BEFORE THE ORANGE TOWNSHIP

BOARD OF ZONING APPEALS

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In the Matter of:

Public Hearing - Variance Applications

- - -

PROCEEDINGS

before Members of the Orange Township Board of Zoning Members; Chair Sue D. Ross(not present), Vice-Chair Stacey Neff, Kelvin Trefz(not present), Joe Pax(not present), Steve Totzke and Nikolas McCoy held at Orange Township Hall, Moffett Room, 1680 East Orange Road, Lewis Center, Ohio, called at 6:00 p.m. on Thursday, June 18, 202626

Also Present:
Eric Gayetsky,
Senior Zoning Officer.

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P R O C E E D I N G S

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VICE-CHAIR NEFF: I call the meeting to order. I have roll call here.

MR. GAYETSKY: I'll take roll.

Ms. Neff.

VICE-CHAIR NEFF: Here.

MR. GAYETSKY: Mr. Totzke.

MR. TOTZKE: Here.

MR. GAYETSKY: Mr. McCoy.

MR. MCCOY: Here.

VICE-CHAIR NEFF: Alright. I will start with swearing in witnesses.

Anyone who intends to testify, please raise your right hand and be sworn.

Do you solemnly swear that the testimony that you shall give shall be the truth, the whole truth, and nothing but the truth; state, I do. And when it's your turn to offer testimony, please state your full name, address, and affirm that you've been sworn in.

AUDIENCE TO TESTIFY: "I do."

VICE-CHAIR NEFF: Staff Report.

MR. GAYETSKY: Yes. Well, good evening, Members of the Board of Zoning Appeals. I just wanted to bring up a little bit of housekeeping before we begin our proceedings and take you through the Staff Report for our first case. So, we typically have a full Board. This evening we have only been able to garner three members, so what that means practically is the three-zero vote will need to be given to pass any Motions.

The Applicant, if they've -- they are within their rights if they decide to request a continuance to a future date, a time, date, place certain, so that would be in the instance that they decide that's what's best for them. But I wanted to be clear that it is a three-zero vote that is required to pass any Motion tonight, based on the three Members here present.

Alright. So we have three items of New Business, with the first case being Variance Case VA-26-10. That's for the property located at 8023 West Orange Avenue,

Delaware, Ohio. This is a Single Family Planned Residence District property. Actually, I meant to say this is a Farm Residential District property, so apologies for the note error on the zoning. This is FR-1. And then this property is a .46 acre parcel. The Applicant here is seeking an area variance from Orange Township Zoning Resolution Article 7.01(A) to allow for an accessory structure to approach 15 feet and 0 inches into the required 25-feet and 0 inch side yard setback in a Farm Residential District.

The parcel presently includes a single family home with a septic system and mature trees bounded by an undeveloped lot to the north. The subject property, 8023 West Orange Avenue, is presently owned by Joseph Pichert and Jennifer Pichert.

Surrounding area, this parcel -- actually, all four directions around this parcel include zoning district Farm Residential. The land use to the north is vacant land, to the south is single family

residences, to the east also single family residences, and to the west is West Orange Avenue right-of-way, and more single family residences.

Scrolling over to our zoomed-out view, this is just north of West Orange Road, and of course, west of U.S. 23. We have a more zoomed-in view showing that existing residence. The driveway stems from West Orange Avenue, and the undeveloped lot, as you can see, is just to the north adjacent to the side property line.

We have captured a few site photos, and one of those site photos is annotated. I believe that will help clarify what's being proposed in reference to the lot lines. So the first photo shows some outlines with cones of the future, what will be a freestanding garage structure. The next site photo is that annotated photo, and it includes the dotted line showing that 25-foot side setback, which is from the north side property line, which is also labeled. I did try to connect those cones, and you can see the red

line denoting the approximate boundaries of the footprint of the future freestanding structure. One more site photo for general reference. There is that small mound. I believe the mound has septic-related facilities that's in the background.

Alright. So on to the Exhibit. Exhibit No. 1 shows the location of the proposed freestanding shed. It's proposed as a 27 by 27 foot structure. The setback denoted there will -- we have a more zoomed-in version. It's proposed as a 10-feet setback from the side property line. The dotted line shows where the setback line is at 25 feet, so that is a 15-foot encroachment.

And I have those measurements added onto Exhibit No. 3 following. So measurements indicate that the 27 by 27 garage would extend 15 feet into the required 25-foot side yard setback. This encroachment represents an approximately 60% Variance request from the standards established under Township Zoning Resolution Section 7.01(A).

