 Road, that does have an almost completely  
18 flat, modern aesthetic roof that's already  
19 been constructed.

20 And then talk to the point about  
21 maintenance. we are at 4/12 roof pitches  
22 throughout almost the entire house. We aren't  
23 so low that we're creating a slope that needs  
24 a metal roof or more ice guard or will cause

1 further damage because of the elements in the  
2 weather. So cold-wise, we are still able to  
3 do an asphalt shingle. It's not something  
4 that's really extremely flat all the way  
5 across. So that's a couple of things that I  
6 wanted to bring up.

7 MR. MARGELLO: So you're saying  
8 you're doing a metal roof?

9 MR. ENGLISH: No, no. So on a  
10 pitch lower than 3/12, you can't use an  
11 asphalt shingle because you have more issues  
12 with ice damming and weather.

13 MR. MARGELLO: Right, right.

14 MR. ENGLISH: So the majority of  
15 the roof of the house is 4/12 pitch, which  
16 still performs really well, shedding water and  
17 guarding against things and maintenance.

18 MR. MARGELLO: So I guess what I'm  
19 asking you is, what if you changed everything  
20 to a 6/12. Tell me the hardship.

21 MR. ENGLISH: Yeah, so we lose the  
22 ability to design a mid-century modern home.

23 MR. MARGELLO: So it's strictly  
24 the design, it isn't something that you could

1 not build the home if you put a 6/12 pitch on  
2 the roof?

3 MS. SMALL: So yeah, part of the  
4 distance of some of the roof spans would  
5 create some issues by going to that steeper  
6 pitch. You start to get a little bit too  
7 high. And I know there's some height  
8 regulations as well to take into account, so  
9 it just creates some difficulties there. And  
10 it also, it pushes out of the architectural  
11 genre that we were trying to stay within for  
12 the clients request.

13 MR. MARGELLO: Would you have to  
14 change the lower structure of the home if you  
15 put a 6/12 roof pitch on top instead of a 4/12  
16 roof pitch, is what I'm asking?

17 MS. SMALL: Yeah, I would have to  
18 redesign several areas of the home, mainly the  
19 main long section. I know we're not looking  
20 at it in floor plan form here. But this side  
21 to the very right is the longest portion of  
22 the house and it's also the widest, so I would  
23 have to completely redesign that area.

24 MR. MARGELLO: In other words, you

1 don't think the structure that you're going in  
2 on the livable area and then put the roof on,  
3 you would have to do something with that  
4 structure on the lower area to be able to put  
5 a 6/12 on?

6 MS. SMALL: Right. Yes.

7 MR. MARGELLO: Okay.

8 MR. ENGLISH: I just wanted to  
9 note, you know, there are very few homes close  
10 to their property and where this house will  
11 be. I would say if it was in a neighborhood  
12 where you have a bunch of cape cods or  
13 craftsmen-style homes, I don't think we'd even  
14 bother trying to come on front of you --

15 MR. MARGELLO: Yeah, but when we  
16 do grant variances on roof pitches and  
17 everything, we take in each one individually.

18 MR. ENGLISH: Sure, sure.

19 MR. MARGELLO: So it doesn't  
20 matter if somebody's got a 4/12 or a 3/12. We  
21 look at them individually. All I'm asking, I  
22 think the important question that a lot of us  
23 would like to understand is, let's just take a  
24 square box, we've got a square box. You got a

1 4/12 roof pitch on it. I'm asking if you put  
2 a 6/12 on it, you're saying you're going to  
3 have to change the square box. You got to do  
4 something structurally to the square box to  
5 handle the 6/12.

6 MR. SMITH: Correct.

7 MR. MARGELLO: That's fine. Okay.

8 CHAIRMAN KAMMANN: Does anybody  
9 else have a question for these two witnesses?  
10 Okay. You can have a seat. Thank you, guys,  
11 so much. Okay. So we can go ahead and close  
12 out the public comment now.

13 We'll talk about the Board  
14 discussion. I'll lead. This to me I'm very  
15 much in favor, but I just want to be specific  
16 as to why. And I think we had this  
17 conversation three years ago, Dana, you and I.  
18 But to me this Section of Code exists to  
19 prevent, as the last gentleman just said, a  
20 house with this style going someplace where it  
21 sticks out like a sore thumb and looks bad.  
22 That's why the Code exists. We don't really  
23 feel like we have to have certain roof  
24 pitches. What we feel is that we need to make

1 sure that one doesn't stick out and look bad  
2 with what's around it. And I think this looks  
3 just fine because of its level of isolation  
4 and everything else. I'm in favor. I'll be  
5 quiet. Mr. Murnane, do you want to go?

