

Bainbridge Township, Ohio  
Board of Zoning Appeals  
October 18, 2018

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:00 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Michael Corcoran, Alternate; Mr. Ted DeWater; Mr. Joseph Gutoskey and Mr. Mark Murphy. Mr. Todd Lewis was absent. Ms. Karen Endres, Zoning Inspector was present.

Mr. Lamanna welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals, explained the public hearing process and swore in all those who intended to testify. He let the record reflect that everyone had been duly sworn in.

Application 2018-44 by Rick Turner, Diamond Z. Engineering for True North Energy LLC for property at 8501 E. Washington Street (Shell Station)

The applicant is requesting a review and renewal of an existing conditional use permit for a gas station with convenience store and car wash. The property is located in a CB District.

Mr. Rick Turner of Diamond Z. Engineering was present to represent this application.

Mr. Turner testified that he represents True North Energy on development and zoning and building permit applications and they asked him to come and present this case. He said when Ms. Endres notified us that we were over our five years for the renewal of this conditional use he thought there wouldn't be any issues and he took a quick drive by the site and didn't see any but the most glaring one is the tent out at the entrance to the carwash and she also noticed some other items that were on the site, propane, firewood and an ice chest in the front of the building and a couple of signs, one was on the yard light and two are at the entrance to the carwash so there are some things that needed to get addressed in addition to some debris that was in the bushes behind the dumpster location. He said although it looks very good from the street there were things that we needed to address so he went back and talked to True North about it and they said they don't need the sign on the yard light, get rid of that, obviously we don't need trash and debris behind the dumpster, get rid of that, they took care of that. He said in looking at some old photos we saw that the wood and the propane were there in 2008 which was before the last meeting which was in 2012. He said the ice machines or ice chests that were on the front of the building were not there in 2008 although in talking to the dealer at the site he said he would like to compete with everybody else and it seems like everybody else has those outside items so they wanted to bring that to the board to see if there was some way in making those items be able to stay. He said as for the tent, the dealer said that tent allows him to stay open longer, it protects the entrance of the carwash in the winter months, it is bolted down and has been there for several years, he knows Ms. Endres showed an aerial from 2013 so it has been there for five years.

Mr. Lamanna asked if it is actually increasing the lot coverage.

Mr. Turner said the water that is coming off of that is going onto the landscaping. He said he was surprised because when he took that quick drive by he didn't see it, it is all hidden behind the building.

Mr. Gutoskey said the roof is draining on the grass.

Mr. Lamanna said the actual increase in any lot coverage is in the single digit square footage. He asked if there are any building department issues.

Ms. Karen Endres, Zoning Inspector testified that she contacted the building department and they said they would not inspect a tent of that size, that is something that they don't want to get involved with.

Mr. Lamanna asked if they should have gotten a building permit to put it up.

Ms. Endres said they would have needed a zoning permit when it went up.

Mr. Lamanna said right.

Ms. Endres said she doesn't think they would need a building permit but what would happen is once she issues a zoning permit, the zoning permits are then sent to the building department so they are aware of any permits she issues and she always recommends to the applicant that they contact the building department to check to see if a permit is needed. She said for example, currently right now, sheds smaller than a certain number of square feet don't require a building permit but she is not the one telling the applicant that they don't have to get a building permit, they are told to check with the building department.

Mr. Lamanna said even though the board goes ahead and approves this as a modification, they may still have to make their peace with the building department.

Ms. Endres said she always tells people to check with the building department but based on what she heard they probably won't require a permit.

Mr. Lamanna said they probably should formally follow up with them and get something that says this is okay, otherwise if somebody looks at this thing they are going to have a possible gap in the record and somebody may ask why there is no building permit for this structure and if for whatever reason somebody is doing some refinancing or something like that, these things can come out of nowhere then you are scrambling around trying to straighten it out more years down the line, if you get it done now there is a letter in the file that says this doesn't require it and then you are set and won't end up with a problem in the future and we are seeing this more and more that people are coming in because they are refinancing and doing whatever and find out their property is not in compliance, they come here for a variance so he tries to impress upon people that it is in their best interest to make sure everything is in order because chances are somebody is going to look at it at some point in time along the way, if somebody is selling or leasing or doing some other financial transaction, they are being much more careful about these things now than in the past and it is a pretty easy thing to take care of.

Mr. Turner said he will talk to the building department about that. He said the other item that Ms. Endres identified was signage and he went out and did a survey of all the signs on the site, adding everything up including two times the ground sign, he came up with 138 sq. ft. and then window signs are not included in that number, he measured all of those and there are another 24 sq. ft. for those. He asked if those are supposed to be included in the square footage.

Ms. Endres replied yes.

Mr. Turner said if you add those together it comes to 162 sq. ft. and he believes he saw on the overhead that 141 sq. ft. is allowed.

Ms. Endres said there was a variance granted in 2012 to allow for 141 sq. ft. of signage. She said the signs Mr. Turner mentioned may not have been addressed in that hearing but when they made the appeal at that time they came up with 141 sq. ft. of signage that was granted.

Mr. Gutoskey said usually what happens is we will approve the signage and then they add signs to the windows that were not in the original approval.

Mr. Turner said that is what looks like happened in this case.

Mr. Lamanna asked if that counts the "carwash open" sign.

Mr. Turner said yes and it also counts the "carwash" directional signs on the other side of that driveway. He said interesting to note, those were there in 2008 also.

Mr. Lamanna said the "carwash open" sign is clearly a directional sign.

Mr. Turner said the “carwash open” sign is more of a status sign, “carwash open” and “carwash closed”.

Mr. Lamanna said he could see not counting this sign, it is more directional in nature, it is saying we are either open or not open otherwise you have people pulling in and they get in there and find it is not open so you don’t want people backing out of there.

Mr. Gutoskey said if you take out the “carwash open” sign and a couple of carwash directional signs, what do you have.

Mr. Turner said the “carwash open” was 10 sq. ft., the directional was 3 sq. ft. so that comes to 13 sq. ft. and that brings it down to 149 sq. ft. versus 141 sq. ft.

Mr. Lamanna said they have to find 8 sq. ft.

Mr. Gutoskey said they have to decide which sign on the window they will want to remove.

Mr. Turner said they can take one of the window signs out or a couple of them out.

M. Gutoskey asked if the signs on the ice machine count as signs.

Mr. Lamanna said yes they do.

Mr. Turner said he did not count those.

Mr. Lamanna said the propane signs are definitely advertising signs.

Ms. Endres said Blue Rhino is the propane company.

Mr. Turner said as he recalls the ice machines have “ice” on both ends and “ice” on the front, he doesn’t know if it says the name of the company on the front but they definitely say “ice” on the front.

