

Bainbridge Township, Ohio
Board of Zoning Appeals
December 17, 2020

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:03 P.M. by Mr. Michael Lamanna, Chairman. Members present in person were Mr. Ted DeWater; Mr. Joseph Gutoskey and Mr. Todd Lewis. Mr. Michael Corcoran; Mr. Brent Barr, Alternate and Mr. Ian Friedman, Alternate were present via Zoom. Ms. Karen Endres, Zoning Inspector and Mr. Steven Averill, Assistant Zoning Inspector were present in person. Mr. Jeffrey Markley, Bainbridge Township Trustee was present in person to monitor and host the Zoom meeting.

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

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

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

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

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

Mr. Lewis seconded the motion.

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

Application 2019-2 by New Wembley LLC for property at 8345 Woodberry Boulevard -
Continuance

The applicant is requesting a review and renewal of an existing conditional use permit. The property is located in a R-3A District.

Application 2020-6 by New Wembley LLC for property at 8345 Woodberry Boulevard -
Continuance

The applicant is requesting a modification of a previously approved requirement. The property is located in a R-3A District.

Mr. Lamanna noted that since there is additional information that needs to be collected the board has decided to postpone this application to the January 21, 2021 meeting in order to make sure that the information is before the board and the board will be providing a letter to the New Wembley LLC outlining that information.

Mr. Lamanna moved to continue applications 2019-2 and 2020-6 to the next regularly scheduled meeting to be held January 21, 2021.

Mr. Gutoskey seconded the motion.

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

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

Ms. Karen Endres announced that Mr. Steven Averill is the new Assistant Zoning Inspector and he is here this evening to assist with the meeting and will be a resource for us tonight.

Mr. Lamanna welcomed Mr. Averill.

Application 2020-36 by Terry Cowoski for property at 8815 East Pilgrim Drive

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

Mr. Terry Cowoski and Mrs. Lisa Cowoski were present via Zoom to represent this application.

Mr. Lamanna swore in Mr. Terry Cowoski and Mrs. Lisa Cowoski and he let the record reflect that Mr. and Mrs. Cowoski were duly sworn.

Mr. Lamanna noted that this is a nonconforming corner lot.

Mr. Gutoskey asked if the front yard was recorded as 75' on this.

Ms. Karen Endres, Zoning Inspector testified by saying that with the new zoning amendment the side yard setback is 75'.

Mr. Gutoskey said the variance will only be 25', not 45'.

Ms. Endres said that is correct and when she originally calculated it, it was still under the old zoning.

Mr. Cowoski testified that he and his wife are looking to build an accessory building or an out-building and it would be behind the house but because of the corner it would actually have two frontages and they are looking to do this because currently they have a lot of stuff in their backyard that is not under shelter, it looks very unkempt so they thought that they would put up a building that they can get everything inside and they are just asking for the variance for, he believes they need a variance on the setback as well as the amount of hard surface. He asked if that is accurate.

Ms. Endres said the only variances are for the front setback and the size of the building.

Mr. Cowoski said they are looking to clean up the yard and he thinks if they weren't on a corner this wouldn't be an issue for us they would just have their stuff in the backyard and we would see it but just the fact that the whole neighborhood sees their stuff and it looks unkempt so we are just asking that we put this building up.

Mr. Lamanna asked if there is a reason why you (Mr. Cowoski) chose to put it at the distance you put it at.

Mr. Cowoski said it lines up with the driveway, they have four-wheelers and motorcycles and that so it would give them access, he knows he wants to put a driveway to it but it is directly across from, he doesn't know if you can see that the driveway widens out over in that area, and it just seems like a logical place to put the garage.

Mr. Gutoskey asked which way does the garage door point, towards the driveway.

Mr. Cowoski said yes.

Mr. Lamanna said the question would be, is there any physical reason why it can't be moved back 20'.

Mr. Cowoski said he supposes if that is what they had to do they could do it, there is a pretty large tree and they have a drainage ditch that is back in that area but he assumes that that could probably be reworked. He said the garage would be more in the backyard behind the house then if that is what the board recommends.

Mr. Corcoran asked if these plans have been submitted to the Pilgrim Village HOA.

Mr. Cowoski said they have and they approved them.

Mr. Lamanna asked what the existing house setback is, is it 75'.

