

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

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 were Mr. Joseph Gutoskey, Mr. Todd Lewis and Mr. Mark Murphy. Mr. Ted DeWater was absent. Ms. Karen Endres, Zoning Inspector was present.

Mr. Lamanna welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals, explained the public hearing process and swore in all those who intended to testify.

Application 2018-1 by Robert Bendlak for property at 7585 Bainbridge Road

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

Mr. Robert Bendlak was present to represent this application.

Mr. Bendlak testified that besides the lot split there are two buildings that he is asking for the variance, they are on the right side of the property, that one that the arrow is on will end up being 50' from the lot line with the proposed driveway and he thinks the zoning is 75' and the other smaller building will be 70' away.

Mr. Murphy said that is not the information we have in front of us, 50' is the side yard setback so the one shed will be 47' but the other one will be 30' from the side yard.

Ms. Karen Endres, Zoning Inspector testified that it is on the application.

Mr. Murphy said that is what is here and assuming that Geauga ReaLink is correct. He asked Mr. Bendlak if he had it surveyed.

Mr. Bendlak said no he didn't have it surveyed, he wanted to have this hearing before he had it surveyed because it is \$2,000 to have it surveyed. He said he walked it off and he knows where his west property line is but he doesn't know where his east property line is so he tape measured it over and it is pretty close.

Mr. Murphy said you are probably too close to the side lines other than that there is nothing else.

Mr. Lewis said he just wants to confirm that this is R-3A zoning where this is now and this gentleman has 7.029 acres and he wants to pretty much cut it in half so that each would be around 3.5 acres. He asked if both lots will still conform.

Ms. Endres said both lots will conform, one will conform as a flag lot and the other will conform as well with the exception of the sheds.

Mr. Lewis said so we have enough entryway to satisfy the egress on the street.

Mr. Gutoskey said it is a 60' wide strip.

Mr. Lewis asked if this is 60' and this is at 64'.

Mr. Gutoskey said because it is on a diagonal.

Mr. Lamanna said he doesn't need 60' for a driveway easement all the way back.

Mr. Gutoskey said he needs a 60' flag back to the lot, it is minimum frontage.

Mr. Lewis said so this shows 59.72'.

Mr. Gutoskey said when they survey it it is going to have to be 60'.

Mr. Lewis said let's talk about these two accessory structures. There is the one that is further from the proposed new lot line, the 47' one away. He asked if there are any photos of that structure and is that on a concrete slab.

Mr. Bendlak said no.

Mr. Lamanna said the one looks like it is brick.

Mr. Bendlak said the one is wood and the larger one is a metal shed and that is on a concrete slab. He said the smaller one just has footers on it and that was probably built 50 years ago, the other one might be three or four years old.

Mr. Gutoskey said these things are way off the road.

Mr. Lewis asked where the leach fields are on the shed's lot.

Mr. Bendlak showed the board on the site plan and said it is right behind the house.

Mr. Murphy said it is a metal Quonset hut.

Mr. Bendlak said it is between the house and the woods, the septic tank is right in the back.

Mr. Lewis asked about the fields.

Mr. Bendlak said the field is right behind the house between the house and the woods.

Mr. Gutoskey said another thing that will happen is the county won't let them split the lots unless he is okay with the existing lot and he can get the septic on the proposed.

Mr. Bendlak said he has a soil test.

Mr. Lewis said you will have to have a primary and a reserve field in both lots so if the primaries fail, that is all county stuff anyway.

Mr. Gutoskey said the Planning Commission won't approve the split unless the Health Department approves both lots for septic.

Mr. Lewis asked Mr. Bendlak if he has a well.

Mr. Bendlak said yes.

Mr. Lewis asked where the well head is.

Mr. Bendlak referred to the site plan and said it is right in front of the house.

Mr. Lewis said so it is in the front yard.

Mr. Bendlak said it is 75'.

Mr. Lewis said he was just concerned that it might be affected.

Mr. Bendlak said the house was built in 1959.

Mr. Gutoskey said they look at a 50' radius around the well that you can't have any of the septic in it so the well is in front and the septic is in the back, he doesn't have a problem.

Mr. Lamanna said it looks like where the flag is located it is pretty heavily wooded.

Mr. Bendlak said it is a virgin woods he would imagine.

