

Bainbridge Township, Ohio  
Board of Zoning Appeals  
November 17, 2005

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:35 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Olivier, and Mrs. Ellen Stanton. Mr. Donald Takacs was absent. The following matters were then heard:

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

Mr. Lamanna stated that the board had a request from one of the applicants tonight to be moved forward on the agenda because of another engagement, so the board will start with application BZA 2005-57 by Mr. Jonah Koslen.

Application 2005-57 by G. Jonah Koslen for property at 17157 Eastview Drive

The applicant is requesting an area variance for the purpose of creating an easement. The property is located in a R-3A District.

The zoning inspector's letter dated November 10, 2005 was read and photos of the site were submitted.

Mr. Jonah Koslen and Mr. Ron Lloyd were present to represent this application.

Mr. Lloyd testified that he lives at 8474 Lucerne Drive and Mr. Koslen asked him to prepare a site plan with a 20' driveway easement to gain access to a property to the east that Mr. Koslen owns as well.

Mrs. Stanton asked if the lot is on Rt. 306 and if it is empty.

Mr. Koslen replied yes.

Mrs. Stanton asked what the reason is for the easement and if Mr. Koslen was going to build a house on the lot.

Mr. Koslen said it is to gain access to the lot and to possibly build a house there.

Mr. Lloyd said the intent is pretty obvious because Rt. 306 is a heavily traveled road and the property abuts Rt. 306 and his client understands from living in the neighborhood that this proposed house would have more value with access from Eastview and added that many of the residents along Rt. 306 might feel somewhat isolated from the Lake Lucerne activities so Mr. Koslen requests that in order to maintain the highest value of this property, he needs access from Eastview Drive. He said that Mr. Koslen currently resides in a house next to the property.

The board reviewed the variance request.

Mrs. Stanton referred to a site plan and asked if the lot is right directly behind Mr. Koslen's house.

Mr. Lloyd said that is correct, it is offset somewhat.

Mrs. Stanton asked if there are homes on each side.

Mr. Lloyd said yes on both sides.

Mr. Olivier asked if the current lot on Eastview is two sublots in the Lake Lucerne community.

Mr. Lloyd said it is 1-3/4 annexed into one.

Mrs. Stanton asked if the easement will run across the whole back of the property.

Mr. Lloyd said that is correct.

Mrs. Stanton asked if they are looking for a paved drive back there.

Mr. Koslen replied yes.

Mr. Lamanna asked if this will be a totally separate driveway and if it would not be shared and said whoever puts it in would be totally responsible for the maintenance.

Mr. Lloyd said that is correct and added that the board could enforce restrictions that it would have to be maintained by the person who might purchase that property and it could stand onto itself and not inhibit the homeowner because the driveway would not have to be 20' wide and there could be a 10' buffer along the adjacent property line.

Mr. Lewis asked why the easement, as proposed, has to traverse the entire width of the lot.

Mr. Lloyd said it is really not known where the house will be because the access to the house has not been designed yet, so they want to keep as much flexibility as possible.

Mr. Lewis asked Mr. Lloyd if he is an architect.

Mr. Lloyd replied yes.

Mr. Lewis asked if the proposed residence on subplot 17 is in progress now.

Mr. Lloyd said nothing has been designed yet as far as setbacks etc.

Mr. Lewis asked if the house will be fronting Rt. 306 or fronting on Eastview Drive.

Mr. Lloyd said they have not really determined where the front of the house will be and nothing has been designed yet other than to determine the square footage.

Mr. Lewis asked Mr. Lloyd if he was aware of any other lots on Rt. 306 that don't use Rt. 306 for access in Lake Lucerne.

Mr. Lloyd said there is one at the entrance.

Mr. Lewis said that one actually comes off the other street.

Mr. Lloyd said he is not aware of any other houses that front Rt. 306 with an access off of another drive. He said there are houses adjacent to Rt. 306 that have frontage off the entry drives of Lake Lucerne.