Mr. Gutoskey said on the front it is 75 and on that side it looks like it is 91 according to the drawing.

Mr. Lamanna said the actual garage entrance is 91.

Mr. Gutoskey said yes.

Mr. Lamanna said it would seem like we can move this thing back farther and it would still be easy enough to go off the end of the driveway there to reach it. He asked if any of the board members have an issue with the size.

The board responded no.

Mr. Lamanna said it is 1% of the total lot acreage but he thinks the lot is plenty big enough for that size. He asked Mr. Cowoski what the possibility is of moving this back, it is not that we are being difficult it is just that the standard there has to be some kind of a practical difficulty to prevent you from complying with requirements and if it can just as easily be moved back 20' then it should be moved back 20'. He said if there is something in the way of significance then we can consider that but we do need to look at the operative criteria.

Mr. Cowoski said initially he was of the impression that the setback had to be 100' and that he would need a variance so when we put in for the variance they put it to where we thought it best fit the house and if 75' is the number and you think we can do that we can make that work. He said it just a little further back from the house.

Mr. Gutoskey said the garage is back 91' and this garage is 20' and if he ever wants to put a driveway to it it is kind of like an offset in behind so he doesn't know if we want the 70 or whatever, he is just throwing it out. He said because of the way the lot angles it is pushing it back behind the house anyway.

Mr. Lamanna said it is 48' away he is just going to have to angle his drive a little bit.

Mr. Gutoskey said 75' it is.

Mr. Lamanna said if we do 75'.

Mr. Cowoski said if you are talking to us, that is what we will do.

Mr. Lamanna said we appreciate that and the size we can deal with and the changes that we made, it was a lot of work by the Zoning Commission and comments by other people and we saw a number of the other.

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

Motion BZA 2020-36 – 8815 East Pilgrim Drive

Mr. Lamanna moved that the applicant be granted the following variance for the purpose of constructing an accessory building.

1. A variance to the maximum size accessory building on a non-conforming lot from 300 sq. ft. to 480 sq. ft.
2. The board also notes that the applicant will meet the minimum front yard on the west side of 75' and will not need a variance there.

Based on the following findings of fact:

1. The increase in accessory building size is reasonable considering the size of this lot and is consistent with the character of the neighborhood and will not adversely affect the neighboring property owners.
2. The board notes that this will be replacing an existing shed.

Mr. Gutoskey seconded the motion.

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

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

The applicant is requesting a substitution of a non-conforming use to permit a rental business in a residential district and variances relevant to lot consolidations. The property is located in a R-3A District.

Mr. Patrick Miller and Mr. Michael Miller were present via Zoom to represent this application.

Mr. Lamanna swore in Mr. Patrick Miller and Mr. Michael Miller and he let the record reflect that Mr. Patrick Miller and Mr. Michael Miller were duly sworn.

Mr. Michael Miller testified that apparently there are some issues with setbacks and he doesn't quite understand them all but if Ms. Endres is there possibly she could explain what they are.

Mr. Lamanna asked Ms. Endres to give the board a run-down on the application.

Ms. Karen Endres, Zoning Inspector testified that the history of Handy Rents is a business in a residential zoning district and over the years it seems like it was handled in a couple of different ways and businesses were approved as substitutions of a non-conforming use by the Board of Zoning Appeals so as commercial businesses expand in residential districts or change owners the BZA gets involved and approves modifications to the site through the Board of Zoning Appeals rather than administratively through the Zoning Inspector. She said it appears that over the years the site has grown, the use has grown over the years, and it looks like there are some buildings on the property that don't have permits. She said she also wants to get the Board of Zoning Appeals approval for this current owner rather than administratively through the Zoning Inspector. She said he did go to the Zoning Inspector who was in office at that time and his permit was issued administratively to operate his business and to add a trucking component to the rental and Mr. Miller has been very cooperative and as she understands the trucking component has been removed and asked Mr. Miller to confirm that.

Mr. Michael Miller said yes, they terminated their agreement with Penske so they no longer have their trucks there therefore they have their own use of the property there.

Mr. Patrick Miller testified that they own the lots.

