

Bainbridge Township, Ohio
Board of Zoning Appeals
May 20, 2021

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:05 P.M. by Mr. Michael Lamanna, Chairman. Members present in person were Mr. Ted DeWater; Mr. Ian Friedman, Alternate; Mr. Joseph Gutoskey and Mr. Todd Lewis. Mr. Michael Corcoran was absent. Ms. Karen Endres, Zoning Inspector was present in person. Mr. Steven Averill, Assistant Zoning Inspector was present in person to monitor and host the Zoom meeting.

Due to the COVID-19 Social Distancing guidelines this meeting was held virtually via Zoom.

Mr. Lamanna welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals, explained the public hearing process and stated that individuals will be sworn in when the application is started.

Application 2021-9 by Jeremy Fischbeck for property at 16745 Chillicothe Road (Market Square Shopping Center)

The applicant is requesting an expansion of an existing conditional use permit for the purpose of installing a walk-in freezer to serve Mazzulo's Market. The property is located in a CB District.

Mr. Jeremy Fischbeck and Ms. Brooke Mazzulo Rosselot were present via Zoom to represent this application.

Mr. Lamanna swore in Mr. Jeremy Fischbeck and he let the record reflect that Mr. Fischbeck was duly sworn.

Mr. Fischbeck testified that they would like to relocate the existing walk-in freezer from the kitchen to a new pad on the blacktop asphalt from the east side which would be the backside of Mazzulo's existing market and to accomplish this they are going to widen the existing door by 18 additional inches with a steel header and for a concrete slab with footer for the freezer, it would be the elevation of the existing ground, it would be the size of, total pad would be 12'0" by 8'5" wide to accommodate the existing freezer and move it out there, put a rain top on it and seal it up to above the wall and attach it to the pad. He said that is the extent of this part of it, there are also kitchen improvements but he is not sure we are talking about that here. He said that is pretty much the extent of it.

Mr. Lewis asked if that impacts his delivery service entrance on the back side of your unit.

Mr. Fischbeck said no, it is an additional door, the unit was expanded some years ago into the adjacent unit and combined so it has an additional back door, the one that says Best Cuts on it, that is the door they would be using, to have an additional 4' wide door, that green one over there so the egress is still met.

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

Mr. Lamanna asked Ms. Endres if there are any outstanding issues here with this conditional use.

Ms. Karen Endres, Zoning Inspector testified that we have a continuing problem with signage on this property and some others where sandwich board signs are put within the road right-of-way and that is the only real zoning violation she is aware of on the property at this time.

Mr. Lamanna asked if someone for the applicant would like to speak to this issue.

Ms. Brooke Mazzulo Rosselot stated that she is the owner.

Mr. Lamanna swore in Ms. Brooke Mazzulo Rosselot and he let the record reflect that Ms. Rosselot was duly sworn.

Ms. Brooke Mazzulo Rosselot testified that her business address is 16745 Chillicothe Road in Bainbridge Township and they have been fortunate enough to be in business for 26 years supporting the Bainbridge and Chagrin Valley community and basically have outgrown their space and they are just trying to make some updates to accommodate the change with their businesses that they are expanding and just trending to the new needs of their consumers so, their one and only option is to leave their freezer outside so they can open up and make a bigger kitchen, food production area so they can feed more Bainbridge customers, like one of the gentlemen was talking about how he had Mazzulo's for dinner tonight, that was awesome and made her night.

Mr. Lamanna said what he specifically asked to address is we had some issues with respect to some non-permitted sandwich board signs that you have been putting out.

Ms. Rosselot said yes and so we did take it down and relocate it and we knew that there was a hearing and we have not been advised as to what the final details were with that allowing sandwich board signs being allowed at the road.

Ms. Endres stated that sandwich boards are not permitted ever in the road right-of-way, sandwich boards are permitted with a permit on the sidewalk by the entrance to the building.

Ms. Rosselot said okay.

Mr. Lewis said so it needs to be located directly in front of your place of business, not in the parking lot, not out on the street, not in the greenspace, in front of your building directly.

Mr. Lamanna said you have two problems, number one there is a zoning issue and number two if you put something in the road right-of-way you have an issue with whoever that road right-of-way belongs to and in this case it is probably the state of Ohio so even if zoning allows it you would have to have the consent and permission of the state of Ohio to put it there even if zoning wasn't an issue so we want to be sure you understand what Ms. Endres just explained as the requirements and we would expect you going forward to stay in compliance with those requirements. He asked if anyone else has anything they wish to say on this application.

