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Brown Township Board of Zoning Appeals meeting of
May 14, 2026, commencing at 7:00 p.m., held at the
Brown Township Hall, 5555 State Route 521,
Delaware, Ohio 43015.

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BOARD MEMBERS IN ATTENDANCE:

- Donald Dicke, Chair
- Shane Askins
- Keith Holewinski
- Paul Scheutzow
- Michael Thiel
- Kimberly Wilhelm - Alternate

STAFF IN ATTENDANCE:

- J-Sebastien Bernaert - Zoning Inspector

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Reported by: Sara S. Clark, RMR/CRR/CRC
Clark Realtime Reporting, LLC
614.496.2215

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

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4 DONALD DICKE: All right. It looks like
5 it is 7:00. I'd like to welcome everybody to the
6 Brown Township Board of Zoning Appeals meeting.
7 This is our first meeting of the year.

8 We will start off with an election of
9 officers, and then we will move into some of our
10 other regular business.

11 Let's go ahead and get a roll call for
12 all of the members that are present, please.

13 Donald Dicke, here.

14 Shane Askins?

15 SHANE ASKINS: Here.

16 DONALD DICKE: Keith Holewinski?

17 KEITH HOLEWINSKI: Here.

18 DONALD DICKE: Paul Scheutzow?

19 PAUL SCHEUTZOW: Here.

20 DONALD DICKE: Michael Thiel?

21 MICHAEL THIEL: Here.

22 DONALD DICKE: And we also have Kimberly
23 Wilhelm as an alternate as well.

24 KIMBERLY WILHELM: Yes.

1 DONALD DICKE: Would you all rise and
2 join me in the Pledge of Allegiance, please.

3 (Pledge of Allegiance.)

4 DONALD DICKE: All right. First order
5 of business is going to be our organization for
6 the year, and that will be the election of
7 officers.

8 We will open for nominations for
9 chairperson.

10 Does anybody have anyone they would like
11 to nominate?

12 KEITH HOLEWINSKI: I'll nominate
13 Donald Dicke.

14 DONALD DICKE: All right.

15 MICHAEL THIEL: Second.

16 DONALD DICKE: Any other nominations for
17 chair?

18 All right. So there's been a nomination
19 by Mr. Holewinski and seconded by Mr. Thiel for
20 Donald Dicke to be chair.

21 All in favor say aye.

22 (All say aye.)

23 DONALD DICKE: All opposed, nay.

24 (No response.)

1 DONALD DICKE: Hearing none, the motion
2 passes.

3 And then we need to open nominations for
4 vice chair.

5 Anybody that would like to be vice
6 chair?

7 Don't sit there quiet or I'm going to
8 nominate somebody.

9 SHANE ASKINS: I nominate Keith.

10 DONALD DICKE: Excellent.

11 I will second.

12 Any other nominations?

13 We will close nominations.

14 There's been a motion by Mr. Askins and
15 seconded by Mr. Dicke for Mr. Holewinski to be
16 vice chair.

17 All in favor say aye.

18 (All say aye.)

19 DONALD DICKE: All opposed, nay.

20 (No response.)

21 DONALD DICKE: Hearing none, motion
22 passes.

23 Mr. Holewinski is vice chair.

24 Now that we have that out of the way, so

1 we have something that we're going to do that's a
2 little newer this year. This was actually
3 suggested by our new zoning inspector.

4 This is Sebastien Bernaert. He's our
5 new zoning inspector. He also sits on the Zoning
6 Appeals Board for Genoa Township; is that correct?

7 SEBASTIEN BERNAERT: The zoning board,
8 yes.

9 DONALD DICKE: Zoning commission board?

10 SEBASTIEN BERNAERT: Yes.

11 DONALD DICKE: Very good.

12 So we're excited to have him along and
13 have him onboarded here. So any questions,
14 complaints, any of that would be directed to
15 Sebastien and then he will relay it to us and the
16 other appropriate folks within the township.

17 So we definitely look forward to
18 hopefully having you around here for a little
19 while too. That would be nice.

20 All right. So he had suggested a
21 statement of policy for the Board. So I'm just
22 going to read this into the record.

23 As is the adopted policy of the Board of
24 Zoning Appeals, all applicants will be granted an

1 opportunity to make their formal presentation.

2 The audience may then be granted an opportunity to
3 comment, followed by applicant's response and
4 questions from Board members.

5 The chairperson may limit repetitive
6 debate and reserve the following right: To limit
7 comment to items on the agenda; to limit public
8 comment to five minutes per person; to restrict
9 the number of times a member of the public is
10 permitted to speak; and to enact any other
11 reasonable ad hoc protocols or measures necessary
12 to maintain a fair, safe, and orderly meeting.

13 This policy was adopted by the Board to
14 provide for respectful, constructive, and
15 efficient discussion of business scheduled for
16 consideration and to allow for proper due process
17 as required by law.

18 SEBASTIEN BERNAERT: You'll have to make
19 a motion if you want to adopt it.

20 DONALD DICKE: All right. So I will so
21 move to adopt that policy as our policy of the
22 Zoning Appeals Board.

23 Can I get a second, please?

24 SHANE ASKINS: I'll second it.

1 DONALD DICKE: All right. Roll call?

2 SEBASTIEN BERNAERT: Mr. Askins?

3 SHANE ASKINS: Yes.

4 SEBASTIEN BERNAERT: Mr. Scheutzow?

5 PAUL SCHEUTZOW: Yes.

6 SEBASTIEN BERNAERT: Mr. Holewinski?

7 KEITH HOLEWINSKI: Yes.

8 SEBASTIEN BERNAERT: Mr. Thiel?

9 MICHAEL THIEL: Yes.

10 SEBASTIEN BERNAERT: And Mr. Dicke?

11 DONALD DICKE: Yes.

12 All right. Did everybody have a chance
13 to review the minutes from our July meeting of
14 last year? It's been almost a year since we've
15 met.

16 I need a motion to approve the July 9th,
17 2025 meeting minutes as presented.

18 SHANE ASKINS: I motion.

19 KEITH HOLEWINSKI: I'll second.

20 DONALD DICKE: Keith seconds.

21 All right. Roll call, please.

22 SEBASTIEN BERNAERT: Mr. Askins?

23 SHANE ASKINS: Yes.

24 SEBASTIEN BERNAERT: Mr. Scheutzow?

1 PAUL SCHEUTZOW: No.

2 SEBASTIEN BERNAERT: Mr. Holewinski?

3 KEITH HOLEWINSKI: Yes.

4 SEBASTIEN BERNAERT: Mr. Thiel?

5 MICHAEL THIEL: No.

6 SEBASTIEN BERNAERT: Mr. Dicke?

7 DONALD DICKE: Yes.

8 Thank you.

9 We've already done the election of
10 officers.

11 All right. We will move into our first
12 variance request.

13 KEITH HOLEWINSKI: Since we've got that
14 motion in there, should we take that out?

15 DONALD DICKE: Which one?

16 KEITH HOLEWINSKI: Statement of policy.

17 DONALD DICKE: Yes. The statement of
18 policy is enforceable now, so we will move on to
19 our first variance request.

20 This is going to be the Clayton Homes
21 requesting approval of a variance for a new-build
22 manufactured home to encroach into the setbacks
23 required from a Class A Road, which is
24 Leonardsburg Road, and a Class B road, which is

1 West Road, at 3862 Leonardsburg Road, located in
2 Delaware, Ohio 43015. The PIN is
3 518-210-04-014-000, and this is the BZA Case
4 Number 2026-01.

5 Are there members of the public that
6 wish to speak or may wish to speak at any time
7 during either of our variance hearings?

8 Anybody who thinks that they may speak
9 at any time tonight, if you could please stand and
10 raise your right hand.

11 Ms. Clark, do you have the swearing in
12 to do?

13 (Oath administered.)

14 DONALD DICKE: And then before you
15 speak, if you would please state your name so that
16 she can get it put into the record. That would be
17 great. Thank you very much.

