

Bainbridge Township, Ohio  
Board of Zoning Appeals  
August 19, 2021

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:01 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey and Mr. Todd Lewis. 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 stated that the applicants will be sworn in at the beginning of each application. He also noted that there are only four board members present and the rules that apply are there must be a majority of members voting which is three in favor to approve an application, a two-two vote for a requested relief will not be granted. He said if there were only three members present, it would require a unanimous vote of all three.

Mr. Lamanna swore in Ms. Karen Endres, Zoning Inspector and he let the record reflect that Ms. Endres was duly sworn.

Application 2020-35 by Dangelo, Ltd. for property at 16965 Park Circle Drive - Continuance

The applicant is requesting area variance(s) for the purpose of maintaining a pavilion. The property is located in a LIR District.

Motion BZA 2020-35 – 16965 Park Circle Drive – Sapphire Creek

Mr. Lamanna moved to table this application to the regularly scheduled meeting to be held October 21, 2021 at the request of the applicant.

Mr. Lewis seconded the motion.

Vote: Mr. DeWater, aye; Mr. Gutoskey, abstain; Mr. Lamanna, aye; Mr. Lewis, aye.

Application 2020-37 by 7273 Miller Properties LLC/Handy Rents at 7812 E. Washington Street - Continuance

The applicant is requesting a substitution of a non-conforming use to permit a rental business in a residential district, variances relevant to lot consolidations *and area variance(s) for the purpose of constructing an accessory building*. The property is located in a R-3A District.

Mr. Lamanna noted that the applicant is requesting changes to the board's previous decision.

Mr. Mike Miller, Mr. Mark Kobosky and Mr. Anthony Jarem, Construction Manager were present to represent this application.

Mr. Lamanna swore in Mr. Mike Miller, Mr. Mark Kobosky and Mr. Anthony Jarem and he let the record reflect that Mr. Miller, Mr. Kobosky and Mr. Jarem were duly sworn.

Mr. Mark Kobosky testified that they are asking for a continuance on the deadline.

Mr. Mike Miller testified that he is from Handy Rents and yes they are asking for some changes and he has with him today, Mr. Mark Kobosky their Facilities Manager and Mr. Anthony Jarem their Construction Manager. He said they can tell you the specifics and what we are asking for.

Mr. Kobosky said they just needed more time to bring all of this together and as stated previously that we can get a signed contract by September 1<sup>st</sup> and the resident upstairs will move out on September 1<sup>st</sup> but because of limited availability of the construction materials that we want to use we are looking at other options of how to put a building together and using block instead of pole barn because of the cost. He said they are close to knowing what it is going to cost to do block and pole barn, you might as well do block so they do want to use a split face and it would be less maintenance for them, they would probably be spending more for the block but the difference would be block 12' up.

Mr. Anthony Jarem testified that actually right now with the lumber industry and the marketplace where it is at it is not only prices and we just read an article that came out in the news that said by the end of August everything should be back to normal, well gas has never got back to normal so it is not going back to normal and the bigger thing is two by fours or conventional lumber is obtainable, the big stuff you still can't get your hands on so you are pushed out months and months and months and we are the construction manager of the new Holy Angels mausoleum addition at All Souls Cemetery and we had to completely reconfigure the building because we just couldn't use the timbers because they are not available and so we looked at this project and actually the costs are coming in where you could end up with something that is a block building, it is going to be energy efficient, more cost efficient and we are basically rivaling the numbers going side to side, the rest of the building will continue being what is shown, vinyl siding and gable with eaves and a shingle roof and all the openings would be the same with windows and overhead doors and man-doors and all of that, none of that will change we would just change the material used on the bottom 12' and that will go through the Geauga Building Department.

Mr. Lewis said you are talking about using split-face block.

Mr. Jarem said correct.

Mr. Lewis asked if they are leaning towards as far as what color you are kind of thinking, is it still the same concept as your original.

Mr. Jarem said they are looking at going with gray so it is very neutral so it would be something of a color that would not change or fade with time.

Mr. Lewis asked what he is seeing on lead time on block these days.

Mr. Jarem said a lot less than lumber, it is a couple of weeks.

Mr. Lamanna said the problem is getting it from Canada.

Mr. Lewis said so your request as far as that goes really doesn't change the height and the character and the footprint or anything about it which you are here to ask with regards to the building is can we change the materials.

Mr. Kobosky said they wanted the board to know they are changing the materials and want to have more time to get a signed contract so that way we can get multiple bidders and we want to be the general contractor so we can split up some of it so if somebody doesn't have time to build the building and this is where Mr. Jarem comes in we can get the block guys, we can get the carpenters to do the roof, we can line everybody up, we are having all kinds of estimates coming in right now so we can control what is going on instead of a builder controlling what is going on and get things done. He said they want to get it under roof this year, we need it to get under roof this year so that is our goal.

Mr. Lewis said so he thinks we were asking for a signed contract by what roughly September 1<sup>st</sup>, it was something like three months from when we approved it, so what do you think you need in an extension, there are no physical changes to the building, its location, its footprint, it's a building materials thing.

Mr. Jarem said they have already submitted to Geauga Soil and Water so that is already in progress, as soon as we get that back we can go straight to the building department and get a building permit, once we have a building permit then we can tie down the sub-contractors.

Mr. Lewis said from our role here because we actually had a hard-stop deadline, that is why he was asking are we looking at 30 days, 60 days, 90 days to give you enough room to secure your contracts, get your final information of your building materials on file with Ms. Endres and satisfy what the motion was for the BZA.

