

Bainbridge Township, Ohio
Board of Zoning Appeals
March 18, 2021

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:09 P.M. by Mr. Michael Lamanna, Chairman. Members present in person were Mr. Michael Corcoran; Mr. Joseph Gutoskey and Mr. Todd Lewis. Mr. Ted DeWater was absent. Mr. Ian Friedman, Alternate was present via Zoom. Ms. Karen Endres, Zoning Inspector was present in person. Mr. Steven Averill, Assistant Zoning Inspector 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 2020-37 by 7273 Miller Properties LLC/Handy Rents at 7812 E. Washington Street - Continuance

The applicant is requesting a substitution of a non-conforming use to permit a rental business in a residential district, variances relevant to lot consolidations *and area variance(s) for the purpose of constructing an accessory building*. The property is located in a R-3A District.

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

Mr. Mike Miller, Mr. Patrick Miller and Mr. Mark Kobosky were present in person to represent this application.

Mr. Lamanna swore in Mr. Mike Miller, Mr. Patrick Miller and Mr. Mark Kobosky and he let the record reflect that Mr. Mike Miller, Mr. Patrick Miller and Mr. Kobosky were duly sworn.

Mr. Mike Miller testified that Handy Rents is located at 7812 E. Washington Street and he lives in Mentor, Ohio.

Mr. Patrick Miller testified that he is Vice President of Handy Rents and Mr. Mark Kobosky is the Facilities Manager.

Mr. Mike Miller stated that they are here to discuss the lot consolidations and a few other issues that came up as they were doing this application and will discuss the two variances that are needed. He said the property is owned by 7273 Miller Properties located on Washington Street and the adjacent lots and they are asking for variances for a lot consolidation and the installation of a new pole barn structure. He said the three topics they will be discussing will be the lot consolidation, the pole barn addition and also the curb appeal and neighborly concerns. He said the first variance they would like to discuss is the lot consolidation plan, which you all have received a copy of by now. He said the EPA has required them to consolidate lots 1 and 4 for their new septic system that they voluntarily installed recently and we also need to comply with the Board of Zoning requests so they are trying to consolidate the current four parcels down to two. He said they are proposing a consolidation of the four current parcels to be combined into a total of two, one for the Handy Rents property and one for an empty lot that they would like to build a house on in the near future. He said the proposal shows that the footprint of the current business will not be expanding and has already been reduced per Ms. Endres' recommendations which you will see in an upcoming slide. He referred to the Power Point presentation and said this lot here and this lot here were the ones that were required by the EPA, they moved the septic system from here back to here at their recommendation, there just wasn't enough room here for this to properly work so they needed a good area that is not trampled on or not driven on for the leach lines which were all placed back in this area here. He said they do not store any equipment and never had, as a matter of fact, he has never even walked it so they decided to put the septic tank back here so it is completely wooded. He said the residential lot is this one here and then there was another lot back here that is actually getting split, this one would go with this piece here, the one business lot, and the other one which goes here and then goes way over here, they had to actually cut this and turn this here but there is a long skinny lot that goes way over there and that is going to be combined mostly with this lot here. He said since they started this process, they have been in constant communication with Ms. Endres and have completed or started the process to get into compliance with the zoning board. He said when they originally came here in 1996 to open the rental store they did go and get a zoning permit and they were granted the zoning permit but apparently at that particular time maybe some rules or something weren't followed in the zoning office so when the information about changing the septic system came up it was required for us to try to get into compliance more like what a business would do today. He said to get into compliance they have totally eliminated a revenue source for them called Penske Truck Rental. He said Penske was causing them, because maybe the flow of when people move in and then move out sometimes they would get six trucks in on a Saturday night and there was just no where to put them so they ended up going on partially this other residential lot here so he received a letter from Ms. Endres that that is not allowed and in fact it is a residential lot. He said honestly when they bought this property many years ago, he forgets, maybe 12 or 15 years ago they never knew where the lot lines were, there were four separate lots and they weren't aware that they weren't supposed to be on it, it was brought to their attention, they had a discussion and decided that it would be best for them just to eliminate the rental trucks altogether because if they kept coming in there was just nowhere to put them so in order to solve the problem correctly, we just got rid of Penske.

Mr. Patrick Miller said that is all greenspace.