18 All right. So what do you have for us
19 on this first variance?

20 SEBASTIEN BERNAERT: So Clayton Homes
21 wants to -- they're demolishing the existing
22 house. They want to -- homeowner wants to put a
23 manufactured home in its place. It's pretty much
24 on the same space where the existing home was on.

1 They're keeping the existing garage that's there
2 and adding a breezeway in between.

3 Because of how the lot is and all of the
4 streets that are around this lot in particular,
5 like, one of the -- well, the -- one of the -- two
6 of the setback regulations cannot be -- like, the
7 setbacks cannot be granted. So they're requesting
8 a variance from those.

9 DONALD DICKE: So the variance is -- it
10 looks like we're requesting -- per the provided
11 survey plat, they're requesting to reduce the
12 setback off of Leonardsburg Road to 55 feet off
13 the centerline and reduce the setback to 40 feet
14 from the centerline of West Road. The new home
15 will conform with the front setbacks of the
16 existing homes on the neighboring parcels.
17 There's also health department approval to use the
18 existing septic.

19 SEBASTIEN BERNAERT: If you still want
20 to speak, just speak loudly.

21 MARGARET DETWEILER: Okay.

22 DONALD DICKE: Do you want me to record
23 for you?

24 MARGARET DETWEILER: Well, this is our

1 site coordinator of Clayton Homes. She's kind of
2 the pro here and I'm filling in while she's out of
3 town.

4 DONALD DICKE: Very good.

5 MARGARET DETWEILER: Heather, is there
6 anything you want to add?

7 HEATHER McCURDY: The existing home
8 that's currently --

9 THE STENOGRAPHER: I cannot hear her.

10 MARGARET DETWEILER: Hold on, Heather.
11 Let me move closer.

12 Heather, go ahead.

13 (Indiscernible.)

14 SEBASTIEN BERNAERT: Just paraphrase
15 her.

16 MARGARET DETWEILER: I'll have to
17 paraphrase, Heather, so go ahead.

18 So the current septic system -- say that
19 again, Heather. Sorry.

20 HEATHER McCURDY: Is directly behind the
21 existing garage.

22 MARGARET DETWEILER: It's directly
23 behind the existing garage.

24 HEATHER McCURDY: We have approval to

1 reconnect to it.

2 MARGARET DETWEILER: Where we have
3 approval to reconnect to it.

4 HEATHER McCURDY: The site plan is very
5 self-explanatory. (Indiscernible.)

6 MARGARET DETWEILER: So we have the
7 survey here. It's pretty simple with how it's
8 laid out. We're just replacing the existing
9 house. We're conforming with the neighborhood and
10 the front setbacks. We're just kind of limited on
11 where the house can go in regards to the layout
12 and the setbacks.

13 DONALD DICKE: The setbacks that are
14 noted on the survey, there's a setback for 3846,
15 which would be the property to the west, and then
16 3878, the property to the east. It's noted a 30-
17 and 32-foot setback.

18 Is that what's currently at those two
19 properties?

20 MARGARET DETWEILER: Yes.

21 DONALD DICKE: Okay.

22 I was referring to the survey right here
23 if you guys all had a chance to take a look at
24 that (indicating).

1 All right. Anybody on the Board have
2 any questions regarding any of this?

3 SHANE ASKINS: I don't.

4 DONALD DICKE: So this is an existing
5 home that already exists on a nonconforming lot,
6 but a home is already there.

7 As we are aware, in Leonardsburg, there
8 are nonconforming lots. The current minimum lot
9 size is 2 acres. So we have a lot of lots -- all
10 of our lots here in Kilbourne are not conforming,
11 as is this; however, there's already an existing
12 structure.

13 And they already own -- they already own
14 the home? They're living in the home there
15 currently?

16 MARGARET DETWEILER: Correct.

17 DONALD DICKE: Okay. So a big money
18 savings to keep the existing septic and tie into
19 that, you know.

20 My initial is that it certainly does
21 keep with the spirit of Leonardsburg as it sits
22 currently.

23 I do wonder, though, about the style of
24 the home not necessarily blending very well with

1 the existing homes that are there. But that is
2 not what the variance request is for. You guys
3 are simply asking for relief from the setbacks.

4 SEBASTIEN BERNAERT: You also have to
5 keep this open for the public comments.

6 DONALD DICKE: We will definitely do
7 that.

8 Does the Board have any other questions?

9 MICHAEL THIEL: So is it just a buried
10 leach field?

11 MARGARET DETWEILER: Yeah.

12 HEATHER McCURDY: Yeah. It was a field
13 that was designed for a four-bedroom home.

14 MARGARET DETWEILER: Designed for a
15 four-bedroom home, existing leach field, yes.

16 KEITH HOLEWINSKI: Is there anything
17 from the surrounding neighbors for approval?

18 MARGARET DETWEILER: I'm sorry?

19 KEITH HOLEWINSKI: Anything from the
20 neighbors on either side for approval?

21 DONALD DICKE: Did you guys happen to
22 get letters of support from any of the neighbors?

23 HEATHER McCURDY: No. We were not told
24 we had to do that.

1 MARGARET DETWEILER: No, we did not. We
2 were not told we would be asked for that.

3 SEBASTIEN BERNAERT: We as the township
4 did send letters out to all of the neighbors --

5 DONALD DICKE: Sure, sure.

6 SEBASTIEN BERNAERT: -- making people --

7 KEITH HOLEWINSKI: So there was
8 opportunity?

9 SEBASTIEN BERNAERT: Yes.

10 DONALD DICKE: So now I'll ask, is there
11 anybody from the public that wishes to comment
12 about this variance?

13 KEN WALTON: Yes. Is this --

14 THE STENOGRAPHER: I need a name, and he
15 was not sworn in.

16 DONALD DICKE: Can you state your name,
17 please.

18 KEN WALTON: Ken Walton.

19 DONALD DICKE: What is it?

20 KEN WALTON: Ken Walton.

21 DONALD DICKE: Ken Walton?

22 And then can you also rise and be sworn
23 in?

24 (Oath administered.)

1 DONALD DICKE: What's your question,
2 sir?

3 KEN WALTON: We're the property on
4 Leonardsburg Road along the tower ...

5 THE STENOGRAPHER: I'm sorry. I am
6 having trouble hearing him.

7 DONALD DICKE: He's curious about the
8 second variance.

9 So this variance is for a property
10 located in Leonardsburg. You have property close
11 to the tower?

12 KEN WALTON: Yes. And Leonardsburg. I
13 just want to know which is which.

14 DONALD DICKE: Okay. This is for the
15 first variance. This is for the single-family
16 home located in Leonardsburg.

17 KEN WALTON: In Leonardsburg?

18 DONALD DICKE: In Leonardsburg, that's
19 right.

20 RYAN HODGE: I believe that's me, but
21 you guys had the address as --

22 DONALD DICKE: Can you as well rise and
23 be sworn in real quick.

24 RYAN HODGE: Oh. Excuse me. Sorry.

1 DONALD DICKE: That's okay. Thank you.

2 (Oath administered.)

3 DONALD DICKE: And then can you state
4 your name, please.

5 RYAN HODGE: My name is Ryan Hodge, and
6 this is Ryan Junior. And we had his little sister
7 yesterday so we just got back from the hospital
8 and we're running just a tad bit late.

9 DONALD DICKE: So is this your property
10 or do you live close to the Leonardsburg property?

11 RYAN HODGE: It's my property, but you
12 guys had it labeled as 3862, and it should be
13 3851. We've always called John Street "the
14 alley," but now that everybody likes to order from
15 Amazon and, you know, that sort of thing, there's
16 a lot more traffic in the alley so it's considered
17 a street now.

18 SEBASTIEN BERNAERT: What would be the
19 actual address?

20 RYAN HODGE: 3851.

21 SEBASTIEN BERNAERT: Leonardsburg Road?

22 RYAN HODGE: Yes.

23 DONALD DICKE: So that would be the
24 other side of the street, because that would be an

1 odd number and these are even numbers.