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

Motion BZA 2021-9 – 16745 Chillicothe Road

Mr. Lamanna moved to grant the modification to the conditional use permit to allow an expansion of the pad and the installation of a walk-in freezer as shown on the drawings submitted by the applicant.

Based on the following findings of fact:

1. These changes are consistent with the conditional use.
2. The expansion is minimal.
3. It creates no issues with those things regulated by Section 117 with respect to conditional uses and will not actually change the lot coverage of the property either.
4. The board will note that the applicant has had some issues with the location of sandwich board signs and the applicant has indicated that they understand the permitted use of such signs and will conform in the future.

Mr. Gutoskey seconded the motion.

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

Application 2021-10 by Brandon O'Neill for property at 17695 Plum Creek Trail

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

Mr. Lamanna stated that the board would prefer to have the applicants on video as well as just audio if possible.

Mr. Brandon O'Neill was present via Zoom to represent this application.

Mr. Lamanna swore in Mr. Brandon O'Neill and he let the record reflect that Mr. O'Neill was duly sworn.

Mr. Brandon O'Neill testified that his address is 17695 Plum Creek Trail in Bainbridge and the purpose of the variance is to build a new attached 16' x 28' garage with a new drive leading up to that garage and there is a reason for adding the garage because he drives a full-size truck that does not correctly fit in the existing garage and to give a little bit more storage space as well. He said technically he believes that his front yard is considered on Plum Creek Trail even though the home faces Bainbridge Road so that is the 50' and you need 50' and the proposed structure would be 44' so it is a 6' variance request.

Mr. Lewis said it is not really in the front yard because it is lining up with his existing garage which is in front of the house but attached even though it is not a side entry. He said it looks like he has made it longer because his existing is 22' and it looks like this is 28' deep.

Mr. O'Neill said correct.

Mr. Lewis said so you are requesting rather than making the front of it flush with your existing garage you wanted to extend beyond your existing garage towards the street an additional 6'.

Mr. O'Neill said correct, yes, the original plan was to flush it out with the face of the existing garage but the issue is his roofline tying back to the house, there is a section of gutter on that back side that if he were to flush it out and keep that 28' depth that he needs to fit the truck in the garage the whole existing roof would have to be reworked to divert that water from the gutter to get it flowing in a different direction which would be pretty expensive.

Mr. Lewis said he notices that we have in our packet that the Tanglewood Lake Association Architectural Review Board did approve this so they are aware that it is coming 6' closer to the street and they have seen all of these blueprints.

Mr. O'Neill said correct, yes, he worked with Mr. Mark Kujawinski, the review board manager, he sent these drawings to him and he had a chance to review them and he put that letter on the Tanglewood letterhead.

Mr. Gutoskey asked Mr. O'Neill if he had an architect look at this to determine whether or not you can do some modifications with the roof to move it back to match the rest of the front of the house. He said he is not sure what the hardship is without having plans or something from an architect that shows it is cost prohibitive to make some roof framing changes whether or not there is a hardship here.

Mr. O'Neill said he has not reached out to an architect, he does work for a construction management firm so he does have a little bit of background. He said with the roof currently pitching towards that gutter there you would have to remove the whole section of roof and get that pitching in the opposite direction so that would be the financial hardship he would call it.

Mr. Gutoskey said understood but the problem he has is he has no evidence or pictures or anything to kind of give him an idea of what the issue is.

Mr. Lamanna asked about the aerial.

Mr. O'Neill said if you look at the drawing that was provided, A2 Elevations, if you look at Detail 2, the section next to the new proposed garage where you see that roofline coming down, that would be the 6' section of gutter and you can see on that Detail 2 Elevation, the pitch of that roof is pitching back towards the back of the home so if the garage was moved back in line that whole roof would have to be redone and pitched, he guesses towards the front of the home, that would be the only way to do that and that is on A2 Elevations, Detail 2. He said that screen actually shows it. He said it pitches back against the laundry room in that area and you see towards the back of the house, it pitches toward about a 6' section of gutter so in order to avoid that gutter that is what the proposal is to bring the face of the garage out and honestly bringing the face of the garage out sometimes it is difficult to match the existing roofline and to make it look seamless to where it is just easier to give it more dimension and bring it out and stagger it. He said he has a small section of gutter on the front of the house and a small section on the back, that is a perfect shot right there.