Ms. Endres said yes, they own four lots and they are in the process of consolidating three of the four lots into one and the fourth lot, you (Mr. Michael Miller) prefer to leave it unconsolidated for possible future development. She said there are some variances needed relative to a driveway too close to the lot line, crossing the lot line and you can probably see that on her screen here on the aerial. She said we have a situation where part of the driveway is actually on the neighboring lot and then it segues over into the right lot so you've got encroachments and setbacks less than 2'. She said she knows that you (Mr. Michael Miller) have done some site work, she is not completely sure if all of this area here has been restored but the site plan indicates that it has, the revised plans and asked Mr. Miller if she is correct.

Mr. Michael Miller asked Ms. Endres if she is asking about the encroachment issue there.

Ms. Endres said right and if all of it has been returned to green space so there are no trucks or parking on it.

Mr. Michael Miller said that is all gone, some of the folks from the township came out the other day. He said they had a surveyor come in and mark all of the lot lines so that we are not over the line on that side except for when you first come into the property with the driveway. He said obviously they were not aware of where the lot lines were and when we first moved in on the property many years ago, we have been there since 1996 so we weren't really aware of all of these lot lines or anything but when we found we were over the line a little bit we immediately corrected that, we had the surveyor come out and put up sticks so we don't cross over there and we planted grass in that area.

Ms. Endres said correct and the lot that she is hovering over right now with her pointer is the main lot, this little lot right here is the rear lot and that is being consolidated and then there is a landlocked lot in the back.

Mr. Lamanna said a strip lot in the back.

Mr. Gutoskey said the old interurban.

Ms. Endres said she thinks all of this is in your packets. She said those are all going to be consolidated into one lot so we will be making the lot itself more conforming.

Mr. Gutoskey said he had a question on the consolidation and is there any reason, since they own the parcels that they can't make that driveway conforming with that parcel.

Mr. Michael Miller asked could it be conformed.

Mr. Gutoskey said you put a kink in the property line so that whole driveway is on the parcel it goes with.

Mr. Michael Miller said yes certainly it could be done with the current asphalt or whatever could be removed we might have to widen it slightly.

Mr. Lamanna said he thinks Mr. Gutoskey is talking about redrawing the lot line.

Mr. Gutoskey said yes.

Mr. Lamanna said he is talking about actually changing the lot line so the lot line comes down, you take off that corner of the lot and transfer it over to the other lot, you take that necessary distance where it encroaches so the driveway will stay there but that lot to the west would be modified and at least it would be transferred over to the existing lot that the business is on. He said a little chunk of that other lot would be in there because otherwise we are going to tell you to get rid of the encroachment, you don't want to merge the lot if you want to keep that lot for future development then you have to get rid of the encroachment of the driveway.

Ms. Endres said they have 60' of frontage, they wouldn't have the lot width and they wouldn't have the size so they need a variance to do that to make that nonconforming lot even more nonconforming.

Mr. Gutoskey said it would be nonconforming as a residential lot in R-3A.

Ms. Endres said right, correct, it is a nonconforming lot in a residential district so it would be a nonconforming residential lot.

Mr. Lamanna said we could deal with that so that if you are already in the process of consolidating and doing that.

Ms. Endres said she hadn't signed the final approval yet, pending the outcome of this meeting.

Mr. Lamanna said right so we could grant the variances necessary for that to happen.

Mr. Gutoskey said because it would be very hard to get behind the building.

Mr. Lamanna said otherwise it is going to make for a scrawny little driveway there.

Mr. Gutoskey asked if there is an issue with the size of the apron of the driveway in the front, the width of the driveways.

Ms. Endres said she is not aware of any regulations for driveways for a nonconforming use in a residential district.

Mr. Gutoskey said the only reason he wondered is looking back because realistically the lot coverage on this should be 10% because it is residential.

Ms. Endres said they do get more than that because of the new code.

Mr. Gutoskey said the new formula but still it is not 40%.

Ms. Endres said we allow for 40% lot coverage for non-residential uses in residential zoning districts so she would be applying 40%.

Mr. Lamanna said except that it is a nonconforming use so they are really limited.

Ms. Endres said that is why they have to come before the Board of Zoning Appeals in the first place.

Mr. Lamanna said they are not supposed to be expanding, you can't be at 10% and decide you want to expand up to 40%. He asked what the next property over is, just out of curiosity.

Mr. Gutoskey said he thinks it is an existing house and two barns and then there is almost a million dollar house in the back on three acres, it is like a flag lot back to a new house, it is a driveway that goes back, it is a flag lot and a conforming three acre lot.