2 So this is 3862 Leonardsburg Road.

3 RYAN HODGE: Yeah. No. It's my
4 property. I'm not sure -- I've got the letter.

5 MARGARET DETWEILER: We're the
6 applicant. I'm wondering if there's something
7 different.

8 DONALD DICKE: Did you receive a letter
9 stating that there was going to be a variance
10 hearing?

11 RYAN HODGE: Yeah.

12 DONALD DICKE: So you are a property
13 owner within 500 feet of the subject property
14 that's requesting the variance.

15 RYAN HODGE: Possibly, yes.

16 DONALD DICKE: So you live at 3851?

17 RYAN HODGE: Yep, yep.

18 DONALD DICKE: So you would be across
19 the street from --

20 RYAN HODGE: What, 62?

21 DONALD DICKE: -- 3862 Leonardsburg
22 Road.

23 RYAN HODGE: Okay. I -- you know, guys,
24 I just took over the residence in November. And I

1 have a small tree company slash firewood. And
2 knowing that me and my wife was going to have our
3 baby sometime around this time, the past
4 two months with her not working, I've just put a
5 lot of wood on the property to get ready.

6 SEBASTIEN BERNAERT: I think this is
7 about a letter the health department or the fire
8 department sent you; is that correct?

9 RYAN HODGE: Yes.

10 SEBASTIEN BERNAERT: Okay. This is for
11 something totally different.

12 RYAN HODGE: Oh. Okay. See, I didn't
13 know who to call or what to ask, guys. I just
14 thought that I was possibly -- you know, might be
15 in some sort of trouble or might have to move my
16 wood, and I just was kind of, you know, like,
17 really concerned.

18 SEBASTIEN BERNAERT: Is it possible to
19 give me a call tomorrow? You can look at the
20 Brown Township website, the zoning inspector, call
21 my number and I will talk to you about it.

22 RYAN HODGE: Okay.

23 SEBASTIEN BERNAERT: Is that all right?

24 RYAN HODGE: Yes. I'm sorry to

1 interrupt anything, guys.

2 DONALD DICKE: You're all right.

3 RYAN HODGE: I just wanted to make sure
4 that I could still have a business and still do my
5 firewood. And so --

6 SEBASTIEN BERNAERT: We'll talk
7 tomorrow.

8 DONALD DICKE: We were as confused as
9 you are, so no worries.

10 RYAN HODGE: Sorry, guys.

11 DONALD DICKE: We're getting there,
12 buddy.

13 Congratulations on the new baby, by the
14 way.

15 RYAN HODGE: Yep. He's a big brother to
16 a little sister.

17 DONALD DICKE: That's fantastic.

18 RYAN HODGE: Sorry to interrupt.

19 DONALD DICKE: No worries.

20 All right. So is there anybody else
21 from the public that has input regarding this?

22 Are there any other questions from any
23 members on the Board?

24 All right. It looks like the packet was

1 filled out in its entirety. So there are some
2 questions that we ask when we have our applicants
3 fill out a variance request questionnaire.

4 The first one is whether the property in
5 question will yield a reasonable return or whether
6 there can be any beneficial use of the property
7 without the variance.

8 And their response to that was no, not
9 due to the size of the parcel.

10 So I think that that point has been made
11 pretty well and is keeping in spirit with the
12 other homes in the area, the setback that's been
13 granted to them. And if you get rid of the
14 existing garage, you scoot the home back so you
15 can have a garage, then you begin encroaching on
16 the septic system.

17 Whether the variance is substantial.

18 No. It allows the new home to conform
19 with the neighboring properties.

20 The third is whether the essential
21 character of the neighborhood will be
22 substantially altered or whether adjoining
23 properties or the comprehensive plan for the
24 community would suffer a substantial detriment as

1 a result of the variance.

2 And that answer is no.

3 Whether the variance would adversely
4 affect the delivery of governmental services.

5 That is no. There's nothing exceptional
6 about this property versus the neighboring
7 properties.

8 Whether the property owner purchased the
9 property with the knowledge of the zoning
10 restriction.

11 I would say that's probably a no because
12 there was an existing home there, and there are
13 homes that do sit as close to the road as this
14 one.

15 Whether the owner's predicament can
16 be -- that's a big word for me. I'm just a simple
17 man -- obviated through some method other than
18 variance.

19 And no, due to location of the existing
20 septic system.

21 And then the last one, whether the
22 spirit and intent behind the zoning requirement
23 would be observed and a substantial justice done
24 by granting the variance.

1 And that is yes.

2 I think that they certainly answered our
3 questions. I think they're in an area where
4 there's already nonconforming lots with the
5 existing homes.

6 Any other questions from any members of
7 the Board?

8 KEITH HOLEWINSKI: No.

9 PAUL SCHEUTZOW: No.

10 SHANE ASKINS: No.

11 DONALD DICKE: If not, can I get a
12 motion to grant the requested variance for relief
13 of setback off Leonardsburg Road and a reduction
14 of the setback from the centerline of West Road as
15 presented in the application?

16 At this point, somebody could say "I so
17 move" so they don't have to -- so you don't have
18 to say all of that. You can just do an "I so
19 move."

20 PAUL SCHEUTZOW: I so move.

21 DONALD DICKE: Thank you very much.

22 Can I get a second, please?

23 KEITH HOLEWINSKI: I'll second that.

24 DONALD DICKE: Thank you.

1 Can I get a roll call.

2 SEBASTIEN BERNAERT: Mr. Askins?

3 SHANE ASKINS: Yes.

4 SEBASTIEN BERNAERT: Mr. Scheutzow?

5 PAUL SCHEUTZOW: Yes.

6 SEBASTIEN BERNAERT: Mr. Holewinski?

7 KEITH HOLEWINSKI: Yes.

8 SEBASTIEN BERNAERT: Mr. Thiel?

9 MICHAEL THIEL: Yes.

10 SEBASTIEN BERNAERT: Mr. Dicke?

11 DONALD DICKE: Yes.

12 All right. Variance has been approved.

13 MARGARET DETWEILER: Thank you.

14 DONALD DICKE: Congratulations.

15 Hopefully everything goes smoothly from here on
16 out.

17 MARGARET DETWEILER: That's the plan.

18 Thank you.

19 DONALD DICKE: All right. We are going
20 to get into our second variance request.

21 This is going to be presented by David
22 Sanford. He is representing Central Surveying
23 Company, Ltd. He's requesting approval of a
24 variance to deviate from the minimum lot area and

1 frontage requirements and to allow the creation of
2 a flag lot in an FR-1 district at 3742 Walton
3 Road, Delaware, Ohio 43015. The PIN number is
4 518-200-03-022-000. This is the BZA Case
5 Number 2026-02.

6 All right. Just to get this out now, is
7 there anybody else that thinks they may want to
8 speak?

9 Mr. Condit, is there a possibility you
10 may want to speak?

11 MIKE CONDIT: Possibly.

12 DONALD DICKE: All right. Let's go
13 ahead and get you up and get you sworn in, please.

14 You as well?

15 Anybody that thinks they may want to
16 speak, even if you don't speak, you can still
17 swear in.

18 (Oath administered.)

19 DONALD DICKE: Thank you very much.

20 All right. So this is applying
21 Section 7.05, Development Standards. They're
22 requesting relief from minimum lot area and lot
23 frontage as well.

24 What do you have for us, Sebastien?

1 SEBASTIEN BERNAERT: So Mr. Sanford's, I
2 think, for AEP that wants to do a lot split. They
3 contacted me for doing a lot split of their
4 existing -- for the land where their existing
5 tower is on. The land is owned by Mr. Condit. I
6 asked if, like, they could meet the 2 acre -- that
7 they at least have 2 acres. That was not
8 possible.

9 So this lot ended up being the flag lot
10 also because of where it's located. It sits next
11 to the railroad, so they could not have access
12 anywhere else. They only have access through
13 Walton Road.