Mr. Miller said they certainly have been in contact with Ms. Endres over this whole period, we aren't hiding anything.

Mr. Lewis said communications have been great.

Mr. Miller said they have been working on getting those lot splits approved and all of that.

Mr. Kobosky said she has been guiding them.

Mr. Lamanna asked if six months is enough, if we make it six months instead of three months, it would be three months more and asked if that is plenty.

Mr. Jarem said they are going to do this building but he doesn't know what is going to come up.

Mr. Lamanna said at this point in time there are so many unknowns that are out of normal events.

Mr. Miller said they just don't want to have to come back here.

Mr. Lamanna asked if three months is enough.

Mr. Jarem said there is something dragging them as well, we really want to beat the winter weather.

Mr. Lamanna said the board will give you three more months.

Mr. Gutoskey said you should know by three months.

Mr. Lamanna said yes, hopefully. He asked about the tenant.

Mr. Gutoskey said she is moving out September 1<sup>st</sup>, correct.

Mr. Miller said yes, she will be out September 1<sup>st</sup> and we have a signed letter and Ms. Endres has a copy of it. He said she is going to be moving next door into her son's home.

Mr. Gutoskey said he was reading through Ms. Endres' dissertation and it indicated that an additional variance for lot coverage may be needed.

Ms. Endres, Zoning Inspector testified not anymore because we are going back to the original plan so it is not needed anymore.

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

Motion BZA 2020-37 – 7812 E. Washington Street – Handy Rents

Mr. Lamanna moved to modify the board’s previous decision with respect to this matter as follows:

1. Condition #6 – The signed contract will be within six months instead of three months of the date referenced.
2. With respect to the vacay of the current tenant that date will be by September 1, 2021.
3. The board also notes that due to current disruption in construction materials supply that the applicant is investigating either a stick-built building or a block-built building and that as long as it conforms to the size and shape that has already been approved that either of those will be permissible within the other descriptions and approvals that have been previously granted by the board.

Mr. Gutoskey seconded the motion.

Vote: Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

Application 2021-16 by Diane Bija of New Creation Builders for Joe Kish for property at 8230 Tulip Lane - Continuance

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

Ms. Diane Bija of New Creation Builders was present to represent this application.

Mr. Lamanna swore in Ms. Diane Bija and he let the record reflect that Ms. Bija was duly sworn.

Mr. Lewis said he understands her attendance was delayed last month.

Ms. Diane Bija testified that you poor people have been very patient. She said they also had an issue with Soil and Water at one point because there was supposed to be a waterway that went through the property so we got Soil and Water out there and there never was one, it was never surveyed or marked, someone just assumed it and drew it on the map so they had to get that changed. She said it is still a little bit of a rollercoaster and with seven people in the house and five of them driving and two more of them driving in the next three years this has been really a very necessary structure for them. She said right now the front yard is looking like a car lot and she is sure the neighbors don’t appreciate it, it looks pretty bad and they need more room to park their vehicles, hence that is why they are asking for 480 sq. ft. which is the variance.

Ms. Bija continued by referring to the Duncan factors and said there really will be no obstruction for emergencies or medical, both sides of the yard are very wooded and having a wooded lot, it is a nice size property, she doesn't think they are asking for a substantial amount, we would appreciate anything you give us, that is the first one and asked if the board wants her to address them both or take one at a time.

Mr. Lewis said on the aerial view of this, he is looking halfway through the backyard between the house and the rear, and asked are there two structures that exist in the middle of the backyard.

Ms. Bija said there wasn't anything when she was on the property, of course she didn't look all the way back into the woods but there is a structure that is coming down, she apologizes, they are using something as a make-shift shed right now. She said there is one structure that is coming down.

Mr. Lewis asked if that is one or two.

Ms. Bija said the one on the side is the one that is coming down.

Mr. Gutoskey asked if that is a trampoline or a swimming pool.

Ms. Bija said she thinks it is a trampoline and added that she hasn't been there since April.

Mr. Lewis asked if those are just dark areas in the trees.

Ms. Bija said probably shadows.

Mr. Gutoskey asked which way the garage faces now.

Ms. Bija said it is attached right now and only a two-car.

Mr. Gutoskey asked if it is a side-entry or front.

Ms. Bija said she believes it is a side entry.

Mr. Gutoskey said it looks like it is really hard to get in.

Ms. Bija said it is really not, it is really wider than it looks and she thinks as usual GIS never takes a direct shot, it is always at an angle.

Mr. Gutoskey said on the mortgage ID it shows the garage right on the line.

Ms. Bija said it is a two-car.

Mr. Gutoskey said this is going to be just off the driveway.

Ms. Bija said yes.

Mr. Gutoskey said it shows on this mortgage ID that the back of the house is 25' off, the front is 29' on that side. He asked what the dimensions of the garage are.

Ms. Bija said it is 24' wide and 20' deep.

Mr. Lamanna said it looks like it touches the property line.

Mr. Gutoskey said really the new garage is actually going to be tucked behind the house. He said the new garage is going to be tucked 14' behind the house.

Mr. Lamanna asked Ms. Endres if it is a non-conformity.

Ms. Karen Endres, Zoning Inspector testified that it is considered legal non-conforming.

Mr. Lamanna said the driveway.

Ms. Endres said it is supposed to have a 2' setback. She said the areas she didn't see though have the driveway in that location going back.

Mr. Lamanna said he is sure it goes back a long time.

