

Bainbridge Township, Ohio
Board of Zoning Appeals
January 16, 2014

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:03 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey, Mr. Todd Lewis, Mr. Mark Murphy and Mr. Mark Olivier. Ms. Karen Endres, Zoning Inspector was present.

Mr. Lamanna welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals. He then explained the hearing process and swore in all persons who intended to testify and noted the procedures of the meeting that were posted.

Application 2013-29 by Henry J. Prijatel for property at 18063 Harvest Drive -
Continuance

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

Mr. and Mrs. Prijatel were present to represent this application.

Mr. Prijatel testified that it is basically a continuance from the previous meeting and it is the distance from the property line to the existing structure and it is now 52'. He said Access Geauga obviously isn't accurate. He said the original plot diagram placed the structure at 51' off the property line but it is actually 52' so the variance they are looking for now is actually 37.5'.

Mrs. Prijatel testified that they had the survey done that the board asked them to do.

Mr. Olivier asked if it decreases the variance.

Mr. Prijatel said originally they presented the variance based on Access Geauga.

Mr. Lamanna said it was a 33' setback and now it is 37.5'.

Mr. Prijatel said it was based on inaccurate information.

The board reviewed the elevations.

Mr. Gutoskey said it is 52.1'.

Mr. Lamanna said he was looking at the elevations for the garage and asked if they are planning to put any windows on the side.

Mrs. Prijatel said there will be three windows on the side of the garage.

Mr. Murphy asked if a second floor will be added to the existing garage.

Mr. Prijatel said they had to do that in order to balance out the roofline.

Mr. Murphy said so this is a new addition on top of that.

Mrs. Prijatel said it will be used for storage.

Mr. Prijatel said it would look really strange if you went to a higher elevation from the other house.

Mr. Murphy said to be honest it looks strange even with adding the roofline, it is a huge garage in terms of height, it seems like a mammoth garage door.

Mr. Prijatel said it is for a recreational vehicle and 12' would be undersized.

Mr. Murphy asked what the actual height is of the RV.

Mr. Prijatel said it is 12' 6".

Mr. Murphy said but this door is 18' tall.

Mr. Prijatel said no it is 14' and they are looking at buying a custom door.

Mr. Murphy said you have a split level with windows and it hurts the whole effect of that garage, it looks like a giant garage door.

Mr. Gutoskey said maybe you can make them look like carriage doors.

Mr. Murphy said 14' carriage doors, he is not sure what it would do. He said by calling attention to itself by putting in all of those panels isn't exactly what you want to see.

Mr. Prijatel said the existing door is actually black, they will go with a flat door on the other one.

Mrs. Prijatel said they have a huge pine tree so you won't see it.

Mr. Prijatel said the only thing you are going to see from the street is part of that garage because of the trees he has planted over the years and how far the house is set back from the road.

Mr. Lamanna asked if they are going to landscape along the side.

Mrs. Prijatel said yes they have it now.

Mr. Prijatel said right now there is a 25' Spruce tree on the left side.

Mr. Lamanna said the board isn't talking about anything elaborate but just some foundation plants along that side.

Mr. Prijatel said what is there right now is going to stay.

Mrs. Prijatel said the whole house is landscaped all the way around.

Mr. Lamanna said the board likes to see landscaping.

Mr. Prijatel said if you go up and down the street it is one of the best yards on the street.

Mr. Gutoskey said it is 37.4'

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

Motion BZA 2013-29 – 18063 Harvest Drive

Mr. Lamanna made a motion to grant the applicant the following variance for the purposes of constructing a garage addition in accordance with the plans that have been submitted as they have been further modified by recent submissions.

1. A variance from the minimum required side yard setback of 50' to 37'.

Based on the following findings of fact:

1. A practical difficulty exists because the applicant is building this garage addition for the purposes of placing in it a motor home.
2. Because of the weight and size of the vehicle it would not be practical to make an addition to the rear of the house because the terrain is not conducive to accessing and having a large vehicle go through the rear yard in an attempt to make turns and extra weight would be very difficult to handle without substantial construction.
3. The board also finds that given the other structures in the area this is not inconsistent with other garages and storage barns.
4. The board would also require that the applicant provide normal foundation type landscaping on the side where the variance is granted to reduce the impact on the neighboring properties.

Mr. Lewis seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Application 2014-1 by Pattie Group Inc. for Peter Yang and Margie Roznovak for property at 8489 Lakeshore Drive

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

Mr. Mark Murphy recused himself from this application.