14 Because of this, there's a flag lot.
15 Obviously it's not 2 acres. And also because it's
16 a telecommunication tower, it deviates from the
17 lot area and frontage requirements for FR-1
18 district.

19 So that's kind of the --

20 DONALD DICKE: What was that second part
21 you were saying about the telecommunication tower?

22 SEBASTIEN BERNAERT: It will deviate
23 from the minimum lot area and frontage
24 requirements for the FR-1 district.

1 DONALD DICKE: Okay.

2 SEBASTIEN BERNAERT: That's in
3 Section 6.03, Telecommunications.

4 DONALD DICKE: Our minimum size is 2
5 acres, correct?

6 MICHAEL THIEL: For a house?

7 DONALD DICKE: Anything.

8 SEBASTIEN BERNAERT: For anything, yes.

9 And also, I know there was, [like, the
10 public had a little bit of concerns there would be
11 a new tower. That's not the case. They're going
12 to keep the old tower.

13 So, yep. I'll take it to you guys, or
14 to the applicant.

15 DONALD DICKE: Mr. Sanford?

16 DAVID SANFORD: I'll just say that the
17 land that the tower is on right now is -- it's
18 bounded by the railroad on one side and then
19 there's, like, a ditch, I think it's called Sugar
20 Run, that runs -- like, it separates that from the
21 cultivation on the Condit property.

22 So it's already kind of established its
23 own little area right there. And it just makes
24 sense for AEP to have access to that portion.

1 DONALD DICKE: So there's an existing
2 20-foot easement that AEP already utilizes for
3 access.

4 DAVID SANFORD: Yes.

5 DONALD DICKE: The requested lot split,
6 is the width that 20-foot easement --

7 DAVID SANFORD: Yes.

8 DONALD DICKE: -- or is it for any
9 additional?

10 DAVID SANFORD: The entrance to the lot
11 is 20 feet, and then it expands.

12 DONALD DICKE: All the way as you get
13 back to the end of the lot, right?

14 As you guys can all see on Exhibit A,
15 it's a long, narrow lot, and then it does kind of
16 spread in the back.

17 Does AEP already own that property in
18 the back --

19 DAVID SANFORD: No.

20 DONALD DICKE: -- or is that an easement
21 as well?

22 DAVID SANFORD: That's an easement.

23 DONALD DICKE: Okay. So the entire lot,
24 including the space in the back, would equate to

1 1.076 acres, okay.

2 DAVID SANFORD: Yes.

3 MICHAEL THIEL: The easement is not
4 included in the 1.07?

5 DAVID SANFORD: No.

6 MICHAEL THIEL: The only thing is just
7 in the back, the 20 feet.

8 DONALD DICKE: Okay.

9 MICHAEL THIEL: So it's just that.

10 DAVID SANFORD: Right. At the very
11 south line of the lot split parcel, that portion
12 is 20 feet.

13 DONALD DICKE: So you are not trying
14 to -- AEP -- I shouldn't say you -- AEP is not
15 trying to purchase the access easement to the road
16 from the lot.

17 DAVID SANFORD: No.

18 DONALD DICKE: Okay.

19 What's the current arrangement with the
20 lot? Is this leased from the Condit family?

21 DAVID SANFORD: The tower site?

22 DONALD DICKE: Yeah.

23 MIKE CONDIT: It's an existing easement,
24 is what it is. I mean, I thought there was a

1 lease on it, but there's not.

2 DONALD DICKE: And do you have his name?

3 You know who this guy is?

4 THE STENOGRAPHER: Yes.

5 DONALD DICKE: It's Mike Condit.

6 So you currently are not leasing that
7 property; they just have an easement there --

8 MIKE CONDIT: Correct.

9 DONALD DICKE: -- on property that you
10 own. They have a tower in place there.

11 MIKE CONDIT: Correct.

12 DONALD DICKE: And there's no -- nothing
13 monetary that you gain from it.

14 MIKE CONDIT: No, no. I mean,
15 originally there was. I'm not sure what that
16 figure was.

17 DONALD DICKE: But as it stands now,
18 there's currently not any arrangement in place?

19 MIKE CONDIT: No lease, no payment.

20 DONALD DICKE: Okay.

21 MIKE CONDIT: And what brought it up is
22 there's an existing bridge there, and AEP wanted
23 to replace that bridge. I gave them permission
24 they could just replace it. But their legal

1 department thought that they should not replace
2 the bridge unless they owned it.

3 DONALD DICKE: So that point of
4 beginning is just on the south side of where that
5 bridge is, then, correct?

6 MIKE CONDIT: Correct.

7 DONALD DICKE: Okay. So I have it
8 pulled up on my map. There's the creek that runs
9 through. And you can see there's a -- it's a
10 small concrete bridge, it looks like maybe.

11 MIKE CONDIT: Yeah. It actually was the
12 old 42 bridge.

13 DONALD DICKE: Okay.

14 DAVID SANFORD: It has concrete
15 headwalls on each side.

16 DONALD DICKE: Yeah.

17 Okay. So as it currently sits, would
18 you be technically responsible for maintaining
19 that bridge?

20 MIKE CONDIT: I have no idea. Nobody's
21 approached me about it. They've offered to
22 replace it. The first person from AEP that
23 approached me asked about replacing it, and I said
24 I had no issue with it because it's far enough

1 away from the agricultural field that it wasn't
2 going to affect me.

3 DONALD DICKE: Does anybody on the Board
4 have any questions about this?

5 I know it's kind of a unique one.

6 KEITH HOLEWINSKI: Yeah. So Condit owns
7 the land but there's an easement on their land?

8 DONALD DICKE: Yes.

9 MIKE CONDIT: Yeah. It's in a trust.
10 Condit Family Trust owns that whole section up
11 to -- up to Kenny's place. The access, actually,
12 is right between the properties.

13 KEITH HOLEWINSKI: It's right at the
14 bend, right?

15 MIKE CONDIT: And the road frontage
16 issue is -- I mean, the opening is just what it
17 is.

18 KEITH HOLEWINSKI: Instead of making a
19 flag lot, how is that -- it's an easement to that
20 lot.

21 SEBASTIEN BERNAERT: Like, I assumed
22 when he gave me the information it was going to be
23 a flag lot, but it will not be a flag lot.

24 KEITH HOLEWINSKI: It will be an island,

1 basically.

2 SHANE ASKINS: My question is how are
3 you guys going to get access to it?

4 DONALD DICKE: They have an easement
5 currently in place. This easement is currently in
6 place.

7 SHANE ASKINS: All right. I didn't know
8 if they were going to use the existing --

9 DAVID SANFORD: 20-foot easement on
10 Condit and the 10-foot easement on the Walton.

11 MICHAEL THIEL: That is currently a
12 deeded easement on your property?

13 MIKE CONDIT: It's recorded at the
14 courthouse.

15 DONALD DICKE: Does AEP have any --
16 would they have any interest in purchasing that
17 easement from the landowners? Was there a request
18 to do that that you're aware of?

19 DAVID SANFORD: What do you mean,
20 "purchase"?

21 DONALD DICKE: The easement. The access
22 easement from the road to what would be this newly
23 created lot. Was there -- go ahead.

24 MIKE CONDIT: They actually pursued

1 that, but we did not want to give -- we did not
2 want to sell it because that's our only access to
3 that portion.

4 DONALD DICKE: Got it. So that's your
5 access to that field as well.

6 MIKE CONDIT: Correct.

7 DONALD DICKE: So it's a mutual access
8 point.

9 MIKE CONDIT: Right. Their original
10 proposal was just to buy everything from Walton
11 Road through that strip and then the lot. But,
12 you know, we weren't in favor of that.

13 DONALD DICKE: Okay. Mr. Walton, do you
14 have any questions or anything to add to this
15 discussion? I know you're very close proximity to
16 all of this, and it sounds like the easement for
17 the access to the tower is a third on your
18 property as well.