That is the extent of my Staff

Report. The Board Analysis Criteria and example Motions for consideration are on the following page.

VICE-CHAIR NEFF: Alright. Do you have questions?

MR. MCCOY: Who owns the land to the north? Do we know that?

MR. GAYETSKY: So, this is the same owners as the property under consideration.

MR. MCCOY: Okay.

MR. GAYETSKY: And that parcel, for your reference, is .9 acres, the northern parcel. And parcel under consideration is similar. I may have misstated. But it is also a .9 acre parcel.

MR. TOTZKE: Is the 10 foot between the septic service line and the front of the shed, that's like a minimum requirement?

MR. GAYETSKY: So I'm not privy to all the septic requirements, but the Applicant was able to supply us with a Board of Health approval letter. Based on the requirement

that they provide that for any accessory improvement, they went ahead and attained that. That approves of the proposed free-standing structure location, so.

MR. TOTZKE: Got it. Thank you.

MR. GAYETSKY: You're welcome.

VICE-CHAIR NEFF: Any other questions for Eric right now?

MR. MCCOY: I don't have any.

VICE-CHAIR NEFF: Is the Applicant here? Okay. Please state your name and address and confirm that you've been sworn in.

MR. CLASE: I'm Joe Clase with Plan 4 Land, One South Harrison Street in Ashley, Ohio. And I'm here with Joe Pichert, and I'll let him introduce himself before I talk.

MR. PICHERT: I'm Joe Pichert, 8023 West Orange Avenue, Delaware, Ohio. I'm the property owner.

VICE-CHAIR NEFF: Okay. And could you both confirm that you were sworn in?

MR. CLASE: I was.

MR. PICHERT: I was.

VICE-CHAIR NEFF: Okay. Would you like to tell us about your application.

MR. CLASE: Yeah, Joe and I have gotten to know each other over the years. We split the property a while back, and he retained ownership of the lot to the north. It's a unique situation that we could find ourselves back here for a Variance. But when we split the property, he was aware that he needed a new septic system, and had to get that installed. When they installed the system, it took up a lot of the land area in the back of this lot.

So a lot of the nature of our practical difficulty that we're dealing with in regards to the Variance request is an isolated and existing shed that he has that's no longer accessible on the other side of the septic system. So, that existing, I think is hidden by the tree on the aerial, but he's looking to relocate, build a new building and internalize that Variance. So, this is between the two lots that he currently owns, and his thought process is, as he retains

them, he may actually be able to access this from the neighborhood property.

So there's some uniqueness to the location, but as stated, Staff did a great job in their presentation, so I'll try not to reiterate any of their comments. But in regards to the septic line, we do have to have a 10-foot setback from the septic service line. That's placed at the location as far as north and south. The east and west, you might say, why not relocate it a little bit further to the east or to the west. You can see there's a sizable tree there to the east. That area is getting closer to where the septic is as well, so there's a pinch point.

And then in the front, we try to illustrate the suitable area for a secondary. The Health Department has indicated -- or the Sanitary Office has indicated it's not likely that this area receive sewer in the future, near future at least, and as a result of that, we're trying to ensure that he's got adequate area in case he had to replace it yet again, replace the septic system.

So, he's trying to be a responsible property owner. The request is for a 27 by 27 building, though, he might build something smaller. He asked how big of a structure would be acceptable. I do think the square footprint we're presenting is less impactful than a longer, skinnier building, and it also gives him viable use of it, for example, as the storage of a vehicle, that it could be safely put inside there. So, the 10-foot setback in our mind was not substantial, as we indicated in the Duncan versus Middlefield Factors, but we tried to look at alternatives. And because of the utilities around the house, we brought that up in the review, there's existing water and electric lines that occupy some of the areas immediately adjacent to the house.

This is really the best spot on property for his shed, and uniquely it will be a benefit to both parcels for him, since he has common ownership there. But it does have access here by the septic service line, so he'll retain access of it from his property,

but it could also be accessed from his adjoining parcel without crossing the septic areas. So there's a benefit two-fold there for why it's being placed.

He does have some flexibility in design, so I did want to indicate that, but we felt like this request was minimum setback -- or maximum setback that he would need. If he was able to design a smaller shed, he would ensure that he doesn't utilize the full encroachment that you would grant with the Variance, but we do feel like the 10 foot would be suitable.