Mr. Mike Miller said it has all been cleared out, we planted grass, we know where the lot lines are now because we had a surveyor out there three or four times now and we have stakes out there. He said the need for space to store all of these trucks required them to expand onto that. He said they have also redirected waterflow from the neighboring lots. He referred to the Power Point presentation and said over here is the residential lot and then next to that is some folks, Chris and her husband he thinks Dave Murtaugh and they mentioned that we were causing some noise and we met with them but the point is that that property is much higher than our property, it is like 15' to 20' higher and so if they are outside looking at our property, they are up here which causes the water to flow towards us so when we eliminated this here we graded it in such a way that the water now comes down here on the other side of the building which is here and then we met with the Murtaughs and talked about the noise and how we can eliminate it and we gave them a plan on how we are going to do that. He said they have started eliminating the storage containers on the site, they actually moved one just this past week and we hope to move them all as soon as they can get approval to put up this barn. He said the plan that we have we are proposing 38% lot coverage for the new Handy Rents lot that is being proposed, below the maximum 40% permitted. He said the pole barn, this leads us to discussing the proposed installation of a pole barn and there are three main reasons for our needs to install this 3,500 sq. ft. building, it is safety, compliance and storage. He said it was mentioned to them that folks would like to see us have more equipment under a roof and not out in the open as much and they are all for that too and we want to be safe and we want to comply with all of the rules. He said they would like to create a safe, clean and welcoming environment for our staff and customers by eliminating clutter in the current facility and in the storage containers, it is not easy to get things in and out of a storage container because if you have something way up front in a 40' container you spend 15 minutes moving everything out just to get that rototiller for a customer so it just was necessary for them but if the barn is approved then they feel like it will be a lot safer and a lot easier to do business. He said the customers will no longer have to drive to multiple sites on the property to fulfill orders, reducing the risk of accidents. He said right now a customer parks in the front, walks in the front door, we write up the contract after we discuss what they need and then they pull in the back, they get a trailer sometimes hooked up and then we get the piece of equipment put on the trailer and out they go but it is a lot of jockeying around back there so with the new plan that they laid out they have enough room to loop around now and bring the equipment to the customer instead of having the customer keep backing up and if they have a dump truck and they have the reverse alarms on, the beeping, that bothers the neighbors so they are trying to eliminate that as much as possible. He said the shop inside the building is just a small area, maybe 500 sq. ft. or 600 sq. ft., it is just going to be a holding area when a piece of equipment comes back it needs to be serviced and some of that we actually work outside and check the oil levels, clean it all off if we have to and get it ready for the next rental so they will be able to move that process inside in the pole barn, it will be a lot safer and a lot cleaner and quieter obviously.

Mr. Mike Miller continued by saying the shop area will be moved to the pole barn instead of using the existing building and outdoors to service the rental equipment which will give us proper ventilation and space and reduce the need to work on equipment outside in inclement weather sometimes. He said some additional equipment would be moved indoors as well, reducing the risk of failure or electrical issues due to the weather. He said obviously we can't get things like trailers inside the building which wouldn't be nearly large enough but we could place much of our larger equipment like skid-steers and excavators and chippers inside the building which we think will be great for them. He said per the board's recommendations from the last meeting, this helps us get into compliance by eliminating the multiple storage containers on site. He said obviously one of the main reasons for the pole barn would be storage, we will eliminate multiple storage containers on the property and consolidate all of that equipment that has been stored in them under one roof, reducing the need for customers to have to make those multiple stops again. He said he will go on to the next thing which is the site plan for the property with the lots consolidated and showing the new 3,500 sq. ft. structure on the left of the image. (He referred to the Power Point presentation.) He said this would be the location where the structure would be, customers would come in, fill out the paperwork, drive back and loop around and they would sit about right here and we could then pull the equipment out of here, start it inside, obviously we wouldn't have to start it in the barn, there is ventilation because there are three overhead doors, you go in the man-door on the side here, you can drive out, pull around or if it is something that just gets hooked up to their own bumper hitch they could then exit the property. He said they would be adding a lot of greenspace, this is the septic tank here, we would be filling this in with evergreen type of greenery and we would be installing a fence here on a mound. He said he asked Ms. Endres about the maximum they could go so that we could block out the neighbor and he was told it was 8' and we would put the fence in here. He referred to a site plan. He said it would be a board-on-board wood fence that we would stain so it would blend into the landscaping area, right now there is a mounded area right here, along here anyway so we might increase it slightly and to be able to put that fence up so that the neighbor can't really see into there and hopefully it would cut down on a lot of the noise too so the site plan does show the greenspace, parking spots located back in here as well as we have some up front and this other here where we can stage some of the equipment when the customers call. He said most of the customers call in advance and say they would like to rent an excavator or a chipper or a log splitter and they will be here at 8:00 on a Saturday morning or 10:00 whatever the case is and then we can have that already in place here so the customer can come in and swing around, get hooked up and get out of here quickly and safely. He said the next picture is the pole barn and what it will look like, this will be the front of it here and we have a roof like this here, one side would have an entry door and two man-doors and we will not know what side that will be on, we haven't gotten that far yet. He said there is a washroom that will be back in the corner right here so that anybody that is in here could be able to wash their hands or go to the bathroom.