Mr. Lamanna said the board has generally let people have outside storage or propane because it is a fire hazard if you store it inside, he thinks everybody has been allowed to keep their propane outside. He said he thinks the board has also allowed ice machines outside just because of the nature of it, it seems to be a common thing to have it outside and it makes it easy because then they don’t have to have access to the store, he assumes somebody comes from the company and fills it up.

Mr. Turner said right.

Mr. Lamanna said again he thinks because of the nature of it, it makes some sense to have it outside. He said he thinks the board has cracked down on other people on the wood.

Ms. Endres said they are limited on how much space they can use and she thinks the GetGo station was limited on a certain number of square feet of sidewalk area for propane, wood and ice machines.

Mr. Turner said he thinks they have got two ice machines out front, they have two propane tanks and they have got one wood container, he doesn't know how big that wood container is but it looks fairly small. He said all of the signage that is on the Blue Rhino container seems to him they could have one sign and accomplish the entire message that you would need.

Mr. Lamanna asked if they usually keep the tanks inside, the only thing the board would like is to make sure that all of the tanks are locked up.

Mr. Turner said those are a couple of empty ones and he asked the manager why they were there and he said somebody dropped them off, they were moving and they didn't want them so they didn't take one from the inside to replace them so he thinks those will go away when he gets his next pick up.

Mr. Lamanna said we do not want to have propane tanks stored out in the open.

Mr. DeWater asked if the ice machines are on the side of the building at GetGo and BP.

Ms. Endres said she thinks they are on the north side.

Mr. Gutoskey said he thinks they are both on the north side.

Mr. Turner said the trash that is shown in the upper right hand picture is all gone.

Ms. Endres showed a photo of the side with the wood and the propane tanks.

Mr. Turner referred to the photo and said this side faces the street.

Mr. Lamanna said where the ice machines are now positioned, they are positioned behind the pumps and blocked from view, they are not right out there in the open.

Mr. Turner said they could get rid of one of those and half of the issue with the ice machines is gone.

Mr. Gutoskey asked if this should be tabled until they figure out what they want to do and figure out their signage.

Mr. Lamanna said they are going to have to get their signage into compliance, we are not changing it.

Mr. Gutoskey said but they need to figure that out.

Mr. Lamanna said they need to get into compliance and in this case we can renew it subject to them getting the signage back into compliance. He said he has no issue with the propane at all, it is a practical matter, there is no other way to go but ice machines, in most instances everybody else has ice machines outside as well, they are typically something that is outside so he thinks the board can allow those two as exceptions. He said regarding the wood, he is unhappy with the creeping, we have already given you two things outside, there is nothing particular that says the wood should be outside.

Mr. Turner said you probably would be inclined to have it outside but you might say why are you selling it at a gas station. He said he is glad that this station doesn't have a semi-tractor trailer full of mulch and trying to justify that.

Mr. Gutoskey said he doesn't have a problem with the propane or the ice but the wood, maybe if we lived in the middle of a city.

Mr. Lamanna said if you want to sell wood you have to sell it inside, if it is that important to you, we already have two propane things and two ice things so he thinks that is a pretty good waiver of the outside sales and he thinks the board is being pretty flexible on that and he thinks the board can live with the tent and although technically it has some lot coverage he would say that we are talking single digit square footage.

Ms. Endres said it is really too close to the lot line too so to keep things clean you should probably just recognize that it is constructed.

Mr. Gutoskey said if you look though it is probably not as close as the building, the building is pretty much on the property line.

Ms. Endres said yes she agrees.

Mr. Lamanna said technically an extension of something that needs a variance.

Ms. Endres said it is an expansion of a non-conforming structure.

Mr. Lamanna said it should be covered and specifically approved in it is location.

Mr. Murphy asked if there is any reason why the ice and propane can't both be on this end of the building and clear up the front sidewalk.

Mr. Turner said this view is a little bit deceptive, he thinks we had another view that showed it a little better where the dumpster is there so if you would put the propane and ice next to each other you wouldn't be able to get in there and get the dumpster door open.

Mr. Gutoskey asked if it is where outside sales are, whatever you can fit in there.

Mr. Murphy said this picture is from 2008 and the front of the building has no ice machines and the wood is in the front of the two propane tanks. He said there are a lot of people that park on that end of the gas station and people coming that way literally have to miss the ice machine as they are coming down that sidewalk from over there, there is a lot of traffic coming in and out.

Mr. Turner said if he is not mistaken they have an inside freezer where they sell small bags of ice out of and the outside ones are large bags.

Mr. Gutoskey said he would agree with Mr. Murphy, move them to the side with whatever you can fit that works and no more than two of each.

Mr. Lamanna said then you will have it all in that one area and it is really tucked out of the way and not even noticeable over there.

Mr. Turner said they could get one of them over there and maybe the way to go is keep one and put it on the back side of the building and get rid of the other one.

Mr. Murphy said you may sell more ice than propane, he doesn't care really which one you decide to get rid of.

Mr. Lamanna said we will give you the space as long as you put it on that side of the building, you can have up to two propane tanks and two ice machines but they have to be on that side of the building so you can figure out what you want to put there and get rid of the other one or you can put it inside somewhere.

Mr. Turner said they will give them that option. He said as far as the signage goes they will look at the signs that are on the site.

Mr. Lamanna said we won't count the "carwash open", entrance this way of that size, the existing signs, the board will treat those as directional signs but otherwise you need to come back and give the zoning inspector a revised tally of what stays and what is going.

Mr. Turner said in looking at what is on the propane tank, some of that may be safety messages and a lot of it probably isn't visible from the street.

Mr. Lamanna said warnings, hazards, that sort of thing, that is not counted.

Mr. Murphy said he wouldn't consider that signage any more than he would consider the ice that is written on the side of the ice machine, it is not signage, he doesn't see that as being signage.

Ms. Endres said she needs to be clear on what we are counting, so we are not counting propane and ice.

Mr. Murphy said he wouldn't.

Mr. Lamanna said if it just says ice but the name Blue Rhino is clearly advertising, if you just identify the propane, it is probably a good thing that it says propane but if you have brand names etc. He said all of the Blue Rhino signs would have to count.

Mr. Turner said and the name of the ice company, Home City Ice is what he seems to recall.

Mr. Lamanna said that would count but if it just says ice, the board won't count it.

Mr. Murphy asked if there are any neighbors here interested in this.

Since there was no further testimony, this application was concluded.

Motion BZA 2018-44 – 8501 E. Washington Street (Diamond Z. Engineering for True North Energy – Shell Station)

Mr. Lamanna moved to grant the applicant an extension of the conditional use permit for the operation of the gas station, convenience store and carwash. The following modifications will be made to this conditional use permit.