VICE-CHAIR NEFF: Eric, are there any needs to change the plan if he decides to go smaller?

MR. GAYETSKY: Not to my awareness, as long as it's within the footprint and it's not encroaching further than the 10 feet.

VICE-CHAIR NEFF: Okay.

MR. CLASE: Thank you, Eric,

VICE-CHAIR NEFF: Just making sure.

MR. CLASE: I believe he's also talked to other neighbors, but the idea here is since he is the immediate neighbor to the north, we felt like this would be the best way to bring it forward to you, so.

MR. MCCOY: What is the plans for the immediate property to the north?

MR. CLASE: I know we split it, but if you want to talk to that.

MR. PICHERT: Right now it's in our family and right now I'm just planning on -- if we need to with our family getting bigger, that if we need to build a new house, build the house to the north, but right now that's the plans for it.

MR. MCCOY: Okay. And how do you access the -- it's not a shed, by the way. 27 by 27 feet --

MR. CLASE: He's relocating his shed.

MR. MCCOY: Where I'm from, that's a garage. A shed is like under 150 square feet. How do you access it -- it's not accessed by a drive, correct?

MR. CLASE: Yeah. He's not looking to take a drive to this, is my understanding.

MR. MCCOY: Okay.

MR. CLASE; But because of the size of it, there is adequate area access between the septic line and the proposed septic field, we can't compact soil, so if he did decide to put a drive back there, that's where he would do it. But you can clarify this, this is probably more for property maintenance, that's what you're using it for.

MR. PICHERT: Yeah.

MS. CLASE: You even attached a two-car garage; is that right?

MR. PICHERT: That's correct.

MR. CLASE: He's attached a two-car garage. It has direct access to the roadway there, minimum storage for additional maintenance. He's got some land to maintain that.

MR. MCCOY: Well, with me, having the adjacent property to the north sort of saved the application. Because the 60%

Variance is a substantial Variance. Typically, we don't go that high on granting a Variance, but the property to the north is owned by you, which makes me wonder whether a Variance was necessary or not with a common owner.

And then the mitigating circumstance, from an individual who grew up on a septic and has a septic now, is the septic leach field, and all the issues with that, whether you're going to plant a tree and see where the roots are going to go versus putting a structure up. So, I'm in favor of your application.

VICE-CHAIR NEFF: Okay. Do you have any further questions for the Applicant?

MR. TOTZKE: No.

MR. MCCOY: No.

VICE-CHAIR NEFF: Do we have any public comment on this application?

MR. GAYETSKY: I have not received anything from the public via email or phone call, so that should be the extent.

VICE-CHAIR NEFF: Would anyone

like to make a Motion?

MR. MCCOY: I'll do that, as soon as I find where it is.

Based on the factors presented in what we are to analyze, I move to approve Case No. VA-26-10 for property located at 8023 West Orange Avenue, Delaware, Ohio, 43015, seeking an Area Variance from Orange Township Zoning Resolution Section 7.01(A) to allow for a 27 foot by 27 foot freestanding garage to encroach 15 feet -- up to 15 feet into the required 25-foot side yard setback in an area zoned Farm Residential (FR-1) District.

VICE-CHAIR NEFF: I'll second.

MR. GAYETSKY: Those voting:

Ms. Neff

VICE-CHAIR NEFF: Yes.

MR. GAYETSKY: Mr. Totzke.

MR. TOTZKE: Yes.

MR. GAYETSKY: And Mr. McCoy.

MR. MCCOY: Yes.

MR. GAYETSKY: Variance is granted.

VICE-CHAIR NEFF: Okay.

MR. CLASE: Thank you very much.

MR. PICHERT: Thank you.

VICE-CHAIR NEFF: Thank you. Good luck with your project.

Alright, Eric, we will hear the next application.

MR. GAYETSKY: Alright. So, our next Case No. is VA-26-11. This is a parcel located at 18 Butterfield Lane. And this is Applicant/Owner Eric Bertelsen. The Zoning District for the property is Single Family Planned Residential. The lot size here is .24 acres.

The Applicant is seeking an Area Variance from Rezoning Case 547 Green Meadows Village to allow for an accessory structure to encroach 19 feet 0 inches into the required 25-feet rear setback in an area zoned Single Family Planned Residential District.