Mr. Lamanna said they happen to have a barn rather close.

Mr. Gutoskey said he thinks it is part of the original parcel, there are two barns on that parcel and then the house is in front, he thinks the barns have been there forever. He said there is a house with two barns in the front and then a flat lot that is three acres, conforming, in the back and that is a S. Russell parcel.

Mr. Lamanna said so all of the activities are going to be brought onto this new parcel.

Ms. Endres said then there is a setback question because the parking is right up to the lot line.

Mr. Lamanna asked which side.

Ms. Endres said both sides and there are some storage containers that are very close to the lot line and a new septic system was installed so there were some storage buildings here, a little shed that was moved to other places on the lot, there was some relocating of some storage facilities on the property.

Mr. Lamanna asked if there is another building back there farther.

Ms. Endres said if you look in your packets she has pictures that we took yesterday showing the structures on the property.

Mr. Lewis said we have two containers, shipping containers.

Ms. Endres said in 2013 it was moved to the west side, there were several containers that were moved and relocated on the property and letter of the law, they should have had permits and permits to be relocated on the property.

Mr. Gutoskey said so right now there are five outbuildings or six, it is hard to tell from the picture.

Ms. Endres said there the two big ones, there is a shed and she thinks there are at least two others and another shed parked next to that pick-up truck.

Mr. Gutoskey said so there are six outbuildings.

Ms. Endres asked Mr. Michael Miller to confirm that, does he know how many outbuildings are there.

Mr. Michael Miller said yes there are the two large containers and there are two smaller containers and there is a small little barn and there is an extra container on the lot and we were getting it out of there and we were just using it while the septic system was getting put in, temporarily, to move some things out of the building because the contractor had to go around the back with the new sewer line.

Ms. Endres said in the end there will be five accessory structures, correct, ultimately.

Mr. Lamanna said it looks like none of the structures have been permitted.

Ms. Endres said we have to figure it out, there have been accessory structures permitted but it is not clear which ones or if the ones that were originally permitted are even on the property anymore.

Mr. Lewis asked are you talking permitted as in allowed or permitted as in a building permit.

Ms. Endres said permitted as them having acquired a zoning certificate.

Mr. Gutoskey said there was a 12' x 36' horse barn that was permitted in 1970.

Ms. Endres said that is one of the structures that is not on the property anymore.

Mr. Patrick Miller said they would be happy to put something else up to replace that obviously and get rid of the other containers if that is something that would be suitable.

Mr. Lamanna said part of the problem with this thing technically if you've got a nonconforming property you can't add anything on, you can't expand on it, you can't make your parking lot bigger, you can't add more structures, you can't do anything without getting approval to do it and technically the idea is that nonconforming uses are not supposed to expand and get bigger. He said we generally look at some minor changes with people shuffling things around and maybe doing something differently or some different business is coming in that maybe is less intensive than what was there before and we decided maybe to allow to make some addition or do something else because it is offset by the change in the nonconforming use so we sort of start with the idea that nothing is supposed to be getting bigger, no new buildings or structures are supposed to be added on at all and technically he doesn't think the board is supposed to allow expansions of nonconforming uses, it is a pretty strict standard.

Mr. Lamanna continued by saying there are a few things you can do and like he said sometimes there is a trade-off in terms of the impact on the residential district, let's say changes are happening and the sum total of the changes make it a less intensive impact than it was before then we may allow certain changes that might technically be expansions to occur as an offset, for example, he doesn't think the board would have allowed somebody to move in a whole bunch of shipping containers as accessory structures, if you came to the board and asked to do that he thinks we probably would not have been very amenable to that. He asked if we have a specific site plan.

Ms. Endres said the site plan she has is the lot consolidation and then the aerials.

Mr. Lamanna asked if we have a drawing that shows us where all of the things are.

Mr. Gutoskey said there is a consolidation drawing in here but it only shows the existing buildings and the pavement, it doesn't show the driveway going off the lot.

Mr. Lewis said it would be nice to know exactly the size, the proximity of each one of these containers and sheds and stuff and then their dimension of their footage off the property line.