1. The board will allow a tent like structure that has been constructed at the entrance to the carwash in its current as-built location condition including a variance necessary with respect to the rear setback that extends along the similar setback line as the existing main carwash building. This is an open tent and does not affect the lot coverage in a manner that it is de minimis so it doesn't really need an adjustment to the lot coverage or adversely affect it.
2. The board will allow outside storage and sales, location point of sale, propane and ice only, the two propane cabinets and the two ice machines but all of them must be located along the west side of the convenience store building.

Motion BZA 2018-44 – 8501 E. Washington Street (Diamond Z. Engineering for True North Energy – Shell Station) - Continued

3. There appears to be some signage in excess of the variance granted to the site already of 141 sq. ft. and in examining this existing signage the board has determined that the existing carwash “entrance” sign and the carwash “open” sign will not be counted, they will be treated as directional signs as will the nominal identification signs as the nature of product “ice” or “propane” will not be counted on the ice machine and propane cabinets however any trademark or specific source identification will be counted.
4. The applicant will have three weeks to submit a revised list of signs to the Zoning Inspector for approval and the actual certificate will be issued after that has been completed.
5. This CUP will be renewed for a period of five years commencing with the date of the board’s November meeting when the minutes of this decision are approved.
6. Except as the board has specifically modified in this decision all of the other conditions and findings and requirements that have been previously applied to this conditional use and all general provisions for conditional uses set forth in the zoning ordinance will continue to be in full force and effect.

Mr. Gutoskey seconded the motion.

Vote: Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Murphy, aye.

Application 2018-45 by Frederick Henry for property at 18926 Highpoint Road

The applicant is requesting area variance(s) for the purpose of constructing a shed. The property is located in a R-3A District.

Mr. Frederick Henry was present for this application.

Mr. Henry testified that they just moved to Bainbridge about three months ago from Mantua and they purchased the house, he and his wife, and was planning for a permit to build an outbuilding to store yard materials. He said the garage they have now is a two-car garage with a third car garage set back and is barely big enough, he doesn’t think he can actually fit a car in it. He said they have lawn equipment etc. that they would like to store and the reason they want to build a garage there is because as you can see there is a drop off behind that deck back there and going around the side of the house is woods and rock and that is basically the only logical place at the end of the driveway where he might be able to build it and still have a driveway back to it where he can run the lawn equipment.

Mr. Henry continued by saying he has an antique tractor that he would like to put in it. He said the property line from his neighbor is, his house is basically to the north side of his lot so he doesn't think it is really going to affect the view to his backyard and will not be seen by the people behind us or off to the other side so he measured from the property line, he couldn't find a pin, there is a fence on his neighbor's property and measured in 20' and it would still give him the option to run a driveway back straight to it however 50' is what the zoning calls for and it would be too close to the deck in the back so basically that is the reason he is asking for a variance.

Ms. Karen Endres, Zoning Inspector testified that she thinks there was a question earlier about why the old setbacks don't apply to this particular property and that is because the house is new enough that the non-conforming language that allows for additions under the old regulations do not apply so what she has on the letter is accurate, it would be a 50' setback instead of 20'.

Mr. Lamanna asked what we have as a measurement from the corner of that pad to the lot line. He said we disagree by .7'.

Mr. Gutoskey said he scaled it at 35'.

Mr. Lamanna asked Mr. Henry if he is planning on getting this thing directly behind the pad or are you going to want to offset it from the pad.

Mr. Henry said it will be offset towards the middle of the pad from that white space and he thinks he measured from the corner back 20'.

Mr. Murphy asked if he is just going to drive across the lawn or if he is putting a driveway in.

Mr. Henry said it will be a gravel drive but he hasn't decided.

Ms. Endres said he is okay on lot coverage but she did not factor in a driveway but a small driveway shouldn't put him over.

Mr. Murphy said if he is thinking of a gravel driveway that is actually lot coverage and we could put that in now while you are here. He said one of the things we have tried to do is try to put sheds behind the house, it is not like you are on Rt. 306 where you have a lot of traffic going past looking at it but one of the reasons being rather than looking up somebody's driveway and there is a shed and another shed and another shed and one of the zoning issues is that they said that you should attempt to hide the shed at least behind the shadow of the house but he doesn't think this lot really lends itself to that.

Mr. Henry said behind the house is a drop off.

Mr. Murphy said this is a 12' x 20' but what we are seeing from the road are garage doors.

Mr. Henry said it would be the garage doors.

Mr. Murphy said he would turn it, if you are going to do something as pretty as that.

Mr. Henry said it is the same color as the house and his whole idea is to do it the same color as the house with a brown roof.

Mr. Murphy said again, looking at the garage doors versus looking at a decorated window, he would rather it be turned the other direction, he would rather see the 20' version from the street which looks a lot prettier than the 12'.

Mr. Gutoskey said it would help with the grade too.

Mr. Lamanna said it also doesn't look as big to the neighbors.

Mr. Gutoskey said if you turn it you don't have to fight the grade as much building the pad.

Mr. Murphy said if you plan on doing windows and decorative trim the way that picture shows.

Mr. Henry said that is what they are planning. He said they had one where they moved from and the reason they bought the house in Mantua is because the building looked the same as the house and if he is going to do it, it will be the same here.

Mr. Murphy asked if there are any interested neighbors here for this application.

Mr. Lamanna asked Mr. Henry how far back from the pad he is thinking of coming with the location of this building.

Mr. Henry said he measured back there to 20' in so it will be about here (he referred to a site plan) and showed where the drop off is. He said he wanted to put it back basically as far as possible so it would be more out of the way. He said also by putting it back the snow won't be plowed right in front of it.

Mr. Lamanna said you will be back about 15' so it probably will not be an issue.

Mr. Gutoskey referred to the site plan and said the drive ends right here so this is all grass.

Mr. Lamanna said what he was looking at is if we can try to keep it no closer than the existing driveway which looks like about 35' so it is no closer than your existing driveway.

Mr. Henry said that would keep it down here basically.

Mr. Lamanna said it would be over a little more but you are still on the flat part of the property.

Ms. Endres asked Mr. Henry where his septic system is.

Mr. Henry showed the location of the septic system on the aerial and said in the front.

Mr. Lamanna said with that far off, it is not standing there all alone and it is over and it kind of blends in with the house so no matter which way you are looking at it, it doesn't look so much as a freestanding building stuck out in the open area, it gets it a little farther away and tucked back in a little bit and he thinks that variance would be reasonable given the fact that where the house is and the way things slope off if we kept it 35' off the property line which is where the built area is anyway that it really kind of fits in and won't adversely affect the character of the neighborhood or the adjacent property owners. He asked Mr. Henry if he can make that work.

Mr. Henry said he can make it work.

Mr. Gutoskey asked about the landscaping but it depends on which side is the front.

Mr. Lamanna said he can orient it like he would like to but he thinks on the street facing side to put some foundation plantings on it.

Mr. Henry said sure, around the front.