Previously, a deck had been built without record without any zoning permit in a similar location as the one that is currently under construction at the rear of the home. Delaware County Building Safety Department had

noticed improvements without a permit in April of 2026 and informed the Zoning Department accordingly, which prompted the Zoning Department to take site photos. And you can see those site photos in pages 4 and 5 of the Report. It was observed during the site visit that previous deck had been fully removed, and the framing of the new deck was underway, as of April 22nd, 2026.

The subject property, again, located at 18 Butterfield Lane. It is presently owned by Eric Bertelsen. So, for the surrounding area we have Single Family Planned Residential District all the way around. To the north, the land use is single family residences, to the south that includes single family, and the Butterfield Lane right-of-way between them, towards the east more single family residences. And this is a corner lot, so that's also the Spicewood Lane right-of-way in between. And then to the west is single family residences as well.

The zoomed-out aerial view shows the location just north of West Powell Road,

and this is west of U.S. 23. The zoomed-in version of the aerial shows you that corner lot -- the home being on the corner lot and it's located towards the rear of the property, so that as left smaller distance from the rear of the home to the rear property line. And you can see on this 2024 aerial somewhat of an outline in the shadow of an existing deck there.

As for those site photos, we took a couple of them for reference. They do include some framing elements, some posts, presumably for future railings. This other site photo towards -- shows towards the rear of the home, a little bit better idea of the protrusion with the deck. It is in roughly the same location as the previous deck, but I did not measure the aerial of the previous.

Alright. So we have an Exhibit from the contractor. The Exhibit should help you visualize clearly the intention behind the plan. So this is a Variance request from the rear yard setback, which is the Rezoning Case 547. It has a rear setback requirement

of 25 feet, and that's what the Area Variance is from. Measurements indicate that this proposed 22 by 12 deck with stairs on two sides would extend 19 feet 0 inches into the required 25-foot rear yard setback. This encroachment represents an approximately 76% Variance request from the standards established in the Rezoning Case 547. So, it's a fairly big distance, especially given the location of the home.

For the second Exhibit, the contractor has shown the rendering of the close to 22-foot wide section of the deck. The Applicant also included a survey, so you can see that measurement from the rear of the property. And the encroachment distance is to be 19 feet, so the home itself does extend -- based on the distance there, the home itself, which is not under consideration for this Variance, the home itself has that distance within that 25-foot setback, and has left them with only 18 feet of distance to add the accessory structure.

I'm happy to answer any questions,

but that does finish out the Report. The rest of this Report is your Board Analysis section and example Motions.

VICE-CHAIR NEFF: Eric, I just want to make sure I understand. The deck footprint is the exact same footprint as they had before?

MR. GAYETSKY: It is relatively in the same area. I did want to mention that I haven't measured the previous deck to confirm. And looking at the previous aerial, it is slightly hard to define exactly the extent of those dimensions based on the shadows.

VICE-CHAIR NEFF: Okay.

MR. GAYETSKY: I'm happy to try to measure it, but we did not do measurement.

VICE-CHAIR NEFF: We can talk to the Applicant.

MR. GAYETSKY: Sure.

VICE-CHAIR NEFF: Any more questions for Eric before we speak with the Applicant.

MR. TOTZKE: I don't have any.

MR. MCCOY: No.

VICE-CHAIR NEFF: Is the Applicant here?

MR. BERTELSEN: Yes.

VICE-CHAIR NEFF: Okay. Please state your name, address, and confirm you've been sworn in.

MR. BERTELSEN: I'm Eric Bertelsen, 18 Butterfield Lane, and I have been sworn in.

VICE-CHAIR NEFF: Thank you.

MR. SCHAMBRE: My name is Victor Schambre. I live at 3639 Hollenback Road in Lewis Center, Ohio, and I am the contractor.

VICE-CHAIR NEFF: And you've been sworn in?

MR. SCHAMBRE: Yes, Ma'am.

VICE-CHAIR NEFF: Okay. Please tell us about your project.

MR. BERTELSEN: Yeah. So, we purchased the home in 1993. It already had the existing deck, you know, we're on the corner lot there. And so we had, you know, stained over it, stained over it, deck over, you know, it began to be kind of an eyesore.

Those bushes are kind of getting overgrown. So we said we need to do a replacement deck to, you know, just -- and we wanted to go with the trex instead of the wood so we don't have to stain it every year.