Mr. Lewis said they are corner lots, so they could go either or.

Mr. Lloyd said that is correct and the intent would be to provide a pretty substantial buffer to Rt. 306 to make that house more palatable to a future buyer or future homeowner who would want to purchase the house. He said the effort is intended to make that property more valuable than what it might currently be if it had access off of Rt. 306.

Mr. Lewis said in looking at the elevation chart, it appears that the frontage on that lot on Chillicothe Road is about 75' or 80' of frontage, it might have a 10' change in it and it does not appear to be a real radical part of the Rt. 306 grade. He referred to the proposed easement and asked if there is something finite that is going to be proposed as far as the driveway.

Mr. Lloyd said no, probably the maximum they would need would be 10'.

Mr. Olivier asked what the width of the proposed easement is.

Mr. Lloyd said it is 20' with a 5' landscaped buffer on both sides and added that there are a lot of different ways they can place the drive.

Mr. Lamanna said the issue here is what this would do to the lot coverage because in some point in time, there will be a driveway in here and if the board is going to grant a variance it is going to be for the minimal amount necessary to deal with this situation and what the board will be looking at is limiting the driveway to 10'. He asked if an easement document has been drawn up yet.

Mr. Lloyd said no, the only thing they have is a boundary location survey.

Mr. Lamanna asked if they actually had the written easement.

Mr. Lloyd said no.

Mr. Lamanna said before this would become effective, there would have to be a set drawn up and submitted to the board so it can be presented to the board's legal representative, the county prosecutor's office, for review.

Mr. Lloyd asked if the board needs it prior to its decision.

Mr. Lamanna said the board would need it before it would become effective, the board would still rule on it, but before the zoning certificate would be issued for this, it would have to be submitted and approved. He explained that before the board would grant this, it wants to make sure the easement is not going to create any future problems for the township in terms of potential management issues if somebody does want to develop on that parcel. He asked how far the adjacent house is on the driveway side.

Mr. George Weemhoff of 17173 Eastview Drive testified that he thinks that would be his property and presumes it is on the south side.

Mr. Lamanna said yes.

Mr. Weemhoff said he is not really cognizant of his property lines particularly but between his house and Mr. Koslen's current driveway, it might be 20' so he wants to understand how it would add to the property on Rt. 306 and he thinks it would be a distraction, not only to his own property but also to Mr. Koslen's property to have a driveway running the length of his lot and will probably have a curve to it and you can see there is a home, and if you went straight back from Eastview to Rt. 306 you will run right into a house so there has to be some curving of the driveway to the middle of his backyard, and given that scenario, he happens to have a 16' wall of windows on the back of his house and he does not know how it would have an impact on someone driving through the backyard at night, during the daytime it is not a problem, but during the night it is a problem.

Mr. Lamanna said it would be a private driveway, it is not a street.

Mr. Weemhoff said but they will have their headlights on and the cars will drive through Mr. Koslen's backyard and shine into mine, but additionally how many cars will they have, they could have teenagers and could come in and out all hours of the night and it can be an issue. He said that is his concern and he knows his neighbor to the north is here but does not know if there will be any impact on him.

Mr. George Ihnatko of 17141 Eastview Drive testified that it will still have an impact.

Mr. Lamanna asked if Mr. Ihnatko was on the north side of this property.

Mr. Ihnatko replied yes.

Mr. Lamanna said the driveway is not going to be along Mr. Ihnatko's property, it is going to be on the other side.

Mr. Olivier asked Mr. Lloyd if he had gone to the Lake Lucerne board for approval.

Mr. Lloyd replied no.

Mr. Lamanna asked if the Hoffman's are here, the people that own the house directly behind because the driveway would head right into the middle of their property and then curve.

Mr. Lloyd said the easement will be at the eastern most property and not on an angle.

Mr. Weemhoff asked what the approximate length is of the proposed driveway.