Mr. Gutoskey said you only see about 10' of that garage from the front.

Ms. Bija said correct.

Mr. Lamanna said if somebody in the future looks at this thing and sees that it is encroaching, he doesn't think it really matters here given where the house is over there, it is just cleaning up other potential issues.

Mr. Gutoskey said it is a standard size garage, he doesn't see any problems with it and the height.

Mr. Lamanna said you can kind of see another structure there now.

Ms. Endres said the aerial is 2013.

Mr. Lamanna said it is harder to see it but that looks like it is in the way, right.

Mr. Gutoskey said it is on the side.

Mr. Lewis said that goes away, right.

Ms. Bija said yes, that goes away.

Mr. Lamanna said whatever is there.

Ms. Bija said a make-shift shed on a pallet and because the family has so many items that they are storing stuff in there, it is not capable of parking a car in it.

Mr. Lamanna said we just want to make sure that it goes away.

Ms. Bija said in fact their contract says they are demoing it.

Mr. Lamanna asked if they are taking it away first.

Ms. Bija said it will have to be first because it is in our way.

Mr. Lamanna said that makes it easier.

Ms. Bija said she is not quite sure about the patio on the back, she thinks she mentioned that she is going to try to take some of that and tarp it.

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

There were none.

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

Motion BZA 2021-16 – 8230 Tulip Lane

Mr. Lamanna moved to grant the applicant the following variances for the purposes of constructing an accessory building for the use as a garage as shown in the application that was submitted.

1. A variance with respect to Chapter 165.15(d) to the maximum size accessory building to 480 sq. ft. from 300 sq. ft. for a variance of 180 sq. ft.
2. A variance to the maximum height to 18' from 15' for a variance of 3'.

Based on the following findings of fact:

1. The size of this lot is 1.5 acres and a building of 480 sq. ft. is not unreasonable on this size lot nor will it adversely affect the character of the neighborhood nor adversely affect the adjacent properties which the houses are a substantial distance from where this will be located.
2. The board notes that the applicant has agreed as part of this construction of this building to remove an existing storage structure that is located along the property line near where this new building will be built.
3. In addition it appears that the driveway of this property may encroach the 2' required setback so the board will also grant a variance for the existing driveway to the 2' setback requirement on the basis that it was long ago constructed and also it has no impact at all upon any of the neighboring properties because the houses are a substantial distance from this location so it will neither affect them or affect the character of the neighborhood.

Mr. Lewis seconded the motion.

Vote: Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

Application 2021-17 by Patricia Pharo for property at 17713 Lost Trail

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

Mrs. Patricia Pharo and Mr. Pat Pharo, property owners were present to represent this application.

Mr. Lamanna swore in Mrs. Patricia Pharo and Mr. Pat Pharo and he let the record reflect that Mr. and Mrs. Pharo were duly sworn.

Mrs. Patricia Pharo testified that they need to build an addition on their main floor in the back of their house to expand the kitchen and laundry room and through the process of trying to obtain the permit they discovered that all of the structures on the property that were there when they purchased the house, none have been permitted so there are quite a few structures there that they would need the variance for in addition to the pool setback from the neighbors, it is too close.

Ms. Karen Endres, Zoning Inspector referred to the aerial and said this shed is not on their property.

Mr. Gutoskey said we know all about that shed. He asked about the setback for the pool because the swimming pool would be an accessory structure.

Ms. Endres said there are two different setbacks in the resolution, there is a provision in zoning right now that points to the 1977 resolution for buildings and structures on non-conforming lots and that setback would be 15'. She said there is a new provision that became effective November of 2020 for recreational facilities having a setback of 50' from a side lot line.

Mr. Gutoskey said that supersedes the 1977 code.

Ms. Endres said she would have to refer to lawyers on this.

Mr. Gutoskey said you (Ms. Endres) and I had this discussion earlier.

Mr. Lamanna said the principal of interpretation is the more specific takes precedence over the general so this is more specific because it is one particular type of structure so it would take precedence over the 15'.

Mr. Gutoskey said so they would need a variance.

Mr. Lamanna said they would need a variance, right and his view is we should address it so they don't have an issue going forward. He said he doesn't think from the board's standpoint it really makes a difference.

Mrs. Pharo said there is not even a house on the property next door.

Mr. Gutoskey said not yet, you never know.

Mr. Lamanna said almost every empty lot has a habit of being built upon, it may take a while, suddenly houses appear. He asked if it is a single lot there.

Mr. Gutoskey said the lot behind it comes in off of Rt. 306 and those were originally, if you look at the old PV marketing stuff there was going to be a hotel there with a swimming pool etc. but they ended up splitting it into those two lots because we gave a variance on the lot on the corner. He said that was one big parcel and then they split it into three if you look at the original piece.

Mr. Lamanna said that is a darn big parcel in between.

Mr. Gutoskey said that is 1.9 and the one behind it is 1.9 and all of the lots in PV are one acre.

Mr. Lamanna said there shouldn't be much issue if somebody does build there, they have lots of room compared to everybody else.

Mr. Gutoskey said he doesn't think so, no.

Mr. Lamanna said it is double the width of everybody else's lot.

Mr. Lewis said so the pool gets categorized as an accessory structure.

Mr. Lamanna said a recreational structure.

Ms. Endres said a pool is an accessory structure then there is a provision in zoning, in the newest amendment that regulates recreational facilities.

Mr. Lewis said got it, if you've got a pool and a detached garage the limit is two accessory structures, are we capped out there and then what happens to the other stuff in the backyard.