Mr. Steve Pattie of the Pattie Group was present to represent the applicants.

Mr. Pattie testified that they are trying to place the shed in the back but a lot of the area abuts the river and the lake so it was impossible with the setbacks so the best way to hide it was to move it here. He asked if the board has a picture of the shed.

The board replied yes.

Mr. Pattie said the shed will be completely screened from the road.

The board reviewed the proposed site plan.

Mr. Olivier asked what the rear of the property is.

Mr. Lamanna said on this lot it is a little tricky trying to figure out what is what because there is really technically only one rear line and he is guessing that it is the angle that is farthest away.

Ms. Karen Endres, Zoning Inspector explained per the site plan the location of the front yard.

Mr. Pattie said it is sunken down so it drops down about 6 ' or 7' back there.

Mr. Olivier asked if there is a riparian setback there.

Ms. Endres said it doesn't apply to this lot, not where the setback is.

Mr. Lamanna said the adjacent property is on the corner.

The board viewed the GIS aerial photo of the property.

Mr. Mark Murphy testified that one of the property lines is half-way in the middle of the house so you know that the GIS is pretty bad on his property line.

Mr. Gutoskey said actually the property line follows from grass to brown which is pretty much the actual property line.

Mr. Murphy asked if the property goes into the stream bed.

Mr. Gutoskey said just to the edge.

Mr. Olivier asked if you shift that are you then in the riparian.

The board held a discussion regarding the riparian setback.

Mr. Gutoskey asked about the riparian setbacks if they are 25', 50' or 75' off the setback.

Mr. Pattie said it is 53' off the lot line.

Mr. Gutoskey said it is probably okay because the stream there is pretty wide (McFarland Creek).

The board discussed the location of the new house and the house next door.

Mr. Lamanna swore in Mr. Tim Mulle.

Mr. Tim Mulle of 8500 Lucerne Drive testified that you are talking about McFarland Creek and as you can see if you look carefully at this photograph the creek is right here, you can see there is a darker shade, that is the creek and you can see the width of the creek in context to this photograph. He said this property right here, (he referred to the GIS aerial photo), is not really being shown on this aerial photograph there are properties here and here and there are houses that are right here and added that he happens to live right here. He said these properties overlook this site, there is a fairly significant elevation change so the two houses that are located here, this is my house right here and this house and it is a little bit of an optical illusion here, because of the elevation change these two houses actually look down onto this site, where this new house has been built. He said the new house that has been constructed actually sits here, it goes this direction across the site which is rather awkward, it is an elongated floor plan that has a bend in it and stretches across the house and it is really close to the original house that is here. He said the Weemhoffs split this property to create this site which essentially was a natural wetland which for some reason there was no opposition that occurred when they came in and cleared the site and for years they had been bringing truck load after truck load of fill and they filled this site, they eradicated the wetlands that were there and it was a natural habitat for wildlife and they lost that whole eco-system. He said these people cleared the site before the new owners even showed up and there are a lot of trees that have been taken down and we have been sitting up here watching it all happen.

The board held a discussion regarding the location of the proposed shed.

Mr. Mulle said the house is fully constructed but not complete but the shell of the house is complete and it sits this direction across the site and it actually comes pretty close to the side here where there is a three-car garage.

Mr. Lamanna said the board has a set of plans.

Mr. Mulle said in speaking of an occupant of this house and good friend of the folks who live here (he referred to the GIS aerial photo) we both look down on this. He said the proposal to put a shed right here is not something they are in favor of.

Mr. Pattie asked even with screening?

Mr. Mulle said it is pretty hard to screen it when you are looking down on the property.

Mr. Pattie said with large enough screening you won't be able to see it.

Mr. Mulle said four of five trees have been planted so far and they have done absolutely nothing to block the view.

Mr. Pattie said they are 10' tall.

Mr. Lewis said it looks like Lake Lucerne subdivision code says that for structures they have got to be 30' off the minimum rear yard and it looks like that is the rear lot line.

Ms. Endres said she considers this the rear lot line (she referred to the GIS aerial photo). She said there is one front yard line and one rear yard line and the rest are side yards.

Mr. Lamanna said given the shape of this lot he would say it is an unfortunate definition because really the three lines in the back are really rear lot lines especially the way that property is oriented.

Mr. Gutoskey said he wants to make one clarification from what the gentleman said (Mr. Mulle), he doesn't believe this was split recently only because the surveyor's name is on the deed and he has probably been dead for 40 or 50 years.