Mr. DeWater asked couldn't they take the front peak and carry it up into your new proposed roof and push the building back and just dump the water towards Bainbridge Road at that point off your roof.

Mr. O'Neill said he thinks if you kept the existing pitch you would be above the roofline of the new proposed garage and it would be pretty high at that point.

Mr. Gutoskey said the question he has on your mortgage ID it shows that side of the house as 22', the garage before it kind of steps back but you are going 28' so you are already going back into that 4' and that little cricket in there is only 5.6' and he is having a hard time picturing it.

Mr. O'Neill said the existing garage is roughly 22' like you said and adding the additional 6' would bring it to 28'.

Mr. Gutoskey said you are sticking out 6' so you are matching the back of the new garage with the back of the existing garage.

Mr. O'Neill said correct, yes. He said the back of the garage would stay at the same location it is just getting an extra 6' coming out so that way the truck would fit into the garage.

Mr. Lamanna said you would have to redo the entire roof structure over that.

Mr. O'Neill said correct.

Mr. Lamanna said when they built it to have the roof the way it is on that garage, they already put that big cricket in there so that really limits going back beyond that point, there is really no way to go back beyond that point.

Mr. O'Neill said you would have to rework that whole cricket in the area of the roof and then he would just be nervous to dump all of that water in that small 6' section of gutter on the front of the house, he doesn't know if it would be able to handle that much flow.

Mr. Lamanna asked so on the back side of the new garage is the roof going to parallel the existing roof or is it going to be above it slightly.

Mr. O'Neill said it will be above it slightly that way it doesn't have to match up with the existing roofline.

Mr. Lamanna said it will start at the back of the little point where that gutter starts up a little bit and then it will go forward 30' beyond where the peak is now coming forward and then back down to the new.

Mr. O'Neill said correct, yes. He said you can actually see on the A2 elevations detail along the house how that peak will be.

Mr. Lamanna asked if no issues were raised by your next door neighbor.

Mr. O'Neill said not from his side, no.

Mr. Lamanna asked if there is anyone else on Zoom that has an interest in this application that wishes to speak.

Mr. Lewis asked where the water goes, the water goes into gutters and downspouts.

Mr. Lamanna said and probably, he doesn't know if they've got storm sewers up there or if they are dumping into Bainbridge Road.

Mr. Gutoskey said he thinks there are storm sewers.

Mr. Lamanna said probably on Plum Creek.

Mr. Gutoskey asked Mr. O'Neill if his downspouts go to the storm sewer.

Mr. O'Neill said he is nearly positive that they do yes because he doesn't have any outflow into the culvert on the Bainbridge Road side.

Mr. Lamanna said he thinks it is all into the storm sewer. He said the only property it really affects is the next one over and they are quite a bit away.

Mr. Lewis asked about the height.

Mr. O'Neill said it is 30'10" to the property line on his neighbor's side.

Mr. Lewis said it is 18' tall.

Mr. Lamanna said it is only a one-story garage.

Mr. Lewis said the house is a two-story so it is taller than the garage is anyway.

Mr. Gutoskey said he was just curious because normally something like this we would have an architectural plan to look at.

Mr. Lamanna said it would make it a lot easier. He asked if there are any other questions or issues.

The board discussed screening and tying the downspouts into the storm sewer.

Mr. Lewis said it is just the front yard setback.

Mr. Lamanna asked Mr. O'Neill if he has any plans on landscaping once he gets the new garage in.

Mr. O'Neill said he would backfill around the foundation to make the grade work and it would just be grass around it kind of like how it is now with grass surrounding the garage on three sides and the driveway would be on the west portion of it.

Mr. Gutoskey asked if there are any windows on the side.

Mr. O'Neill said the northside doesn't have any windows, the east side has a man door and there is a plan to put a man door on the backside of that garage.

Mr. Lewis said that is 28' of solid wall.

Mr. O'Neill said there are windows on the front of the existing garage facing Bainbridge Road, he would be more than happy to put a window or two on the backside of the garage if that would be a requirement.

Mr. Gutoskey said that would help break it up.

Mr. Lamanna asked if a little landscaping could be put in along the side of it, some shrubs.