So, we went and we found Vic to do the project. And we had assumed that, of course, the deck had been permitted, that was the existing deck, and so it was going to be a like-to-like exchange of decks, basically. So we're just trying to update, you know. And it was getting to be an eyesore. And I have a letter from my neighbor, also. I guess it's in your packet. But Dan Skinner, who's the neighbor who sits right behind us there, who's really the only one affected by our deck.

VICE-CHAIR NEFF: We have two letters. Two were from Skinner, but there's another from Michael Kohler.

MR. BERTELSEN: Okay. Yes, that's another neighbor. Yes.

VICE-CHAIR NEFF: Is the deck complete now or you paused it?

MR. BERTELSEN: No, we stopped

work as soon as we got that notification. So we decided to apply for the Variance just to -- we really just wanted to update our deck. Yeah, it's unfortunate because if we would have rotated the house 90 degrees, we'd have a huge backyard to build on the deck, but it is what it is.

MR. MCCOY: Is it the same size?

MR. BERTELSEN: Yeah. We stayed with the same size.

VICE-CHAIR NEFF: Just different material, it sounds like.

MR. MCCOY: Well, just like the last one, it's a substantial Variance; however --

MR. BERTELSEN: It is substantial, yes.

MR. MCCOY: -- there's mitigating factors that exist. And trying to tell a human being that they can't build what was already there, it's not logical. So, anybody have any more questions?

MR. TOTZKE: No.

VICE-CHAIR NEFF: I do not.

MR. MCCOY: Well, based on the factors --

VICE-CHAIR NEFF: We have to take public comment. Sorry.

MR. MCCOY: Oh, I'm sorry. Is there anybody here to scream about this?

VICE-CHAIR NEFF: Would you like to make a public comment; anyone? Alright. Now we are ready.

MR. MCCOY: Based on the factors that we are to consider, I move to approve Case No. VA-26-11 for property located at 18 Butterfield Lane, Powell, Ohio 43065 seeking an Area Variance from Rezoning Case No. 547 Green Meadows Village to allow for an existing deck to encroach 19 feet 0 inches into the required 25-foot rear yard setback in an area zoned Single Family Planned Residential (SFPRD) District.

MR. TOTZKE: I second.

MR. GAYETSKY: Motion made by Mr. McCoy, second by Mr. Totzke. Those voting:

Ms. Neff.

VICE-CHAIR NEFF: Yes.

MR. GAYETSKY: Mr. Totzke.
MR. TOTZKE: Yes.
MR. GAYETSKY: Mr. McCoy.
MR. MCCOY: Yes.
VICE-CHAIR NEFF: Good luck with your project. Thank you for following the process. I'm sure that was a little frustrating.
MR. BERTELSEN: Thank you very much. Have a good evening.
VICE-CHAIR NEFF: Alright. We will hear our last case, Eric.
MR. GAYETSKY: So, let's hear the last case, Case No. VA-26-12, and that's for the property located at 1719 Sunflower Street, Lewis Center, Ohio. Applicant/Owner is Dan and Alexis Cousineau. The Zoning District is a Single Family Planned Residential. This is a .347 acre lot. The Applicant is seeking an Area Variance from Rezoning Case 12451 Estates of Glen Oak to allow for an accessory structure to encroach 14 feet 9 inches into the 35-feet rear yard setback.
The subject property is located at

719 Sunflower Street, presently owned by Dan and Alexis Cousineau. The surrounding area, the Zoning District in all four directions is Single Family Plan Residential. To the north, though, that includes single family residences, also includes Summersweet Circle right-of-way. To the south, there's single family residences and the Sunflower Street right-of-way. To the east, single family residences on Summersweet Circle right-of-way again. And then to the west, more single family residences.

For the context aerial view, this is within the neighborhood, so you have the primary streets, East Orange Road and South Old State Road to the south and east. We have that zoomed-in view, so you can see this is another corner lot and this has Summersweet right-of-way that perhaps rounds somewhat to the north and the east, primarily to the east.

And so we obtained site photos again. The site photos show the current landscaping, grass, and some small trees. The second view should be helpful to visualize

where the proposed pergola is going to be located, along with the paver patio beneath it. We did set up cones on that photo for you to get an idea of the extent of where the patio will be, along with the pergola that shared the same dimensions. And then for the second rendering, this view shows the orientation of the pergola on the top of the future paver patio. There's some element of a fire pit that is not requiring the Variance.