19 KEN WALTON: What now again?

20 DONALD DICKE: So it sounds like AEP has
21 some access over your property currently. It
22 sounds like there's a 10 foot -- I'm sorry. Do
23 you have the lot to the west of that road, Ken and
24 Lee Ann, LLC? It appears there's a 10-foot

1 easement on your property allowing access back to
2 that tower as well.

3 KEN WALTON: It's kind of a mess on the
4 corner there.

5 DAVID SANFORD: So here's Walton Road
6 (indicating).

7 DONALD DICKE: Sara, you can probably
8 summarize this as general discussion regarding
9 access easement over the Ken and Lee Ann, LLC
10 property.

11 KIMBERLY WILHELM: Excuse me. I have a
12 question.

13 Is this type of tower that they're going
14 to put on the existing tower one of those big 5G
15 towers?

16 SEBASTIEN BERNAERT: The tower is
17 already in existence.

18 THE STENOGRAPHER: I need your name,
19 ma'am.

20 KIMBERLY WILHELM: The tower is already
21 there, but do they want to replace the tower
22 that's there with one of the big, honking 5G
23 towers?

24 DONALD DICKE: That is Kimberly Wilhelm.

1 She's the alternate.

2 KIMBERLY WILHELM: Kim Wilhelm.

3 MICHAEL THIEL: So the tower that's
4 there now, I heard you say it's been there since
5 2000, the existing tower?

6 MIKE CONDIT: Yeah.

7 MICHAEL THIEL: You don't have a lease
8 at all? They don't pay you anything?

9 MIKE CONDIT: No. It was done before my
10 dad passed away so I could not find -- all I could
11 find is the easement.

12 MICHAEL THIEL: So is this an active
13 tower? That would be very old technology.

14 And to your point, whether there would
15 be a new tower.

16 SEBASTIEN BERNAERT: They would have to
17 come back in front of the Board if they want to
18 build the tower.

19 MICHAEL THIEL: But if they own that
20 versus lease, would that change the requirement?

21 SEBASTIEN BERNAERT: If they add on to
22 that tower? That's hard for me to know if it's
23 going to add on.

24 DONALD DICKE: If that tower comes down

1 and they erect a new tower, it would come before
2 the Board. If they want to add on to the tower,
3 we're not certain that approval from the Zoning
4 Appeals Board would be necessary.

5 ELLEN ANDRES: Can we have, like, a
6 broken down, layman terms --

7 THE STENOGRAPHER: I need your name.

8 ELLEN ANDRES: -- from the Board?

9 What is AEP trying to purchase?

10 SEBASTIEN BERNAERT: Right now, they're
11 trying to purchase the land where there's already
12 an existing tower. There is a telecommunication
13 tower there.

14 ELLEN ANDRES: That's currently on the
15 Condit property?

16 SEBASTIEN BERNAERT: It's owned by
17 Mr. Condit.

18 ELLEN ANDRES: Okay.

19 SEBASTIEN BERNAERT: They want to own
20 the land where it's sitting on. They haven't
21 requested to build a new tower or anything. They
22 just want to do a lot split.

23 In order to do a lot split, they have to
24 come in front of this committee because I cannot

1 grant a lot split because they need variances.

2 That's basically what's going on.

3 ELLEN ANDRES: And they want to do the
4 lot split because they want to put new
5 infrastructure in?

6 They don't want to pay for something
7 that they don't have ownership of.

8 MIKE CONDIT: Correct.

9 SEBASTIEN BERNAERT: This is information
10 I also did not get, that they wanted to have a new
11 bridge. That was never relayed to me. But
12 apparently they want to put in a new bridge, and
13 that's why they want to purchase the land.

14 KEITH HOLEWINSKI: Is there anything in
15 the zoning that we would need to approve for that
16 variance?

17 SEBASTIEN BERNAERT: I mean, as long as
18 the bridge -- they can own the land and they can
19 still come in front -- they will still have to
20 contact me if they want to put that bridge on. I
21 mean, that would be another case. That is not for
22 this case. Right now, they want to do a lot
23 split; they want to own the lot.

24 KEITH HOLEWINSKI: Now, is what is being

1 requested of the split, is that representative of
2 the current easement? Is it more or less?

3 SEBASTIEN BERNAERT: Say the question
4 again.

5 KEITH HOLEWINSKI: What's being
6 requested for the lot split, is this an accurate
7 representation of the easement?

8 DAVID SANFORD: I can answer that.

9 The parcel that's shown on that survey
10 is smaller than -- it used to be a 1.92-acre
11 easement that included a little more area than
12 that, and it included the area down to the river.

13 SEBASTIEN BERNAERT: So before, there
14 was an old road there, is that right?

15 DAVID SANFORD: Yeah. Old Route 42.

16 KEITH HOLEWINSKI: So if we grant this
17 1.077 acres, is there still an easement outside of
18 that?

19 DAVID SANFORD: No.

20 DONALD DICKE: There is still an access
21 easement.

22 KEITH HOLEWINSKI: Well, access
23 easement, but he's saying that there's an easement
24 of 1.9 acres, and they're only requesting a lot

1 split of 1.07.

2 Is that correct?

3 SEBASTIEN BERNAERT: You're talking
4 about in the past there was an easement.

5 This easement is not there anymore,
6 correct?

7 DAVID SANFORD: It's kind of ambiguous.
8 You see the deed record on that 20 foot
9 with --

10 DONALD DICKE: Is this Exhibit A?

11 DAVID SANFORD: Yeah. What is the page
12 with the easement there? Whatever that is.

13 Volume 641, Page 368. And in that
14 document, on the front page, it describes a
15 20-foot ingress/egress easement, but on the last
16 page -- that was shown in Exhibit A. On the last
17 page in Exhibit A, it shows the 20-foot strip, but
18 it also shows a description for a 1.92-acre
19 easement. However, nothing on the front page
20 indicates that there's a 1.92-acre easement. It
21 just shows it on the exhibit and it describes the
22 metes and bounds of varying distances.

23 DONALD DICKE: So is there a discrepancy
24 at the recorder's office?

1 DAVID SANFORD: Maybe. But I think that
2 the fact that it's actually shown on Exhibit A
3 gives them the easement itself.

4 DONALD DICKE: What I -- and my caution
5 with all of this is I don't want us as a Board to
6 approve a lot split that splits off a portion and
7 then there's some existing overlaying easement on
8 the property. I would prefer, if we were going to
9 take action, that we solve what sounds like may be
10 a problem, that they're using land that they're
11 not paying for, that you don't have access to.

12 MIKE CONDIT: All they've used for the
13 last whatever, 30 years, is just where the tower
14 sits.

15 DONALD DICKE: Sure.

16 MIKE CONDIT: I mean, they just go to
17 the tower and open the gate. Yeah.

18 DONALD DICKE: So I guess if an easement
19 had been abandoned for that long, would the
20 easement still -- I don't know the specifics on
21 the real estate law, but I know that there is some
22 statute that if it's not being utilized, it would
23 revert back to the landowner. And if that portion
24 of that easement -- I kind of want a little more

1 clarification regarding --

2 KEN WALTON: When I bought that
3 property, was that before the tower or not? I
4 don't remember.

5 Do you know when I bought the property?

6 DONALD DICKE: We would have to look on
7 the county auditor's site.

8 KEITH HOLEWINSKI: So on Exhibit A, or
9 C, the boundaries with the L1 through 10, is that
10 fenced-off area currently?

11 DAVID SANFORD: It's not. There is a
12 fence for the tower inside that area, but it's not
13 shown on this plat.

14 KEITH HOLEWINSKI: Okay. So this is a
15 greater size than what --

16 DAVID SANFORD: Yeah.

17 KEITH HOLEWINSKI: -- the tower is on?

18 DAVID SANFORD: Right. There is the
19 fence inside that area.

20 SEBASTIEN BERNAERT: You can always
21 request -- have a motion to table. I mean, if
22 they're not sure, that's --

23 KEITH HOLEWINSKI: I'd like --
24 personally, I'd like to see what the easement is.

1 DAVID SANFORD: The easement is shown on
2 there. But the 20-foot access easement is what
3 is -- the 1.92 that I mentioned is just shown on
4 the Exhibit A at the -- on the last page of the
5 easement but doesn't -- it doesn't say the
6 easement is for --

7 KEITH HOLEWINSKI: Let me ask. Are
8 there two easements? Is there one easement to get
9 from Walton Road to get all the way back there and
10 then another one that the tower sits on?

