

Bainbridge Township, Ohio
Board of Zoning Appeals
March 15, 2018

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:15 P.M. by Mr. Todd Lewis, Vice Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey and Mr. Mark Murphy. Mr. Michael Lamanna was absent. Ms. Karen Endres, Zoning Inspector was present.

Mr. Lewis 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 2018-3 by Kyle Wefing for property at 8414 Summit Drive

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

Mr. Kyle Wefing, applicant and Mr. Michael Foley, builder were present to represent this application.

Mr. Wefing testified that the board is seeing some variances already in place, the property was owned for many years by an elderly couple who used it as a vacation home and it has been vacant. He said the house that was there, we knocked it down last week, it has been vacant for about 20 years, it was falling apart. He said they knocked it down with plans to build a new one. He said the previous owner to him picked it up in 2016, they had plans to build, they consolidated the two lots, originally there were two parcels and they combined them into one to make it .51 acres and they have been in front of this board before and that is where the variances are from last year, something fell through with their plans so he bought it from them in September of 2017 so what we have here is a 2,800 sq. ft. custom home. He said the lot variances he is asking for, the lot area is actually larger with the previous variance than what he needs, he only needs 21% and they had 25% he believes it was. He said the front setback they are requesting is 50' which is in line with Lake Lucerne's guidelines, the west sideline to the window well is 15', to the house is 18' and actually the west sideline is similar to what was there before, as you can see on the site plan and then the east sideline is going to be 18' roughly. He said the rear setback is 68' to the house, the uncovered patio is about 12' deep so it puts it about 54' – 56' somewhere in there. He said he knows Ms. Endres measured it and after he submitted it he realized that he didn't include the patio with the application, so that is a summary of what they are trying to do.

Mr. Gutoskey asked if the patio is covered.

Mr. Wefing referred to the site plan and said this portion is a covered patio, but that is not.

Mr. Gutoskey said it is a porch that is attached to the house.

Mr. Wefing said yes, so the one that says unexcavated, that is a covered porch and it is 12' deep and 21' wide and the patio is a 12' x 15' piece of cement.

Mr. Gutoskey asked Ms. Endres if the setback is to the unexcavated part.

Mr. Wefing said the 68' is to the unexcavated.

Ms. Karen Endres, Zoning Inspector testified that concrete is a permitted encroachment.

Mr. Gutoskey said right because there is no roof over it.

Mr. Wefing said he included the window wells on the west sideline.

Mr. Gutoskey said on the west sideline he would just look to the foundation.

Mr. Wefing said these are full egress window wells so they are not just small window wells, it is full egress for the lower level.

Mr. Murphy asked if it is a masonry footer.

Mr. Wefing said it is part of the poured foundation, yes.

Ms. Endres said it is 15.51' to the window wells and 18.52' to the foundation.

Mr. Wefing said yes and the 18' is roughly where the old house used to sit to the sideline.

Mr. DeWater said he remembers when the board dealt with the other owner there was a question about the drainage from the back of the lot to the front and we directed them to bring it up to where that gravel driveway was.

Mr. Wefing said they are going to create a swale because the neighbor to his west actually sits lower and we are not really disturbing too much of the topography of what was already there.

Mr. Gutoskey said there is enough fall to get a swale to go to the front on that side, you will just have to fill in a little bit to the property line and pull these contours up on the west side of the house.

Mr. Lewis said he was looking at the motion from the previous application and Item #5 on the Findings of Fact so that is a good point and we will have to make sure that gets done.

Mr. Wefing said he doesn't want to make his neighbors mad either.

Mr. Lewis said it looks like the Lake Lucerne ARB approved this.

Mr. Wefing replied yes.

Mr. Lewis said if he is reading this right the minimum side yard requirements in Lake Lucerne are 10'.

Mr. Wefing said 10', yes. He said they have a 50' setback, 10' sidelines, 10' rear and they have some other requirements like a 35' ridgeline, theirs is 31' or 32' so they are within all of the Lake Lucerne requirements.

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

Mr. Wefing said he informed all of his neighbors and showed them the site plan and drawings of what is to come and everyone was excited to see new life.

Mrs. Kathy Christian of 8399 Tulip Lane testified that they are on Tulip Lane, we are directly behind, our house is the ranch.

Mrs. Alice Kelley of 8415 Tulip Lane asked if it is going to be a single story.

Mr. Wefing said it is a story and one-half so from the back side you will see two stories. He referred to the elevations and said there is the front of the house and on the back side you will see a covered porch.

Mrs. Kelley testified that you won't have a lot of space between your house and the lot line then.

Mr. Wefing said no but it is 68' between the house and rear property line.

Mrs. Kelley said right now it is visible.

Mr. Earl Christian of 8399 Tulip Lane asked what variances are being asked for.

Mr. Gutoskey said because the three and five acre zoning has the setbacks of 90' to the rear, 50' sides and 100' for the front a lot of the houses such as Lake Lucerne and a lot of the other developments in the township have to come for variances just to put a house on the lots. He said the original setbacks in Lake Lucerne were 50' front and 10' on the sides.

Mr. Wefing said his property is 112' wide by 200' deep.