Mr. Lamanna said the other thing is maybe put a couple of small 5' evergreens on the side facing the neighbors.

Mr. Henry said the neighbor's house is on the north side of his lot.

Mr. Murphy said he doesn't have a problem with it.

Mr. Lamanna said just to screen off the neighbor on the north, that will just smooth it out a little bit there so it is not quite so intrusive to the neighbor.

Mr. Henry said he was trying to get it behind the driveway.

Mr. Lamanna said that is just to give it a little screening, we are not looking for anything elaborate here, a couple of typical foundation planting types in the front and a couple of 5' evergreens on the side to the north. He said be consistent with what is at the house now.

Mr. Henry said we will make it like the existing.

Ms. Endres said it is deceiving how the lines go, it is not square.

Mr. Gutoskey said 35' as long as he doesn't have a problem with the rear setback.

Mr. Lamanna said maybe we should let him go at 30'.

Ms. Endres said 90' is within that vegetation area.

Mr. Lamanna asked Mr. Henry if he is going as far back as all of that vegetation.

Mr. Henry said no, there is a drop-off right there, it is a rock wall.

Since there was no further testimony, this application was concluded.

#### Motion BZA 2018-45 – 18926 Highpoint Road

Mr. Lamanna moved to grant the applicant the following variance for the purposes of constructing a 12' x 20' accessory building similar to that shown in the application.

1. A variance with respect to the north side lot line from the minimum required setback of 50' to 30' for a variance of 20'.
2. In order to reduce the impact and make the building fit into the character of the neighborhood the applicant will plant two 5' evergreens on the north side and the side facing to the front of the property.
3. The applicant will plant foundation plantings consistent with that on the existing dwelling.

Based on the following findings of fact:

1. A practical difficulty exists due to the fall off of the lot in the back.
2. With the existing location of the house it would be very difficult to place an outbuilding 50' from the side line because of the nearness of the house to the sideline and the severe drop-off at the back of the property.

Motion BZA 2018-45 – 18926 Highpoint Road - Continued

3. With the required landscaping there should not be any adverse effect on the neighboring property nor be inconsistent with the character of the neighborhood.

Mr. Gutoskey seconded the motion.

Vote: Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Murphy, aye.

Application 2018-46 by Josh Kaplovitz for property at PP# 02-145620 Bainbridge Road

The applicant is requesting area variance(s) for the purpose of constructing a new single family dwelling. The property is located in a R-3A District.

Mr. Josh Kaplovitz was present to represent this application.

Mr. Kaplovitz testified that the one side is a very nice line of trees that go from the front to the back and they are planning to stick the house in-between the cleared area so it would have pretty much even setbacks on both sides and given the trees how they are instead of taking a chunk out of one section of the trees. He said it is a very narrow lot compared to most and it is in an R-3A district. He said the lot width is 150' and the width of the house is 50'.

Mr. Gutoskey asked how accurate the trees are located on the drawing.

Mr. Kaplovitz said they are pretty much exactly like it is, they are actually quite uniform from the front to the back. He doesn't know if someone purposely put those trees in, they were planted, not just naturally grown, sort of a boundary line separation maybe, they are at least 50 years old.

Mr. Lamanna asked if the property is being used for anything.

Mr. Kaplovitz said it is vacant, it has always been vacant. He said a long time ago the properties may have been all one property.

Mr. Lamanna said maybe they owned both the parcels and planted the trees on there for some reason.

Mr. DeWater asked Mr. Kaplovitz what he would say with what his request is for positioning the house, the clear area would be from your east side of your house to that line of evergreens.

Mr. Kaplovitz said he thinks it is marked on the plat and he thinks it is around 25', he thinks the evergreens are around 50' of width and then he would center the house at the 100' area to be 25' on both sides so it would look perfectly centered on the cleared area.

Mr. Gutoskey asked where it is showing where the cleared area is on the site plan is not how you are going to clear.

Mr. Kaplovitz said basically what is showing is what they are going to leave, the only clearing they are planning to do is a little bit.

Mr. Gutoskey referred to the site plan and the tree line and said it is showing this triangle being cleared for the septic and for grading on the side of the house so he doesn't see any reason why you can't just slide the house over.

Mr. Kaplovitz said he thinks they are showing too much clearing he doesn't know why they are going all the way over to there but we are planning to leave a lot of this.

Mr. Gutoskey said they are showing grading and a swale on the side here and it looks like to try to get water away from the mound you are putting in, it looks like they are swaling around the house. He said he doesn't see what the practical difficulty is because if you look in Canyon Lakes or Woods etc., building a house on a lot that is wooded, you are planting trees or meeting our setbacks. He said you already have to clear pretty much almost to the property line just to get the mound in for the septic.

Mr. Kaplovitz said that area is not actually getting cleared, he doesn't know why they showed that as being cleared but that is not actually correct, he knows it is his engineer's drawings but he knows that those fields aren't cleared, it would be too much clearing.

Mr. Gutoskey said but you are going at least half way in if not more.

Mr. Kaplovitz said from the street it is not going to be visible, you will still have that perfect line of trees for 160 plus feet then it will break a little bit in.

Mr. Gutoskey said he could do the same thing and just clear for the house and still keep the section in front. He said there is some fall there, the contours are one footers.

The board discussed the contours.

Mr. Gutoskey said if you limit the grading on that side of the house to 10' or 15' with at least enough room to get around the house you would maybe get into one row of trees. He asked Mr. Murphy what he thinks since he is a builder.

Mr. Murphy said he likes trees but he doesn't see any reason why you (Mr. Kaplovitz) are trying to build it in the cleared area when there is nothing between you and the neighbor, he would rather see 35' on the south side and get 15' off the trees, you can get an excavator in in 8' to 10' and work around that side of the house, he doesn't see any difficulty in moving the house a little closer to the big trees.

Mr. Gutoskey said the guy who has the shielding is getting the maximum shielding.

Mr. Lamanna said the guy on the west has a garage that is only 20' from the property line.

Mr. Gutoskey asked if there is anyone here for this application.

Mr. Christopher Mick of 8065 Bainbridge Road testified that he owns the property to the east and they were told from older neighbors that that was a tree farm. He said one of the reasons they bought the house was and obviously they know they don't own them but it does provide a ton of privacy for both sides of the trees. He said they actually considered buying the lot themselves just so the trees would stay so they would be in full support of his proposal to leave as many trees as possible.

Mr. Murphy asked if they are evergreens.

Mr. Mick said yes.

Mrs. Kristen Mick testified that they are very tall and really beautiful.

Mr. Murphy said the other side is the garage so it is not really terribly intrusive there either. He asked if everything will go on a sump pump because you don't have fall on the lot that will take the footer drains.