Mr. Mike Miller continued by saying they are improving the curb appeal of the building by installing the pole barn to eliminate multiple storage boxes and equipment all over the place, it will be a much better situation where things are lined up inside the barn and he knows that we thought about how big of a building would be the right size and it is difficult to say but we do know that when you put a bunch of things in a garage, just like when you use your garage at home, you can't just pack it and not be able to get the doors open or walk around it safely so when you start placing bigger pieces of equipment in a barn you've got to be able to walk around it, get in and get out of it and not be bumping into another piece of stuff so we took what we had in these boxes and what used to be in the business as far as the workshop area was and it is about double or slightly larger than double that size. He said they are improving the curb appeal by installing the pole barn, moving more equipment in the pole barn, installing the fencing, installing the mounded landscaping to appease neighbors' views and sound, installing evergreen type of plants to block views year-around and beautify the front turnaround area of the building where the old septic tank used to be by adding greenery and flowers and at least one or two trees. He referred to the site plan and said this is the old area, the tank used to be right in here but there just wasn't enough room here for it to properly work. He referred to a photo and said they would mound up all of this area here, the concrete base for the sign, which by the way they didn't install the sign when they moved in that was already there, all they did was replace those bases but they would mound it up with dirt, put some rising areas in here, make it interesting to look at and put in a lot of flowers and things like that. He said their facilities manager Mark Kobosky is terrific with this kind of stuff and we expect that it is going to be fairly costly and time consuming for us to do this but we feel it is going to really improve the overall look of the property. He said the top photo shows the view from the Murtaugh property, they sent a letter, he met with Chris Murtaugh and we looked at it and you can see how this property, he is not sure if you can tell how much this goes down but it is pretty dramatic and there is an area there where it is down in the middle area but one of the problems, even though this area is pretty well wooded back here, it is not the evergreen style of trees with bushes therefore for about five or six months out of the year you can see through all of this stuff and if this was a tree that was green all year-round it would block the view a lot better but in the summer time it looks great, it blocks the view pretty nicely but by putting the fence over here and adding bushes and trees on each side of it we think that it would do the trick and provide a vision that would only be about to the top of this building, right about here.

Mr. Gutoskey asked about the view coming the other direction from the east, those houses are even closer.

Mr. Mike Miller said yes they are. He said Mr. Cahill lives on the other side of us here and he has a sixty foot long barn next to his house that blocks the view so he doesn't really see us honestly. He referred to a photo and said his barn, this is our business here, this is his barn right here, this is not ours and so it blocks a lot of the view because his home is way up over here on the other side of that tree, E. Washington comes at an angle, he doesn't really see too much but in order to block his view and there is a new home that went in back over here so on the other side of Cahills is a long driveway that goes back to a new home that has probably only been there for less than two years. He referred to another photo and said if we backed up and we went back to this area here where the new septic tank is, here is his barn. He said with these green boxes being moved out of there if you looked at that drawing and saw how the landscaping comes here and goes over here, it comes in right about here we are going to put in some greenery, it shows on the drawing that this area, we can put a fence in up here as well as some other greenery to block this fella's view here almost completely.

Mr. Mark Kobosky testified that they are going to do a mix of a fence and evergreens there for the view and also to protect their septic system they are going to mound up and he won't be able to see.