Ms. Endres said the parcel lines go back to 1998.

Mr. Lewis asked if this has been to the Lake Lucerne ARB.

Mr. Pattie said yes.

Mr. Gutoskey said the extreme southern tip of that lot is maybe a foot or two into the creek.

Mr. Lamanna asked who owns the creek.

Mr. Gutoskey said probably the association.

The board discussed the strip of land in between.

Mr. Gutoskey said the riparian is 150' so it is probably 75'.

Mr. Mulle said the edge of the water for both the creek and the lake varies dramatically throughout the area as the elevation goes up and down.

Mr. Lamanna said there is another property in there that is not usable for anything.

Mr. Mulle said it is common space.

Mr. Lewis said the Lake Lucerne approval is in the packet.

Mr. Olivier asked how many feet off the rear line is this shed, the rear of the shed.

Mr. Pattie said it is it is 53' and 15' on the side.

The board discussed alternative locations for the shed.

Mr. Lamanna asked Mr. Pattie if he investigated putting it behind the house.

Mr. Pattie asked if he meant between the lake and the house.

Mr. Lamanna said yes and on the theory that it is much farther away from everybody else and since there is nobody that way and no other houses.

Mr. Pattie said they were trying to tuck it in the corner and have it disappear over here and there it blocks views from the lake and everything else. He said he doesn't even know if Lake Lucerne would let them do that.

Mr. Lamanna asked blocks whose view of the lake, it is only blocking this house's view of the lake. He said it could be put right back here, he referred to the site plan, because it doesn't block much of anybody's view of the lake.

Mr. Gutoskey said if you look at the aerial the lot is more open right here but right in here it is relatively wooded if you look at that aerial. (He referred to the site plan).

Mr. Lamanna said if you put it back here it is far away from the people here and the other people over here.

Mr. Gutoskey said it would be far to the north. He said the problem with right here it is close to the edge of the creek and there is not that much vegetation blocking it versus over here you have a wider section of vegetation blocking it over in this section kind of behind where the garage is.

Mr. Pattie said it is in a service area tucked away and you can't see it.

Mr. Lamanna said the problem he has with this is this looks like it was put here for the convenience of the person who owns the property and it was for them the nicest place to put it because it was out of their normal eyesight because it was off to the side of their garage.

Mr. Pattie said they tried to get it out of everyone's sight, if you put it on the other side it is going to be in a way more open area.

Mr. Lamanna said the gentleman here begs to differ with you.

Mr. Pattie said we can block it with shade trees but if you don't want anything there that is what you want, you don't want to see a shed there at all, that is your goal, no shed. He said the board has to decide if this is okay or not.

Mr. Lamanna said you understand if the board thinks there is a better place for it with less of an impact on the adjoining property owners then the board will turn it down.

Mr. Pattie said he understands.

Mr. Lamanna said the other option is would you like to modify your application and move it to another location.

Mr. Pattie said you are saying this is better here.

Mr. Lamanna said the board is exploring other areas here.

Mr. Pattie said they are going to see this just as well, it is not going to be hidden there either.

Mr. Mulle said the reality is this is not heavily wooded and actually right now this time of year, what you are seeing is rather deceptive, this is actually really open now, it didn't used to be.

Mr. Pattie said you are not going to be happy with it over there either.

Mr. Mulle asked what the shed will be used for.

Mr. Pattie said she loves gardening, she wants a potting shed.

Mr. Lamanna said this is not a big building it is only 10' x 12' x 12'.

Mr. Pattie said it is tiny, you will hardly ever see it and if you want we can put a large tree in there that screens it from the top he could do that, or an evergreen tree. He said these are all 18 footers, they are all brand new and they are in and if you saw the way this is laid out it can be as totally obscured as you want it to be.

Mr. Mulle said there are four evergreens that have been planted there.

Mr. Pattie said they can make the shed disappear and he would be glad to work with the neighbor on it, he can put stakes in there to make sure you (Mr. Mulle) are happy with it.

Mr. Mulle said as far as the township is concerned where is the line of demarcation.

Mr. Lamanna referred to the site plan and said it is right here.

Mr. Mulle asked where the line of demarcation of what is considered the front of the house and not the front of the house in terms of locating the shed.

Mr. Pattie said they don't know.

Mr. Mulle said it can't be in front of the house.

Mr. Lamanna said this is a case where the precise definitions in the ordinance don't work very well so we have to make a judgment based on the lot shape and the way the house is positioned and the lake.

Mr. Mulle and Mr. Pattie discussed the location.