And then finally, for your site plan view, we did a measurement using our measuring software to establish that this would be a 20 feet and 8 inches distance from the rear of the pergola to the rear property line, so measurements indicate that the proposed pavilion will be 20 feet and 3 inches from the rear property line, which means an encroachment of 14 feet 9 inches into the required 35-foot rear yard setback. This encroachment represents an approximately 42% Variance request from the standards established under Rezoning Case 12451 Estates of Glen Oak.

We have a couple other Exhibits more for your preference to see the details of the patio, along with that pergola.

And then I believe that is it for your -- for the Staff Review and for your consideration, the example Motions and the Board Analysis in the last page.

MR. MCCOY: So is this Variance just required because of that pergola?

MR. GAYETSKY: That's correct, this Variance only pertains to the pergola.

MR. MCCOY: Okay.

VICE-CHAIR NEFF: Any other questions for Eric before we hear from the Applicant?

MR. TOTZKE: No.

MR. MCCOY: No.

VICE-CHAIR NEFF: Okay. Please state your name, address, and confirm you've been sworn in.

MR. COUSINEAU: Dan Cousineau, 1719 Sunflower Street, and I've been sworn in.

MS. COUSINEAU: Alexis Cousineau, 1719 Sunflower Street, and I have been sworn

in.

VICE-CHAIR NEFF: Thank you. Whatever you want to tell us.

MR. COUSINEAU: I guess, just some detail. We've never been to one of these before, and everybody else spoke so well, so now we're here. We've been in the house about 15 years, you know. We decided that we want to do kind of a little extra on the back. We designed this. The pergola is actually a structure. It's got louvers. And so I guess we needed this Variance because of that. We just wanted to put something nice in our backyard, a place for us to be with our kids, as our kids get older. And we have a bunch of letters of support from our neighbors.

We kind of have an interesting lot, too. The lot directly behind us is a unique shape, so there's actually no house behind us. They kind of have a huge side yard. And they're one of the people that wrote us a letter, you know, saying that they like what we're doing. We feel like we're not putting in, you know, something over-the-top.

We're doing something to make our house look nicer and make the neighborhood look nicer, which is kind of what we've tried to do the entire time that we've lived there.

MS. COUSINEAU: I would just add, the pergola structure, it's not actually a permanent -- I know it qualifies for a permanent structure, but it can be removed and it can be moved if we were to move to a different house. We could take it down and move it.

MR. MCCOY: That's what I was going to ask you, if it's bolted into the floor.

MS. COUSINEAU: Yeah. Correct.

MR. MCCOY: Okay.

MR. COUSINEAU: It was one of the selling points of picking it out.

MR. MCCOY: Rather than concreting it into the base.

MS. COUSINEAU: Correct. And our contractor had advised that he had to come through this process to make sure we have the

right permits for him to put in the footers.

MR. MCCOY: That was my assumption, but I wasn't certain.

VICE-CHAIR NEFF: How does the electric work into the pergola? You can close it and open it, right?

MS. COUSINEAU: Yeah. So, the contractor is working with that. The electrical has already -- we already have outlets outside already from the external of the house, so they'll just tie into that.

VICE-CHAIR NEFF: I saw those at the Home and Garden Show. They're very cool.

MR. COUSINEAU: Yeah.

MR. COUSINEAU: We wanted the light to still come through. We didn't want the roof to try and to get some light to still come through.

MR. TOTZKE: Your neighbors all did a great job filling out the letters in a way that knocks off all of the things we look for, so thank you for that.

MS. COUSINEAU: Okay. Thank you.

MR. MCCOY: And where it is a

substantial deviation, just slightly over, 53, to me it's, because of the non-permanency of the structure, the openness of the structure. You know, part of the thing behind the tilt is not just sun, it's the ability for that structure to stay on the ground in high winds, from a nerd standpoint, a former engineer standpoint. And because of its openness like that, I don't have any issue with their request for the Variance.

VICE-CHAIR NEFF: Well, we do not have any public comment left, unless you want to make a comment.

MR. GAYETSKY: For the record, there were the four letters that we received, so they have the neighbor addresses listed on them, which we provided to your packet.

VICE-CHAIR NEFF: Thank you.

MR. MCCOY: That's the other side of what I like to see is, is there anybody next to you that's going to complain. And there's not, so. If there's no public comment, I'm going to put forth another Motion, if you guys don't mind.

VICE-CHAIR NEFF: Let's do it.