Mr. Gutoskey said plus he has a double lot.

Mr. Wefing said he has a question and asked about the rear sideline, if we ever wanted to put a small shed, obviously we would have to go through ARB etc. would it be possible to have a 20' rear setback in this variance or would you prefer that he come back for that or if we wanted to extend the patio or put a deck up.

Mr. Lewis explained that we can only rule on what is front of the board today so as far as procedure goes, if you are going to make any modification to what was submitted today you would come back and again your documentation is good, get your ARB letter or approvals from Lake Lucerne and come on in and re-present again.

Mr. Wefing said okay.

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

Motion BZA 2018-3 – 8414 Summit Drive

Mr. Lewis moved to grant the applicant the following variances for the purpose of constructing a new home on this property.

1. A variance from the maximum lot coverage to 21%.
2. A variance from the minimum front yard setback to 50'.
3. A variance from the minimum side yard setback on the east side to 18.52'.
4. A variance from the minimum side yard setback on the west side to 15.51' for the window well and 18.51' for the house structure itself.
5. A variance from the minimum rear yard setback to 67.83'.

The board notes that all of these variances conform with the Lake Lucerne zoning resolution for their subdivision and also on file there is a letter of approval for this application from the Lake Lucerne Architectural Review Board.

Motion BZA 2018-3 – 8414 Summit Drive - Continued

Based on the following findings of fact:

1. A practical difficulty exists which actually has been satisfied because the two lots have been joined together which did satisfy a pre-existing condition that the two lots separately were too small to build this house so the applicant has satisfied that requirement to make this possible.
2. The variances being requested are generally consistent with prior zoning in this area and other properties within the Lake Lucerne Subdivision.
3. The size of the house and given the size of the lot is also consistent with the character of the neighborhood.
4. It also appears that the placement of the house would not adversely affect either of the neighboring properties.
5. The applicant will be taking appropriate precautions to manage any storm water flow so that it does not become deflected to adjacent properties.
6. The board also notes that a sediment control plan is also required here.

With the following condition:

1. Given that the board is granting this variance based on community standings in Lake Lucerne allowing for higher density development, in order for this not to have potential adverse effects on the neighboring properties the board places a condition on the property to follow all requirements with respect to agricultural uses on properties in subdivisions notwithstanding that it is technically vacated from this subdivision plat.

Mr. Gutoskey seconded the motion.

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

Application 2018-4 by Daniel R. & Karen S. Groth, Jr. for property at 18745 Brewster Road

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

Mr. Daniel Groth, applicant was present to represent this property.

Mr. Groth testified that he moved to the township about a year ago so he is still learning the ropes on a few things but his intent is he would like to build a detached garage and he specified a pole barn because they are a little cheaper to build and they are just as sturdy and his intent is that it will look identical to the house, the same board and batten siding, same pitch, the same height etc. and a couple of these things are not free for him to do, these variance items. He said first and the biggest item is the sideline setback and his yard, he is in the area where it is 1-1/2 acres or so, his yard because of the slope going up towards the top towards Rt. 306, his backyard is continually sloped up in the back, it is very subtle.

Mr. Lewis asked if there is a topo.

The board reviewed the topo.

Mr. Groth said it is fairly subtle but between his and his neighbor's property, they have a pretty good river that comes down when it rains so in order for him to build within the guidelines it would literally have to be in the middle of his backyard right outside his kitchen window because of the sideline. He said his house is, he believes, only 48' on the sideline and he did have it surveyed and there are stakes along the area where he would like to put it and he measured to his house and it is 48'ish and he is not sure what the code was in 1978.

Mr. Lewis said we need 50' or within the shoulders of the house, if the house was pre-existing.

Mr. Murphy said he said the house was built in 1978.

Mr. Frank Keehl of 18723 Brewster Road and next door neighbor testified that it was 25' back then.

Mr. Groth said his biggest reason for this sideline variance is, ideally in a perfect world he would set it way towards the back on the ridge but he is in the major ledge rock half way in the middle of his backyard going all the way up to the back of the property so really this location which he has chosen is probably the only area where he can even put a footer in so shy of literally right directly behind the house, that is the major issue.

Mr. Lewis asked about the septic location and leach fields.

Mr. Groth said it is in the front yard and the well is literally in the middle of his backyard.

Mr. Lewis asked if the well is the little dot on the site plan.

Mr. Groth said yes, that is the well right there.

Mr. Gutoskey asked if he has a side entry garage right now.

Mr. Groth said there is no man-door for the garage, he has a side entrance garage, yes.

Mr. Gutoskey asked if this is going to be another garage.

Mr. Groth replied yes and he is trying to get the vehicles out of the driveway, is the intent.

Mr. Murphy asked if the pole barn in back is the current garage.

Mr. Groth said he is not sure what it is, that was there when he bought the property and according to Ms. Endres, we looked at the records on my property, and it was built without a permit, when he does not know. He said his neighbor Mr. Keehl is here and he may know when it was built.

Mr. Murphy asked Mr. Groth if he is keeping it.

Mr. Groth said no, his intent is to tear it down and that is like 18' off of the line and actually it is less than that because there is a fence and he doesn't know if it is shown.