Mr. Lamanna asked if we even know what the lot coverage is. He said he thinks what we need to do here and at the end of the day you want to have two lots, one is the lot with the nonconforming use on it and the other is the residential lot that doesn't have any of the nonconforming uses on it. He said we would like to bring the nonconforming use lot by cutting off this corner for one thing so we have all of it on one lot and we would also like to make sure to the extent it is possible, there are not any existing buildings too close, is to bring the setbacks into compliance as much as we can. He said one problem we have is we don't have a really clear idea of or knowledge of what was the nonconformance in existence at the time the zoning district changed because technically everything is measured from that date, what did the property look like back in 1971. He said we are kind of running at this thing sort of half blind as to what it is so he thinks we are going to have to try to make some assumptions and come to some kind of reasonable arrangement here but we want to be able to define all areas of the property where activities will be conducted and what those activities are so we have an area that is going to be a parking area and used for parking or for other things we want to have that delineated on a site plan, we want to have everything on the site plan, any structures on that site plan.

Mr. Lamanna continued by saying we have to address this question of all of these structures that are here now and whether or not they are going to be consolidated and maybe there can be some more permanent building like area constructed, all of these areas and miscellaneous storage containers, maybe look at some proposal and come back and say we want to build one secondary storage building and get rid of all of these other things and then here is where it will be on the site and make sure we get some appropriate setbacks for them so at the end of the day we have a plan in hand that defines what is going on where and then that is cast in stone going forward, that becomes the baseline going forward for here is a nonconforming use, here is what area on the property it occupies, here are the buildings that are associated with that and we have that established because now we've got chaos, not necessarily your fault, we are not blaming you for the situation here, a lot of these nonconforming uses are not really handled in accordance with what the zoning actually says. He said there has been a certain amount of flexibilities that probably should not have been done and probably was beyond the authority of the zoning inspectors to do which ultimately was not helpful to you either because you could ultimately end up in a situation where your compliance status is uncertain and that is not a good place to be ever especially for example if you were looking to finance something where you are pledging the property or you ultimately go to sell it it could create a real difficulty so what we are trying to do is get people so it is very clear, this is what you are permitted to do, this is the way you are permitted to do it, you've got all the proper approvals, all of the proper variances so if somebody comes along, some bank comes along and says they want to make sure you are in compliance with zoning you've got the paperwork to demonstrate that and we've got the paperwork to know exactly what has been approved and what has been permitted on your property so it works to everybody's benefit. He said at this point in time what we would like to do is we want to see and he thinks it makes sense to make his driveway all on the nonconforming lot and adjust the property line as part of what you are doing and we will grant the variances necessary.

Mr. Gutoskey said he does have some other questions.

Mr. Lamanna said there are a lot of questions and we need to look at trying to bring this lot into as much compliance as we can with the setback requirements and make sure we have a clear list of those areas where variances will be required so that we can make sure that all appropriate variances have been considered.

Ms. Endres said the lots are very narrow lots.

Mr. Lamanna said he knows but we want to get them all identified and we need to get an accurate site plan, a good site plan of exactly where the pavement is, where the pavement is going to be brought back.

Ms. Endres said she thinks that the survey plan is supposed to show all of the concrete areas. She said she and Mr. Averill were out there yesterday and she thinks that the containers are probably around for the most part the concrete area or the gravel and concrete area.

Mr. Lamanna said they look like they are pretty darn close.

Ms. Endres said the buildings need to be delineated.

Mr. Lamanna said right and he thinks what we really want to do is to get rid of all of these other miscellaneous outbuildings all over the place because they are in a residential area here technically so these are not really the kind of things that ought to be in a residential area. He said given the fact that a certain amount of storage has been allowed over the years that we look at what would be a reasonable size accessory building and we want the applicant to look at it and ask them what is a reasonable size accessory building and where would you put that and again we would like to add it on the property not right up next to the property line, placed on the property somewhere where it is set back as well as we can for that.

Mr. Gutoskey asked Ms. Endres about the parking spaces. He asked Mr. Miller if this is strictly business or is there any residential as part of this building, is anybody living in this building.

Mr. Michael Miller said yes, it was temporary but we have a lady that lives upstairs in the building and her son lives next door. He said the property east of this is owned by Mr. Tom Cahill and Mrs. Cahill, his mother, rents a small area above the house.

Mr. Gutoskey asked if that area has been for rent for how long, has it been on-going.