Mr. Kaplovitz said they are looking at that right now to see if possibly it can go to the back with the footer drains and it is possibly going to work in the corner, that is such a nice thing not having to pump out forever, that is a huge deal and we are going to try to get that to work. He said the front setback is too far to make it to the swale in front.

Mr. Murphy asked the ditch in the front yard.

Mr. Kaplovitz said yes, there is not enough fall to go in the front so we have to go to the back.

Mr. Murphy said it doesn't look like there is any fall and there doesn't look like you have enough to go to the back.

Mr. Kaplovitz said he actually bought the other lot on English Drive as well. He said they originally did the topo so there wasn't a variance needed but the time and effort to get this variance to save a huge portion of these very, very great trees, that is the whole reason we are doing this so the house will sit better on the lot, you are saying 35' off, we will accept that but the further away from the trees the less we have to actually clear, that is the goal, we are just trying to preserve that beauty.

Mr. Gutoskey asked what it measures from the property line with the trees.

Mr. Murphy asked Ms. Endres to show the board where the 100' setback brings it off the road there.

Mr. Gutoskey said looking at this, it looks like the back of the house almost lines up with the front of the garage.

Mr. Lamanna said it is pretty close to the house to the west, the house to the west is back a little farther, the east side house is about 100' back so it would be pretty much in line with that house.

Mr. Gutoskey said he would be comfortable with 40' because you would just have to get rid of one row of trees and still have two left and if you look at the width of the lot, the lot is 150', if you take 25% of 50' it is 37-1/2'. He said you would only have to take a few trees where the house would be.

Mr. Lamanna said with 35' he could still have enough room he wouldn't have to really do anything with the trees, and we are looking at quite a distance from the trunk of the tree because those trees are right down to the ground so it is not like we are going 5' by the trunk of the tree.

Ms. Endres referred to the aerial photo and said right about here is where the far east side of the house would be.

Mr. Lamanna said there is still room without getting into the trees. He added he thinks 35' is doable. He said he has a question for the neighbor. He said his house is going to be lined up about the same distance from the street as the next house up the line there so it is going to be a little bit in front of your (Mick) house maybe 15' closer to the street than your house. He asked the neighbors if they have any problem with that.

Mr. Murphy said they are on the east side.

Mrs. Mick said they are in support of the trees.

Mr. Lamanna said he can see why. He said the other side just has a garage there and he is not sure he wants to be moving the house back from the street anymore.

Mr. Kaplovitz said the house is not huge.

Mr. DeWater said the house would be out of the drip edge of the evergreens which is usually the root structure so they would still be protected moving it at 40'.

Mr. Murphy said he is fine at 35', he thinks it is plenty.

Mr. Corcoran said he is good at 35'.

Mr. DeWater said he is good at 40'.

Mr. Gutoskey said he is good at 40'.

Mr. Lamanna said it could be moved over 37-1/2' then. He said he thinks the applicant can be able to work with that.

Mr. Gutoskey said normally in this district you have 200' wide lots so this is 150' so if you knock 25% off it is 37-1/2'.

Mr. Lamanna said plus unfortunately the existing neighbor is really tight because of English Drive because of the fact the house is on a corner lot, it pushed him this way so he is not sure if he got a variance or if it was built before because he would not have been allowed to build that close to the line so it would have been a little easier if the house had been 50' away but because he has got the same problem to the effect that his lot requires an additional setback because it is a corner lot on that side so he is squeezed in too, if we get 37-1/2' we should be okay and is fortunately not his house, it is his garage so he is a little less uncomfortable about that distance being smaller than we would like but they can't complain too much because they created part of the issue as well so their equity is a little bit diminished because of that. He said he thinks that should give enough room and because of the way those trees are when you see the edge of the tree it is pretty much the edge of the tree, it is not like if it was a deciduous tree you would have to stay 20' away from the trunk of it but this way if you are one or two feet away from the edge of that tree you are not going to do any damage to the tree.

Mr. Gutoskey said if anything instead of making the grade around the house the same you (Mr. Kaplovitz) could just show a little more block or brick on that east side and then you won't have to do as much grading on that side of the house and that way you would stay out of the roots.

Mr. Lamanna said he thinks it would balance off because of the existing structure that is already there, it is going to balance a little bit better in the space than if it was centered, it could look a little lopsided because of the structures over here and by moving this over a little bit it is going to make it look a little bit better and there should be plenty of room to stay out of those trees.

Mr. DeWater said 12-1/2' will make a big difference.

Mr. Gutoskey said just lose the grade along the front and back of the house and then just do minimal grading on the side.

Since there was no further testimony, this application was concluded.

Motion BZA 2018-46 – PP# 02-145620 Bainbridge Road

Mr. Lamanna moved to grant the applicant the following variance for the purposes of constructing a new single family dwelling.

1. A variance from the minimum required side yard setback of 50' on the west side to 37.5' for a variance of 12.5'.

Based on the following findings of fact:

1. A practical difficulty exists because it is a narrow lot.
2. On the east side of the lot there is an existing stand of very mature evergreens that is approximately 25' or so wide and in order to avoid damaging those a variance of 12-1/2' is granted and also considering this is a narrower than normal lot.
3. The house will be consistent with the neighborhood.
4. The adjacent property owner to the west has a detached garage on that side of the property anyway so this should not adversely affect that property as well.

Mr. DeWater seconded the motion.

Vote: Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Murphy, aye.

Application 2018-47 by John Gambatese for property at 8330 Yorkshire Drive

The applicant is requesting area variance(s) for the purpose of maintaining an accessory building. The property is located in a R-3A District.

Mr. John Gambatese was present to represent this application.

Mr. Gambatese testified that he started building the property in 1996 and in June of that same year his father passed away and he offered his mother the opportunity while the house was under construction that he would go ahead and get an architect and figure up an in-law suite and she rejected that. He said she wanted to live in the house that his father had built that is in Solon. He said about a year after that he needed an outbuilding for storage for things that he had, he had a historical car, a motorcycle, the kids bikes, tools, all the things for maintaining the property so he put up the building.

Mr. Gambatese continued by referring to the aerial photo and said this is what he put up, it was a pole barn and about two years later his mother decided that she didn't want to live where she was at so she asked if the offer was still available for her to come and live with him, the only problem was that to do anything the whole house would have had to have been completely revamped so he went ahead and he figured this could work for him because it would give her something nice to stay in and when she passes away he will have himself a man cave so he went ahead and this is what he ended up putting up for her to stay in, it was never intended to be a rental property, it was a man cave but he had to configure it to make it comfortable for her, the whole idea was to give her nothing to complain about. He said she passed away and he didn't think anything more of it, he went to go do a refinance and the guy came out and said he is appraising the property but none of what is back here is in value of your property. He asked how that can be because he has been paying taxes on it for 18 years so that is when he contacted Ms. Endres to find out what we could do and then he found out there has to be a 100' distance from here to here and she measured it out and said it only comes out to 50' but what he had done is he took the print and measured from the road to the front of the house and then he took the distance of the house and then he took a line straight across from here and this measured out to be 45' so when he did all of the distances from here to here to here he found that he was 118' from this property line back here. He said this property back here belonged to a lady by the name of Mrs. Lake who since passed away. He said he had contacted her and asked her if it would be possible if he could buy something here to buffer the property because he was in fear that the property that she owned which is prime real estate would be sold to developers and he wasn't real keen on having anybody live behind him but she said John keep your money, the property is going to the Land Conservancy. He said he did contact the Land Conservancy and asked them if they would give him a letter saying that it wasn't any problem for him to have the property there and in fact he spoke with a fellow by the name of Mr. Brett Rodstrom and he said he would have no problem giving him a letter but the property had not yet been deeded to them.