Mr. Murphy said we have it as 21' per the Geauga map.

Mr. Groth said you can't see the fence on there but since he had it surveyed ½ of the north lot line is on the neighbor's property so we have agreed to a solution with that.

Mr. Murphy said you mean the neighbor's fence.

Mr. Keehl said my fence now.

Mr. Groth said his biggest issue is the rear ledge rock and the well in the backyard.

Mr. Lewis asked if there is anybody else who wants to comment on this application.

Mr. Keehl said he is the next door neighbor to the north.

Mr. Groth said where the garage will be and we have agreed, kind of agreed, he would like to make him happy because this is basically going to be semi right in his face so we are going to put Arborvitaes up along the line so that there is a little bit of a buffer zone.

Mr. Keehl asked how big it is.

Mr. Groth said it is 24' x 30'.

Mr. Lewis said to Mr. Groth that it seems to be the general consensus of what the board would like to do on this. He referred to the site plan and said if we use this back corner as the index point we pick this up and overlay it right here. He said one of the things that it also allows the board to do, because there is no practical difficulty, to consider dropping you to a 5' or 10' side yard but because this one is roughly 21' off and it is pre-existing, if we are going to do an overlay with that but we are not going any closer that fits pretty easily and that becomes something that, and there are four people on this board, but we sent this up and down the table to see if there is a preliminary consensus on it and he is sure when we vote everybody will weigh in. He said a with minimal amount of effort on your part it allows it to do it and even if your wellhead is sitting right here, if he draws a 50' border with 90' at the back there is a whole lot of places you can put it and we don't want to block what you want to do, we are trying to figure out a way that it fits in but we can't go beyond what you've already got because if this structure was torn down today and didn't exist, regardless of what the old code might have been with side yards which might have been 25' a long time ago, our current would have been 50' or the shoulder of the house so this seems like this is doable, we are not measuring off the roof or the eaves we are going off of the footers or the side and snuggle it in right there. He said also because you are talking about the fact there is a run-off between the two houses here.

Mr. Groth said this is a minor one, this one over here is a river, he does have a swale so his intent was with this building was to dump at least the one side into a down spout.

Mr. Lewis said you could still run it in there and go ahead and trap the water.

Mr. Groth said that would be the only issue with that and that would be fine but he believes when they built the shed, when they put it up they may have just poured the foundation right on the ground, he has a feeling, he has a feeling it is floating because of the rock.

Mr. Lewis said somebody with an excavator will have that out of there in about 10 minutes. He closed the public hearing portion of the meeting and said the board will rule on the application.

Mr. Gutoskey asked about the property line.

Ms. Karen Endres, Zoning Inspector testified that he hadn't had that surveyed yet but since then there has been a line survey so the site plan you are looking at does not have accurate measurements. She asked what the distance is for the existing shed.

Mr. Groth said they probably lost 2' down to 21'.

Ms. Endres said so you are using the back and side as points, so no closer to the side and no closer to the rear of where the existing shed already is.

Mr. Lewis said we haven't talked about screening yet. He asked if there are any trees to separate this at all.

Mr. DeWater asked if there is any landscaping or trees from that existing shed that blocks it from the neighbor's property.

Mr. Groth said there is a tree that is right in front of the existing shed and it is dead and in a way this is a plus because there is a big nice Pine here he can see.

Mr. Lewis said it is this line of site and he thinks this works out better.

Mr. Murphy said Mr. Groth talked about making it look architecturally like his house instead of a steel roof and steel barn and asked if there will be garage doors on the front end of it.

Mr. Groth said yes his intent originally was because he was so close to the driveway he was going to keep it squatted so now it could be 8' higher.

Mr. Murphy said since there is a big tree there and the fact you have woods to the side he doesn't think the neighbor is going to have a problem.

Mr. Gutoskey said there is probably a little bit more lot coverage because we are pushing it back a little bit, we may want to bump up that percentage.

Mr. Lewis said the lot coverage is at 10.13%.

Ms. Endres said that was her estimate.

Mr. Murphy said increase it another 500 sq. ft.

Mr. Groth said he wouldn't even say that he just wants a drive right to the door.

Mr. Gutoskey said so just 12' wide.

Mr. Murphy said for another 50' or 600 sq. ft. for a 12' driveway to the back.

Mr. Lewis said we want to go ahead and catch that now too. He said the barn is 30' long.

Mr. Gutoskey said it puts it at 11%.

Mr. Murphy said we just want to make sure that we give you enough coverage for a driveway going back there.

Mr. Keehl asked the board to explain exactly what he is being told to do.

Mr. Lewis said yes as soon as he makes the motion.

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

Motion BZA 2018-4 – 18745 Brewster Road

Mr. Lewis moved to grant the applicant the following variances for the purposes of erecting a 24' x 30' detached garage, pole barn type structure.