11 DAVID SANFORD: No.

12 KEITH HOLEWINSKI: That's what I'm
13 trying to understand, what the tower sits on.
14 What property -- who owns --

15 DAVID SANFORD: It's kind of hard to
16 explain without a visual showing what's going on.

17 DONALD DICKE: Ms. Skinner, do you have
18 something you would like to add?

19 CONNIE SKINNER: I do.

20 Connie Skinner.

21 Just -- I try to stay out of this stuff
22 because I'm a township trustee. But trying to
23 clarify things, if AEP was purchasing 2 acres, we
24 wouldn't be here at a variance hearing, correct?

1 It would just be a normal sale lot split. But for
2 whatever reason, either AEP doesn't want 2 acres
3 or you don't want to sell them 2 acres,
4 Mr. Condit?

5 MIKE CONDIT: Well, 2 acres would go
6 outside of the waterway.

7 CONNIE SKINNER: Okay.

8 MIKE CONDIT: And with the waterway
9 maintenance, it's -- we just thought it would be
10 best if we kept it.

11 DAVID SANFORD: And 2 acres goes into
12 his cultivation.

13 CONNIE SKINNER: Yes. So me being a
14 farmer as well, I would rather not sell 2 acres
15 out of my farm field. I would want to sell as
16 little as possible.

17 So I think that's why we are here. And
18 I may not have all of my facts on the easements,
19 but if one party wants the easement to end, I
20 believe there's a legal process there where
21 there's notarized letters and stuff at the
22 auditor's and recorder's office.

23 If none of that is on file, then I
24 believe that easement still stands so that AEP can

1 still get back there and the farmers can still get
2 back there. I think.

3 I just wanted to clarify that. The
4 easement is just to get back to the tower. That's
5 the easement part. It's a shared -- like a shared
6 drive between the farmers and AEP. That's the
7 easement. The 1.77 or 077 -- I'm sorry, I don't
8 remember what it is -- AEP is just trying to
9 purchase that so that they can do whatever they
10 want on that land. Not whatever they want, but
11 fix the bridge.

12 MIKE CONDIT: Correct.

13 CONNIE SKINNER: Access the tower, and
14 they legally own it rather than lease, although I
15 wish you had been getting compensated all these
16 years.

17 KEITH HOLEWINSKI: Connie, that's where
18 I'm confused. The tower is sitting on property
19 that evidently is not an easement and is not being
20 leased. It's just there.

21 DAVID SANFORD: I'm sure AEP is going to
22 pay a pretty penny --

23 THE STENOGRAPHER: I can't hear you,
24 sir.

1 DAVID SANFORD: I'm sure AEP is going to
2 financially take care of them, as far as above and
3 beyond what a 1-acre parcel is going for.

4 DONALD DICKE: Yes, ma'am. Please state
5 your name, please.

6 LORI WALTON: Lori Walton.

7 DONALD DICKE: Thank you.

8 LORI WALTON: I'm as confused too. If
9 there's a trust involved, then what's the legal?
10 It sounds like -- I technically still don't even
11 know what you're voting on. Is there --

12 DONALD DICKE: So there's a minimum lot
13 size requirement in Brown Township.

14 LORI WALTON: But they're talking about
15 sale. So, like, where does that involve that?

16 DONALD DICKE: So we would need to
17 grant -- we're going to be granting Michael
18 Condit, Robert Condit, and Judy Steinke, the
19 cotrustees, we're going to be granting them the
20 ability to separate this 1.077-acre lot from the
21 rest of that parcel. So this simply allows them
22 to separate that, and then they can figure out a
23 sale price with AEP, or not even sell it to them.

24 My -- my main concern -- yeah, there's

1 some stuff that still seems a little gray, but the
2 spirit of why they are here is they are requesting
3 relief from the minimum lot area.

4 There's also not -- there is lot
5 frontage requirements that are not met because it
6 has no frontage, nor is there a common access
7 drive that has been created. So we are offering
8 relief from the minimum lot area, as well as the
9 lot frontage, and this is granting to the Condit
10 family trustees, the cotrustees of the property.
11 And then I believe it would be between them and
12 AEP to figure out a purchase price that works for
13 all of them, which, you know, that's between them.
14 That's not for us to decide. Our job as a Zoning
15 Appeals Board is to hear appeals from our current
16 zoning code.

17 So the lot size is one, and then the lot
18 frontage is the other one.

19 Is there anything that would prohibit
20 this lot from -- not that anybody would want to
21 live next to the railroad tracks, but down the
22 road, AEP decided that we don't want to have the
23 tower there anymore and then somebody coming in
24 and wanting to build a single-family residence

1 there?

2 SEBASTIEN BERNAERT: Technically, that
3 is possible, I mean, in the far future. But then,
4 I mean, they would have to come again in front of
5 the Board because there will be a whole list of
6 variances that will have to be requested.

7 DONALD DICKE: Right.

8 SEBASTIEN BERNAERT: And then there's
9 another hearing for that.

10 DONALD DICKE: It would come back before
11 the Board.

12 SEBASTIEN BERNAERT: That would be in
13 the future if that ever would happen.

14 DONALD DICKE: Do you have another
15 question, Ken?

16 KEN WALTON: I'm wondering how do you
17 classify the lot if the tower's on it, whether
18 it's light commercial or what?

19 DONALD DICKE: It's still FR-1. So it's
20 not going to change the zoning of the lot itself.
21 We are simply granting relief from our current
22 zoning ordinances.

23 SEBASTIEN BERNAERT: FR-1 districts
24 allows telecommunication towers.

1 KEN WALTON: You already answered the
2 question about it could be transformed into
3 residential. But now how about the access to it?

4 SEBASTIEN BERNAERT: This is a
5 hypothetical question. This is maybe far in the
6 future this could happen, but this is not what's
7 going to be voted on today or anything.

8 KEN WALTON: But what if they did want
9 to and they can't get to it?

10 SEBASTIEN BERNAERT: They have an
11 easement. Like, even if that lot could still hold
12 that easement, potentially later on there could be
13 a house on it. I don't see that happening.

14 KEN WALTON: So normally on a road, it's
15 basically somewhere around half.

16 SEBASTIEN BERNAERT: Say that again?

17 KEN WALTON: If two owners own on each
18 side of the road, they own pretty much half the
19 road.

20 SEBASTIEN BERNAERT: It's not a road.
21 It's an easement.

22 MIKE CONDIT: It was a road. It was old
23 State Route 42.

24 SEBASTIEN BERNAERT: Yes.

1 KEN WALTON: So this is where I'm
2 questioning, where is --

3 SEBASTIEN BERNAERT: And there is a
4 third owner that also has to have access to that
5 easement, which is AEP.

6 KEN WALTON: Sure. That's what I'm
7 trying to figure out. I'll have to look at my
8 deed, whether -- you're saying I gave them an
9 easement, or somebody did. The person before me
10 probably.

11 SEBASTIEN BERNAERT: The easement has
12 been recorded and apparently AEP has access to
13 that back lot through that easement.

14 MICHAEL THIEL: So they purchased the
15 property in 2000, and there's a transfer of sale
16 from the auditor in '08.

17 I looked it up on the auditor's site, if
18 that helps.

19 KEN WALTON: Okay.

20 MICHAEL THIEL: AEP purchased in 2000.
21 I don't know when the tower went up.

22 MIKE CONDIT: I did not realize that
23 part of the easement was on their property. I --

24 DAVID SANFORD: Yours is on your

1 property. They have their own 10-foot easement
2 for their property.