Mr. Gambatese continued by saying in the meantime he has two letters from his neighbors that the board might have, one from Michael Marks and one from Mani Latifi and he hadn't read Michael's letter but he had read Mani's letter. He said this is all woods, this is not open, this is all woods, the only opening area is what he has right here where the house is with a little bit of lawn and then this so what he has got going on here, it is not any problem here and certainly no problem from here and honestly his intent was not to deceive or stick it to Bainbridge, he was doing for his mom what he could do and he asked the board if they were in his position to do for their mom what he did would any of you not do it but you are all legal and would get variances, he understands that but he grew up in a construction home, he has 5-1/2 acres of property here, nobody around him, nobody to disturb and nobody to disturb him but then when he wanted to do some refinancing the guy said this just isn't showing up.

Mr. Gutoskey asked when you look in ReaLink does the Auditor show it as an outbuilding.

Ms. Karen Endres, Zoning Inspector testified that they have the cards, at some point it showed up as a garage and at some point it showed up as a second dwelling on the property.

Mr. Gutoskey said then he has to pay taxes on the second dwelling.

Ms. Endres said right, the Auditor's office catches these things.

Mr. Lamanna asked if he got building permits for them.

Mr. Gambatese said no, honestly he didn't think he needed it because everything in that back building runs off of his house, he didn't have to run a separate electric line, everything for that back to run runs off of his house, septic, water, gas, electric, satellite dish.

Mr. Lamanna said yes but still part of what the building department is doing is they are making sure when you put the electric, gas and all of the other things in the outbuilding that all of that stuff meets code.

Mr. Gambatese said it wasn't him who did it, he had professional contractors, he wasn't out there with a hammer and saw but he oversaw it.

Mr. Lamanna said they should have gotten the permits.

Mr. Gambatese said he told every guy and he was under pressure, he had two months to get some place for her to live in and he couldn't put her in the house because his wife's grandmother was already living with us so guys, he doesn't know about you but he is not going live under a roof with two senior citizens from two different families, he is not that brave so he put that up for her, she has since passed away and then he thought he has got his man cave and that is the story. He said he is sorry, he didn't do it intentionally and it wasn't to deceive anybody but he was between a rock and a hard place.

Mr. Lamanna asked what is in the outbuilding now.

Mr. Gambatese said he will show the board what is there and asked Ms. Endres to bring up the photos. He said this is the garage and since he had it he made sure he put in a concrete floor with a vapor barrier, he framed it out and had it insulated, he had it dry walled and he has heat going into it so he got his workshop area, the kids bikes are hanging up but that is what is in that outbuilding. He said the attached building, he had to configure it to fit to his mom and added he brought the prints.

The board viewed the floor plans.

Mr. Gambatese said this was the outbuilding and what he did was he took the exact building and he duplicated it here but instead of just leaving it open like this, he has an entranceway with a foyer but it has a closet, it has a guest bath over here and a laundry room over here. He said you come through here, this is an open area with an island and a little bit of a kitchenette, a bathroom, a walk-in closet and bathroom here, that is what is in this back building right now. He said the garage is a garage.

Mr. Lamanna asked if there is a second floor too.

Mr. Gambatese said no, one floor, his mother was eighty some years old.

Mr. Murphy said you hired an architect to draw it up for you.

Mr. Gambatese said yes and he since passed away too. He said he would put a deed that said this could never be rental property, he would put a deed that says this can never be used for a business pursuit, he is willing to put up a thousand dollars in bond to the township that says if you ever come back there and that is being rented out to somebody you get the thousand dollars.

Mr. Gutoskey said it might be a deed restriction only if the property is sold someday and it is a very nice man cave.

Mr. Gambatese said the boys come over and he used it as a man cave for about a year after his mother passed away, it was for that but it was never intended to be built as a rental property. He said if you come to me after having a tiff with your wife, he would say to come and stay a couple of days but you are not moving in.

Mr. Murphy said so the kids come back from college.

Mr. Gambatese said he is on the tail end of that, he has two boys, the second one graduated in May, he gave him the opportunity to stay there, he doesn't have to pay any rent, save your money but you have two years and then you are out, that is it and we are done. He said he and his wife are in agreement on that, we moved here for privacy.

Mr. Lamanna said the board would like to see something recorded, probably an Affidavit of Fact would be fine basically stating that this property is not permitted or intended to be used as a separate dwelling for anybody.

Mr. Gambatese said he completely agrees.

Mr. Lamanna said as rental property or as a business other than in accordance with the township home occupation regulations.

Mr. Gambatese said but that is all it was ever intended to be it wasn't like he would make a few extra bucks renting it out, he doesn't want anybody around him to be honest about it.

Mr. Murphy said he has a problem with the fact that there has been no zoning, no inspections, we are assuming that things were done well by whoever your general contractor was but nobody looked at it, nobody inspected it, and the reason we have a building department and they want to see this stuff is there are a lot of people out there that could care less about what quality or what level of quality they put in so he is just saying he has a problem with that. He said that is what he does for a living and you had an architect there and he didn't tell you you had to get a building permit to put that thing up.

Mr. Gambatese said he just told him what he wanted, he didn't pursue it any more than that. He said if you want to have somebody come and inspect it, he is fine with that, what he is saying is it was built by professionals and in another life he was also a home inspector, he knows it has to be there, he doesn't do that anymore and he understands what you are saying but do you think he is going to put is mom in something that is anything less than more than adequate for her to live. He said the trick was to make something so she couldn't complain.

Mr. Lamanna asked what the building department does about structures that are built without getting the proper permits and inspections.

Ms. Endres said she is not sure, she doesn't know if they will do an inspection or not, it is always problematic. She said the first step would be getting the zoning permit done.

Mr. Gambatese said he put the board in a little bind but he is asking for help.

Mr. Lamanna said the board would want you, once you get your zoning certificate, to go make peace with the building department, tell them it was built without getting any permits, here are the drawings.

Mr. Murphy said they will check your electric panel and that is what they would normally do for an occupancy permit.