Mr. Lloyd said it will run roughly the whole length of the property and goes directly north and the full length is 125'.

Mr. Weemhoff said we have winters and we have snow and he can see a snow plow running 200' up the driveway as being a real issue as well and asked whether or not that has been thought out previously and added that the daylight hours is one thing and winter is another.

The board reviewed the variance request and site plan submitted.

Mrs. Stanton referred to the site plan and asked Mr. Koslen if that was his house and asked about the tree and if the proposed drive is going to be where the tree is.

Mr. Koslen said yes and the drive will run along side of the tree.

Mrs. Stanton said it will be separate from Mr. Koslen's drive but it does not look like there will be enough room and said she is just trying to get a sense of where the proposed drive will be.

Mr. Lloyd said it is pretty close.

Mrs. Stanton said that Mr. Weemhoff was saying that his property is about 10' off the property line or the house was 20' from Mr. Koslen's drive.

Mr. Lloyd said he cannot comment on that because he does not know how far his house is from the property line.

Mrs. Stanton asked about the survey stake.

Mr. Koslen explained the location of the proposed drive.

Mr. Lloyd said it is a unique situation where the residence will be located and will be a real challenge architecturally on that property but it could be some value.

Mr. Olivier asked where it will place the front of the house and if the front yard setbacks will be based on the drive.

Mr. Lamanna said the front will have to be Rt. 306 and he thinks the technical legal address will be Rt. 306.

Mr. Lloyd said it will be nice to not have the garage face the street.

Mr. Lamanna said it can create issues for the fire department because how will they get access and that is one of the things that people don't think about because the system isn't designed to handle that type of situation. He asked about the current vegetation along the property line.

Mr. Koslen asked if he meant where the house is or where the lot is.

Mr. Lamanna said where the house is, between yours and the Weemhoff's property.

Mr. Koslen said there are some trees.

Mrs. Stanton asked if there is anything in the ARB regarding easements.

Mr. Lloyd said he is not certain.

Mr. Michael Carter of 8498 Rockspring Drive testified that there are no easements addressed in the ARB.

The board reviewed the site plan.

Mr. Weemhoff said there is a very large Maple tree that is 100' high and 5' in diameter in that area.

Mr. Koslen said the driveway will not affect the tree.

Mr. Weemhoff said he thinks it is in the middle of the proposed driveway and added that he presumes all of you folks (board members) are all homeowners and he does not think anybody would want a long driveway going along the side of their house and his son happens to be in one of those bedrooms and 150' of driveway is different than someone pulling into a garage and he would say that it would be a nuisance to be that close to someone.

Mr. Carter testified that he is the President of the Lake Lucerne Club Company and he has received numerous calls from surrounding property owners inquiring about what is going on with the variance and in discussing it among the board members they felt that pushing vehicle traffic through backyards in Lake Lucerne especially with 90° turns violates the essential character of what the yards in Lake Lucerne are.

Mr. Carter continued by saying that Lake Lucerne has been to court to not allow fences, and we are also concerned that it creates a lot coverage issue that was mentioned and we don't see where this property or the zoning code creates a hardship to this case, it is not peculiar to any other properties on Rt. 306 and all the other properties on Rt. 306 access from Rt. 306, no doubt it would be safer to access from Eastview but all those other properties do it and also there is no doubt that it would enhance the value of this particular parcel to access from Eastview rather than Rt. 306 but we are concerned that it would degrade the values of all of the surrounding properties by pushing that vehicular traffic back through the lots.

Mr. Olivier asked Mr. Koslen if he purchased the lot when he purchased the house and if it was owned by the prior owner of the house.

Mr. Koslen replied yes.

Mr. Carter asked if the lot is currently a consolidated parcel or is it a separate parcel.

Mr. Lamanna said at this point it looks like it is a separate parcel nor does it appear that it is being used and referred to some properties that have two parcels and the driveway is located on one of them. He asked Mr. Koslen if he had anything more to add.