3 MIKE CONDIT: They have an easement with
4 AEP?

5 DAVID SANFORD: Yes.

6 MIKE CONDIT: And it's recorded?

7 DAVID SANFORD: Yes.

8 KEN WALTON: I never signed an easement.
9 That's why I'm asking when I bought it --

10 DAVID SANFORD: I would have to look at
11 the date on the easement to see when you bought
12 the land. But it does show the easement, whether
13 it was before you or after you.

14 CHARLIE MILEY: Charlie Miley.

15 That tower has been there 30 years.
16 Because I wasn't on the Board when they did that.
17 My wife was. And I think all three of those
18 towers were built before 2000.

19 DONALD DICKE: So access easements
20 aside, let's get back to why we are here. And we
21 are here for the request for relief from the
22 minimum lot area and the lot frontage. And this
23 would create a lot that is not changing the
24 zoning. This is creating a separate lot for the

1 Condit family cotrustees that would then
2 potentially enable them to, quite frankly,
3 monetize this land they are not allowed to
4 currently use. They cannot sell it. They cannot
5 do anything other than let AEP sit there and
6 utilize the space.

7 SEBASTIEN BERNAERT: Do you mind in the
8 language, like, literally saying the 1.077 acres
9 that's recorded?

10 DONALD DICKE: Certainly. Yeah. When
11 we make a motion to approve or deny, we'll be sure
12 to include that.

13 So the property in question yielding
14 reasonable return or whether there can be any
15 beneficial use of the property without the
16 variance.

17 Without the variance, it's going to
18 continue to operate as a tower. With the
19 variance, it gives the Condit family and
20 cotrustees an opportunity to monetize that by
21 selling that property to AEP.

22 The variance, whether it's substantial
23 or not, no, it's not substantial, is how it was
24 answered in the questionnaire.

1 DAVID SANFORD: Excuse some of my
2 ignorant answers on those questions. I wasn't
3 really understanding.

4 DONALD DICKE: It's fine. And I
5 don't -- for the use that is of the lot, I don't
6 feel like it is a substantial request. It's
7 utilizing -- it sounds like keeping within the
8 waterway.

9 You maintain the waterway?

10 MIKE CONDIT: Yes.

11 DONALD DICKE: I mean, you're
12 maintaining all of this. If we grant this
13 variance, you're still maintaining all of it. It
14 is all still staying in your name and AEP is
15 continuing to operate their tower on there.

16 I don't feel that it is substantial. I
17 don't know if anybody else on the Board feels
18 otherwise.

19 The essential character of the
20 neighborhood, would it be substantially altered,
21 and whether adjoining properties or comprehensive
22 plan for the community will suffer substantial
23 detriment as a result of the variance. You know,
24 it's already telecommunications tower site.

1 KEN WALTON: Does that lot include the
2 bridge that you're trying to --

3 DONALD DICKE: Yes.

4 KEN WALTON: Okay. It needs
5 maintenance. So that bridge would have to go
6 through Soil & Water Conservation.

7 DONALD DICKE: Certainly. All
8 appropriate county agencies, and if there were
9 state-level agencies as well -- I don't know if
10 Army Corps of Engineers gets into that. But, yes,
11 all of those requirements would have to be
12 satisfied to do any work on that bridge. Our
13 Board has no saying on what happens with that.
14 That is for the appropriate agencies.

15 CHARLIE MILEY: Railroad's got a say on
16 that.

17 DONALD DICKE: Railroad's got a say on
18 everything.

19 CHARLIE MILEY: I think it runs under
20 the railroad tracks. Some place right in there.

21 DONALD DICKE: Yeah.

22 KEN WALTON: Is AEP going to pay for
23 whatever they're trying to do with the bridge or
24 not?

1 DONALD DICKE: I don't know.

2 KEN WALTON: If it's under maintenance,
3 then everybody in the watershed pays the
4 maintenance fee for that bridge.

5 MICHAEL THIEL: That usually is to keep
6 everything clear for the tiles.

7 KEN WALTON: That's one way of looking
8 at it.

9 MICHAEL THIEL: They don't maintain
10 bridges.

11 KEN WALTON: No, they don't maintain
12 bridges. But they can tie into for whoever is
13 paying for the maintenance.

14 MICHAEL THIEL: For the bridge?

15 KEN WALTON: I'm not sure about how.

16 MICHAEL THIEL: Just keeping it clean.

17 DONALD DICKE: I think we're getting a
18 little outside of the variance request here. I'm
19 really trying hard to keep us focused on the
20 variance. I know there's a lot of other things
21 that tie into this, and I'm confident that the
22 appropriate agencies will be looped in. I'm
23 confident that Sebastien will stay on top of all
24 of this as well.

1 Is the variance going to adversely
2 affect the delivery of governmental services?

3 No. I mean, there's really no
4 government services that are taking place there
5 currently.

6 Did the property owner purchase the
7 property with the knowledge of the zoning
8 restriction?

9 I think that's a clear no. It sounds
10 like we're all learning a few things about these
11 properties tonight.

12 Feasibly could be obviated through some
13 other method other than a variance.

14 And no, it cannot. The owner of the
15 land is not able to sell the land without the
16 variance being granted.

17 And then the spirit and intent behind
18 the zoning requirement would be observed and
19 substantial justice done by granting the variance.

20 I think there would be substantial
21 justice being done by granting the variance, and
22 that justice would be by allowing the Condit
23 family to modify the property and its use.

24 Are there any questions from the Board

1 on this?

2 Again, I know this is a pretty unique
3 one. I think I've been on the Zoning Appeals
4 Board for five or six years, and I've never seen a
5 request like this come through. It's typically
6 for relief for setbacks and things like that.
7 I've never had to deal with a telecommunications
8 tower before.

9 KEN WALTON: You're taking a plot of
10 land and saying okay, go ahead and sell it. You
11 obviously don't care about the easement. That's
12 out of your jurisdiction. That seems kind of
13 weird.

14 MICHAEL THIEL: The easement is there
15 already.

16 DONALD DICKE: The easement is in place
17 already.

18 KEN WALTON: If I have part of that
19 easement, I don't get any benefit of it.

20 SEBASTIEN BERNAERT: The easement is not
21 being sold.

22 KEN WALTON: The lot is being sold. And
23 in order to get to that lot right now is through
24 me.

1 SEBASTIEN BERNAERT: The best thing to
2 do is probably contact AEP and see what you can
3 arrange with them.

4 KEN WALTON: Can I get a copy of the
5 survey?

6 DONALD DICKE: Sure. We're happy to
7 give you one of these tonight. For sure.

8 And I would think that you would --
9 yeah, we'll get you a copy of the survey. And
10 then the recorder's office, I would hope, has
11 copies of the easement that exists.

12 MICHAEL THIEL: It's like mineral rights
13 and things like that would have been sold off
14 years ago. I'm using that as an example. There's
15 a lot of easements. If you look at all of the
16 easements on a property when you buy it, it's
17 pretty substantial.

18 DONALD DICKE: My main apprehension to
19 approving a lot of this size would be that it
20 would be built on potentially as a single-family
21 home in the future. But hearing from our zoning
22 inspector, if that were going to happen in the
23 future, that they would have to request relief
24 from -- there would be a whole slew of -- they

1 would have to come back before the Zoning Appeals
2 Board to try and build a single-family residence
3 on that property.

4 Does anybody else have any questions?

5 Sebastien, do you have any further input
6 regarding this?

7 SEBASTIEN BERNAERT: No.

8 KEITH HOLEWINSKI: I think the only
9 comment I have is if we do approve this, there is
10 no guarantee of sale, right?

11 SEBASTIEN BERNAERT: That's correct.

12 DONALD DICKE: That's correct. We are
13 simply creating a separate lot. So it's taking
14 the parcel that is currently --

15 SEBASTIEN BERNAERT: We're not even
16 making the separate parcel.

17 DONALD DICKE: Right. We're allowing
18 for it to happen. We are saying the township says
19 that this can happen, and then things still have
20 to move forward with the county.