Mr. Gutoskey asked two accessory structures per parcel.

Ms. Endres said two accessory buildings.

Mr. Gutoskey said the pool is not considered a building, it is considered recreational.

Ms. Endres said right.

Mrs. Pharo said there is a shed and then a slab of concrete that was a carport so all of the accessories are the deck and there are three walkways.

Mr. Gutoskey said the only reason this lot is over on lot coverage is because it has a circular drive in the front, that is the only reason it is over and it has been there since he moved here almost 30 years ago and it hasn't changed, you are the fourth owners.

Mrs. Pharo said they haven't added anything and they moved in five years ago, they want to add on but they are actually taking away a large walkway in the back and part of the deck.

Mr. Lewis asked if this is for a kitchen.

Mrs. Pharo said and laundry.

Mr. Lewis said it is a good trade-off.

Mr. Lewis said on the lot coverage configuration you had just mentioned you are going to be removing some stuff as part of your deck. He asked Ms. Endres if these dimensions reflect what the new reduced deck size will be.

Ms. Endres said as far as she knows it does.

Mr. Lewis asked pretty close.

Mrs. Pharo said yes.

Mr. Pharo testified that there is a brick walkway in the back in between the house and the deck that leads to the driveway and that is going away because that is where the extension is going but the extension for the kitchen is not even the size of that walkway so that actually reduces that portion right there.

Mr. Lewis said it is a trade-off.

Mr. Pharo said yes.

Mr. Gutoskey asked Ms. Endres about the lot coverage.

Mr. Lamanna said so the 6 x 10 walk is no longer going to be there.

Ms. Endres said right and there is an area that looks like it might have been dirt so she was unclear whether that was concrete or dirt and she thinks she addressed that in her lot coverage worksheet on page two.

Mrs. Pharo said the path between the house and then turn area between the shed and carport, that is non-existent, the path from the shed to the house too is going away, it is just overgrown and then the walkway that is coming out, she doesn't know if that is 6 x 10 behind the house and part of the drive.

Mr. Lamanna asked where the carport is.

Mr. Pharo said that was a concrete slab that was always there, he never knew why it was there, so that is what she (Ms. Endres) is calling a carport.

Ms. Endres said there used to be a carport there and once she met with the owners she figured out that the pad was there but the carport is gone.

Mr. Lamanna said so there really isn't a carport.

Ms. Endres said no.

Mrs. Pharo said it is concrete.

Mr. Lamanna said it is like a deck at this point. He asked if they are leaving it there.

Mrs. Pharo said yes because they can park there.

Mr. Pharo said they actually use it to park their golf cart on it just because it was there he didn't know what else to do with it.

Mr. Lamanna asked if they are planning to build a structure on it in the future.

Mrs. Pharo said no.

Mr. Gutoskey asked Ms. Endres if we should take that 60 sq. ft. of walk off the 9,027 sq. ft. that she calculated.

Ms. Endres said she thinks the walk is there.

Mr. Gutoskey said but you said the walk is coming out.

Mrs. Pharo said the walk is coming out.

Mr. Lamanna said why don't we just let them have the 60' as a little buffer because if somebody decides they need to have a little pad for something to walk out a doorway or, stuff happens as you are going along and you find you may need to connect this and this with a pad so we don't want you coming back here for 50 more sq. ft. He said so this is really not a carport and a pad.

Ms. Endres said it is lot coverage but it is not a building.

Mr. Lamanna said right it is not a building.

Mr. Lewis said it is just a pad.

Mr. Lamanna said it is not really an accessory structure.

Ms. Endres said it is like a patio.

Mr. Lamanna said it is not the same as a building.

Ms. Endres said it is not a building.

Mr. Gutoskey said for the variance we just give it for the extra square footage over allowable because it really isn't a percentage per say.

Mr. Lamanna said yes it is probably easier to do that.

Mr. Gutoskey said because we have that sliding scale now.

Mr. Lamanna said we are going to increase it from the 7,841 sq. ft. to 9,027 sq. ft.

Mr. Gutoskey asked if there is anyone in the audience interested in this.

No one responded.

Mr. Lamanna said and a variance to the setback for the pool.

Mr. Gutoskey said right.

Mr. Lamanna asked the applicants if they got approval from the Homeowner's Association.

Mr. Pharo said yes.

Mr. Lamanna said what he would like the applicants to do since none of these other things were ever approved is to go back to them and say we discovered all of these things were not approved in the past and the Board of Zoning Appeals has asked that we go back and get their approval for those as well just so that we've got a complete record here so everything is covered and you are covered too going forward but also then we also are covered, it is in our records here. He said the board will go ahead and approve this and you are in agreement that you are going to get that or whatever it takes in the next month or so and get it to Ms. Endres.

Mr. Pharo said absolutely.

Mr. Lamanna said that way the record will be complete and everything will be copasetic and our goal is, at the end of the day, when you walk out of here you want to make sure that your property has no issues so if somebody comes back and looks at anything the record will show everything has been properly approved and you aren't going to have some worries in the future when you go to sell your property with a title company that has discovered something because we have had people in here scrambling because they have done that and suddenly they have a title company saying they are not going to close the sale unless you get this straightened out so we try to make sure that nobody gets left in that situation.

Mr. Gutoskey said as we go along and we see these we try to clean them up.

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

#### Motion BZA 2021-17 – 17713 Lost Trail

Mr. Lamanna moved to grant the applicant the following variances for the purposes of constructing a kitchen addition as shown in the application and also with respect to maintaining some existing structures including a pool, possible driveway and parking, a shed and a pad.