Mr. Koslen replied no.

Mrs. Stanton asked if Mr. Koslen considered extending his drive to the back.

Mr. Lloyd said yes they did, but the concern they had was they wanted to provide adequate room in front of the garage but they did not want to inhibit the access or have to share an easement.

Mr. Lamanna said there are common maintenance issues over joint maintenance of the sections of the driveway and his concern is there will be somewhere in the order of 350' of driveway and assuming there is a 90' setback to the rear.

Mr. Lloyd said that Lake Lucerne has different setbacks, we have grandfathered setback criteria that is a little different than the rest of the township.

Mr. Lamanna said assuming the setback is similar to the other houses and you are putting a very long driveway in here that is potentially going to inconvenience several of the neighbors, namely for the purposes of, perhaps enhancing this lot because you will not have to go out onto Rt. 306 when there are already eight to ten lots here in a row that all already exit onto Rt. 306 and this particular lot does not have anything peculiar about its location that distinguishes it. He said if it was on the point of a curve or if there was some other peculiarity in the line of site on that point of the road to distinguish it, it would be easier to say, in the interest of safety that we need to do something different here, but we already have eight other dwellings on Rt. 306 here and one more is not really going to make a difference and it does not have anything that has a distinct situation that creates some kind of additional hazard that any of the other houses along there have. He said just because of the volume of traffic, it is not a particularly bad line of sight so it is really a very small benefit gain and the applicant is asking for a very substantial variance on lot coverage and will end up with a 400' long driveway into this piece of property with all of the issues of drainage and impact on the neighbors and it is not even a straight driveway, it is going to have to have two bends in it so headlights will be moving as cars go through so when the factors are weighed, the difficulty imposed on this lot does not outweigh the fact that it is a substantial variance. He said the lot can easily be used in its present configuration, it has complete access to a public highway, so there really isn't a sufficient basis for granting this variance and the board weighs the factors and in this case the factors weigh against the applicant.

Mr. Lewis said it was put well.

Mr. Lloyd said that Mr. Koslen did not have any intention of degrading the surrounding properties.

Mr. Lamanna said he understands and the board is certainly not asserting that anybody is trying to adversely affect their neighbors and the concept has a legitimate purpose but when the board looks at all of the factors, yes there will be some adverse impacts and he is a little concerned about the drainage because the lot coverage on this lot will be way above what you see in Lake Lucerne. He said there are potentially some drainage issues and it is a very large variance that the board would have to grant here and the property could be used so there is nothing difficult about this property.

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



Motion BZA 2005-57 – 17157 Eastview Drive

Mr. Lamanna made a motion to deny the applicant's request for a variance.

Based on the following findings of fact:

1. The variance is substantial.
2. It will materially increase the lot coverage.
3. The long driveway that would ultimately result could potentially adversely affect the neighboring property owners with traffic and headlights at night and it would substantially impact the character of the neighborhood.
4. This weighed against the fact that the existing property, which access is desired, has frontage on Chillicothe Road which can be easily and adequately accessed like the numerous other properties along the same stretch of road.
5. This property presents no unique or special hazards to access onto Chillicothe Road.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye.

Application 2005-55 by Johnny Adams for property at 7279 Rocker Avenue

The applicant is requesting area variances for the purpose of constructing a detached garage, driveway and fence. The property is located in a R-3A District.

The zoning inspector's letter dated November 10, 2005 was read and photos of the site were submitted.

Mr. Johnny Adams and Ms. Anne Langford were present to represent this application.

Mr. Adams testified that his problem is that he has to put the garage on the back of the property line so he can get into the garage.

Mr. Lamanna asked how many lots he has.

Mr. Adams said he has three lots.

Mr. Lamanna said that they total only 60' wide and the garage will be on the right side of the house.

Mr. Adams said that is right.