6 MR. MURNANE: I have no issues  
7 with it.

8 CHAIRMAN KAMMANN: Mr. Costa.

9 MR. COSTA: Just, I really want  
10 it, but it's not a hardship.

11 CHAIRMAN KAMMANN: It's not.

12 MR. COSTA: This is the same  
13 discussion we have every time somebody comes  
14 with an exotic home design or a different roof  
15 pitch or something they want to do and it's  
16 not in Code. And where there's not a  
17 hardship, there is no reason for us to write a  
18 variance. If we want to have a discussion  
19 with the Zoning Board about allowing different  
20 roof pitches within the Township, that's a  
21 conversation for them. This is a place where  
22 we grant Variances based on hardships.

23 And so every time somebody comes  
24 to me with an application about something that



1 I just really want, I think this would be a  
2 cool style. There's nothing built here,  
3 there's no reason this couldn't be redesigned,  
4 there's no reason to support this application.  
5 I will continue to, as my tradition has been  
6 for many years, to reject these kinds of  
7 applications because this is not the place to  
8 deal with these kinds of decisions.

9 CHAIRMAN KAMMANN: I'll just say  
10 one thing for what it's worth. I think you  
11 read the situation exactly correct. This is  
12 not a hardship. We don't need to re-litigate  
13 the rest of the conversation, but I will say I  
14 agree with you about that. Mr. Margello.

15 MR. MARGELLO: I just thought I  
16 presented the hardship with the fact that they  
17 got to redesign the structure of the building  
18 to be able to put a 6/12 roof pitch on it.

19 MR. COSTA: They had --

20 MR. MARGELLO: Hold one, hold on.  
21 But they've designed this house in a modern  
22 look and I mean, I don't even think the house  
23 is going to be seen from Olentangy River Road.  
24 I understand, but where else do they go? Do

1 they go back to Zoning and say, we'd like to  
2 see a 4/12 metal -- no, that's what we're here  
3 for.

4 MR. COSTA: No, what -- if I want  
5 something that is not approved in the Zoning,  
6 I look for someplace it's approved or I go  
7 someplace we can change the standards. This  
8 is not -- we're -- the reason that they have  
9 design done is because they need somebody to  
10 build a design for them.

11 MR. MARGELLO: Right.

12 MR. COSTA: Nobody forces them to  
13 do that. I would hope that the architect  
14 early in the process understood what the  
15 design criteria were for the Township and was  
16 trying to help steer them into something that  
17 was in compliance with the Code. If they did  
18 not, that's on the architects to have the  
19 conversation with them, not a conversation you  
20 have with me, saying, hey, you've got to  
21 change your Township Code because we designed  
22 something we weren't supposed to put in the  
23 Township and we don't have a reason, we just  
24 really like how it looks. It's a little

1 simpler.

2 MR. MARGELLO: But didn't we just  
3 approve the pool house that wasn't --

4 CHAIRMAN KAMMANN: We actually  
5 approved a lower roof, which --

6 MR. MARGELLO: Hold one, hold one.  
7 That wasn't per our Code, but we went ahead  
8 and went along with it because they built it.  
9 So maybe they should build this house first  
10 and then come in?

11 MR. COSTA: No, no.

12 MR. MARGELLO: No.

13 MR. COSTA: Nothing about what I  
14 said on the pool house had anything to do with  
15 the fact that it currently existed. And had  
16 there been a better place on their property  
17 for it to exist, I would have told them to  
18 move it, and you know that about me.

19 MR. MARGELLO: Well, yeah, but I  
20 think there was a better place on the property  
21 to do it.

22 MR. COSTA: I understand.

23 MR. MARGELLO: And they probably  
24 should have moved it, but we didn't want to

1 put them in the hardship of moving that, and  
2 so.