1. A variance to the total lot coverage of 9,027 sq. ft. from the allowed 7,841 sq. ft. for a variance of 1,186 sq. ft.
2. A variance for an above ground swimming pool that was built by a previous owner which has a current requirement for a 50' setback so a variance is granted to 15'.

Motion BZA 2021-17 – 17713 Lost Trail - Continued

Based on the following findings of fact:

1. With respect to the pool the normal building setback is 15' but there is a superseding provision with respect to recreational structures and in this case given the narrowness of this lot it would be very difficult to position the structure and also the adjacent lot is currently not built upon but also has twice the average width of the lots in Pilgrim Village therefore the fact that this is a little closer to the property line should not adversely affect the adjacent property owners nor does it change the character of the neighborhood in any way.
2. With respect to the small increase in lot coverage much of the additional increases are driven by the fact that there is a large circular driveway in the front which is to a large extent the result of the odd location of this lot as it is oriented to the street so that this increase is reasonable given the lot size and this practical difficulty and again does not really change the character of the neighborhood nor will it adversely affect the adjacent property.
3. The board notes, as discussed during the meeting, the applicant is going to go to the HOA and obtain approval for these existing structures that never got approval in order to complete the record and will provide a copy of that approval to the Zoning Inspector which consists of the deck, pool and shed.

Mr. DeWater seconded the motion.

Vote: Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

Application 2021-18 by SDC III OH, LLC for property at 7135 Aurora Road

The applicant is requesting area variance(s) for the purpose of constructing a freestanding restaurant with drive-through. The property is located in the MUP District.

Mr. Scott Friedman, Ms. Juleen Russell and Mr. Trey Morgan were present to represent this application.

Mr. Lamanna swore in Mr. Scott Friedman and Ms. Juleen Russell and he let the record reflect that Mr. Friedman and Ms. Russell were duly sworn.

Ms. Juleen Russell testified that they have two variance requests and she doesn't want to assume the board is familiar with the project.

Mr. Gutoskey said there used to be a Ruby Tuesday restaurant there.

Mr. Lewis said the board is familiar with the property.

Ms. Russell said she didn't want to spend a lot of time going over the whole project as you know that phase I of this project is Starbucks.

Mr. Lewis said he thinks the previous was a three-unit building.

Mr. Gutoskey asked wasn't it a Chipotle and a Starbucks.

Mr. Scott Friedman testified that previously it was going to be a three tenant building at the time with a drive-through.

Ms. Russell said so now we are looking at eventually two standalones and this is the first one and she just wanted to show it because it is beautiful so to start out on a right note, if you want to take a look at the variance part of this, it is on the site plan.

The board reviewed the rendering.

Ms. Russell said essentially the first variance, but this isn't a typical size for that it is under the agreement for this particular tenant.

Ms. Karen Endres, Zoning Inspector testified that 20' is the normal setback.

Ms. Russell said the side setback is where we are asking for a 35 sq. ft. variance for half of our drive-through bump-out.

Mr. Friedman said 12 lineal feet.

Ms. Russell said yes, 12 lineal feet by about 2'10.

Ms. Endres said the whole building doesn't encroach.

Ms. Russell said half of that.

Mr. Lewis said 2' 7".

Mr. Lamanna said you have a bigger bump-out than most drive-throughs, most drive-throughs are almost flush.

Mr. Lewis said like when a drawer comes out when you are at a bank or getting a prescription or whatever.

Ms. Russell said they have actual operations in that area in that part of the building there and that is the first one and she will just move to the second one. She said the second one they are requesting is to not have to do a dedicated loading area spot which your code requires, a 12' x 50' space, the building is just over 2,000 sq. ft. and their deliveries are usually on off-hours and not with large equipment, smaller equipment so to dedicate an area that large just for a load spot for a big truck we are asking to not have to have that.

Mr. Lewis said so you want them to off-load right in their own parking lot as opposed to a dedicated dock so are they going to load in through the side or front of the building.

Ms. Russell said just that rear door back there where the handi-cap spots are, that is their service entrance and this is their national prototype so that is where they normally do it, it is not like we are asking for something a little different, they are not getting those kinds of deliveries that you would get a like at a TJ Max.

Mr. Friedman said they are not tractor trailers, they are smaller box trucks that can fit in a couple of parking spots.

Mr. Lewis said you said it was off hours, what are the hours of operations of this business unit.

Mr. Friedman said the tenant has not committed to the full hours yet.

Mr. Lewis said off hours means what 2:00 AM or between 9:00 PM and 6:00 AM, he is just trying to get a little clarification.

Ms. Russell said she thinks they did swear to tell the truth so she doesn't want to give you an exact time because she is not sure of the exact time, what we got was when we asked them was off hours so she doesn't know the exact hours.

Mr. Friedman said the tenant doesn't know yet either.

Mr. Lewis asked if Starbucks is typically open 24 hours a day or are they 5:00 AM to 9:00 PM or something like that.

Mr. Lamanna swore in Mr. Trey Morgan and he let the record reflect that Mr. Morgan was duly sworn.

Mr. Lewis asked Mr. Morgan if this is his unit.

Mr. Trey Morgan testified by saying yes.

Mr. Lewis said you are the developer.

Mr. Morgan said yes.

Mr. Lewis said okay, great.