Mr. Lamanna said they will look at it and see if it looks like this was done professionally or not, if they see a bunch of stuff that is suspicious then you may end up fixing it.

Mr. Gambatese asked if the building department is with Bainbridge.

Mr. Lamanna said Geauga County.

Mr. Gambatese said he is not afraid of that at all.

Mr. Lamanna said again, in the end it is sort of the same thing, if this isn't in compliance it is a problem, if they look deeper and they say well how come this structure has no building permit and no occupancy.

Mr. Gambatese said it doesn't need an occupancy permit, nobody is living in it.

Mr. Gutoskey said even if you put up a garage you need a permit.

Mr. Lamanna said in this case it is more than a garage.

Mr. Gutoskey said you need something from the building department.

Mr. Lamanna said with the basis that only the occupants of the principal dwelling are using this as ancillary occupied space, it is not a separate dwelling it is just an extension of your dwelling because it is only being used by the people who are the residents of the primary dwelling not somebody else but it is still occupied space so the same problem you had with somebody coming in and saying everything is not up to snuff here, if you don't have a building permit for this thing you may still have a problem so he is saying you should be doing this anyway just for your own protection so that in the future you can say you have your zoning certificate and zoning variance and building permit so now you have everything you need for this building, it is all copasetic now, there are no loose ends, no untied strings that is why we would like you to get your zoning certificate and go up and make peace with the building department.

Mr. Gambatese said he will be more than happy to do that.

Mr. Murphy said he is wondering how you do the legalities of it being a restricted use in perpetuity of the property, who deals with that.

Mr. Gutoskey said it needs an Affidavit of Fact.

Mr. Lamanna said probably an Affidavit of Fact so that everybody is on notice that this is not permitted or constructed for the purpose of being a separate dwelling, it is for recreational/storage only, it can't be used as rental property, and can't be used as a business except in compliance with a home occupation.

Mr. Murphy said who rates that, who does that come from.

Mr. Gutoskey said Mr. Lamanna will make that in the motion.

Ms. Endres said we have a document that we use and we modify it for each property, this has come up before.

Mr. Lamanna said if anybody is buying the property in the future they are on notice.

Mr. Gutoskey said when they do a title search it will come up in the records.

Mr. Lamanna said nobody in the future can say they didn't know about it.

Mr. Gutoskey said he doesn't have a problem with the setback because it is back in the woods and especially if the property behind it is going to conservancy nobody is going to see it or know if it is 40' off the property line.

The board viewed the aerial photos of the property and adjacent properties.

Mr. Murphy asked if there is anyone here interested in this issue.

Mr. Gambatese said you can see down towards the bottom right there, it is so far back in the woods you can't even see it.

Mr. Gutoskey said that other house looks like it is built right on the property line. He asked how big the lot is to the north.

Ms. Endres said about 35 acres.

Mr. Lamanna asked if it is going to the Land Conservancy.

Ms. Endres said it hasn't been recorded yet so nothing is done.

Mr. Lamanna said if somebody dies and it goes to the estate it has to get approved by the probate court.

Mr. Gutoskey said and there is another 38 acres to the north.

Mr. Gambatese said the owner of the land is related to the owner of the property on Haskins.

Mr. Gutoskey asked what is going to be used for the rear setback. He asked if the frontage of this lot is on Rt. 306.

Ms. Endres said Yorkshire is a shared drive situation.

Mr. Gambatese said Yorkshire is a non-dedicated street.

Mr. Gutoskey said it has frontage on Rt. 306.

Mr. Gambatese said the end of the road curves around and that goes out to Rt. 306.

Mr. Gutoskey said if he has a strip out to Rt. 306 then that wouldn't be a back yard, it would be a side yard and you only need 50'. He said he thinks there are flags going all the way up to Rt. 306.

The board discussed the setbacks and variance needed.

Mr. Gambatese said there are only four houses back there and we all use Yorkshire Drive as our road that goes out to Rt. 306.

Mr. Lamanna said everybody owns a piece of the drive.

Mr. Gambatese said there are separate parcels but we all own the road.

Mr. Lamanna said the driveway is made up of four parcels that run back and they each own one parcel.

Ms. Endres said it is one of those crazy driveway situations.

Mr. Lamanna said he hopes they have a good agreement.

Mr. Gambatese said it wasn't until eight or nine years ago that they finally had it paved, up until then it was gravel and winter was fun.

Mr. Lamanna said he has two contiguous parcels.

Mr. Gambatese said he has property on the other side of Yorkshire between him and Timber Trails that is about ½ acre of land that goes along the road but it is dead land, he can't do anything on it and he promises he won't build anything on it without approval.

Ms. Endres said she calls the north line the rear line and the south line the front line.

Mr. Lamanna said that makes the most sense.

Mr. Murphy said it fronts on Yorkshire.

Mr. Gutoskey said he just likes to throw these things out.

Mr. Lamanna said that is an interesting question when you have a snake like that running out to a public right-of-way, where does that make the front yard.

Ms. Endres said he has a Yorkshire address so she kept it simple.

Mr. Murphy said according to this drawing you (Mr. Gambatese) don't own that other strip on the bottom, you own a strip in the middle.

Mr. Gambatese said he is paying taxes on it. He said it is a common road but when you look at the actual property surveyed, there is another side, there is a piece of it on the other side where the road ends that goes the length of the property that is another ½ acre.

Mr. Lamanna said technically now to have something like a flag lot you have to have 60' of frontage on a public right-of-way and this was probably done before that requirement came.

Ms. Endres said on the private drives all of the property owners would own the street but they would own an undivided interest in the street so this is kind of different.

Mr. Lamanna said the trouble with these things is you have to be really, really careful with the deeding and restrictions and a lot of people aren't real careful about doing that and thinking about the pitfalls that can happen and what if somebody goes into foreclosure because they didn't pay the taxes, if you don't have it set up properly you can end up with a mess on your hands. He asked what the best estimate is for the distance so it doesn't have to come back. He said to be on the safe side, let's go with 45'.

Since there was no further testimony, this application was concluded.

Motion BZA 2018-47 – 8330 Yorkshire Drive

Mr. Lamanna moved to grant the applicant the following variance for the purpose of maintaining an accessory structure existing on the property.