3 MR. COSTA: I don't care about the  
4 pool house.

5 MR. MARGELLO: I understand. I  
6 understand.

7 MR. COSTA: If they put something  
8 in violation of the Zoning Code in place and  
9 it's not in a place that I would approve it,  
10 I'm not going to approve it. And I've had  
11 plenty of people come back to me with letters  
12 after meetings to tell me how -- I don't even  
13 remember the language they used, but it was --  
14 that I forced them to change what they have  
15 done because it was out of compliance with the  
16 Code.

17 The reason that I supported that  
18 application, and it doesn't exist here, and  
19 that's my point, is that that was the most  
20 appropriate place on their property in my  
21 mind, and I understand you disagree.

22 MR. MARGELLO: I understand.

23 MR. COSTA: And that's why you  
24 have a microphone. I disagree that that was

1 the place that I would have approved it had  
2 they come in with the sequence that they did,  
3 they built the pool and then they're looking  
4 for hey, we've got a problem in solving it, we  
5 need somewhere to store our stuff, this is  
6 what's left on our property, we -- should we  
7 put it here. Everybody in my neighborhood  
8 agrees and they all work with me and I got it  
9 approved from the HOA, and that's why a  
10 variance there.

11 MR. MARGELLO: And that's what I'm  
12 looking at here. They're trying to build  
13 their dream home. They want to -- they're  
14 asking for a variance. They came in here.  
15 They didn't build the home with a violation of  
16 a 4/12 roof and then come in here afterwards  
17 and then we would have looked at it, well,  
18 gosh, that is a big hardship now. And the  
19 neighbor, the mother doesn't have a problem  
20 with it. And so I'm in favor of going along  
21 with this.

22 MR. COSTA: I typically do not win  
23 the principle part if I make it, but I oppose  
24 it every single time that somebody comes in

1 and says I really want it and I'm going to  
2 build a really nice house and this isn't the  
3 style that I like, I'm going to tell them and  
4 I'm going to tell the Board the exact same  
5 thing, there is no justification for granting  
6 the Variance because there is no hardship that  
7 would require to have a Variance.

8 MR. MARGELLO: See, and I  
9 disagree, I think there is a hardship.

10 CHAIRMAN KAMMANN: So, I'll tell  
11 you my take on how that fits. So I agree with  
12 Dana that there is no hardship; however, I do  
13 feel we have some pieces of Code. This is one  
14 where it's really like a Conditional Use.  
15 It's like we put a Code against it, but in  
16 reality we just want to make sure that you  
17 guys think it's okay before it just gets  
18 rubber stamped.

19 MR. MURNANE: I heard financial  
20 hardship personally.

21 MR. COSTA: Okay. So you heard of  
22 financial hardship because they made a  
23 decision to design it and then --

24 CHAIRMAN KAMMANN: Yeah, there's

1 no financial hardship. We can discuss their  
2 problem, but that's something --

3 MR. MARGELLO: We could discuss  
4 this all night and go back and forth. All  
5 they need is three votes.

6 MR. COSTA: That is true.

7 CHAIRMAN KAMMANN: So just for  
8 what it's worth, I want you to vote either  
9 direction you're comfortable with. They do  
10 not have any hardships at all other than  
11 self-imposed ones, which are not of concern.

12 MR. MARGELLO: I disagree.

13 CHAIRMAN KAMMANN: For what it's  
14 worth. Mr. House, you haven't spoken.

15 MR. HOUSE: I haven't.

16 MR. MARGELLO: Then go get Dana.

17 MR. HOUSE: I want to -- I agree  
18 with Dana. These are issues and I would  
19 suggest there is a discussion with Zoning  
20 regarding the 4/12. And I don't understand  
21 the reason why they prohibit 4/12.

22 My issues are with the variance  
23 process, which when you look at C.1, 2, 3 and  
24 5, I question whether or not when you look at

1 whether the property will yield a reasonable  
2 return without the Variance.

3 CHAIRMAN KAMMANN: Absolutely.

4 MR. HOUSE: It would.

5 CHAIRMAN KAMMANN: Absolutely.

6 MR. HOUSE: It will. And so when  
7 you look at is the Variance substantial? I  
8 can argue it is. When you look at, of course  
9 they didn't know the zoning when they  
10 purchased the property, but when you look at  
11 the reasoning behind the 4/12 versus 6/12,  
12 that's for aesthetics, I suppose.