The board reviewed the site plan and the surrounding properties.

Mr. Lamanna asked what is behind it.

Mr. Adams said there is a house but it is quite away from his property.

The board continued reviewing the site plan and variances requested.

Ms. Langford testified that there was a house behind them but it was torn down and explained the location on the east side.

Mr. Lamanna asked if it is vacant now.

Ms. Langford said yes.

The board reviewed the photos submitted.

Mrs. Stanton asked if they will be keeping the existing drive.

Ms. Langford replied yes.

Mrs. Stanton asked how high the garage will be.

Mr. Adams said it is on one of the printouts.

Mr. Lewis asked if it will be 35'.

Ms. Langford said the size is 20' x 20'.

Mr. Adams said it is on the computer printout from Lowe's.

Mrs. Stanton asked if it will be as high as the house.

Mr. Adams said no.

Mr. Olivier asked if there was a garage back there before.

Ms. Langford said yes.

Mr. Olivier asked if it will be bigger than the old one, a two car garage.

Ms. Langford said it will be wider.

Mr. Lamanna asked which house was torn down.

Mr. Adams explained.

Mr. Lewis asked if that was the Hall residence.

Mr. Adams said yes.

Mr. Lamanna asked if the board could find out what the garage looks like.

Mr. Lewis asked Mr. Orlowski if he had anything on it.

Mr. Orlowski, Assistant Zoning Inspector testified by saying yes, it is basically one story and showed the board the elevation and information on the proposed garage.

Mr. Lamanna asked if it is a package garage type, two car.

Mr. Orlowski said yes.

Mr. Lewis said it looks like a 6/12 pitch.

Mr. Orlowski said it is a 4/12 pitch.

Mrs. Stanton asked what the distance is between the rear of the house and the front of the garage.

Mr. Lamanna said it is 8' high at the wall.

Mrs. Stanton said that normally the board does not put anything on the property line so it needs to be moved up a little bit but she does not know what that space is.

The board discussed the setbacks.

Mr. Lamanna said you will have eaves on the garage and they cannot hang over onto the neighbor's property because it has a 1' overhang.

Mr. Lewis said it is really 22' wide.

Mr. Lamanna asked what the actual dimensions are from the house to the property line.

Mr. Adams said he had all the dimensions on one sheet.

The board discussed the property lines.

Mr. Lamanna asked what kind of door the garage will have.

Mr. Adams said it will have one door that is 16' wide.

Mr. Lewis said there is a man-door on the side.

Mr. Lamanna asked Mr. Adams if he wants to put two cars in the garage.

Mr. Adams said yes.

The board reviewed the calculations.

Mr. Lamanna said the board does not really want to see this right up on the property line because all you have to do is make the smallest mistake putting it in and you will have a problem so the board will allow 5' in the front and rear and 5' on the side so the door will line up with the existing left hand side of the driveway and Mr. Adams will be able to drive straight into his garage.

Mr. Adams asked if there will be 5' for the rear and side.

Mr. Lamanna explained that there will be 9' between the back of the house and the front of the garage.

Mr. Lewis said a lawn mower can be pushed to the backyard.

Mr. Lamanna said it is not right up on the property line so we don't have to worry about encroaching and a few bushes could be planted around it.

Mr. Adams asked how close he can go to the property line with his driveway.

Mr. Lamanna said it is supposed to be at least 2' from the property line and the garage will be over, so there will be plenty of room.

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

#### Motion BZA 2005-55 – 7279 Rocker Avenue

Mr. Lamanna made a motion to grant the following variances for the purpose of constructing a 20' x 20' two car garage:

1. A variance from the minimum required side yard setback of 50' to 5' for a variance of 45'.
2. A variance from the minimum required rear yard setback of 90' to 5' for a variance of 85'.
3. A variance from the maximum lot coverage of 10% to 39.6% for a variance of 29.6%.