Mr. Lewis said if you tuck it there (he referred to the site plan) you are not in anybody's way.

Mr. Pattie explained that the problem is this comes off and drops straight down so you can't even get to it and it is hard to put things into it. He said this is flatter ground back there but he will be glad to look at that if the board wants. He said your main goal is to make it disappear, you don't want to look at it and he totally agrees with that and he can make that happen.

The board discussed the line of sight.

Mr. Mulle referred to the GIS aerial photo and said the more you can push it up this way or if you push it into the corner.

Mr. Pattie said if he has to go through this process again, he will tell the homeowner to take over.

Mr. Lamanna said the board can give parameters on where it can be built.

The board discussed the best place to put the shed.

Mr. Pattie said it is right on the hillside there, he doesn't think that would be practical.

Mr. Gutoskey said the problem is, since they put the garage here.

Mr. Pattie said this comes out and drops straight down.

Mr. Lamanna asked if it levels out again.

Mr. Pattie said no.

Mr. Lamanna asked Mr. Pattie where he thinks it can be moved.

Mr. Pattie said he will be glad to look at it.

Mr. Lamanna referred to the site plan and said it would be great if it could be put right in here.

Mr. Pattie said that is because you see trees there, if he puts trees here, you would feel the same way about that. He said he can make it disappear from that view. He said there are two large trees here and he can put Hemlocks there and he can make that disappear.

Ms. Endres said one of the concerns is the further this way you go, the closer the riparian is getting and that would be determined that that riparian, because of the slopes, it is not likely to be relevant.

Mr. Gutoskey said basically the way the code is it is basically at 75', it is taken from the centerline of the stream.

Mr. Lamanna said and of course we don't have anything that tells us, they re-filled the whole lot so there is no information we can access that is valid.

Ms. Endres said she has been out there a couple of times and it is a challenge to figure out where the lines are.

Mr. Pattie said they can put in four stakes and they would run string lines if they had to.

Ms. Endres said not since Mr. Pattie has been involved this was when the house was being built.

Mr. Mulle asked if a new survey of the property has been done.

Mr. Pattie said this is accurate, we hand did our own.

Mr. Lamanna said the property has existed for years.

Mr. Gutoskey explained that he has builders that request the topo and others to just show where the house is.

The board discussed preparing topos for building sites.

Mr. Lewis asked if they were able to come up with a physical description of location using any of these boundaries.

Mr. Gutoskey referred to the site plan and said it has got to be in here somewhere because the way this lot was filled, it slopes down around the garage.

Mr. Pattie said and there are existing trees you have to be careful with too.

The board reviewed the site plan for an alternative location for the shed.

Mr. Pattie indicated where the existing trees are and where the proposed trees are on the site.

Mr. Mulle said these people have built their house and the orientation of their house, all of their view is out this way. He said they have got this garage which is big and they have no view this direction and of course they are trying to put all of the stuff they don't care about over here (he referred to the site plan).

Mr. Pattie said it is a service area.

Mr. Mulle said it is in direct view of the people who have to live right here.

Mr. Pattie said they are very neighborly.

Mr. Mulle said they didn't talk to anybody, when you are neighborly you talk to people about what you are doing. He said they have just come in and they have done this. He said to them whether this sits here or here is irrelevant but to the people over here it is important so if this can be located off the end of the garage it is still completely out of their site line.

Mr. Pattie said that is fine if the slopes allow it.

Mr. Lamanna asked if it could be moved on the other side of this line.

Mr. Pattie said fine, he has no problem with it but we are on a hill here.

Mr. Lamanna said you have to look to see if it is feasible.

Mr. Pattie said he knows and he would be glad to do that.

Mr. Lamanna said the other thing he can say is then it is a question to go up there.

Mr. Pattie asked instead of taking three more trees and putting them here.

Mr. Lamanna said that is an option.

Mr. Pattie said it is not an option for him though and he doesn't know if that is fair.

Mr. Lamanna said that would be the board's decision at that point in time.

Mr. Pattie said he understands.

Mr. Lamanna said unfortunately because of that the fact that this lot was filled in we don't have the topography to answer the question as to whether it can go in this other spot.

Mr. Pattie said he will stake it out.

Mr. Lamanna said you can stake it out and figure out where it is and come back next month and give the board the information and we can go from there.

Mr. Gutoskey said to reference it off of the garage.

Mr. Pattie referred to the site plan and said if we put it in here the board is fine with it.

Mr. Lamanna said yes.