13 CHAIRMAN KAMMANN: We don't want  
14 to have incongruence.

15 MR. HOUSE: I know. But I'm  
16 saying, will the -- so will the essential  
17 character of the neighborhood be substantially  
18 altered? That's something we had discussed.  
19 The point is, I agree with Dana, but I also  
20 understand what they want to do and I, as  
21 well, I agree with the other side of the  
22 argument, so I would reluctantly approve this,  
23 but I think we need to have some dialogue on  
24 this pitch issue to come to terms with --



1                   CHAIRMAN KAMMANN: Well, it's more  
2 than that, and I don't want to go too far down  
3 the road, but there's a few things like this  
4 where we almost need them to have their own  
5 conditional approval category in our Code,  
6 where we, like, don't just allow it, but you  
7 know, has to come before us and we don't see  
8 any problems and yeah, we're fine. But like,  
9 something in between a normal BZA process and  
10 you're good-to-go, you know, just something.

11                   MR. HOUSE: Well, I think the  
12 Zoning Code ought to be written so that we can  
13 build what we want to build within reason.  
14 And things come up after you write a Code that  
15 result in the various process, and so some of  
16 those things when it happens time after time  
17 after time after time need to be written into  
18 the Code.

19                   CHAIRMAN KAMMANN: But it's so  
20 hard, like, how would you even, and I don't  
21 want to go too far down this, but how do you  
22 even write that into the Code explaining what  
23 conditions and criteria make it okay versus  
24 not? You could write a book about just this.

1 MR. HOUSE: But why throw 12 out?

2 CHAIRMAN KAMMANN: Because they  
3 wanted to make sure that there was no  
4 guaranteed incongruence, that it had to go  
5 before somebody to make sure we were okay with  
6 it before we made an exception.

7 MR. COSTA: So I don't think  
8 there's anything in the Zoning Code that said,  
9 this particular Zoning Code is a maybe Code,  
10 the rest of them are we have to do this, but  
11 this particular one if Kelly decided he liked  
12 the look of the house, then we should say yes  
13 to it.

14 CHAIRMAN KAMMANN: You're right,  
15 it is not spelled out.

16 MR. COSTA: When we have a roof  
17 that from a volume of the building so large  
18 that having a roof pitch that is in violation  
19 is impossible, that would require a  
20 significant additional cost, it would require  
21 a significant -- like, you couldn't use the  
22 property for the same thing. We're talking  
23 about the church building.

24 CHAIRMAN KAMMANN: Yeah.

1 MR. COSTA: We're talking  
2 businesses.

3 CHAIRMAN KAMMANN: Right.

4 MR. COSTA: Those roofs being  
5 below the threshold make sense because there  
6 should be a separation between the residential  
7 roof pitch and the commercial roof pitch that  
8 doesn't exist. And so for those buildings,  
9 there's a legitimate hardship. This is not so  
10 massive a building, this is not so big a  
11 structure that it could not be designed at a  
12 similar size and scale with an appropriate --

13 CHAIRMAN KAMMANN: That's no  
14 essential -- even though I disagree with you,  
15 it's 100 percent correct.

16 MR. COSTA: This is the difference  
17 between where a variance is required because  
18 it is appropriate and reasonable and is a  
19 legitimate hardship because of the structure  
20 and the use of the property. And where one is  
21 not because this is entirely an aesthetic  
22 choice, which is the same argument I'll make  
23 every single time somebody comes and has this  
24 conversation with me.

1 MS. HOOD: I get it. So we  
2 approved this at Powell Road and Liberty.

3 CHAIRMAN KAMMANN: Huh?

4 MR. COSTA: Are you talking about  
5 the church?

6 MR. HOUSE: No. When we approved  
7 this structure on Powell Road, when we approve  
8 it.

9 CHAIRMAN KAMMANN: I don't know  
10 what --

11

12 MR. COSTA: Kelly probably would.

13 MR. HOUSE: No, I'm just asking.

14 CHAIRMAN KAMMANN: Oh, oh, to your  
15 point. Okay. now I understand your question.  
16 I didn't follow you at first. So, let's just  
17 put it to you this way. Just on FR  
18 properties, this would probably only be  
19 something that I would support maybe a quarter  
20 or a third of situations. This is not  
21 designed to be going around other homes.  
22 That's why the Code exists, in my opinion, is  
23 to prevent this from going --

24 MR. HOUSE: Why don't you tell us

1 about the reasoning.