Mr. Murphy said all of Bainbridge has been logged so it is an older woods.

Mr. Bendlak said okay, it was logged before his time.

Mr. Lamanna said you will have quite a long driveway going back there.

Mr. Bendlak said that is not a problem.

Mr. Lamanna said one thing we want to assure that we have a big enough driveway that a fire truck can get back there if it needs to.

Mr. Gutoskey said as long as there is clearance for the truck to get by if the trees are cut back far enough and the branches aren't in the way. He said he thinks it is going to be crossing a stream back there.

Mr. Bendlak said it only runs when it rains, it is not a continuous stream.

Mr. Gutoskey asked Ms. Endres if that is in a riparian.

Ms. Endres said if they have to cross it she believes it is a riparian.

Mr. Gutoskey asked if he will need a variance for that too.

Ms. Endres said when he makes the application for a house, that variance is not in front of you right now so when the time comes for the house to be built it may need a riparian variance.

Mr. Murphy said it may or may not be.

Ms. Endres said it is not showing riparian.

Mr. Gutoskey said if there is a bed and bank the way the code is written.

Ms. Endres said this is a case where she would like to consult with the Watershed Partners to determine if there should be a riparian setback.

Mr. Bendlak asked what that is.

Ms. Endres said the setbacks from a stream. She said there is a stream back there and when you see topography like this usually there is either a stream or a hill.

Mr. Bendlak asked what is the phrase.

Ms. Endres said riparian setbacks from the waterway.

Mr. Gutoskey said it is based on the amount of acreage and it would be 25' from either side of the bed of the stream.

Mr. Murphy said we cross them all of the time.

Mr. Bendlak asked if you just have to pay to get a variance.

Mr. Gutoskey said he would have to get a variance.

Ms. Endres said she would have to take a closer look at that language, it may be permitted for a driveway crossing without a variance.

Mr. Bendlak said you would have to put a culvert in there.

Mr. Lamanna said you would have to comply with certain requirements when you cut across a stream and fill it in.

Mr. Bendlak said that is common sense.

Mr. Lamanna said sometimes common sense isn't so common.

Mr. Gutoskey said to go to Soil and Water on that too.

Ms. Endres said they will have to get a sediment control plan from Soil and Water when the house is built, the entire lot would be evaluated at that time.

Mr. Bendlak asked if all of this can be done before he spends the money for a survey.

Ms. Endres said if an application is made for a house.

Mr. Bendlak asked what if they can't build a house back there and what if they don't get a variance for riparian.

Mr. Lewis said also you don't know how deep the riparian area goes into the rear part of the flag where it is big back there.

Mr. Bendlak said it is about 30'.

Mr. Lewis said and whether or not there is going to be enough of a footprint left to build a home in the flag portion and still make the setback requirements not just with the riparian but the rear setbacks.

Mr. Bendlak said where the house is going and the ditch or whatever you want to call it, it is quite a ways in there, there is ample room for a house back there.

Ms. Endres said the zoning resolution provides for a permitted use for a driveway crossing, so if you are just crossing with a driveway you wouldn't need a variance for that but if you want to build a house too close to the riparian area that is when a variance would be needed.

Mr. Bendlak said the house will probably be 150' away from the ravine.

Mr. Lewis said that is a deep lot.

Mr. Gutoskey said he doesn't see that he will have a problem with a house on there because based on the area of that stream it is only going to be a 25' setback and especially in that deep area that is going to be on the side of the slope anyway.

Mr. Lewis said the way this is it looks like the majority of that gully is almost part of the front lot anyway.

Mr. Gutoskey said a culvert crossing is a permitted structure.

Mr. Lamanna said he will have to get a zoning permit for the crossing and meet certain standards on the crossing itself, how it is constructed so there is no impact on the stream.

Mr. Bendlak asked if that is from you or the county.

Ms. Endres said there are some zoning conditions on stream crossings within a riparian. She said the first thing you have to do is establish that it is in a riparian.

Mr. Lamanna said and whether or not you would be subject to the Corps of Engineers requirements too.

Ms. Endres said she works with the Watershed Partners on cases like these.

Mr. Lamanna asked if we know exactly where these two sheds are located.

Mr. Gutoskey said that was a question he had, if the board decides to grant it what do you use for the variance, we don't know where they are.