1. A variance from the minimum required rear yard setback of 90' to 45' for a variance of 45'.
2. This accessory structure is part garage and storage and it is also part of an area that could be occupied and used ancillary to the main use of the property.
3. This variance does not in any way affect the permitted and allowed by the zoning, uses of this structure and the board specifically notes that any occupancy of this structure is accessory to the main dwelling house and therefore should be used only by people who are actual residents of the main dwelling.
4. In particular, this structure shall not be used as a secondary dwelling or residence on the property nor shall it be leased or otherwise rented or licensed for use as a dwelling separate and distinct from the main structure nor shall it be used for any business purposes except as permitted by and in accordance with the Bainbridge Township Zoning ordinance with respect to permitted home occupations.
5. In order to assure that any future owners of this property are on notice of this the applicant will file and record prior to the finalizations of the zoning certificate an Affidavit of Fact stating that this accessory structure is not permitted as a separate dwelling and cannot be used as a separate dwelling or used for business purposes except as been previously provided.
6. In addition since the structure also is apparently constructed without a building permit the applicant will go to the Building Department and obtain the appropriate permits as required by them in order to bring that part of the premises in compliance with the requirements of the Building Department of Geauga County.

Mr. DeWater seconded the motion.

Vote: Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Murphy, aye.

Application 2018-48 by MPM Landmark LLC for Joe and Tina Hart for property at 8720 Tamarack Trail

The applicant is requesting area variance(s) for the purpose of installing an in-ground swimming pool. The property is located in a R-3A District.

Mr. Mike Maloney of MPM Landmark LLC was present to represent this application.

Mr. Maloney testified that he is representing Joe and Tina Hart and they are requesting a variance for an in-ground swimming pool and the variance will be from the rear or the east property line.

Mr. Murphy asked Ms. Endres if the proposed 71' or actually 62'.

Ms. Karen Endres, Zoning Inspector testified that uncovered concrete areas are allowed to be within the permitted required yard, a minimum of 2' so the patio area itself is okay but the pool is not.

Mr. Gutoskey asked what the percent of lot coverage was.

Ms. Endres said this is a cluster development.

Mr. Gutoskey said it is combined for the whole thing but another acre was set aside somewhere for this property.

Ms. Endres said she doesn't think they are over lot coverage.

Mr. Gutoskey said not if you add another acre that is in the open space, it would still be under 10%. He said he sees no problem with this application. He said the lots behind come off of Taylor May and Haskins and the lot off of Haskins is about 3,000'.

Since there was no further testimony, this application was concluded.

Motion BZA 2018-48 – 8720 Tamarack Trail

Mr. Lamanna moved to grant the applicant the following variance:

1. A variance from the minimum required rear yard setback of 90' to 71' for a variance of 19'.

Based on the following findings of fact:

1. A practical difficulty exists because this is a cluster development so this lot is only a two acre lot, the actual size of the lot itself.

Motion BZA 2018-48 – 8720 Tamarack Trail - Continued

2. Because of its unusual triangular shape and being located on a culdesac the depth of the lot is smaller than would be expected.
3. This variance is relatively small.
4. The adjoining lots are backs of lots that are in excess of 1,000' deep so there will be no adverse effect on the adjacent property owners nor will this be inconsistent with the character of the neighborhood.

Mr. Gutoskey seconded the motion.

Vote: Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Murphy, aye.

Since there was no further testimony, the public hearing was closed at 9:17 P.M.

Respectfully submitted,

Michael Corcoran, Alternate  
Ted DeWater  
Joseph Gutoskey  
Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman  
Mark Murphy

Attested to by: Linda L. Zimmerman, Secretary  
Board of Zoning Appeals

Date: November 15, 2018

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio  
Board of Zoning Appeals  
October 18, 2018

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:17 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Michael Corcoran, Alternate; Mr. Ted DeWater; Mr. Joseph Gutoskey and Mr. Mark Murphy. Mr. Todd Lewis was absent. Ms. Karen Endres, Zoning Inspector was present.

MINUTES

Mr. Lamanna moved to adopt the minutes of the September 20, 2018 meeting as written.

Mr. Gutoskey seconded the motion.

Vote: Mr. Corcoran, aye; Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Murphy, aye.

OLD BUSINESS

7170 Chagrin Road

Ms. Kim Portman met with the Board of Zoning Appeals for a discussion of the Nassiff property, the Herald Building, located at 7170 Chagrin Road. She informed the board that some of the conditions placed on the property for the substitution of a non-conforming use have not been met by Dr. Nassiff such as the concrete removal, installation of the man-door and the walkway.

The board was in agreement to bring Dr. Nassiff and Ms. Janna Lutz back at the November 15, 2018 meeting for a possible revocation of their zoning certificates.

APPLICATIONS FOR NEXT MONTH

Application 2018-49 by Bainbridge Associates, LTD. for property at 8560 – 8586 E. Washington Street

The applicant is requesting a review, renewal and modification of an existing conditional use permit to include a playground, paths and garden. The property is located in a CB District.

Application 2018-50 by Luigi (Gino) Oppedisano for property at 8575 Washington Street

The applicants are requesting a review, renewal and expansion of an existing conditional use permit to include an existing patio. The property is located in a R-3A District.

Application 2018-51 by Luigi (Gino) Oppedisano for property at 8575 Washington Street

The applicants are requesting area variance(s) for the purpose of maintaining a patio. The property is located in a R-3A District.

Application 2018-52 by Dennis Guritza for property at 17727 Lost Trail

The applicant is requesting area variance(s) for the purpose of maintaining a patio. The property is located in a R-3A District.

Application 2018-53 by Dennis Guritza for property at 17727 Lost Trail

The applicant is requesting area variance(s) for the purpose of maintaining a shed. The property is located in a R-3A District.

Application 2018-54 by David L. Stoika for property at 18801 Chillicothe Road

The applicant is requesting area variance(s) for the purpose of constructing a carport. The property is located in a R-3A District.

Application 2018-55 by David L. Stoika for property at 18801 Chillicothe Road

The applicant is requesting area variance(s) for the purpose of maintaining a barn. The property is located in a R-3A District.

Application 2018-56 by Diane Bija, New Creation Builders for Mr. and Mrs. Conrad/Stewart for property at 8362 Chagrin Road

The applicant is requesting area variance(s) for the purpose of constructing an accessory building. The property is located in a R-3A District.

***Secretary's Note: The following matters will be heard at the end of the regularly scheduled public hearing.***

Application 2016-40 by Ivan Nassif for property at 7170 Chagrin Road

The applicant was granted a substitution of a non-conforming use for the purpose of a chiropractic and acupuncture wellness clinic with conditions. The property is located in a R-3A District.

Application 2017-31 by Janna Lutz for property at 7170 Chagrin Road

The applicant was granted a substitution of a non-conforming use for the purpose of furniture repair with conditions. The property is located in a R-3A District.

***The Board of Zoning Appeals will review non-compliance with the conditions on the above two applications and consider revocation of the zoning certificates.***

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for November 15, 2018 at 7:00 P.M. at the Bainbridge Township Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Bainbridge Township Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 10:04 P.M.

Respectfully submitted,

Michael Corcoran, Alternate  
Ted DeWater  
Joseph Gutoskey  
Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman  
Mark Murphy

Attested to by: Linda L. Zimmerman, Secretary  
Board of Zoning Appeals

Date: November 15, 2018