Mr. Pattie asked if the board wanted to add more language to that or wait until next month.

Mr. Gutoskey said if you find you cannot put it here, you will have to come back.

Mr. Lewis said the decision doesn't become final for a month so we can go with this motion today, if it doesn't work you have got to come back next month with an alternative, we haven't approved it, we are not going to give you a permit to proceed, it is going to sit idle.

Mr. Lamanna said as long as you build it east of the line here as shown on the drawing, as long as it is east of this line then you can build it as close as 15' off of the side property line. He reviewed the dimension line with Ms. Endres. He noted that a copy will be made of this amended site plan and dated and will be placed in the permanent record.

Mr. Mulle said he is trying to be cooperative but it is a potting shed, put it over there where you can access it you don't usually hide them behind the garage.

The board discussed the proposed location of the shed.

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

Motion BZA 2014-1 – 8489 Lakeshore Drive

Mr. Lamanna made a motion to grant the applicant the following variance for the purpose of constructing a 10' x 12' shed as described in the applicant's submittal.

1. A variance from the rear yard setback from the required 90' setback to 15' provided that the shed will be located east of a dimensional line running from the back of the garage as marked with an X on a plot plan in the record from there to the line that is an extrapolation of the front of the southeasterly extension of the front of the garage to the property line so within that area it may be located up to 15' from the side line.
2. The board will also increase the permitted lot coverage of 120 sq. ft. which is approximately ¼ percent.

Based on the following findings of fact:

1. A practical difficulty exists because of the strange shape and topography of this lot.
2. Because of the small size of the shed it should not adversely affect the neighbors.
3. In Lake Lucerne there are considerable variances from the setback requirements due to the smaller size of the lots.
4. This lot is only one acre in a three acre area.
5. The applicant has also agreed they will be taking landscaping or have taken, depending on where they place this already, to help screen this from the neighboring properties.

Mr. Lewis seconded the motion.

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

Mr. Mark Murphy returned to the hearing.

Application 2014-2 by Dale Flynn (Farrow Group) for Margret Biggs for property at 16709 Elyria Street

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

Mr. Dale Flynn was present to represent this application.

Mr. Lamanna asked if this is an existing house that burned down.

Mr. Flynn testified by saying yes.

Mr. Lamanna said and the house was encroaching on the neighboring property.

Mr. Flynn said it was built in 1986.

Mr. Lamanna asked if somebody actually allowed them to insure the title on this house.

Ms. Karen Endres, Zoning Inspector testified there is no permit trail in the records.

Mr. Gutoskey said the interesting thing is there is an easement in here for the encroachment.

Mr. Lamanna said that easement is not in recordable form and it is defective on its face and it looks like somebody used a form somewhere and tried to fill it out.

Mr. Gutoskey said in a case like this additional property would have been purchased and added onto the lot to take care of the encroachment.

Mr. Lamanna said that is his first question, why can't they buy the additional lots.

Mr. Flynn said the neighbor does not want to sell the property, he owns two lots there which are useless, he wanted to grant permission to leave the house on his lots.

Mr. Lamanna said the problem is effectively if the board would even consider allowing an easement, we would want an easement at least 15' from the side of that house running the entire length of the lot, not some little thing with just the imprint of the house on it. He said it would be a straight out shot from front to back 15' from the edge of the house which would be the normal setback and it is over 2' so now it is at 17' so now there is a permanent easement on the property.

Mr. Flynn said that was taken off the table, they are not going to go for the easement.

Ms. Karen Endres, Zoning Inspector testified that the reason it is on the site plan is because of the survey.

Mr. Lamanna asked if the foundation is going to be moved.

Mr. Flynn said it encroaches on the other property 10.2'.

Mr. Lamanna said that is based on the deck that was there but the deck is gone.

Mr. Gutoskey said the house is encroaching 2.2' without the deck.

Ms. Endres said the site plan is 3' off the property line.

Mr. Flynn said yes they are proposing to dig the foundation back onto the property by 3' to bring it within negligible standards.

Mr. Gutoskey said you are going to be 3' 2" to the north property line.

Mr. Flynn said the lots are 20' wide so you can't build a dog house on one of those lots.

Mr. Lamanna said so basically it will be a 3' setback.

Mr. Flynn said yes and the variance they are asking for is to move the house off the other people's property granting us a 3' side yard setback variance. He said it is going to require them to do the foundation but it will bring it within compliance.

Mr. Lamanna said that makes sense.

Mr. Olivier asked what the two side yards will be, 3' on each side.