Mr. Lamanna asked what the difference is between the two buildings, the one looks like it is a lot closer to the property line than the other one.

Mr. Bendlak said right, it is.

Mr. Lamanna asked what the nature is of that structure, the one that is closer, the metal one.

Mr. Bendlak said it is just storage for cars.

Mr. Lamanna asked if it can be relocated.

Mr. Bendlak said it is on a cement slab with footers and he would hate to tear it down but the slab will still be there.

Mr. Gutoskey asked Ms. Endres how far those are off the road, those two sheds.

Mr. Lamanna said the issue is, what is the practical difficulty. He said by wanting to create a new lot you (Mr. Bendlak) are creating a non-conformity and technically you can't just create a non-conformity for your own convenience, you have to grant relief from the side yard setback that really has to be some practical difficulty as to the location of the building because your lot has an unusual slope on it, there are certain physical impediments that will prevent something from being located appropriately off the side yard setback, that is the basis for granting a variance, not just because we feel like granting the variance. He said there are standards to it and that is why we are asking the questions.

Mr. Bendlak said he could see if there was a house there it might be a little more different but it is a driveway, it is not going to really impact the site.

Mr. Lewis said it is not just impact, we have code and he categorizes this as a self-imposed hardship so you want the lot split which affects the side yard on these so he is inclined to say you have a lot of room, move them if you want the lot split, move the sheds because on their own merit he personally doesn't have any basis to offer any relief on a variance on those. He said there is nothing with the elements of the lot that had to dictate where they were placed and at this juncture currently they conform.

Mr. Lamanna said it would be helpful if we knew where they were and if you came in here and said you are at 48' not 50' that we would probably let slide because it is small enough that it is really not significant but if it is 20'.

Mr. Murphy said the one is 47', as close as we can get from ReaLink but they are not always perfect.

Mr. Lamanna said he guesses he wouldn't have a problem with 47'.

Mr. Bendlak said he has a problem with spending \$2,000 to come in here next month and you say no.

Mr. Murphy said they don't have to take down 60' of trees to put in a driveway.

Mr. Gutoskey said he would think they would wind the driveway around the trees.

Mr. Bendlak said that is his plan.

Mr. Gutoskey asked how far the sheds are off the road.

Ms. Endres said the closer one is about roughly 247' the further one back is 283' to what shows up as the road right-of-way.

Mr. Lewis asked how far is the closest one away from that house on the upper right of the screen.

Ms. Endres said about 250'.

Mr. Lewis said it is pretty well wooded in-between.

Mr. Murphy asked if there is any neighbor input on this.

Mr. Lamanna asked Ms. Endres if the setbacks are 47' and 32' based on her best estimate.

Ms. Endres said it is based on the application, the ReaLink shows the closer one as being 81' or 82' and subtracting out 60' it would bring the shed to within about 20' of the side lot line.

Mr. Murphy said instead of 20', we are being asked to grant 30'.

Mr. Lamanna said 20' is a problem.

Mr. Murphy said 20' in the middle of the woods may not be a problem.

Mr. Wayne Gedeon of 7619 Bainbridge Road testified that he lives to the east and they are concerned about two impacts, number one is of course it is all well water, the homes in that area, and some of the wells are precarious. He said if a home is built back there a well has to be drilled which could impact someone else's well in the area. He said secondly, as a flag lot, there aren't any flag lots in this part of Bainbridge and we think that would impact with the driveway and a house in the far back would affect the value of our property and the third one was the drainage of, which you could take care of, that drainage ditch does take care of the Pulsford property and our property and part of the Bendlak property, they all come together and cannot be retarded by anything especially with a heavy rain or heavy snow melt. He said that is their concern as a neighbor and we really don't know where are property lines are.

Mr. Lewis asked what aquifer they are in, there are two, there is one that is around 60' down and there is one that is around 400' down.

Mr. Gedeon said they are the shallow.