Mr. Morgan said some stores open at 5:00 AM in the morning, this will not be one of them, they will open at 6:00 AM and they will close at 9 so most of the time they will come at that early 5:00 AM hour but some come in the evening but these are all like Mr. Friedman said, box trucks, small trucks, there is nothing major.

Mr. Lewis said they are in and out, they've got two-wheelers, they off load the load and they are out to their other 47 stops.

Mr. Friedman said yes, you are exactly right.

Mr. Gutoskey said the last time you were in he knows we had discussed blocking off that island there coming in off of Aurora Road which it looks like you have agreed to. He asked the applicants to explain the traffic flow through the site.

Mr. Lewis said so they come in through the boulevard, we have eliminated the cut-through so we are going to go to the back of the building and go down that main driveway.

Ms. Russell referred to the site plan displayed and said if they are a drive-through that is they are going to do that and if they want to park they are going to come around and go into one of these spots here.

Mr. Gutoskey asked if that second driveway, the one to the right, is that one-way in and out.

Ms. Russell said one-way, yes.

Mr. Gutoskey asked what about coming out of the parking lot, is that one-way coming out.

Ms. Russell said everything is one-way in this whole lot circulation area other than that cross access road.

Mr. Gutoskey said he thinks this is a really great layout.

Mr. Lewis said that really works.

Mr. Morgan said they are proud of it.

Mr. Lewis said you put a lot of thought into the traffic flow element. He asked what is the average time somebody sat at a window from the time they place their order to pick up.

Mr. Friedman said from order to pick up is 90 seconds.

Mr. Lewis said that is moving a lot of people through.

Mr. Morgan said you get a lot now with technology with the app where people order, park in those spaces, walk in and their order is ready and they walk out, they don't even wait in the que anymore.

Ms. Russell said those are their two requests in a nutshell.

Mr. Lewis said he thinks because of the judgment entries and this has been before our trustees.

Ms. Endres said the trustees approved the architecture.

Mr. Lewis said so it gets in the minutes, the trustees have reviewed the site plan, the aesthetic features and all are good.

Ms. Endres said yes.

Mr. Lewis said he imagines the sign package has already been approved or is that not on yet.

Ms. Endres said the trustees typically don't get involved in approving the sign package, that is zoning.

Ms. Russell said that will come from Starbucks.

Mr. Morgan said it is a separate request.

Ms. Russell said that will come from them directly.

Mr. Lamanna asked what is going to happen to the other piece of this lot.

Mr. Morgan said we don't know, when we were originally here we created one strip building and we had Chipotles and he guesses they left to go get a drive-through at the Steak and Shake place. He said the driveways have become quite a bit of importance, we don't have a tenant for the second spot at this point but have kind of a box layout to accommodate the typical ones.

Mr. Gutoskey asked if you get somebody who needs a drive-through would you use that same drive.

Ms. Russell said yes they do have a two building site plan that we developed for marketing purposes and the same thing, you would come through that straight and then instead of turning right, you turn left and then go through their drive-through that way so, yes, the site will accommodate two similar in size so essentially we had a 4,500 or 5,000 sq. ft. Ruby Tuesdays and we will probably end up with somewhere less than that between the two buildings.

Mr. Gutoskey said and the lot coverage is okay.

Ms. Endres said she thinks they are actually going to have less lot coverage than Ruby Tuesday had, that is her benchmark.

Ms. Russell said clearly right now.

Mr. Lamanna said the parking is going to be fine.

Ms. Russell said they are well over.

Mr. Lamanna asked when you add that building is some of that parking going to end up being used.

Ms. Russell said they count these in their calculations, she believes they just counted the ones that fall on this side.

Mr. Lamanna said that is what he is saying, so some of those parking spaces are available.

Ms. Endres said there is parking over here too, it is just not shown on the civils.

Mr. Lewis said so where do you have employee parking, the back row there or over in the main parking center lot.

Mr. Lamanna said there is other parking in the shopping center, but not on this lot.

Ms. Russell said yes.

Mr. Lamanna said the fact that this thing has been subdivided into multiple lots.

Mr. Gutoskey said there will probably be cross access too.

Mr. Friedman said there will be cross access.

Ms. Russell said we are maintaining this.

Mr. Gutoskey asked if the dumpster is enclosed with an enclosure with gates.

Ms. Russell said yes and it will have similar materials as the building.

Mr. Friedman said it is going to be a very attractive building.

Mr. Lamanna said very nicely done.

Ms. Russell said she thinks it will be an asset too for the community. She asked if the board had any other questions for them.

Mr. Gutoskey said lighting, full cut-offs.

Ms. Russell said Ms. Endres has our photometric plans.

Ms. Endres said she has all of that, she doesn't know if she gave it to the board.

Mr. Gutoskey said it is one of the things we look at and it meets our requirements.

Mr. Lewis said he doesn't think we have to worry about the sound level through the speaker and the intercom system because this whole area is surrounded.

Ms. Russell said the strip center next to us on the south side is 106' away.

Mr. Gutoskey asked if there is anybody in the audience that has an interest in this.

There was none.

Mr. Lewis said he really doesn't have any questions on this, he is happy with the site plan, the drive coming in, filling in that island gap and your traffic flow pattern is excellent, you can have a lot of cars in there on your property so we are not stacking out on access roads or anything in the shopping center or out on Aurora Road.

Mr. Lamanna said the shopping center is not too busy at 6:00 or 7:00 in the morning.

Mr. Lewis said no it is not. He asked what their timeline is, are you hoping to finalize things with Starbucks.