Motion BZA 2005-55 – 7279 Rocker Avenue - Continued

Based on the following findings of fact:

1. This is a pre-existing lot of record.
2. It is a very small lot and the only location to put the garage is behind the house.
3. The only area left on this very small lot puts the garage extremely close to the property lines, however this is consistent with other construction in the area.
4. There is no house close on the back side of the garage and this location of the garage and the low profile of the garage, a one story, should not adversely affect the house to the east of the property.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye.

Application 2005-56 by Robert E. Staehle for property at 8383 Chagrin Road

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

The zoning inspector's letter dated November 10, 2005 was read and photos of the site were submitted.

Mr. Robert Staehle was present to represent this application.

Mr. Staehle testified that his lot is only 150' wide and he wants to build a garage that is 22' x 30' with the overhang.

The board reviewed the variances requested.

Mr. Lamanna asked if there is an existing garage and referred to the aerial photo.

Mr. Staehle said yes and indicated the neighbor's swimming pool on the photo.

Mr. Lamanna said it is a small increase in lot coverage and the existing house is 34' off the property line and asked Mr. Staehle if he wants to keep the tree.

Mr. Staehle replied yes.

Mr. Lamanna asked what kind of garage will be built.

Mr. Staehle said it will be a pole type with an 8' ceiling and a 4/12 roof pitch.

Mr. Lamanna asked if it will be a low profile type of building.

Mr. Staehle said he had in mind a barn and explained that from the driveway to the front of where the garage is planned is a 5' fall so it will be 5' lower than the driveway.

Mr. Lamanna said it comes out to the corner of the house.

Mr. Staehle said it comes off the corner of the enclosed patio.

Mr. Lamanna asked if it will be perpendicular to the house.

Mr. Staehle replied yes and to keep everything symmetrical, he was going to keep the garage on the same plane.

Mr. Olivier asked if the proposed garage will line up with the neighbor's pool.

Mr. Staehle said it certainly looks like it but maybe it will be a little further back.

Mr. Lewis asked if the garage will be between the two trees.

Mr. Lamanna said the tree will probably have to be removed.

Mr. Staehle said he hopes not and added that there will be 20" holes rather than digging a footer and that the septic system didn't kill the trees in the back.

Mr. Lamanna said it might be easier to take down the tree before the garage is built rather than after it is built and if there are no neighbors here, they obviously are not too concerned.

Mr. Staehle said that all of his neighbors have them.

Mr. Olivier said that Mr. Staehle's neighbor is as close to him as he is to the neighbor.

Mrs. Stanton asked if the garage will be next to the pool.

Mr. Staehle said it will be just a little behind it.

Mr. Lewis asked if the side yards of 21.5' and 24.9' are based on 20'.

Mr. Staehle said yes.

Mr. Lewis said that a foot needs to be deducted for the overhang so it would be 20.5' and 23.9'.

Mr. Lamanna said that is keeping it right along the fence line.

Mr. Staehle said it is 3' off of the fence line.

Mr. Lewis said that 4' lets you get a mower in there.

Mr. Staehle replied yes.

Mr. Lamanna said that one tree is not a reason to push it over and he would like to get it as close to 25' as he can so if it is moved over to the end of the fence, it would move it 3' more to 23.5' because it cannot be pushed back any farther.

Mr. Staehle said the back of the fence is right at the curtain drain.

Mr. Lamanna said he is going to ask that the side of the garage be landscaped with shrubbery so that when the neighbor looks out he is not looking at a big blank wall.

Mr. Staehle said they have already started that.

Mr. Lamanna said that some landscaping could be put in on the side of the wall to grow to about 5' – 6' tall to screen it and four or five bushes would be fine to dress it up a little bit.

Mr. Staehle asked how far he has to move the proposed garage.

Mr. Lamanna said it should be moved to 23' off the side property line at the closest point.