Mr. Flynn said one will be 3'.

Mr. Gutoskey said the other side will be 25.6'.

Mr. Flynn said yes, give or take a foot. He said the one side yard shows four lots that are 80' total then the drives and parking are in the back.

The board discussed the requested setbacks.

Mr. Lamanna said the board is treating this as new construction.

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

Motion BZA 2014-2 – 16709 Elyria Street

Mr. Lamanna made a motion to grant the applicant the following variances for the purpose of constructing a house on the property in accordance with the plans that have been submitted.

1. A variance on the north side yard to 3’.
2. A variance on the opposite side yard to 24’.
3. A variance from the rear yard setback to 43’.
4. A variance for the front yard to 28’.
5. A variance from the overall lot coverage to 29%.

Based on the following findings of fact:

1. A practical difficulty exists because this is a house in Chagrin Falls Park, it is on four lots which is typical for recent construction in this area.
2. The setbacks are all consistent.
3. The only setback that is smaller and somewhat customary in the neighborhood is the 3’ setback on the north side but the board notes that this setback is up against two isolated lots which because of their small size are not going to be able to be built on.
4. The applicant is intending to utilize an existing foundation which runs actually beyond the property line and they are cutting back to be totally on the owned lots and therefore it is an additional difficulty and again it will not be inconsistent with the neighborhood nor adversely affect the neighboring property owners.
5. The applicant will prepare appropriate legal documentation that will in effect treat these four lots as a single parcel on a form that the Zoning Inspector will provide.

With the following condition:

1. The board notes that the applicant will remove the existing encroachments and the applicant has agreed to do that in this hearing and it is necessary to prevent there from being adverse effects on the neighboring property owners.

Mr. Lewis seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Since there was no further testimony, the public hearing was closed at 8:14 P.M.

Respectfully submitted,

Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier

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

Date: February 20, 2014

AUDIO RECORDING ON FILE

BZA PH 1/16/2014

-17-

Bainbridge Township, Ohio
Board of Zoning Appeals
January 16, 2014

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:14 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey, Mr. Todd Lewis, Mr. Mark Murphy and Mr. Mark Olivier. Ms. Karen Endres, Zoning Inspector was present.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the December 19, 2013 as written.

Mr. Lewis seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Organizational Session

Sunshine Law

Mr. Lamanna made a motion to adopt the Ohio Sunshine Law (ORC).

Mr. Lewis seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Meeting Schedule

Mr. Lamanna made a motion to set the meeting night of the Board of Zoning Appeals on the third Thursday of each month at 7:00 P.M. at the Bainbridge Town Hall; which meetings may be continued from time to time, at the discretion of the board, to such other dates as set at the meeting; and also that the board may schedule additional meetings during the month upon its motion.

Mr. Lewis seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Election of Vice Chairman

Mr. Lamanna made a motion to appoint Mr. Lewis as Vice Chairman.

Mr. Olivier seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Election of Chairman

Mr. Lewis made a motion to appoint Mr. Lamanna as Chairman.

Mr. Olivier seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Zoning Secretary

Mr. Lamanna made a motion to reappoint Linda Zimmerman as secretary to the Board of Zoning Appeals.

Mr. Murphy seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye.

By-Laws

Mr. Lamanna made a motion to adopt the Bainbridge Township Board of Zoning Appeals By-Laws and Procedures effective January 18, 2007 and amended on January 15, 2009.

Mr. Gutoskey seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Applications for February 20, 2014

Application 2014-3 by Sean and Suzanne Regan for property at 17173 Overlook Drive

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

Application 2014-4 by Joel Frezel for Tanglewood Country Club for property at 8745 Tanglewood Trail (Rt. 306 @ Lucerne Drive)

The applicant is requesting a conditional use permit with variance(s) for the purpose of installing a sign on the golf course property at Rt. 306 across from Lucerne Drive. The property is located in a R-3A District.

Application 2014-5 by The Montefiore Housing Corporation for property at 16695 Chillicothe Road

The applicant is requesting a conditional use permit for the purpose of adding an 18 bed memory care facility. The property is located in a R-3A District.

Application 2014-6 by Zarzycki/Malik Architects, Inc. for Holy Angels Church for property at 8570 Taylor May Road

The applicant is requesting a conditional use permit with variance(s) for the purpose of building a permanent four (4) bedroom rectory with 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 February 20, 2014 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 9:17 P.M.

Respectfully submitted,

Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier

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

Date: February 20, 2014