Mr. Friedman said they have finalized with Starbucks.

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

Motion BZA 2021-18 – 7135 Aurora Road (Starbucks)

Mr. Lamanna moved to grant the applicant the following variances for the purposes of constructing a freestanding Starbucks building as described in the plans submitted by the applicant.

1. A variance to the building setback to the east lot line from 20' to 17.3' for a variance of 2.7' for a portion of the building that sticks out to accommodate the drive-through area.
2. A variance to the loading and unloading space provided from one space approximately 50' long to no specific loading and unloading space, rather the applicant will use existing parking on the site for purposes of loading and unloading.

Based on the following findings of fact:

1. The first variance is a small variance for only a small portion of the building that bumps out. This variance is necessary to accommodate the lot shape and size of the building and is reasonable and will not adversely affect any of the neighboring uses of the property.
2. With respect to loading and unloading, the applicant, because of the nature of this business does not require large deliveries of product, it will generally be on smaller trucks and therefore does not need full space but the applicant has indicated that they will schedule their deliveries during off hours so as not to create any kind of adverse traffic situation on the premises.

Motion BZA 2021-18 – 7135 Aurora Road (Starbucks) - Continued

3. The board also notes that as part of the construction plans the applicant is going to fill in a driveway opening on the entrance into the shopping center development so that traffic cannot immediately try to turn left as they enter the shopping center. The applicant is doing this in order to prevent stacking issues from developing out onto Aurora Road if traffic tries to make that turn, this way they have the entire length of the property to come down before they have to make a left-hand turn to go into the access road into the site.

Mr. Lewis seconded the motion.

Vote: Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

Application 2021-19 by The Red Door – Mercantile LLC for property at 7130 Pine Street

The applicant is requesting a substitution of a non-conforming use for the purpose of establishing a small mercantile selling home goods. The property is located in a R-3A District.

Ms. Cynthia Phelps, Ms. Diane Morrow and Mr. Phil Siegel, property owner were present to represent this application.

Mr. Lamanna swore in Ms. Cynthia Phelps, Ms. Diane Morrow and Mr. Phil Siegel and he let the record reflect that Ms. Phelps, Ms. Morrow and Mr. Siegel were duly sworn.

Ms. Morrow testified that she and her sister want to provide a mercantile set up with refurbished furniture, vintage items and glassware.

Ms. Phelps said picture Mr. Olson's store on Little House on the Prairie, like an old fashioned general store.

Mr. Lewis asked if there will be food or perishables.

Ms. Phelps said maybe some fresh flowers.

Mr. Lewis said not edible.

Mr. Lamanna asked about the size, how many square feet of retail space do you have.

Ms. Phelps said she thinks it is 720 sq. ft.

Mr. Phil Siegel testified that he went to the GIS and that is how he got the square footage on it.

Mr. Gutoskey said Ms. Endres has it as 30 x 24.

Ms. Phelps said it is 30 x 24.

Mr. Siegel said it is not a large space.

Mr. Lamanna said he is not worried about if it is 780 or 720.

Ms. Phelps said it was an upholstering business that she had before in the space but because of the neighborhood like a rural setting we are not really changing too much, it is not going to be a high traffic area because there are going to be more people coming in as a destination area rather than just driving by and stopping in.

Mr. Lamanna asked how many parking spots are there.

Mr. Siegel said he would say there is probably five and added that it is an unusual property if you are familiar with it, it has been a small store front, at one time it was a locksmith, then it was a glass shop and the last 27 years an upholsterer has been there so it hasn't changed much for predating zoning.

Mr. Lamanna said it is really just a question of traffic more than anything else and all of those things you described in the past they have a certain amount of traffic but it is not a lot of traffic, a person will come and drop something off and they go and if you have a few people an hour, five or six an hour at the most for most of the businesses there is not a lot of traffic.

Mr. Siegel said from his conversations he doesn't expect there to be anymore traffic than what you are describing.

Mr. Lamanna said you are not Starbucks, there is not a high turnover, lots of people coming stay 90 seconds and go.

Ms. Phelps said she and her sister will manage the shop, it is small and if they are lucky they would have five or six people in there at one time, we have been sort of in the township for 40 some years so a lot of it is word of mouth, we specifically chose not to be in a high walk area, we didn't want that type of store.

Mr. Lamanna said so people are coming to look for specific types of things so it is pretty much specialty things.

Ms. Phelps said we wanted to have flowers so if somebody from the neighborhood wanted to stop on the way home and pick up some flowers, when you asked, we might be selling some old fashion candies and gums if that would be considered perishable.

Mr. Lewis said he was thinking more like dairy, refrigerated items.

Ms. Phelps said no.

Mr. Lewis said he doesn't think you are trying to be a convenience store.

Mr. Lamanna said it is more of a traffic issue so based on what you talked about this is a thing that is just going to attract a small number of people coming through, people are going to come and look around and look for something they are looking for or might find there, spend a little time there and then they will move on.

Mr. Siegel said he was going to mention his next door neighbor is here and he has been patient.

Mr. Gutoskey said he wants to go back to the parking, is the parking going to be in front.

Mr. Siegel said parking is head-in parking, it has always been like that, they actually have more parking than the apartments next door so the whole area in front is all parking.

Mr. Gutoskey said his question is there is nothing striped in the front of it and/or from that aerial, do you know from what year this was taken.

Ms. Karen Endres, Zoning Inspector testified that it is 2020.

Mr. Gutoskey said the last time the Greenville was in weren't they supposed to stripe their parking lot, within the last ten years.