Mr. O'Neill said he is actually going to do that, some Arborvitae because it would actually block or almost create a fence to block off the back patio so he would like to put some trees in, it would be on the north side of the garage and would almost wall off the backyard and create a landscaped fence.

Mr. Lamanna said the board isn't looking for anything elaborate but they would like to see some typical foundation plantings along there because you are moving closer to your neighbor and out a little farther and he thinks just adding some typical foundation plantings along that and a couple of windows, then it will be pretty much consistent with what other people have in the neighborhood when they have situations like that.

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

Motion BZA 2021-10 – 17695 Plum Creek Trail

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

1. A variance to the minimum front yard requirements on the west side from 50' to 44' for a variance of 6'.

Based on the following findings of fact:

1. A practical difficulty exists.
2. The garage addition will be constructed as shown in the plans submitted by the applicant with the addition of adding two windows to the north side of the garage and also adding foundation plantings on the north side of the garage.
3. The reason for these changes are that they are necessary to avoid adversely impacting the neighboring properties and to also assure that this change does not adversely affect the character of the neighborhood and these changes are necessary for a positive finding on those matters.
4. Given the minimal size of this variance it will not otherwise adversely affect any delivery of services.
5. All of the downspouts and existing ones will tie into the storm sewer.

Mr. Lewis seconded the motion

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

Application 2021-11 by Richard Gierlach for property at 18764 Chillicothe 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.

Mr. Lamanna stated that there is an issue with the maximum size of an accessory building of 300 sq. ft. and the applicant is requesting 558 sq. ft. on a non-conforming lot.

Mr. Richard Gierlach was present via Zoom to represent this application.

Mr. Lamanna swore in Mr. Richard Gierlach and he let the record reflect that Mr. Gierlach was duly sworn.

Mr. Richard Gierlach testified that they are looking to construct a garage, 18' x 31' behind the house on the north side of the property, mainly just for storage of outdoor equipment and that is really about it. He said they don't have room in their garage and they need some extra space.

Mr. Lamanna asked if the structure is going to have a full foundation and concrete floor and everything.

Mr. Gierlach said he is going to do a gravel foundation with a wood floor.

Mr. Gutoskey said concrete might be cheaper.

Mr. Gierlach said yes that is true, he was kind of looking at that.

Mr. Gutoskey asked what the pitch on the roof is.

Mr. Gierlach said he would say probably around 25 to 30 degrees.

Mr. Gutoskey said it looks like on the plan it is 3 and 12. He said it is only 13' tall so the roof has got to be pretty flat.

Mr. Gierlach said it is not very steep.

Mr. Lamanna said once you drop below 4 and 12 you are starting to get into snow load land.

Mr. Gutoskey asked what our minimum roof pitch is.

Mr. Steven Averill, Assistant Zoning Inspector said it shows 3/12 on here.

Mr. Gutoskey asked what the code is.

Mr. Lamanna said he doesn't think there is a minimum.

Ms. Karen Endres, Zoning Inspector testified that it is not a pitch, it is the height that is 15'.

Mr. Lamanna said you can have a flat roof but the only question is when you get a flatter pitched roof did somebody design the building for the snow load here, because the snow load here isn't the snow load on the west side of Cleveland and somebody goes and says this thing is great for a snow load in Cleveland, well this isn't Cleveland.

Ms. Endres said the building department will have to review it.

Mr. Lamanna asked if it is a real riparian in here, it is showing one here.

Mr. Gutoskey said it doesn't look like they are near it.

Mr. Lamanna said the one picture just shows the blue line and he doesn't know if it is a real one.

Mr. DeWater asked about the siding material.

Mr. Gierlach said it is sheet metal.

Mr. DeWater asked sheet metal.

Mr. Gierlach said yes.

Ms. Endres said the riparian is well behind it and there should be a second page attached that shows the area of the riparian.

Mr. Lamanna asked what the distance is of the proposed structure from the existing septic.

Mr. Gierlach said he would say around 25' but it is on a down slope from the septic so there wouldn't be any flow or additional drainage or anything affecting the septic.

Mr. Lamanna asked Mr. Gierlach if he can move closer to the septic or are there grade issues there.

Mr. Gutoskey said he believes he can be 10' off of the septic.

Mr. Lewis asked where the secondary leach fields are. He asked if this is a metal building.

Mr. Gierlach said yes sir.