Mr. Joe DeCaro of 7565 Bainbridge Road testified that he has the property to the west of Mr. Bendlak and he also echoes the same concerns with their well and he doesn't know how adding another house in the area would affect his well but he knows his well only produces two gallons a minute and when he spoke with Denny Herr when he bought his house, after he bought his house, he said this is one of the worst of two areas in Geauga County for water quantity which is why he has to have a 300 gallon tank and that gets replenished slowly over time and when it only produces two gallons per minute he doesn't have a lot of leeway. He said he is also concerned about their property value, they are in the midst of putting a \$100,000 addition on their house and the back of the whole addition is essentially windows looking over the woods and the ravine and the last thing he really wants is a house behind him to look at and if he would have had a choice in the matter before he put \$100,000 in his house he would have chosen to move if there was going to be somebody building behind them.

Mr. Lewis said so you understand, he has seven acres in a three acre district and he is not necessarily here about a variance for a lot split, the variance we are considering is the location of these two sheds because they intrude on a 50' setback so if the applicant chooses to tear down the sheds or move them within 50' of the new side yard, he doesn't even need to be here.

Mr. DeCaro said okay.

Mr. Lewis said he has every right in the world to split his lot, it 100% conforms.

Mr. DeCaro said he understands.

Mr. Lewis said but we certainly value any potential impact it has on the neighbors, it is important to consider that, particular in the matter that is specifically before us which it seems to be dealing with these two sheds.

Mr. Greg Schaefer of 7501 Bainbridge Road testified that he lives two houses to the west and his question is if we are here about the two sheds and this is approved and the lot split is approved who is going to monitor when they alter that ravine, it is definitely going to need a substantial culvert in it, a substantial culvert, it is deep, who is going to monitor what kind of fill goes in there, who does it. He asked does the county do that, do you do that, he doesn't know who does that, he would just like some answers on that. He said because backing up that water to the other properties is a big issue and what they put in there to make the driveway to fill in that ravine over that culvert is a big issue because that will impact our wells if it is contaminated soil from some dump going into that it is going to affect all of our wells and he is very concerned. He asked if the board can answer who they see about that.

Ms. Endres said typically she is not there looking at what kind of fill comes in on a property, she relies on Geauga Soil & Water, they go out and do routine inspections to make sure silt fencing is in place the way it is supposed to be and if we know ahead of time if there are special concerns she can work with Soil & Water to be sure proper fill is brought in.

Mr. Schaefer said if the lot split is approved, who is going to pay for the driveway and culvert.

Mr. Bendlak said that is no concern of yours.

Mr. Schaefer said really it is because who do we watch, that is his question, who do we watch, the buyer of the land or the seller of the land.

Ms. Endres reminded the audience that all comments need to be addressed to the board.

Ms. Joanne Szydowski testified that she owns 7655 and 7683 Bainbridge Road which is a limited liability corporation and she has a ravine that runs between the two properties 7683 and 7655 and that drains and it comes from across the street and that will be impacted by what happens with the lot a couple of doors down. She said additionally they are on a well also, they are on the shorter side of the water table but they have two houses on that well system including septic so all of the water impact for all of the neighbors if that lot gets a new house and another well and the density property and when they moved here 25 years ago Bainbridge Road was virgin on the other side and you have already tripled if not more the density property from Northwood Estates down to the bottom of Fields Road and now you want to start on the south side. She said the shed as far as she is concerned and the variance is not the issue, the issue is we are starting to make the south side of Bainbridge very suburban.

Mr. Lamanna said we are only talking about one house here, not a subdivision.

Mr. Bendlak said as far as a well there is property down Bainbridge Road towards Solon that is developable, Robert Salmen owns that property, he has sold some of it for a home to be built so if somebody comes in here and wants to build a home there, they won't be able to because if they have to drill a well.

Mr. Gutoskey said it comes back to what Mr. Lewis said if you didn't need these two variances you could just go split the lot and you wouldn't even be here.

Mr. Bendlak said then that is what will happen. He said he would just like to know if the smaller building needs to be moved.

Mr. Lewis said his expectation is that it would be because the tentative proposal showed the metal building at 30'.

Mr. Murphy said it may be 20'.

Mr. Lewis said he is saying it probably isn't 47' it is more like 37' if it is proportionate and once again, without a survey, probably the easiest thing for the board to do would be to say you probably are going to have to move them, there is no practical difficulty, they need to be 50' or more off the new platted surveyed lot line and that remedies the whole shed situation because looking for a variance on it, we don't have a survey and you don't have a lot split it is really hard to best guess other than, all we could do is say here is the minimal threshold we are willing to accept and you may have to move them anyway.