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

#### Motion BZA 2005-56 – 8383 Chagrin Road

Mr. Lamanna made a motion to grant the applicant the following variances for the purposes of constructing a one story (20' x 30' garage with a 4/12 pitch roof):

1. A variance from the minimum required side yard setback of 50' to 23' for a variance of 27'.
2. A variance from the maximum lot coverage of 10% to 12.6% for a variance of 2.6%.

Based on the following findings of fact:

1. A practical difficulty exists due to the substandard size of this lot and the narrow width and the existing location of the septic system.
2. The neighbor has an above-ground pool opposite where this garage is going in so it will reduce the impact on the neighbor.

Motion BZA 2005-56 – 8383 Chagrin Road - Continued

3. The applicant has agreed, as a condition to this variance, to reduce the adverse impact on the neighbor, to landscape along the side of the garage with some reasonably sized shrubs to screen the side of the garage.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye.

Application 2005-58 by Holly Teague for property at 7102 Oak Street

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

The zoning inspector's letter dated November 10, 2005 was read and photos of the site were submitted.

Ms. Holly Teague and Mr. Dennis Williams were present to represent this application.

Mr. Williams testified that Ms. Teague has a single car garage with a shed detail off to the side and basically is running a little over 25' currently and she would like to take that down and replace it with a standard two-car garage that is 24' x 24'.

Ms. Teague testified that she is trying to beautify the neighborhood.

Mr. Lewis said it is not a big difference in size.

Ms. Teague said no, it is the same size as her neighbor's.

Mr. Lewis asked if they are going to use the existing pad and footers.

Mr. Williams said there is actually no pad and they are going to check the footers out to see if they can use the same location.

Mr. Olivier asked if the garage will be no closer to the neighbor's than it is now.

Ms. Teague said that is right.

Mrs. Stanton asked if they are just looking at the garage tonight.

Mr. Williams said they want to start Phase I and want the board to take a look at the porch now, but it will not be done until spring and added that he lives across the street from Ms. Teague.



Mrs. Stanton asked about the plans for the existing fence.

Ms. Teague said the fence is going to stay, nothing is going to change, other than taking that garage and making it a two car garage.

Mr. Lamanna asked Ms. Teague if it is her fence.

Ms. Teague said that it is her fence, she is not going to change anything else, she just wants to make it a usable garage.

Mr. Olivier asked if the fence goes along the garage.

Ms. Teague said it goes to the garage, right at the garage and the neighbor has roses on the other side.

Mr. Lamanna asked if they are going to use the existing foundation.

Mr. Williams said they are going to excavate to see what the depth of the foundation is.

Mr. Lamanna asked if it turns out that the foundation has to be removed, he would like to move the garage to 2' off the property line so it is consistent with the normal driveway rule so there is a little more separation there.

Mr. Williams said right now the setback is 16" or 1'-4".

Mr. Lamanna asked if it is 1'-4" at the foundation.

Ms. Teague replied yes.

Mr. Lamanna asked how big the eaves are.

Mr. Williams said 1' and it is pretty common in the neighborhood and said his new garage is 3' off the property line.

Mr. Lamanna said he is not going to say to rip up the foundation for the extra 1' but if you do decide to rip up the foundation, then the board would like to have the resulting building over far enough so the eaves are 2' from the property line, and if you do use the foundation fine, but if you decide to replace it, the board would like it moved over so it is 2' off the property line.

Mrs. Stanton asked if there is anything else.

Ms. Teague said there is the porch.

Mrs. Stanton asked if there will be a roof over the porch.

Ms. Teague replied yes.

Mr. Williams explained the stoop and the sidewalk location and that he has a wrap-around porch directly across the street from her.

Ms. Teague said there was an addition put on her house and they bumped the porch out so the water drips in the front in the winter and makes a huge ice area on her porch.

Mr. Williams added that the whole neighborhood has looked at these prints.

Mr. Lamanna said the sunroom is not an issue except for the lot coverage and the front yard setback will be reduced.