Mr. Siegel said he knows we discussed it but it wasn't something that you guys had required him to do, he kind of looked into it and it was the way the parking is laid out, sometimes it is actually better, people will kind of pick their spaces as they come in and the parking kind of determines itself, you probably don't love to hear that.

Mr. Gutoskey said it is hard for the safety forces.

Mr. Siegel said the nice thing is obviously the street is right in front so you have the former Arch Street and Pine Street in front so you have fairly easy access to all of the entrances.

Mr. Gutoskey asked if there is anything in the code that waives striping parking lots.

Ms. Endres said we do have a provision she believes that does have striping the parking lots. She said it used to be that it was only for parking lots that were bigger than 100 parking spaces or bigger.

Mr. Lamanna said that is one of those rules for 100 spaces or bigger, those aren't parking lots that have the problems it is the little parking lots that have the problems.

Mr. Gutoskey said they changed that in the code. He asked if there is anybody else here that would like to speak on this application.

Mr. Brian Rundle of 7120 Pine Street and next door neighbor wanted to speak on behalf of this application.

Mr. Lamanna swore in Mr. Brian Rundle and he let the record reflect that Mr. Rundle was duly sworn.

Mr. Brian Rundle testified that he is a neighbor immediately next door to the west and he is in favor of the variance, he has no problems with what they are asking to do there.

Mr. Lewis said that is wonderful to hear.

Ms. Morrow said they also provided a signage detail too, to Ms. Endres, they are going to have a small sign above the door.

Ms. Endres displayed the proposed signage on the large screen and said it is in the board packets.

Ms. Morrow said it is the one on the top left, the other one is just a business card.

Mr. DeWater asked if that building has its own restroom facilities.

Mr. Siegel said yes.

Ms. Endres said anytime a new business opens the fire department and building department will get involved with the occupancy permit.

Mr. Lewis said the sign is not very large, 2-1/2' x 5'.

Ms. Phelps said it will be on a bracket and be a two-sided sign.

Ms. Morrow said it would be 2' across and 2-1/2' going up, it might be less than that and it is going to be hanging on just a bracket above the door.

Mr. Lewis asked if a variance is needed for the sign.

Ms. Endres said she doesn't believe they need a variance for the sign.

Mr. Siegel said that he asked that they bring it up now, just in case, because it is a non-conforming use if you had any questions about it, now might be a good time.

Mr. DeWater asked if they are going to improve the light fixture above the door.

Ms. Phelps said yes because it is fairly small above the door.

Ms. Endres said you need full cut-off fixtures so that they are shielded and the light goes straight down and doesn't glare out into the road or onto neighboring properties.

Ms. Phelps said okay.

Mr. Lewis said and you have an excellent neighbor, as he has testified and you don't want to light up his whole front yard.

Mr. Rundle said he likes the light out there.

Ms. Endres said the wall sign, they would have one-half a square foot for every lineal foot of the building, she will do the math and figure it out but zoning does provide calculations for non-residential uses in a residential district, it is not the same amount of signage that commercial uses in commercial zoning districts get.

Mr. Lamanna said less than 15 sq. ft. is probably not going to be a problem.

Mr. Lewis said and a single sided sign.

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

Motion BZA 2021-19 – 7130 Pine Street (The Red Door – Mercantile LLC)

Mr. Lamanna moved to approve the substitution of a non-conforming use at subject property from the prior use to the new use as the Red Door Mercantile as described by the applicants.

Based on the following findings of fact:

1. This is a similar intensity use as the prior occupants of this building in the past.
2. The nature of the business is it is not going to have substantial traffic and rapid turnover so it will not increase the amount of traffic significantly in this area nor is it going to increase the amount of noise or other similar potentially annoying situations and therefore it is appropriate to approve this use that has been proposed.
3. It is noted that the applicants need to make sure that they have an appropriate lighting fixture at the entrance and that they will assure that that is done also in conformity with the lighting standards of the township zoning ordinance.

Mr. DeWater seconded the motion.

Vote: Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

Since there was no further testimony, the public hearing was closed at 8:30 P.M.

Respectfully submitted,

Brent Barr, Alternate  
Ted DeWater  
Ian Friedman, Alternate  
Joseph Gutoskey  
Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman

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

Date: September 16, 2021

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio  
Board of Zoning Appeals  
August 19, 2021

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:30 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey and Mr. Todd Lewis. Ms. Karen Endres, Zoning Inspector was present.

MINUTES

Mr. Lamanna moved to adopt the meeting minutes of July 15, 2021 as written except for the correction by Mr. Gutoskey.

Mr. Gutoskey seconded the motion.

Vote: Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

APPLICATIONS FOR NEXT MONTH

Application 2021-20 by Michele Nelson for property at 7107 Oak Street

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

Application 2021-21 by David Boodjeh, Chief Administrative Officer for Discount Drug Mart for property at 8459 Washington Street

The applicant is requesting area variance(s) for the purpose of constructing a stock room addition. The property is located in a CB District.

Application 2021-22 by David Boodjeh, Chief Administrative Officer for Discount Drug Mart for property at 8459 Washington Street

The applicant is requesting area variance(s) for the purpose of a parking expansion. The property is located in a CB District.

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for September 16, 2021 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 9:12 P.M.

Respectfully submitted,

Brent Barr, Alternate  
Ted DeWater  
Ian Friedman, Alternate  
Joseph Gutoskey  
Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman

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

Date: September 16, 2021