2 CHAIRMAN KAMMANN: This type of  
3 design is great when it doesn't look like it's  
4 sitting on its own, apart from everything  
5 around it, which I don't think it does.

6 MR. COSTA: So where it is  
7 separate enough from the rest of the  
8 community, that it being different from the  
9 rest of the community, then it's okay to be  
10 different from --

11 CHAIRMAN KAMMANN: No, you have a  
12 fair point. I can't argue for logic.

13 MR. COSTA: My point is, if we're  
14 going to be consistent, if we're going to  
15 apply fairly, if we're going to have something  
16 that we can stand on, then we're going to  
17 stand on something. And we're going to just  
18 decide randomly to disregard --

19 MR. MARGELLO: Well, how can you  
20 stand on the church then to be approved?

21 MR. COSTA: On the what?

22 MR. MARGELLO: On the church that  
23 we approved.

24 CHAIRMAN KAMMANN: He explained

1 that.

2 MR. COSTA: The size of the  
3 building.

4 MR. MARGELLO: But it doesn't  
5 state that in our Code.

6 MR. COSTA: No, that -- so they  
7 came before us and presented an argument.

8 MR. MARGELLO: Yeah.

9 MR. COSTA: Which I felt was a  
10 legitimate -- the size of this building, the  
11 width of this, to have the --

12 CHAIRMAN KAMMANN: As a  
13 commercial building.

14 MR. COSTA: To have this with this  
15 volume of a thing inside of it, would not work  
16 with this structure. The weight of it, with  
17 everything else, they provided an argument  
18 that was not "me want," it was, I need this  
19 because of what I'm doing with this structure,  
20 because of the envelope and because of the  
21 size of it, I need this.

22 CHAIRMAN KAMMANN: I remember one  
23 --

24 MR. COSTA: This argument is not I

1 need this, this argument is I really like this  
2 type of building and I've already designed it,  
3 so you should just tell me yes because I  
4 really like this. That is not a good  
5 argument.

6 CHAIRMAN KAMMANN: It's not a good  
7 argument. I can't argue with you about that.  
8 My issue is that we've done a couple like this  
9 and I've --

10 MR. COSTA: I've had the exact  
11 same thing conversation.

12 CHAIRMAN KAMMANN: And here's  
13 what's changed. And it's just kind of just  
14 more discussion. It's not like factual. But  
15 I've had some conversations with some of our  
16 Trustees that have indicated that there are  
17 some sections of Code that are more follow the  
18 spirit of intent versus the letter of the law.  
19 And the thing I've said is, I'd like you to at  
20 least -- you could spell that out in the Code,  
21 even though you can't be specific, you can  
22 spell it in the Code, I'd like you guys to  
23 follow the spirit and intent more than the  
24 letter of the law on these things, and we'd

1 like to see that. That's kind of where I'm  
2 coming from, but that is all hearsay.

3 CHAIRMAN KAMMANN: Non-code --  
4 yeah, exactly. Non-code, somebody told me  
5 it's okay to disregard the Code does not help  
6 here.

7 CHAIRMAN KAMMANN: It's all  
8 hearsay. I know.

9 MR. MARGELLO: We disregard it all  
10 the time with fences.

11 MR. COSTA: We look at the case by  
12 case of what's going on with the property and  
13 make a decision based on the facts whether or  
14 not it's appropriate to allow with a variance  
15 there.

16 MR. MARGELLO: But a hardship for  
17 you is different from a hardship from me. I  
18 believe they have a hardship.

19 MR. COSTA: I understand. I  
20 completely get it. And to your point, it only  
21 takes three votes, and it always has only  
22 taken three votes and so typically, I have  
23 this principle discussion every single time  
24 because I want --



1 MR. MARGELLO: No, I can see where  
2 you're coming from.

3 MR. COSTA: -- people to  
4 understand it because even if it doesn't help  
5 on this application, it will help for you to  
6 understand where I'm coming from on another.