Mr. Lamanna asked if it will have a metal roof as well.

Mr. Gierlach said correct.

Mr. Lamanna asked what color is it going to be.

Mr. Gierlach said the roof will be black, it will match the house with black trim.

Mr. Lewis asked what the purpose of what is going to be stored in there is.

Mr. Gierlach said it will be for outdoor equipment, mower, four wheeler.

Mr. Lamanna said it looks like your neighbor has an accessory building behind his house.

Mr. Gierlach said correct.

Mr. Lamanna asked how is this going to line up with that.

Mr. Gierlach said they will be off set, we will be probably 15' or 20' further east.

Mr. Gutoskey said he thought about 3 and 12 but it is for manufactured homes.

Mr. Lamanna said given the size of this building he would feel a little better if we could move this a little farther off the property line.

Mr. Gierlach said okay.

Mr. Lamanna said this is sort of a hand in glove here because there is a 300 sq. ft. maximum size for accessory buildings which because you are allowed to only be 20' off the property line so normally if you were in a three acre area you would have to be 50' off the property line currently.

Mr. Gutoskey said and he is just under at 2.91 acres including the right-of-way.

Mr. Lamanna said right so typically if you are on a 150' wide lot then we would probably look at a 35' or 40' setback for something like this. He said you said you are 25' away from the septic.

Mr. Gierlach said yes, give or take, he thinks 25'.

Mr. Gutoskey asked if it is downhill of it or right next to the building.

Mr. Gierlach said the septic is uphill from the structure they want to put in.

Mr. Lamanna asked if it can be moved over 10' and get up to 30'.

Mr. Gierlach said sorry.

Mr. Lamanna said move the building 30' from the property line, so move it another 10'.

Mr. Gierlach asked go 30' from the property line.

Mr. Lamanna said right.

Mr. Gierlach said okay.

Mr. Lewis said he is looking at the rendering, it is going to be facing the neighbors but it looks like it is going to be pretty far back.

Mr. Lamanna said it is going to be back behind that tree line so the neighbors aren't going to see it from their house, the neighbor has its own, not an inconsequential structure there.

Mr. Gutoskey asked Mr. Gierlach if he is going to have doors in the front.

Mr. Gierlach said yes.

The board discussed windows and landscaping.

Mr. Lamanna said given how far back it is and with the other structure over there.

Mr. Lewis said he likes a window or two so if you lose power you see where you are going in there.

Mr. Gutoskey asked if there is anybody else interested in this application.

Mr. Gierlach said no, there is nobody else. He said they do have a couple of windows on the south side.

Mr. Lamanna said given how far back it is with the trees there is nothing to worry about.

Mr. Lewis said he doesn't need it as an impact feature on the adjacent because it is a long way back.

Mr. Lamanna said and there are trees and the neighbor has a big building back there too.

Mr. Gutoskey asked if the windows are on the north or the south.

Mr. Gierlach said the windows are on the south, everything would be on that same wall.

Mr. Gutoskey said they are reversed on your drawing, they are actually shown on the north.

Mr. Gierlach said they are on the south.

Mr. Lewis asked what the practical difficulty is for wanting to put up a building twice the permitted size.

Mr. Gutoskey said the lot is 2.9 acres from the centerline.

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

Motion BZA 2021-11 – 18764 Chillicothe Road

Mr. Lamanna moved to grant the applicant the following variance for the purposes of constructing an accessory building as shown in the application.

1. A variance for the size of the building of 558 sq. ft. versus the 300 sq. ft. permitted on a non-conforming lot.
2. There will be one change to the location of the building which the applicant has agreed to so that the minimum side yard on the north side of the property will be 30' rather than the 20' as shown in the application.

Based on the following findings of fact:

1. The reason for making this change is normally the required setback would be 50' on a three acre lot and although potentially it could be as little as 20' under the existing code but given the fact that this is a much larger building it needs to be moved to 30' in order to not adversely affect the neighboring properties or adversely affect the character of the neighborhood.
2. The board also notes that the applicant has almost a three acre lot therefore with this change a building of 558 sq. ft. is reasonable and will not either adversely affect the character of the neighborhood or adversely affect the neighboring property.
3. It can't be moved any further other than 30' away because of the existing septic system which prevents its location any farther than 30' from the property line.