1. The initial variances that are being offered with this will be an increase in the lot coverage size from 10% to 11% with a 1% variance.
2. As far as locating the new pole barn, in the absence of having a current survey the board is going to use the location of the existing small pole barn which will be torn down and the rear left corner will be used as the index point so that it would be approximately 21' off the side yard and there would be no reduction in how far it is off the rear yard so the orientation of the pole barn would be parallel with the side yard on the 30' length heading forward towards the street.
3. With regards to the height of the building the board will grant a 1' variance to 16' and as far as the overall size of the structure from 300 sq. ft. to 720 sq. ft. which would be a 420 sq. ft. increase.
4. The board would also like to make a note that the architectural presentation of this, color, shingles etc. would be similar and as close in conforming to style and color as the main house is.

Based on the following findings of fact:

1. There is a practical difficulty because this is a pre-existing lot of record.
2. There is a wellhead that is located in the middle of the backyard.
3. Without going further deep into the yard which does ascend in height into substantial bedrock making construction difficult, it appears that the best location for this is to use a very similar location to the pre-existing structure so that there would be no additional intrusion on the adjacent property and this structure would be no closer to the lot line than the current structure is.

Mr. DeWater seconded the motion.

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

Mr. Frank Keehl asked if he could comment. He said he had mentioned screening of Arborvitae bushes and it was not mentioned in the motion.

Mr. Lewis said he is not sure the board discussed that at length, we looked at the one view.

Mr. Keehl said he mentioned it.

Mr. Groth said he mentioned it also.

Mr. Lewis said if the applicant would like the board to amend the motion we will have to define plants now and heights and spacing.

Mr. Gutoskey said Arborvitaes grow straight up.

Mr. Murphy said they are evergreens and we have asked people to do that before and Mr. Groth said he planned on doing that from the start and we failed to make it a requirement because it didn't come back up.

Mr. DeWater said if he is going to cover the footprint of that existing building you are only exposing probably an additional 10' forward that would be seen by the neighbors, not a great area because there are trees next to that existing structure so maybe twelve 6' Arborvitaes planted along the lot line on the north side.

Ms. Endres showed an aerial view from the neighbor's property.

Mr. Keehl said he would like evergreen bushes that are mature.

Mr. Lewis said evergreens and rather than put them in a long row, saw-tooth them, stagger them so as they fill out there will be a nice privacy area.

Mr. Keehl said yes, closer to the fence to block the view from my patio.

The discussion was closed

Motion BZA 2018-4 – 18745 Brewster Road - Amended

Mr. Lewis moved to amend the previous motion to add the requirement that the applicant place, in a staggered formation, a dozen evergreen type shrubs, bushes or trees to screen the area that is open between the existing big Pine tree the new structure or down alongside it.

Mr. DeWater seconded the motion.

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

Application 2018-5 by Aaron Cardinal for property at 7268 Chagrin Road

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

Mr. and Mrs. Aaron Cardinal were present to represent this application.

Mr. Cardinal testified that he would like to build a barn at the end of his driveway to be used as a garage and showed the board the style of the barn. He said he wants to use it as a garage because his truck currently doesn't fit in the existing garage and then he would take out that shed in the back.

Mr. Gutoskey asked how far the shed is off the line.

Mr. Cardinal said when he bought the property the survey said 4' and that is from her existing fence which is right on the property line. He said when he had it surveyed the neighbor's driveway on the other side is in his yard. He said his neighbor was hoping to come to the meeting today, he showed her the plan and staked out his yard and walked that through with her and she seemed to be okay with it so she wrote up a little letter just saying that she is okay with it.

Mr. Lewis said the board can only take sworn testimony and asked if the letter is notarized.

Mr. Cardinal said it is not, she signed it but did not notarize it.

Mr. Lewis said she is Mrs. Conlin.

Mr. Murphy said she is not here to complain either.

Mr. Cardinal said these long skinny lots.

Mr. Murphy said you acquired the back four tenths of an acre and you went back to the middle of the creek.

Mr. Cardinal said yes.

Mr. Murphy asked if the lots have been combined into one lot.

Mr. Cardinal said it is all done, the 1.9 acres is with those lots combined.

Mr. Gutoskey asked if it was combined at the county and combined as one lot now.

Mr. Cardinal said it is, yes and he gave Ms. Endres the paperwork that he got for that.

Mr. Murphy said regarding the sideline setback, 4' is too close.

Mr. Gutoskey said this was originally a 1-1/2 acre lot and the old code was 20' on the side.

Mr. DeWater asked where the well is on the property.

Mr. Cardinal said it is right by the garage.

Mr. Lewis asked Ms. Endres to bring up the aerial view of this lot.

Mr. Gutoskey said if we went to a 20' side yard it would be about 3' behind the house.

Mr. Cardinal said he did put stakes up and 10 would center it.

Mr. Gutoskey said it looks like from this mortgage survey the house is 43.2'.

The board discussed the proposed location of the accessory building.

Mr. Cardinal said he doesn't know if it is possible.

Mr. Lewis said it is possible because by moving it it is not on your brick walk and it is not intruding on your septic area so any of that available space works rather than 4' or 5' off the side yard, it should be 50' but the lot is narrow so if you took 50 and 50 it only left a center zone of 50' so 20' from 50' is already a very substantial variance. He said there is no practical difficulty here, there is no hardship, there is no reason that this has to be 5' off of the side yard, there are no physical elements to the property that prohibit it from being there.