7 MR. MARGELLO: But this will come  
8 in from of us again, I guarantee you. It will  
9 be on a bigger acre lot.

10 MR. COSTA: This is the fourth or  
11 fifth or sixth time that I've had the same  
12 thing for a personal residence that there is  
13 no legitimate reason why they cannot support  
14 the correct roof pitch. I will always be  
15 against doing things because I think it looks  
16 -- this is an aesthetic choice. Anytime  
17 somebody has a legitimate reason, anytime  
18 somebody can help me to understand exactly why  
19 they need this for, you know, something that  
20 is tangible, something that I can point to and  
21 say this is the hardship I'm trying to cure, I  
22 will approve it. And I have demonstrated both  
23 of those things over my time here on the  
24 Board.

1           MR. MARGELLO:  Again, I think this  
2  is the look that they're looking for and this  
3  is a modern-type look.  And I think a 6/12 --

4           CHAIRMAN KAMMANN:  You're not  
5  going to get complaints about this.

6           MR. MARGELLO:  No, I understand.  
7  I understand.  But I think a 6/12 would  
8  destroy the look of this house.

9           CHAIRMAN KAMMANN:  It would.  But  
10 in all fairness, I don't think you'd have one  
11 resident in this Township complain about this.  
12 Not one.

13          MR. MARGELLO:  No.

14          MR. COSTA:  I'm not saying that  
15 this will not be a beautiful house.  I'm  
16 saying that the decision of what the design  
17 should look like in the Township belongs with  
18 the Zoning Department, not with BZA.

19          MR. MARGELLO:  We can argue about  
20 this all night.

21  
22          CHAIRMAN KAMMANN:  No, he's right  
23 about that.

24          MR. COSTA:  No, it's not -- but

1 this is where these decisions -- I'm not  
2 making -- that's not a -- well, anyway, that's  
3 fine.

4 CHAIRMAN KAMMANN: Well  
5 articulated, Mr. Costa. I appreciate you  
6 sharing that and I think it was a worldly  
7 discussion. Do we have anybody that wants to  
8 discuss it further or is there anybody that  
9 would like to make a Motion?

10 MR. MARGELLO: I guess I can be  
11 the one making the Motion then.

12 I'd like to make a Motion for BZA  
13 #23-13 submitted by Jill Pattison and  
14 Jonathan Wood for the property at 9146  
15 Olentangy River Road, Powell, Ohio 43065,  
16 requesting a variance to Section 8.07.D of  
17 Liberty Township Zoning Resolution to allow  
18 less than a 6/12 pitch on a proposed new  
19 single family home. This 3.387-acre Farm  
20 Residence (FR-1) zoned property is located in  
21 Range 19, Township 3, Section 4, Delaware  
22 County, Ohio.

23

24 CHAIRMAN KAMMANN: Would you like

1 to read the findings of fact, please.

2 MR. MARGELLO: Area Variance:  
3 whether the property in question would yield a  
4 reasonable return or whether there can be any  
5 beneficial use of the property without the  
6 variance. There could be use, and there can  
7 be use without the variance.

8 Whether the variance is  
9 substantial. I don't feel that the variance  
10 is substantial, even though some Board Members  
11 feel that it is substantial.

12 Whether the essential character of  
13 the neighborhood would substantially alter or  
14 whether adjoining properties would suffer a  
15 substantial detriment as a result of the  
16 variance. I don't think they will.

17 Whether the variance would  
18 adversely affect the delivery of governmental  
19 services, water, sewer, garbage, etc. I don't  
20 think it will.

21 Whether the property owner  
22 purchased the property with knowledge of the  
23 Zoning restriction. I don't know that answer.

24 Whether the property owners'

1 predicament can be obviated feasibly through  
2 some method other than a variance. It cannot.

3           Whether the spirit or intent  
4 behind the Zoning requirement would be  
5 observed and substantial justice done without  
6 granting a variance. I think it would be.

7           That's it.

8           CHAIRMAN KAMMANN: Thank you. I'm  
9 going to second. And I just want to make a  
10 comment before we call the roll. On C.7, I  
11 would make the argument that the hardship, if  
12 you will, is that our Code has not been  
13 articulated enough to reflect the different  
14 scenarios as it should, and I feel like we  
15 have to lean on the spirit and intent of the  
16 Zoning requirement and what it was intended to  
17 be for, is to prevent neighborhoods, having  
18 everybody having nice whatever houses and  
19 here's one that looks bizarre next to  
20 everybody else. That I think was the spirit  
21 and intent and that's why I'm seconding the  
22 Motion.