Mr. Lewis seconded the motion

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

Application 2021-12 by Roger Matt Reinert for property at 9596 Stafford Road

The applicant is requesting area variance(s) for the purpose of constructing an accessory building. The property is located in a R-5A District.

Mr. Roger Matt Reinert was present in person to represent this application.

Mr. Lamanna swore in Mr. Roger Matt Reinert and he let the record reflect that Mr. Reinert was duly sworn.

Mr. Reinert testified that he is looking to build a 40' x 40' accessory building, it will be on the south side of his property and added that he has a non-conforming lot, he is a half an acre short of meeting it. He said you can see he is pretty far off the street, he has 4.4 acres and he is in he thinks the northeast corner of Bainbridge, right at the Bainbridge line right there.

Ms. Karen Endres, Zoning Inspector testified that he is the last lot in Bainbridge.

Mr. Gutoskey said that is Auburn.

Mr. Reinert said what he is was looking to do, 20' off the property line, precisely 24.7' off the property line and 20' off the home, obviously that is the behind the garage space as far as anything behind it and also you can't tell from this picture but there is another one that shows how heavily wooded it is way back in the woods, he is not in a development of any sort so he is kind of just back there.

Mr. Lamanna said it is a typical flag lot.

Mr. Reinert referred to a picture and said this is his proposed building with a beige exterior, brown roof and brown trim to match the house. He said this shows the exact area and it is 20' off the corner of the house right there and it would be the front right corner. He said there is a pre-existing pin from a survey, he doubts if it was a survey in 2018 when they bought the house but it is farther than 20' from the property line. He said it would be the south lot line and then you have pretty much the accessory building and it is very heavily wooded back there. He said there should be another plan there, these are all satellite images from ReaLink but there is one that he took with a drone a couple of months ago and this shows you the septic line, back there is his aeration system, in the back of his yard is the original septic line so that green line is kind of precisely where he imagines it goes from, that is the original top right there so it goes to the aeration line and you got the gas line which you can see, they put that in in 2013 or something, you can see it in the driveway when they cut the slot in and put the line in so it is clear as far as all the utilities, he shouldn't have any utility issues or anything and as far as room goes there is enough room to fit the building.

Mr. Gutoskey asked if that is where his aeration system is.

Mr. Reinert said yes, right where the green dots are, it is 25' exactly from that back left corner, 25' from the first lid.

Mr. Gutoskey asked where the trenches are on the property.

Mr. Reinert said it runs out to, let's just say up is north, left is north and it goes up and left is where the run-off of the aeration system is.

Mr. Gutoskey said so from the aeration system there is a pump or it goes gravity or whatever to lines that are further northeast of the house.

Mr. Reinert said yes, so it comes out right here, the line comes out with this and it is probably right here where the little creek area is.

Mr. Gutoskey said it looks like an off-lot discharge system, you don't have trenches.

Mr. Reinert said there are no trenches, it just goes from the original septic system here, there is a lift pump so it pumps it over here to the aeration system, the aeration breaks it down to the light and then it runs into, there is a pipe right back here and it sticks out of the ground approximately right here. He said they bought the house in 2018 and when we bought the house they had someone come out and check it from Geauga County but that system wasn't old enough where they didn't need to, what is it in 15 years you have to replace a septic system so the system can't be that old.

Mr. Gutoskey said he is surprised to see that they didn't have you put trenches in or something for an off-lot discharge.

Mr. Reinert said you have to dig a trench all the way, it would back up to Lucky Bell and the gutter system for his house, all of his gutters run off using the grade of the land to run the water off-lot away from the house, his gutters don't run into the septic system.

Mr. Gutoskey said to Mr. Reinert that he was here for the previous hearing so that gentleman had a building that was about a third of the size of yours and we had him move that to 30'.

Mr. Reinert said yes.

Mr. Gutoskey said you want to put a 1,600 sq. ft. building 20' off the line.

Mr. Reinert said yes but it is not an eyesore to anybody, if you look at where he is on Stafford Road right here, from this area to right here on Stafford Road is approximately 700'.

Mr. Gutoskey said but the thing that is interesting on this one is that and asked Ms. Endres if you live on a three acre lot and in a three acre zoning he could build this building with a 50' setback off the line, right.

Ms. Endres said if it was a conforming lot, even in a five acre district.

Mr. Lamanna said but in a three acre district or if he had a five acre lot.