Mr. Michael Miller said there has been somebody living there since the sixties, before her it was Mrs. Dottie Kendall, the property owner, lived upstairs and they rented the property initially from her in 1996 and then we purchased the property seven or eight years after that. He said she passed away and her son became the owner of the property and we purchased the property from him, he wasn't around here and didn't want the property.

Mr. Gutoskey said we need to see parking and then what do you have for lighting behind the building, any security lighting.

Mr. Michael Miller said very little, there are just a couple of small floodlights on the back of the building, there is no freestanding lighting or anything like that.

Mr. Gutoskey said we have to look at it because you are in a residential district. He asked what the hours of operation are and he was thinking of noise if somebody is picking up a piece of machinery at 7:00 in the morning. He said we also need to look at doing some screening along that east property line for those residential houses, he knows there are some Pine trees in the back but if you look at the photos they are kind of older Pines and the bottoms are kind of wide open.

Mr. Michael Miller said okay.

Mr. Gutoskey said that is part of what we need to look at too.

Mr. Lamanna asked if there is anything stored outside.

Mr. Michael Miller said sure, it is a rental business and there is only so much room inside the building and you can't be parking a large piece of equipment in there so it is lined up on the property way in the back at the edge of the paved area, the stone area there, and people come in, a pick-up truck and he needs to be able to turn around and head back out after they pick up their rototiller or their tables and chairs for their party or an excavator, a log splitter, those things are stored outside, we don't keep them in the building.

Mr. Gutoskey said more nonconforming.

Mr. Lamanna said yes, more nonconforming stuff.

Mr. Michael Miller said it is what a rental business does, we've got all of the equipment out.

Mr. Lamanna said just so you understand, even if this business was in a commercial district this would be an issue.

Ms. Endres said right.

Mr. Lamanna said there is a prohibition against outside storage of merchandise for sale or rent.

Ms. Endres said this was a difficult one to analyze from what we had going back for the rental business.

Mr. Lamanna said the problem is with all of this is what does it look like on the day it became nonconforming. He said if they had two pieces of equipment out there then they could keep two pieces of equipment out there, you can't just say you had two pieces so you can put 100 out there.

Ms. Endres said there is not much to go on in the file.

Mr. Lamanna said technically the burden is on the applicant but again what we are trying to do here is get this situation under control and know what is there and what is allowed and the things beyond that aren't allowed and we have to draw a baseline for what is permitted on the property, this is really the obligation of the zoning so there are all of these issues unfortunately and we are trying to make sure we cover all of them because at the end of the day when we finish with this application he wants the applicant to be able to walk out of here and know these are the things you can do, you are permitted to do all of those things, you've got the appropriate approval from the Board of Zoning Appeals to do that and you know that you can't do anything else unless you come back and get a modification or approval of what you want to do differently. He said we have to try to establish a baseline of some kind and say this is okay. He said unfortunately it is not a super simple task here.

Mr. Michael Miller said from his point of view the business hasn't changed dramatically over a period of time, the kinds of rentals that they rent there have been rented for years and years and years.

Mr. Lamanna said he has been here since 1985 so he can't say that he has noticed that there has been any really dramatic change in typically what is going on. He said at the end of the day so we have some kind of order that says this area is being used for storing these types of things, we are going to have some area where we are storing excavators and things like that that we have that area defined and that things are confined to that area and they are not all over the place so that is the kind of thing that we need. He said we can establish it with that site plan.

Mr. Michael Miller asked if that is something we would work on with Ms. Endres.

Mr. Lamanna said yes, what we will have to do is, we are not going to finalize this tonight, you are going to have to come back to our next meeting or the meeting after that. He said he thinks maybe the February 2021 meeting and the board would like you to work with Ms. Endres and come up with a detailed site plan where the various items are going to be, all these nonconformities, we want to identify every one of them. He said if we've got outside storage equipment, we want to figure out where that is going to be and make that part of the site plan, look at all of the setback questions so we can address any variances and look at some kind of single secondary storage structure that is a building, it is not a bunch of containers and things like that and where we could put something like that.

Mr. DeWater said if he is looking at a single building he might want to make sure once he measures the containers that he also looks at maybe making it sizable so he can include a lot of that stuff that is outside into that building.

Mr. Lamanna said that would be desirable too. He said obviously if we are looking at how big of a building we are going to allow you, you can say this will allow us to move things inside that now are outside with the intent to be inclined to give you a bigger building instead having things outside so we will trade off one impact for another impact to try to come up with the best overall situation. He said he thinks we have some homework and some work to do. He asked the applicants if they have any other questions for the board.