Mr. Cardinal said he just initially did it to have a potential walk, he does not have a walk into the backyard from his house so this would leave enough room for a walkway but that is also why he staked it out at 10' because visually actually 10' on each side looks the best from the road.

Mr. Lewis said we also have to concern ourselves with the adjacent property owner, even though that person is not here, doesn't mean that that property won't change hands through the years so our role is also to protect the adjacent property regardless of ownership. He added that it could also be made smaller.

Mr. Cardinal said that is why he didn't get a full blueprint drawn up because he wanted to have the discussion because to have it he probably wouldn't be able to fit it behind the house because he doesn't think it is going to look good tucked behind his house.

Mrs. Brittaney Cardinal testified that their neighbor will probably prefer the garage because of the stuff outside.

Mr. Lewis reviewed a potential location for the building on the site plan which still gives a pass through, just moving it over some because there is no basis to grant a 5' variance or even a 10' variance because you do have room.

Mr. Cardinal said but he would say he knows a lot of questions on the sheet that he filled out are aesthetically pleasing for the community and if you asked him and he was the neighbor and somebody was looking at a barn tucked in behind the house partially versus a barn that is natural to the driveway.

Mr. Murphy said it is a tough thing when you are 4' off of the property line.

Mr. Cardinal said 10' to center it or something like that but tucked in behind the house.

Mr. Gutoskey said another thing you can look at doing is if you want to hold this at 20' and narrow this down so that the side of the garage lines up with the side of your house so it aligns with the side of the house.

Mrs. Cardinal asked what the con is other than their neighbor might not like it.

Mr. Lewis said our zoning code says you are required to have a 50' side yard setback unless you can demonstrate a practical difficulty and aesthetics doesn't count, which means there are characteristics of your property that prohibit it from being located in a particular area. He said there are no characteristics to this lot that allows for that so it comes down to personal preference. He said if you don't think it lines up the way you want to, this is a beautiful design, we have got two or three things only in our zoning code that we are going to deal with tonight and one is the side yard setback, one is the height and one is the overall square footage of the unit. He said the architectural design although it is nice when things look good and are appropriate to the neighborhood are important but typically we find that if the homeowner or property owner is going to invest in a structure they want it to look nice too for their own equity in the property. He asked if there is anyone else that wants to comment on this.

Mr. Lewis closed the public hearing portion of this application.

Mr. DeWater said if it lines up with the side of the house or try to accommodate the 20', we have been holding that pretty regular on all applicants.

Mr. Gutoskey said since this is going to be a garage he doesn't think hiding behind the house rule applies to this one, he would look at the 20' and if he has to tuck it behind the house a hair or if you want to make it a hair narrower so that the side of the house and the side of the garage line up and then you have room to slide it back and forth a little bit and it would be good to know where the septic actually is.

Mr. Murphy said you say you are going for the look and just from his point of view the asphalt driveway, the last 100' of it as you are approaching your house etc. it seems to be 15' off of the driveway, it doesn't appear that your original intent was to center it.

Mr. Cardinal said after talking to Ms. Endres he did the math and put stakes up at 10'. He said he would rather do 5' so he can put a walk-in feature but 10', when he put the stakes up, it actually looked the best.

Ms. Endres said you can't rely on the lot lines on ReaLink.

Mr. Murphy said there is no difficulty at 5' or 10', it is a beautiful barn, it is going to be a nice addition to the neighborhood and you want a place to park your truck.

Mr. Gutoskey said he doesn't see any issues, it looks relatively flat.

Mr. Murphy said he doesn't know if he would make him put it behind the existing house but to line up with the front of the garage. He said the existing garage is a side entry.

Mr. Gutoskey said there is no way it can line up because if you go to 20' and 26' you are 46' and the house is at 43' off so you really can't pull it forward, you would have to hold it to whatever he wants for a space between the house.

Mr. Murphy said he doesn't care if he puts it back another 30' deeper he could line up the front of the existing garage with new building.

The board discussed placing the building 17' from the property line.

Mr. Murphy said his intent is to use that as a garage so he will have to add whatever asphalt or concrete or driveway material from here to there.

Mr. Lewis said he is good with lot coverage.

Ms. Endres said she will need a new site plan.

Mr. Cardinal said if he wanted to push it back farther he would have to submit new paperwork.

Ms. Endres told Mr. Cardinal that he doesn't have to re-apply but she needs a new site plan depicting what the board approves.

Mr. Lewis asked what do we have in screening that we need to consider on this because this is a pretty big structure, it is tall and it is a two-story structure.

Mr. Cardinal said there are Pine trees that you can see.

Mr. Lewis said it looks like it is pretty well screened and the neighbor has a lot of privacy.

Mr. Cardinal asked how far can fences be from the property line.

Ms. Endres explained that fences need to be located entirely on the property they are enclosing so it can't go right on the line.

Mr. Cardinal said that is one of the reasons he was hoping to get it over too is with her fence and her dogs to have that privacy, he was going to get it built and then put a fence from the back corner of it and kind of make his backyard more private.

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

Motion BZA 2018-5 – 7268 Chagrin Road

Mr. Lewis moved to grant the applicant the following variances for the purpose of constructing a barn/garage combination.