Ms. Endres said he would have to be at 50' but also there is a maximum size of 900 sq. ft. on conforming lots.

Mr. Averill said but you are allowed two.

Ms. Endres said you are allowed two 900 sq. ft. buildings.

Mr. Reinert said if he had another half an acre more of land he would be able to put two 900 sq. ft. buildings on his property.

Mr. Gutoskey said 50' off your property line.

Mr. Reinert said he thought it was 20' off the property line and as far as looking at the lot, he referred to the aerial and said this is his property and all of the surrounding properties are, the closest one he thinks is 320' or so from the edge of the garage to this house and you can see the dense woods too.

Mr. Lamanna asked if a 30' x 40' building would work.

Mr. Reinert said he was really shooting for that 40' x 40' to get all of his stuff in there. He said he wasn't expecting to accumulate so many things to upkeep the yard so quickly.

Mr. DeWater said so this is all for personal hobby stuff, not business really.

Mr. Reinert said no, no business. He said he and his neighbor share an easement driveway here, his neighbor hand wrote this letter and signed it because he didn't want to come to the meeting just so show he didn't mind. He submitted the letter to the board.

Mr. Lewis said for this person to have standing they need to be present.

Mr. Reinert said he just thought that was okay.

Mr. Lamanna asked if it is possible to move it over 10'.

Mr. Reinert asked which way.

Mr. Lamanna said towards your house.

Mr. Reinert said then he would be closer than 20' to the house.

Mr. Lamanna asked for what reason, fire code reasons.

Ms. Endres said that is from the regulations that apply to this, in 1977 they required a 20' separation between the dwelling units and accessory buildings, she wasn't around in 1977 but she can only believe it was because of fire.

Mr. Lamanna asked if that is still an issue, obviously it disappeared right.

Ms. Endres said on conforming lots we require a 10' distance.

Mr. Lamanna said we can give him a variance to that.

Ms. Endres said you can give him a variance to allow him to build closer.

Mr. Lamanna said if what we are doing now is 10' basically.

Ms. Endres said on conforming lots.

Mr. Lamanna said on conforming lots right but what ever the reason it is 10' on conforming lots and is not unique to conforming lots.

Ms. Endres said it is fire safety.

Mr. Lamanna said right it is fire safety so if you move it over 10' we can grant you a variance. He said he would rather grant you a variance to the 10' distance and get an extra 10' off the property line.

Mr. Reinert asked if the one plan could be pulled up, so you are talking about moving 10' this way.

Mr. Lamanna said right and then we will grant a variance to that 20' requirement of separation.

Mr. Reinert said yes.

Mr. Gutoskey said it probably gets it closer to your driveway too.

Mr. Lamanna said we would rather have that situation and that variance rather than the other way around.

Mr. Reinert said he can do that so it will be 10' closer to the house. He said he will mirror that line so it is at the same angle as his house and he thinks it is almost north, south, east, west so it is going to match that front right corner, the proposed garage is going to match that back left corner of the house line.

Mr. Lamanna said if you extrapolate the back house line that is going to be the front line of the structure.

Mr. Reinert said yes, as it comes north it is just going to bring everything closer to the house and it will be approximately 35' from the property line.

Mr. Scott Dallinga of 9650 Stafford Road was present via Zoom.

Mr. Lamanna swore in Mr. Scott Dallinga and he let the record reflect that Mr. Dallinga was duly sworn.

Mr. Dallinga testified by saying that he had a couple of questions about what Mr. Reinert is going to do with this in the structure.

Mr. Reinert said just storage, car stuff, really to get everything out of his garage and out from under and he put some stuff on the backside of his house as far as his lawn mower, his four wheeler plow for the driveway because you need it back there, his trailer, just all of his stuff to have a roof over it.

Mr. Lamanna said so it is not a business.

Mr. Reinert said no, no business.

Mr. Lamanna said or home occupation.

Mr. Reinert said there is no living space in there.

Mr. Dallinga said another question he had was about if they will see any lights from their place on the back and they prefer not to have that and he is assuming there will be just lights in the front, the driveway side, right.

Mr. Reinert said yes, just the front, he knows you can't see it right now, he purposely did it too for you Scott (Mr. Dallinga) as far as the window situation, he did not put any windows in that back corner just so if he was in there at night with the lights on it is not going to throw any light your way.

Mr. Dallinga said that is great.