Mr. Gutoskey said it is hard to do the variance because you are creating your problem by doing a lot split so it is hard for the board, especially without having a survey to say whether or not because in essence we would be creating the hardship by doing a lot split.

Mr. Bendlak asked if that includes the slab or just the building.

Ms. Endres said just the building, we allow for concrete to be within a required yard, we allow sidewalks, concrete.

Mr. Gutoskey said 2'.

Ms. Endres said yes, up to 2' so the concrete itself would be okay but the building walls, the roof, those would have to meet the 50' side yard setback.

Mr. Bendlak said in essence shorten the building up.

Ms. Endres said right, shorten it or move it.

Mr. Bendlak said move it to the west.

Mr. Lewis said that would be real important to know exactly from Geauga County where your leach fields are and where the alternate leach field would be in the event that there is a failure so that you don't move these things into an unpermitted area.

Mr. Bendlak said they won't be moved, one could be shortened.

Mr. Lewis asked if the metal one can be shortened.

Mr. Bendlak said it could be 100' long if he wanted it to be.

Mr. Murphy said it might be worth your while before you do anything to have your lot surveyed because these have been wrong anywhere from 5' to 20' off and you may not even need a variance for what you are proposing if you have a surveyor come in and pin it but you also might be only 10' off. He said all of the neighbors are of course concerned about that and he feels bad for the neighbors because water issues are bad and you would hope if they put a well back in there it is not going to affect their well water and nobody likes that, that would be horrible, you move in and all five of these families around you lose their wells, that typically doesn't happen but if it slows down by ½ gallon a minute, it causes other things, perhaps you go with a deeper well.

Mr. Bendlak said his well is 220' deep.

Mr. Murphy said there is water below that too.

Mr. Lamanna said the rate at which a well produces isn't necessarily indicative of the amount of water there, there would be plenty of water but it won't permeate fast enough to generate whatever flow you are getting but putting another well in might have no effect at all because there is plenty of water, the rate in which it can move through the earth is the limiting factor, not the amount of water without getting a hydrogeologist in here.

Mr. DeCaro said apparently the previous owner tried to put another well in and he forgot how deep they went, he thinks it was 285' and it was only producing 1 gallon per permit.

Mr. Murphy said they are right on the ridge, the Sharon conglomerate is typically one of the best aquifers in Geauga County, in the state.

Mr. DeCaro said like he said Denny Herr said this is one of the two worst places in Geauga County to pull water.

Mr. Murphy said that ridge is the same ridge he is on on Catsden and that sandstone ridge goes all the way from Lake County through Twinsburg and typically that Sharon sandstone is the best aquifer in the state so maybe you are going too deep, maybe you should go 22'.

Mr. Lamanna said he doesn't know if it is an issue of how many straws are in it.

Mr. Murphy asked if he understands you are saying you may withdraw your request at this point.

Mr. Bendlak said yes.

Mr. Lewis asked the board members if they want to table it.

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

Motion BZA 2018-1 – 7585 Bainbridge Road

Mr. Murphy moved to table this application to the next regularly scheduled meeting to be held February 15, 2018 or until the board gets an official withdrawal.

Mr. Gutoskey seconded the motion.

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

Further Discussion

Mr. Murphy told Mr. Bendlak he appreciates him coming in and he would spend money on the survey and if you are intending on splitting that you have to survey that and put all the pins in back there and at that point maybe you don't have to move the little shed or if the little shed is only 3' or 5', your neighbors are afraid of losing their water, the one neighbor will see lights in the woods, he gets that and understands that, we all get that, he grew up on Catsden and there were only 30 houses there and now there are 60 and we all have grown with it and he feels for everyone with the stuff across the street too but it didn't turn out like Solon, but it was a from a lawsuit from the seventies.

Ms. Szydlowski asked why she wasn't notified because they didn't find out about this until lunchtime today.

Mr. Lewis asked if they are immediately adjacent.

Ms. Szydlowski said no.

Mr. Lewis said that is why you didn't get a notification, the immediate adjacent lots are notified.

Ms. Szydlowski asked how one gets on some kind of list.

Mr. Lewis said to check the website.

Mr. Murphy said just come every month.

Ms. Szydlowski asked if anybody who has six acres can subdivide their lot.