MR. MCCOY: So, based on the factors that we must consider, I move to approve Case No. VA-26-12 for the property located at 1719 Sunflower Street, Lewis Center, Ohio, 43035 seeking an Area Variance from Rezoning Case No. 12451 Estates of Glen Oak to allow for a 15 foot by 23 foot freestanding pavilion to encroach 14 feet 9 inches into the required 35-foot rear yard setback in an area zoned Single Family Planned Residential District (SFPRD).

MR. TOTZKE: I second.

MR. GAYETSKY: Motion made by Mr. McCoy, second by Mr. Totzke. Those voting:

Ms. Neff.

VICE-CHAIR NEFF: Yes.

MR. GAYETSKY: Mr. Totzke.

MR. TOTZKE: Yes.

MR. GAYETSKY: Mr. McCoy.

MR. MCCOY: Yes.

MR. GAYETSKY: The Variance is approved.

VICE-CHAIR NEFF: Thank you, and

good luck with your project.

MS. COUSINEAU: Thank you very much. Appreciate it.

VICE-CHAIR NEFF: Alright.

MR. GAYETSKY: That's all we have for our New Business. We had listed a couple sets of Minutes, and we have so far sent out the April Minutes. If you had previously signed off on those March Minutes, I apologize for the duplication, but for your consideration is the April Minutes. So, I will leave that to you, if anybody wants to entertain a Motion.

VICE-CHAIR NEFF: Did you get any feedback on the April Minutes?

MR. GAYETSKY: I did not receive any feedback from any Members on those.

VICE-CHAIR NEFF: Are you guys comfortable moving forward?

MR. MCCOY: I'm good. I was here for both of them. But we all three have to vote yes, don't we?

MR. GAYETSKY: And just a reminder, it isn't the case that you have to

have attended that meeting to vote in favor of approving the Minutes. I realize sometimes there's folks who abstain, but ultimately it's your decision.

VICE-CHAIR NEFF: I am comfortable moving forward. Are you both comfortable moving forward?

MR. MCCOY: Yeah.

VICE-CHAIR NEFF: Are you comfortable?

MR. TOTZKE: Comfortable with it, yes.

VICE-CHAIR NEFF: Okay. Because I was not here for May. I'm fine with that.

I'll make a Motion to approve the Minutes from the April 16th, 2026 meeting.

MR. MCCOY: Second.

MR. GAYETSKY: Okay. Motion made by Ms. Neff, seconded by Mr. McCoy. Those voting:

Ms. Neff.

VICE-CHAIR NEFF: Yes.

MR. GAYETSKY: Mr. Totzke.

MR. TOTZKE: Yes.

MR. GAYETSKY: Mr. McCoy.
MR. MCCOY: Yes.
VICE-CHAIR NEFF: And I will make a Motion to approve the Minutes from the May 21st, 2026 Board of Zoning Appeals meeting.
MR. GAYETSKY: I wanted to clarify, I don't believe that about those to you for your review yet.
VICE-CHAIR NEFF: Oh, I'm sorry. I thought we had two sets, but you're saying they were March and April.
MR. GAYETSKY: Should have just been the April.
VICE-CHAIR NEFF: Okay. So, take back my Motion.
MR. MCCOY: Shame, shame.
MR. GAYETSKY: I appreciate your eagerness.
VICE-CHAIR NEFF: I was trying to clean the slate. Sorry.
MR. GAYETSKY: Thank you for the effort.
VICE-CHAIR NEFF: Is there anything else for us?

MR. GAYETSKY: I have nothing further.

VICE-CHAIR NEFF: Alright.

MR. MCCOY: I move to adjourn.

VICE-CHAIR NEFF: I'll second that.

MR. MCCOY: Aye.

MR. GAYETSKY: Thank you all. The meeting is adjourned.

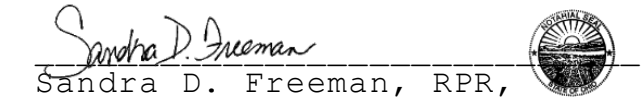
(Thereupon, the proceedings concluded at 6:40 p.m.)

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CERTIFICATE

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The undersigned do hereby certify that the foregoing proceedings were digitally recorded, electronically transmitted, and transcribed via audible playback, and that the foregoing transcript of such proceedings is a full, true and correct transcript of the proceedings as so recorded.



Sandra D. Freeman, RPR,
Certified Digital Reporter,
Digital Transcriber and
Notary Public in and for the
State of Ohio.

My Commission Expires May 14, 2027.

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