1. A variance from the minimum east side yard setback of 50' to 17' for a variance of 33'.
2. A variance from the maximum permitted height of 15' to 20'.
3. A variance from the maximum permitted size of the building from 300 sq. ft. to 1,440 sq. ft.
4. This is an accessory building so it will not be permitted for the use of any type of business nor will it be used for an apartment or any type of residence/dwelling.
5. The applicant will be required to submit a new site plan to the Zoning Inspector depicting a final location of the structure along with renderings or drawings of the actual structure itself and a sediment control plan.

Based on the following findings of fact:

1. A practical difficulty exists because it is a pre-existing lot of record and in this case the lot is 150' wide so there is pressure on applying 50' side yard setbacks.
2. In this particular application the board is granting the side yard setback to 17' based on the available space in the rear yard without intruding on the septic area and still pushing the structure as far off the side yard as is practically available.

Mr. Murphy seconded the motion.

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

Application 2018-6 by David Ducas of Woodbridge Homes, Inc. for Ann Sords for property at 17189 Overlook Drive

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

Mr. David Ducas was present to represent this application.

Mr. Ducas testified that he is with Woodbridge Homes. He said this is in Lake Lucerne on Overlook Drive and this is a survey that was done that may or may not be part of your packets and essentially what we have is a house as you look at the drawings, our request for variances is for lot coverage and we are under the Lake Lucerne allowance but we are over the Bainbridge allowance so we are currently asking for 34% coverage and we are actually only asking for an increase of 5% over the existing coverage so if we don't do anything to the house we are at 29% and we are looking to add a small bit to the footprint of the house that would be a 7% increase in the overall lot coverage. He said we have an existing house and showed the board that this is all existing and this is the actual addition and at one point we thought that we were too close to the lot line and in our variance we were actually at 6' but we are not getting any closer to the lot line than the existing house already. He showed the board that this is a two-story and this is one story and we are raising this section here. He said they thought this was a 6' sideline here but it is actually 11' so it actually complies with the 10' offset in Lake Lucerne so really all we are asking for is 34% lot coverage which is under Lake Lucerne's 40% and what we are actually looking for is a net 7% increase over the existing coverage which is just basically a section of the house, basically a great room off the back of the house.

Mr. Lewis said it looks like your front yard is at 48' and even Lake Lucerne's was at 50'.

Mr. Gutoskey said they are not doing anything on the front of the house.

Ms. Karen Endres, Zoning Inspector testified that she thought there was a front porch going on.

Mr. Ducas said it is there, there is currently a front patio there.

Ms. Endres said she thought there was something being done to it.

Mr. Ducas said there is a canopy there but currently there is a foundation and a porch there.

Mr. Gutoskey said the survey shows it 57.8' to the front of the house so he has 7.8' he could come out but he is staying within the shoulders of the house on the side. He asked Ms. Endres when she looked at the coverage if she included all of these sidewalks, the gravel and the brick area.

Ms. Endres said normally she does.

Mr. Ducas referred to the front entrance on the property and referred to a site plan and said this is a blow up of what he sent Ms. Endres.

Ms. Endres said she has it up on the screen.

Mr. Gutoskey asked if there is any way to get rid of some of these sidewalks.

Mr. Ducas said that is gravel and they are not using that.

Ms. Endres said it is still lot coverage.

Mr. Ducas said this gravel is gone, we are completely getting rid of it, he didn't even know that was there, we don't even show it on our site plan initially because it is non-existent and possibly because it is under snow and we don't even show that, that is gone, that is being eliminated.

Mr. Murphy asked if there is an ARB approval from Lake Lucerne.

Mr. Ducas said they approved it.

Mr. Murphy said it is not in our packet.

Mr. Ducas said they should have emailed the approval.

Ms. Endres said sometimes things come in after she does the packets.

Mr. Ducas said they have it, we have approval for what we want to do, we don't have final approval on the architecture only because they wanted us to change a dormer on it but they sent a letter that indicated that for the purposes of moving forward that were actually at the foundation, that they approved it.

Ms. Endres said they have a lot coverage chart on this sheet and as she recalls she did some quick calculations but it looked like what they were proposing was reasonable, it looked reasonably correct so she went ahead and went with what they had.

Mr. Ducas said this gravel is gone, it is going to be non-existent, we are regrading this whole area right now, this house was actually buried, they used blue tarps, they brought them up the side of the house, nailed them to the side of the house and put dirt up against it and that is what that gravel path is on and that is going. He said you hear these stories about, it is an old house but it has got good bones, no bones. He said the reason why they are doing what they are doing here which was not the initial intent, this whole area is living space but it was actually built on a slab without a foundation so the slab is cracked.

Mr. Lewis said it is floating.

Mr. Ducas said it is floating and this gravel path is a garden bed that they raised and the same thing occurred back against the house, they put rocks in and raised the dirt up, they put blue tarps up against the side of the house and eventually the freeze/thaw pushed the walls on the back of the house so we are digging this out and putting in a foundation.

Ms. Endres said her staff letter is based on this site plan.

Mr. Ducas said these gravel paths will not be present.

Ms. Endres said she did not have the gravel paths shown on the site plan so she didn't count those.