Mr. Murphy said exactly, if you are in a three acre zoning and you and you want to split it in half then you can split it in half.

Ms. Endres said you have to have three acres exclusive of the road right-of-way so it can't include that area.

Mr. Gutoskey said the 30' in the road right-of-way.

Ms. Endres said then you have to have a minimum of 60' of frontage on the road and you have to have a minimum of 200' lot width at the building line so there are several things to look at.

The board explained that the driveway is 60' so that is okay.

Mr. Lamanna said there are not an insignificant number of lots like that around the township and the biggest problem people have is usually having a spot where they can bring 60' of right-away back far enough.

Mr. Murphy asked if the flag has to maintain that 60' all the way back from the road.

Mr. Gutoskey said yes.

Ms. Endres said the other thing we run into with the these lots is exactly what Mr. Bendlak ran into tonight, the lot is already developed and there are structures on the lot so you could have problems meeting the minimum side line setbacks so you could have a non-conforming situation which is why he is here today, he is not here because of any issues with the lots themselves but the new lot line will create a non-conforming issue on the existing lot with the existing structures.

Mr. Lamanna said he has the right to create the lot.

Mr. Murphy said the Geauga County Building Department will be involved.

Mr. Lamanna said and Geauga Soil & Water.

Mr. Murphy said if you see a culvert pipe going in because you may not hear anything for a year or two and all of a sudden an excavator shows up and puts a culvert pipe in and at that point you call the Geauga County Building Department and you tell them that you are concerned, you are the neighbor and you want to know what is going in and you are more than welcome to do that, you should as a concerned neighbor do that.

Ms. Endres said the EPA could be involved and the Army Corps of Engineers if they are doing work in the stream.

Mr. Schaefer said this is a substantial ravine.

Mr. Lamanna said that is why zoning regulates that and they can't go ahead and do that without submitting a plan.

Mr. Murphy referred to the aerial view and said those blue areas are riparians meaning they are flowing streams a certain number of days of the year, it may be more of a dry stream bed but it has to take rainwater, it is a storm drain and it may not be on the riparian map but it is just as important, it may not have salamanders all year long but it may be just as important in drainage so of course you should be aware of that and you should also determine what the fill is and the Geauga County Building Department would be in charge with paying attention to that.

Ms. Szydlowski said the other thing too is at one time they wanted to do something with the ravine and it came down that it was a Corps of Engineers thing because they were not allowed to do anything to change that ravine because it flows into the Chagrin River.

Mr. Murphy asked Ms. Szydlowski if she is two or three lots to the east.

Ms. Szydlowski said yes and right in the middle of her property she has the ravine that comes down from the street.

Mr. Murphy said but in fact your ravine doesn't even tie into his drainage.

Ms. Szydlowski said it does in the back.

Mr. Murphy said it joins up back there.

Mr. Murphy said his driveway is going to come across and cross that ravine, it has nothing to do with your (Ms. Szydlowski) ravine.

Since there was no further testimony, the public hearing was closed at 7:54 P.M.

Respectfully submitted,

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

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

Date: February 15, 2018

AUDIO RECORDING ON FILE

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

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 7:54 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey, Mr. Todd Lewis and Mr. Mark Murphy. Mr. Ted DeWater was absent. Ms. Karen Endres, Zoning Inspector was present.

Secretary's note: The December 21, 2017 meeting was cancelled.

Minutes

Mr. Gutoskey moved to adopt the minutes of the November 16, 2017 meeting as written.

Mr. Murphy seconded the motion.

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

ORGANIZATIONAL SESSION

Election of Chairman

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

Mr. Murphy seconded the motion.

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

Election of Vice Chairman

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

Mr. Gutoskey seconded the motion.

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

Sunshine Law

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

Mr. Gutoskey seconded the motion.

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

Zoning Secretary

Mr. Gutoskey 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.

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.

Applications for Next Month

Application 2018-1 by Robert Bendlak for property at 7585 Bainbridge Road - Continuance

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

Application 2018-2 by ABC Development LLC for property at 7045 Aurora Road

The applicant is requesting area variance(s) for the purpose of constructing a retail facility. The property is located in the MUP District.

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

Since there was no further business, the meeting was adjourned at 8:42 P.M.

Respectfully submitted,

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

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

Date: February 15, 2018