23           MS. ROBINSON: Mr. House.

24           MR. HOUSE: Approve.

1 MS. ROBINSON: Mr. Margello.

2 MR. MARGELLO: Approve.

3 MS. ROBINSON: Mr. Murnane.

4 MR. MURNANE: Approve.

5 MS. ROBINSON: Mr. Costa.

6 MR. COSTA: Denied.

7 MS. ROBINSON: Mr. Kammann.

8 CHAIRMAN KAMMANN: Approve.

9 Good discussion. And you know why  
10 I need to bring that up for the Zoning  
11 Commission and the Trustees again because  
12 that's not a priority issue to resolve that  
13 and you can get that resolved.

14 MR. COSTA: I don't think -- so, I  
15 don't think it's my position, but that's okay.

16 MR. MARGELLO: Are we still in the  
17 meeting?

18 MS. ROBINSON: Yes.

19 CHAIRMAN KAMMANN: All right. So,  
20 now let's see if we have any minutes.

21 MS. ROBINSON: We have July 11th  
22 minutes. Everyone was there but Mr. Murnane.  
23 And it was a continuation of Ellen Diab, 6075  
24 Olentangy River Road, requesting a reduction

1 in the front yard setback of 130 feet for an  
2 addition; John Brooks on behalf of Brookshire  
3 to allow the construction of a three-season  
4 room; and Fatih Gunal on Seldom Seen Road  
5 requesting a variance for reduction of a lot  
6 frontage to allow for a proposed single-family  
7 home to be built.

8 MR. MARGELLO: Motion to approve.

9 MR. HOUSE: I'll second.

10 MS. ROBINSON: Mr. Margello.

11 MR. MARGELLO: Yes.

12 MS. ROBINSON: Mr. Murnane.

13 MR. MURNANE: Abstain.

14 MS. ROBINSON: Mr. Costa.

15 MR. COSTA: Approve.

16 MS. ROBINSON: Mr. Kammann.

17 CHAIRMAN KAMMANN: Approve.

18 MS. ROBINSON: Mr. House.

19 MR. HOUSE: Approve.

20 CHAIRMAN KAMMANN: That was our  
21 only one, correct?

22 MS. ROBINSON: That's correct.

23 CHAIRMAN KAMMANN: Okay. Any  
24 other business from the Board?

1                   MR. MARGELLO: I have a question.  
2 What was the outcome of --

3                   CHAIRMAN KAMMANN: I was going to  
4 tell you. So I went there and they were  
5 already kind of starting to get down the road  
6 of having, well, we need, like, smaller. It  
7 was like kind of giant. They're going down  
8 the road. I just kind of explained to them  
9 where we're coming from. There was a lot of  
10 pushback on their Board of wanting any ground  
11 mounted for any commercial of any scale. So  
12 it will be interesting to see how they'll  
13 handle that.

14                  MR. MARGELLO: Wait til they see  
15 the new thing that's out. I saw a generator  
16 last night on TV. And if you buy the  
17 generator, they'll give you the panels. You  
18 can set them in your front yard and charge  
19 your generator. I'm like, oh, right. I was  
20 looking at that going, oh, boy, that's all  
21 we've got to deal with is neighborhoods with  
22 panels in their front yards.

23                  CHAIRMAN KAMMANN: There was  
24 actually a California car that made -- the



1 roof of the car is solar panels so you can  
2 charge that way. But if you are in the middle  
3 of like the Las Vegas desert and like the  
4 hottest, sunniest day and you have it outside  
5 all day, they'll will pick up like 25 miles of  
6 range.

7 MR. MARGELLO: Can you imagine  
8 everybody charging these generators in their  
9 yard with these panels.

10 CHAIRMAN KAMMANN: So what do you  
11 say we call it a day, guys.

12 MR. MARGELLO: Yeah.

13 CHAIRMAN KAMMANN: Motion to  
14 adjourn. All say "aye".

15 MEMBERS: Aye.

16 (Thereupon, the proceedings  
17 adjourned at 8:22 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 to the best of my ability.

10 IN WITNESS WHEREOF, I have hereunto set  
11 my hand and affixed my seal of office on this  
12 7th day of September 2023.

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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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My Commission expires May 14, 2027.

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Respectfully submitted:

Liberty Township Board of Zoning Appeals:

By:   
Board of Zoning Appeals Chair, Kelly Kammann

9/12/23  
Date