Mr. Patrick Miller said the question he would have is to try to get the equipment in a pole barn.

Mr. Lamanna said obviously there might be some things there that are hard to do, he doesn't know what your biggest equipment is.

Mr. Michael Miller said it is not possible to put a trailer in there but as far as putting all of the other equipment in there yes, they probably could get most if not all of it under some kind of pole barn.

Mr. Lewis said you are not going to get a bobcat or excavator necessarily in there.

Mr. Lamanna said you kind of see where we are coming from, work with Ms. Endres, she will provide you good advice based on what we say and knowing the kind of things that need to be addressed and again talk to Ms. Endres and if she has questions she will get back to us and we can try to respond to them as best we can on what we are thinking to accomplish, you can get some informal guidance in between now and the February meeting.

Mr. Michael Miller said it sounds good.

Mr. Lamanna thanked them for coming in and we will try to get this worked out, it is a little bit complicated but at the end of the day he wants you to have something that is perfectly copasetic and you can be comfortable with and if you want to finance something and the bank came in and took a look at it and they say we are good to go on this on the title and compliance and you don't have any problems to deal with.

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

Motion BZA 2020-37 - 7812 E. Washington Street

Mr. Lamanna moved to continue this application to the February 18, 2021 meeting.

Mr. Lewis seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 8:05 P.M.

Respectfully submitted,

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

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

Date: January 21, 2021

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
December 17, 2020

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:05 P.M. by Mr. Michael Lamanna, Chairman. Members present in person were Mr. Ted DeWater; Mr. Joseph Gutoskey and Mr. Todd Lewis. Members present via Zoom were Mr. Michael Corcoran; Mr. Brent Barr, Alternate and Mr. Ian Friedman, Alternate. Ms. Karen Endres, Zoning Inspector and Mr. Steven Averill, Assistant Zoning Inspector were present in person. Mr. Jeffrey Markley, Bainbridge Township Trustee was present in person to monitor and host the Zoom meeting.

MINUTES

Mr. Gutoskey moved to adopt the meeting minutes of November 19, 2020 as written.

Mr. DeWater seconded the motion.

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

Mr. Ian Friedman departed the meeting.

EXECUTIVE SESSION

Mr. Lamanna moved to go into executive session to consider the applications that have been postponed for the New Wembley LLC at 8345 Woodberry Boulevard for deliberations on these applications to review the current status of the evidence before the board and discuss items of evidence that the board needs to seek from the applicant prior to the meeting next month in order to be able to finish evaluating the applications before the board.

Mr. Lewis seconded the motion.

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

The board of appeals recessed their regular meeting at 8:10 P.M. in order to go into executive session.

The board of appeals returned from executive session, after discussing the applications by New Wembley LLC at 8345 Woodberry Boulevard and reconvened their meeting at 9:26 P.M.

New Wembley LLC – 8345 Woodberry Boulevard

The Board of Zoning Appeals was in agreement to send Mr. David Barr of New Wembley LLC a letter regarding compliance issues.

APPLICATIONS FOR NEXT MONTH

Application 2019-2 by New Wembley LLC for property at 8345 Woodberry Boulevard -
Continuance

The applicant is requesting a review and renewal of an existing conditional use permit. The property is located in a R-3A District.

Application 2020-6 by New Wembley LLC for property at 8345 Woodberry Boulevard -
Continuance

The applicant is requesting a modification of a previously approved requirement. The property is located in a R-3A District.

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

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

Application 2021-1 by MM Washington LLC for property at 8531 E. Washington Street

The applicant is requesting a transfer of ownership and renewal of a conditional use permit. The property is located in a CB District.

Application 2021-2 by Grace M. and James F. Henry for property at 7589 Pettibone Road

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

Application 2021-3 by John Crabb for property at 17117 Cats Den Road

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

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

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

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for January 21, 2021 at 7:00 P.M. at the Bainbridge Township Community Hall, 17826 Chillicothe Road, Bainbridge Township, Ohio and unanimously resolved to request the Bainbridge Township Board of Trustees to issue a purchase order for legal advertising.

Since there was no further business, the meeting was adjourned at 9:27 P.M.

Respectfully submitted,

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

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

Date: January 21, 2021