Mr. Gutoskey said your counts are based on the one Ms. Endres has on the screen there.

Mr. Ducas said but also this gravel will not be here.

Ms. Endres said so that gravel will be turned into grass.

Mr. Ducas said that will be grass.

Mr. Gutoskey asked if they are making the brick area smaller.

Mr. Ducas said this is the brick area that is loose bricks and stones set in the dirt, this whole area is being redone, you can see we have an outdoor fireplace on the back, we will have a small patio right here, this whole patio is going.

Mr. Gutoskey said basically that is what you are going to do so what shows up on here as far as sidewalks, patios, drives.

Mr. Ducas said this plan shows the 6' sideline but per the survey it is 11.5'.

Mr. Gutoskey said this shows the house is 47.8' and the overall is 48.8' and if he takes the lot as 74' wide and take off the side yards that are on here 14.5' and 11.7', he comes up with 47.8' so your plan has to modify that you are going to hold these side yards.

Mr. Ducas said yes.

Mr. Gutoskey said otherwise you are a foot wider.

Mr. Ducas said they are not going any wider than the existing footprint of the house, they are using the existing shoulders as you call it.

Mr. Gutoskey said so it is probably 47.8' assuming the 14.5' and 11.7' are good.

Mr. Ducas said it is still a 10' sideline here though and this drawing here is based on that. He said this shows the proposed additions and that is based on this drawing.

Ms. Endres asked if that is Mr. Schwartz's survey with the proposed addition added. She asked if there is anything going on in the front of the house.

Mr. Ducas said there is currently a stone patio with a foundation there and we are actually putting a canopy over it to protect the front door.

Ms. Endres said that is considered an addition.

Mr. Gutoskey said but the existing house is within the shoulders.

Mr. Ducas replied yes. He said they created a small roof with two columns.

Ms. Endres said she doesn't object she just wants to know what she is looking for during the site inspection.

Mr. Lewis said if Ms. Endres' calculations on the lot coverage are based on this site plan, the color print, he thinks that that is probably pretty accurate because the walk around gravel path is gone, it is not part of the calculation but he has one question on the calculation here and that is there is a brick patio area here and asked if it is part of the total so even though you may redo it with new materials.

Mr. Ducas said that is included in the lot coverage because they will have a patio there because they are building a fireplace specifically for that purpose on the outside.

Ms. Endres said the numbers that came up for lot coverage matched her quick estimate so she just accepted the applicant's estimate on lot coverage.

Mr. Lewis said Lake Lucerne allows up to 40%, this is 33.29%, we can put that in as drawn.

The board discussed the site plan.

Mr. Ducas said they are trying to save the homeowners money because what they are doing from a building standpoint is they are putting two pins behind the house and digging that foundation but Ms. Endres mentioned for the sideline setback the board would want to see the survey.

Mr. Lewis said we do all of our housekeeping at one time, then it is clean so if the property ever changes hands down the road everything is perfect.

Mr. Ducas said to change the pitch of the garage roof without changing the foundation or garage, is that just a Lake Lucerne ARB thing.

Mr. Lewis said yes as far as the aesthetics go but what will be important is if you change the pitch, if it changes the velocity of any of the run-off waters we need to make sure that we have trapped those.

Mr. Ducas said they are containing it and in fact right now this property has no downspouts and all of the water is surface water and we actually show on our drawing that we are putting in two 6" pipes that will collect all of the downspouts and two yard drains so we actually do have a drainage plan shown on this drawing here.

The board reviewed the site plan for the garage.

Mr. Ducas said the maximum pitch for Lake Lucerne is 18'.

Mr. Gutoskey said according to the survey, we have 99.8' to the back of the addition which is not a problem, there is 65' to the back of the garage. He asked what is the little knobby on the side of the garage.

Mr. Ducas said it is a little bump out.

Mr. Gutoskey asked if there is any chance it can go away.

Mr. Ducas said he would have to talk to the homeowner about it, but he doesn't know what it is.

Mr. Murphy said it looks like it could be a potting shed or a wood shed.

Mr. Gutoskey said it would help with that side yard.

Mr. Ducas said right now it is .4' to the sideline.

Mr. Lewis said it is really tight.

Mr. Ducas said 65' on the rear of the garage and 99.6' on the back of the house. He said unfortunately a lot of these Lake Lucerne properties on the GIS, the lot lines are half way through the house and everything is shifted.

Mr. Gutoskey said he noticed with the new fly over they did, the new photos they did, it is even worse than it used to be, when they laid the property lines over the photos, it is worse than it ever was.

Mr. Ducas said on our drawings we have a silt fence all along the property line identified as going 6" into the ground and we also have the drainage plan.

Mr. Gutoskey asked if they have already gone to Soil and Water.

Mr. Ducas said yes and we have done more than what they have asked us to do.

Mr. Gutoskey said Ms. Endres needs a copy.

Mr. Lewis closed the public hearing portion of this application.

The board discussed the garage and the bump out.

Mr. Murphy said two years ago this didn't appear to be in the drawing

Mr. Ducas said he can't imagine somebody adding something to it when there were so many other areas to add to this house.