21 KEITH HOLEWINSKI: Just giving them the
22 ability.

23 DONALD DICKE: That is correct.

24 PAUL SCHEUTZOW: And if it is denied,

1 they come back and sell 2 acres, right, and that
2 would be --

3 DONALD DICKE: It still would not be --
4 it would be conforming lot size, but it would
5 not -- be nonconforming with the frontage because
6 there would be no frontage.

7 PAUL SCHEUTZOW: But you would still
8 have an easement through their property.

9 DONALD DICKE: Correct. They would
10 still have to -- even if they changed it and said
11 they wanted to do a 2-acre lot, they would still
12 have to come before this Board to request -- to
13 request a variance for the lot frontage because
14 there would be no road frontage.

15 PAUL SCHEUTZOW: So building a house
16 there in the future, you still don't have
17 frontage, right?

18 DONALD DICKE: Correct.

19 SEBASTIEN BERNAERT: Correct.

20 DONALD DICKE: So if it ever changed use
21 from a telecommunications tower, if somebody did
22 want to build something else there, they would
23 have to come back before the Board.

24 SEBASTIEN BERNAERT: The lot

1 requirements would not be -- would not need a
2 variance, but because where the house is going to
3 be built, the house sits so far from lot lines,
4 that would need variances.

5 The lot itself, I cannot state
6 anything -- like, I cannot say anything about the
7 size of the lot at that point because the lot is
8 in existence.

9 DONALD DICKE: Connie, does the township
10 have any ...

11 CONNIE SKINNER: Any concerns?

12 DONALD DICKE: Yeah.

13 CONNIE SKINNER: I will just state,
14 landowner rights. It sounds like the owner of the
15 land is wanting this -- unless I'm reading it
16 wrong.

17 MIKE CONDIT: Correct. I mean ...

18 CONNIE SKINNER: And the owner of the
19 land does not want to give up more than he needs
20 to give up. He only wants to give up the tower
21 space with the 1.077 or whatever, so ...

22 KEITH HOLEWINSKI: So why is this so
23 large?

24 Go ahead.

1 MIKE CONDIT: My question is where is
2 the property line at the bridge? Is AEP wanting
3 to purchase some of their property?

4 DAVID SANFORD: No. They just want to
5 purchase on your side.

6 MIKE CONDIT: So the property line --

7 DAVID SANFORD: It runs right on the
8 east side of the bridge, basically.

9 SEBASTIEN BERNAERT: You can see it.

10 KEITH HOLEWINSKI: So I think --
11 Mr. Condit, so the bridge solely lies on his
12 property? If we approve this, if Mr. Walton has
13 the other half of the bridge, are we going to have
14 to go through this again?

15 DAVID SANFORD: No. Because they're not
16 going to -- if there's any portion of the bridge
17 that's on his lot, it's covered by the easement --
18 10-foot easement.

19 KEITH HOLEWINSKI: But what I'm
20 understanding from you is AEP is willing -- since
21 they don't own the property, they're not willing
22 to replace the bridge.

23 DAVID SANFORD: I don't know. That's
24 the first time hearing about that from Mr. Condit.

1 I haven't heard that they want to replace the
2 bridge.

3 KEITH HOLEWINSKI: Okay.

4 (Overlapping conversations.)

5 SHANE ASKINS: This is Condit's lot.

6 This is Walton's lot. So the bridge --

7 DONALD DICKE: I'm going to -- I'm going
8 to redirect the Board that, yes, there's a bridge
9 that's in question, but it has no bearing
10 whatsoever on the variance request that's being
11 requested tonight.

12 I know. And I'm curious too. But it
13 sounds like we may not have definitive answers
14 about exactly where the bridge lies, where that
15 property line is. Where you see this 1.077-acre
16 proposed lot is directly -- the west property line
17 of that lot is on the lot line for the Condit
18 family parcel. It does not encroach any on the
19 Kenny and Lee Ann, LLC property.

20 So this is simply for minimum lot area
21 and the lot frontage for this lot.

22 Yeah, it's easy to go down the rabbit
23 hole and start asking questions about, you know,
24 all kinds of stuff and just start talking about

1 Indiana bats and things like that before too long.

2 Does anybody want to make a motion to
3 approve or deny the proposed variance request for
4 relief from the minimum lot area and lot frontage
5 and the creation of a 1.077-acre lot?

6 PAUL SCHEUTZOW: I make a motion to
7 approve the variance.

8 DONALD DICKE: Very good.

9 Do we have a second?

10 SHANE ASKINS: I will second.

11 DONALD DICKE: All right. Can we get a
12 roll call, please.

13 SEBASTIEN BERNAERT: Definitely.

14 Mr. Askins?

15 SHANE ASKINS: Yes.

16 SEBASTIEN BERNAERT: Mr. Scheutzow?

17 PAUL SCHEUTZOW: Yes.

18 SEBASTIEN BERNAERT: Mr. Holewinski?

19 KEITH HOLEWINSKI: Yes.

20 SEBASTIEN BERNAERT: Mr. Thiel?

21 MICHAEL THIEL: Yes.

22 SEBASTIEN BERNAERT: Mr. Dicke?

23 DONALD DICKE: Yes.

24 Thank you, everybody, for staying with

1 us through that. And I wish it would have been
2 easier, but we got there.

3 And any further questions regarding
4 easements, I would highly recommend reaching out
5 to the recorder's office. They're great to work
6 with. And, like I said, hopefully they have
7 copies of all of that information.

8 KEN WALTON: The survey, I would just
9 like to look at that.

10 DONALD DICKE: Here. You can actually
11 have that. We've got a couple more copies
12 floating around here.

13 All right. We are on to other business.

14 Do we have any other business?

15 SEBASTIEN BERNAERT: We don't have any
16 other business.

17 (Audience conversations.)

18 SEBASTIEN BERNAERT: Sorry. Can we just
19 finish up the meeting?

20 DONALD DICKE: All right. We have no
21 other business. Very well.

22 I will make a motion to adjourn the
23 meeting.

24 Yes, sir?

1 KEITH HOLEWINSKI: (Inaudible.)

2 THE STENOGRAPHER: I can't hear you,
3 Keith.

4 SEBASTIEN BERNAERT: Sorry. There is
5 one thing.

6 You still need to approve the minutes.

7 DONALD DICKE: We approved that.

8 SEBASTIEN BERNAERT: Oh, you did?

9 DONALD DICKE: We did.

10 I guess we should have discussed this
11 during the organizational part.

12 Generally speaking, we like to reserve
13 the second Wednesday of every month at 7:00 p.m.
14 We generally have sort of a standing meeting. If
15 we have applications for variance is when we will
16 generally have our meetings.

17 So we do try to keep the second
18 Wednesday of every month open at 7:00 p.m. for
19 variance hearings when we have them. This is our
20 first of the year, so here we all are.

21 Very good.

22 I will move to adjourn the meeting. It
23 is 8:07 p.m.

24 Can I get a second?

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MICHAEL THIEL: Second.

DONALD DICKE: All in favor please say
aye.

(All say aye.)

DONALD DICKE: All opposed, nay.

(No response.)

DONALD DICKE: Hearing none, the meeting
is adjourned.

Thanks for being here, everybody.

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Thereupon, the proceedings of May 14,
2026, were concluded at 8:07 p.m.

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CERTIFICATE

I, Sara S. Clark, RMR/CRR/CRC, a Notary Public in and for the State of Ohio, do hereby certify that I reported the foregoing proceedings and that the foregoing transcript of such proceedings is a full, true and correct transcript of my stenotypy notes as so taken.

I do further certify that I was called there in the capacity of a court reporter, and am not otherwise interested in this proceeding.

In witness whereof, I have hereunto set my hand and affixed my seal of office in Delaware, Ohio, on this 2nd day of June, 2026.



Sara S. Clark, RMR/CRR/CRC
Notary Public, State of Ohio

My commission expires: March 10, 2028