Mr. Reinert said the lights are only going to be on the west side facing towards his driveway, you will catch no light off the south side where you are coming from.

Mr. Dallinga said okay, that sounds good.

Ms. Endres said there is also a zoning requirement for full cut-off light fixtures and no light trespass so any lights you put on should have full cut-off fixtures and not be pointed at neighboring properties.

Mr. Reinert said okay.

Mr. Lewis said to Mr. Reinert if he has any questions on the fixture before he buys it and installs and if he can catch up with Ms. Endres and Mr. Averill.

Mr. Reinert said it is going to block it too and asked Mr. Dallinga that he doesn't know if he sees the one light that he has on the exterior of the house if it comes towards his way, the garage should block that.

Mr. Dallinga said he hopes he is not catching too much light.

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

Motion BZA 2021-12 – 9596 Stafford Road

Mr. Lamanna moved to grant the applicant the following variances for the purpose of constructing an accessory building as shown in the applicant's plan and as described by the applicant at this meeting including the colors of the building which will match the surrounding area and not unreasonably stand out from the background trees and buildings.

1. A variance to the setback from the existing structure from the required 20' to 10'.
2. A variance to the maximum size of an accessory building from 300 sq. ft. to 1,600 sq. ft.
3. A variance to the maximum height from 15' to 19'4".
4. The submitted location is being modified so that the minimum side yard on the south will be 34.7'.

Motion BZA 2021-12 – 9596 Stafford Road - Continued

Based on the following findings of fact:

1. The board will note that we have allowed the structure to be closer to the house which is consistent with the current requirement on conforming lots and there is no reason that that shouldn't be applied here.
2. The board also notes that by doing this we extend the distance from the adjacent lot by 10' substantially increasing that distance and getting it closer to the typical amount of the required three or five acre lot of a 50' setback.
3. The applicant has agreed to make this change and as the board finds it the change is necessary so it does not adversely affect the neighbors.
4. Given the size of the applicant's lot the board feels this building is a reasonable size and the height is a small increase over that permitted and it is consistent with the size of the building as well.
5. The board finds this change should not adversely affect the character of the neighborhood or the neighboring properties.
6. Also, considering that it is a substantial distance from any of the adjacent properties, the applicant's side yard is actually the rear yard of some very deep lots that abut it.
7. The board notes that the applicant is not planning to place any lights other than on the front of the building and all of those lights will be in accordance with the lighting requirements of the current zoning ordinance.
8. This is a rather large building but the applicant has said this is for his personal property only, that a business is not going to be conducted there and in the future if the applicant wants to conduct any business permitted by the township under the Home Occupation provisions that he will obtain the proper home occupation permit from the zoning office prior to doing so.

Mr. Gutoskey seconded the motion

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

Since there was no further testimony, the public hearing was closed at 8:22 P.M.

Respectfully submitted,

Brent Barr, Alternate
Michael Corcoran
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: June 17, 2021

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
May 20, 2021

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:22 P.M. by Mr. Michael Lamanna, Chairman. Members present in person were Mr. Ted DeWater; Mr. Ian Friedman, Alternate; Mr. Joseph Gutoskey and Mr. Todd Lewis. Mr. Michael Corcoran was absent. Ms. Karen Endres, Zoning Inspector was present in person. Mr. Steven Averill, Assistant Zoning Inspector was present in person to monitor and host the Zoom meeting.

MINUTES

Mr. Lamanna moved to adopt the meeting minutes of April 15, 2021 as written with some corrections by Mr. Gutoskey.

Mr. Gutoskey seconded the motion.

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

APPLICATIONS FOR NEXT MONTH

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. – POSTPONED TO JULY 15, 2021

Application 2021-4 by Dangelo, Ltd. for property at 16965 Park Circle Drive -
Continuance

The applicant is requesting area variance(s) for the purpose of constructing a restaurant/event center. The property is located in a LIR District. - WITHDRAWN

Application 2021-13 by Charles Blouir for property at 9162 Willson Drive

The applicant is requesting area variance(s) for the purpose of constructing an accessory building. The property is located in a R-5A District.

Application 2021-14 by Michael Polz for property at 16355 Stone Ridge Road

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

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for June 17, 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 9:08 P.M.

Respectfully submitted,

Brent Barr, Alternate
Michael Corcoran
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: June 17, 2021