Mr. Murphy said the ridge is parallel to the street on the garage so you are driving in underneath a big long header.

Mr. Ducas said actually it is a sloped roof, it slopes from front to back, it is a 3/12 pitch.

Mr. Murphy asked if it could be a sidewalk for a man-door on the side.

Mr. Ducas said that might be exactly what that is and we could certainly remove it, that is not a problem. He said he doesn't remember it sticking out at all.

Mr. Lewis asked if there is a man-door on that side.

Mr. Ducas said there very well could be because there is not one on the other side.

Mr. Gutoskey said if it is part of the building he would like to see it taken off and asked if it is a lean-to.

Mr. Ducas said if it is a lean-to they will probably be taking it off.

Mr. Murphy said it is back to back with the neighbor's garage so if we could get that removed.

Mr. Gutoskey said if it is a concrete pad it is not a problem but if it is part of a structure he thinks it should be squared back up which will put it at 10' which is probably what it was originally built at.

Mr. Ducas said he never noticed it.

Mr. Gutoskey said it was probably hidden behind the Pine trees.

Mr. Ducas said at this point we weren't doing anything to the garage.

Mr. Gutoskey said you say you might put a pitch roof on it.

Mr. Ducas said down the road yes, we are still trying to figure out exactly what our costs are on this.

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

Motion BZA 2018-6 – 17189 Overlook Drive

Mr. Lewis moved to grant the applicant the following variances for the purpose of constructing an addition.

1. A variance to increase the maximum lot coverage to 33.29% for a variance of 23.29% or 13.29% based on Lake Lucerne's previous standards.
2. A variance to the minimum side yard setback of 50' to the north to 11.6' for a variance of 38.4'.
3. A variance to the minimum side yard setback of 50' to the south to 14.5' for a variance of 35.5'.

Ms. Endres commented that with the new survey, if the north line is now 11.6', 1977 zoning did allow for a 10' setback so the side yard variances are not even needed because it is an addition instead of a brand new house so the old standards can be applied. She said if the side yards are 10' or more variances are not needed so it takes it down to just the lot coverage. She said the front setback for the 1977 zoning is 75' and the Lake Lucerne Architectural Review Board standards are 50'.

Motion BZA 2018-6 – 17189 Overlook Drive - Continued

4. A variance to the minimum front yard setback for the front porch and canopy addition would need to be reflected on the new site plan or building plan and it would not exceed the footprint of the existing steps up of 6.4' for a front yard setback of 51.4' for a variance of 23.6'.
5. With regards to the garage, on the south side bump out area, it needs to be removed if it is a structure in any way but if it happens to be a concrete pad to access a man-door the pad can stay.
6. The sediment control plan will be required and a final site plan depicting any architectural renderings, locations, modifications very accurately will have to be submitted to the Zoning Inspector.
7. The board is also requesting the final Lake Lucerne ARB approval letter to be placed on file.

Based on the following findings of fact:

1. This is a pre-existing lot of record but with most of the weight being based on the fact that the primary part is a renovation and the addition of a second floor to an existing home where there is no change in the foundation footprint.
2. The addition that is being added is going to the rear and does not go beyond the existing shoulders of the house.
3. The side yard setbacks are pre-existing.
4. It is approximately still 100' off of the rear property line so there is no rear yard setback requirements to offer a variance on.

Mr. Gutoskey seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 9:14 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: April 19, 2018

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
March 15, 2018

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:14 P.M. by Mr. Todd Lewis, Vice Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey and Mr. Mark Murphy. Mr. Michael Lamanna was absent. Ms. Karen Endres, Zoning Inspector was present.

MINUTES

Mr. Gutoskey moved to adopt the minutes of the February 15, 2018 meeting as written.

Mr. Lewis seconded the motion.

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

APPLICATIONS FOR NEXT MONTH

Application 2018-7 by Karen and Matthew Moriarty for property at 8402 Lucerne Drive

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

Application 2018-8 by Kyle Witczak for property at 18070 Harvest Drive

The applicant is requesting area variance(s) for the purpose of installing a driveway extension, parking pad and deck. The property is located in a R-5A District.

Application 2018-9 by Jim and Kathy Ptak for property at 9080 Old Meadow Drive

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

Application 2018-10 by HCP Properties, LP, formerly known as HCR ManorCare Properties, LLC, by statutory conversion now HCP Properties for property at 8100 East Washington Street

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

Application 2018-11 by Richard Cissell, Clemens Pantuso Architecture for John and Karla King for property at 16321 Franklin Street

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

Application 2018-12 by Richard Cissell, Clemens Pantuso Architecture for John and Karla King for property at 16321 Franklin Street

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

Application 2018-13 by Bill Joyce, Joyce Building Company for Mort McClennan for property at 17259 Chillicothe Road (PP# 02-240850)

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

Application 2018-14 by Brian G. Feeley, Architect for Discount Drug Mart for property at 8459 East Washington Street

The applicant is requesting area variances for the purpose of constructing an addition. The property is located in a CB District.

Application 2018-15 by Salvatore F. Cheraso for property at 18750 Geauga Lake Road

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

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for April 19, 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 9:44 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: April 19, 2018