Ms. Teague said her house was a rental house so it has been neglected, she has a stoop and when the gutters run it drips on her stoop.

Mr. Lamanna said it will look a lot nicer.

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

#### Motion BZA 2005-58 – 7102 Oak Street

Mr. Lamanna made a motion to grant the applicant the following variances:

1. A variance from the minimum required side yard setback of 50' for the purposes of replacing an existing garage with a roughly comparable in size two-car garage, 24' x 24' to 1'-4" for a variance of 48'-8". If the applicant uses the existing foundation to construct a new garage and if the existing foundation along that side is not used, then the side yard setback will be increased to 2' from the side property line for a variance of 48'.
2. A variance from the minimum required rear yard setback of 90' to 38' for a variance of 52'.
3. A variance from the minimum required front yard setback of 100' to 30' for a variance of 70' for the purposes of constructing a front porch.
4. A variance from the maximum lot coverage of 10% to 39% for a variance of 29%.

Motion BZA 2005-58 – 7102 Oak Street - Continued

Based on the following findings of fact:

1. A practical difficulty exists because it is a pre-existing lot of record which is very small.
2. It already has substantial lot coverage.
3. There will only be a small increase in lot coverage by these additions.
4. Also due to only a 50' wide size of the lot, the only feasible place to put a garage and to allow access from the existing driveway is adjacent to the property line.
5. With respect to the front yard setback, none of the other properties along Oak Street meet the standard front yard setbacks. This property is currently at 38' and a reduction to 30' will be consistent with the neighboring properties in this district.
6. All of the setback requirements are also consistent with the actual development of the area along Oak Street and therefore would not adversely affect the adjacent property owners.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye.

Application 2005-44 by Brian Winovich for property at 17477 Chillicothe Road - Continuance

The applicant is requesting area variances for the purpose of constructing multi-family residential – condominiums. The property is located in a R-3A District.

Motion BZA 2005-44 – 17477 Chillicothe Road

Mr. Lamanna made a motion to continue this application to the next regularly scheduled meeting to be held December 15, 2005 at the request of the applicant.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, abstain; Mrs. Stanton, aye.

Since there was no further testimony, the public hearing was closed at 9:01 P.M.

Respectfully submitted,

Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman  
Mark Olivier  
Ellen Stanton  
Donald Takacs

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

Date: December 15, 2005

AUDIO RECORDING ON FILE

BZA PH 11/17/2005

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Bainbridge Township, Ohio  
Board of Zoning Appeals  
November 17, 2005

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:01 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Olivier and Mrs. Ellen Stanton. Mr. Donald Takacs was absent.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the October 20, 2005 meeting as written.

Mr. Lewis seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye.

Applications for December 15, 2005

Application 2005-44 by Brian Winovich for property at 17477 Chillicothe Road - Continuance

The applicant is requesting area variances for the purpose of constructing multi-family residential – condominiums. The property is located in a R-3A District.

Application 2005-59 by Almon Corrigan for property at 9380 East Washington Street

The applicant is requesting a substitution of a use for the purpose of selling and repairing horse trailers. The property is located in a R-5A District.

Application 2005-60 by Marty Glaserman (Adams Signs) for Dollar USA for property at 7435 Market Place Drive

The applicant is requesting area variances for the purpose of replacing a wall sign. The property is located in a CR District.

Application 2005-61 by William A. Joyce for Eugene A. Smelik for property at the N.E. corner of Country Lane and S. Franklin Street (02-335651 & 02-335652)

The applicant is requesting area variances for the purpose of a lot split. The property is located in a R-5A District.

Since there was no further business, the meeting was adjourned at 9:14 P.M.

Respectfully submitted,

Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman  
Mark Olivier  
Ellen Stanton  
Donald Takacs

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

Date: December 15, 2005

AUDIO RECORDING ON FILE

BZA R 11/17/2005

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