Mr. Mike Miller said going back, the second photo shows where the sign is and they will be installing landscaping around the sign to make this more appealing. He said we are still out of this area here and it says that they will install some fencing and landscaping and this will shield the area for this gentleman and his family. He said after listening to their neighbors' concerns and having a productive discussion with them they came up with a plan to reduce noise pollution by grading the surface so trailers and trucks don't bang and bump along, when you don't have a paved area you are going to have areas that get a little high and when somebody comes in with their trailer or truck there will be some bumping sometimes. He said he went to the neighbor's house and listened to their concerns and listened while customers were coming in and out of there so we are aware of the sound, we graded the lot already a little bit, obviously when the barn goes in, if it goes in, there will be more grading needed and they would try to fix these areas where there is a bumping concern. He said they are also planning on posting signs to limit the speed right here so that when a customer does go back there they are going to see that it is no more than 5 MPH here, this is not E. Washington Street here. He said they are turning off the backup beepers on the equipment, this is one of these items where OSHA requires when this equipment is on job sites it has a backup beeper to alert other workers in the area that "I am backing up here.", if you have some kind of music going on maybe you will hear that there is this machine coming towards you, you need to take care and move out of the way so on some equipment there is a button you can push to override it, on other equipment we had to go inside the equipment, find where the beeping mechanism was and put a cut-off wire in there so that we can disconnect them when they are in the yard and they will hook them back up when the customer leaves so that they are aware that they will still have it on their jobsite, wherever they are working.

Mr. Mike Miller continued by saying they currently use a gas pressure washer to wash off the equipment when it comes back, we like to give things out that are clean, we don't want dirty, muddy equipment going out especially if somebody has to put it in their trunk so we are going to switch over to a 220 volt electric pressure washer here. He said they are creating a large loop for customers to avoid having to back up unnecessarily, enhancing the wooded area near the neighboring lot and he actually asked the neighbor when they stood at her home where she would like to see a fence, does she want it closer to her property or does she want it closer to our property and she said she would love to have it closer to our property as opposed to putting it on the residential lot which is closer to her home. He said moving the shop indoors and starting the equipment in the shop when possible to cut down on noise so these are the things that we have thought about, they have talked about internally to try to cut down on the noise.

Mr. Gutoskey said the last time you were here we talked about looking at what you can do for reconfiguring the front parking area and try to eliminate some of that pavement and you were trying to get it down to one entrance in and out, you have pretty much two driveways that take up most of the frontage.

Mr. Mike Miller said yes, they talked about it and one of the problems they have is he doesn't know what the speed limit is there actually but he can tell you from past experience, being there all these years, people are going pretty fast down the street, especially if they are coming from the top of the hill towards Chagrin Falls or S. Russell, they are coming down and all of a sudden they come over this hill and there are people coming in and out of our property right there.

Mr. Gutoskey said again that is kind of a safety thing that is why he was wondering having two ingress/egress makes more of a problem than having only one.

Mr. Mike Miller said not really, the customer comes in, they pull in, they run inside the building or walk inside the building, they tell the counter fellow that he is here to rent his tool, he called and had it reserved and they fill out the paperwork and then if it is something small they can go out that front door that we already have, we use it for carpet cleaners and floor polishers, floor sanders, right inside the door area that way we can load them up and boom they go right out, they don't have to get into backing up or jockeying around they just move around and go out, it works well he thinks.

Mr. Gutoskey said more people had to be going to the back to pick up equipment.

Mr. Mike Miller said they do this now, honestly, the way it works now is if a person needs a bigger piece of equipment they are forced to have to go back there ever since we have been open because we only have a man-door in the front and you are not going to get a big chipper through there.

Mr. Gutoskey said he was just bringing up the point, through the whole frontage there is just this little greenspace and all the rest is two big driveways. He said you have a 40' driveway here and about 30' here. He asked if there is a reason that you put the parking against the existing houses on the east side versus over on the west side against your lot.

Mr. Kobosky stated that this is all concepts, we can move the parking down more towards the other building, we are trying to meet the needs for parking but we can change that around.

Mr. Gutoskey said he thinks it would make more sense on the west side away from probably a three-quarter of a million dollar house anyway back here and then these two residential areas where people are actually living versus this vacant lot here and then another person that lives a couple lots up.

Mr. Kobosky said when you come in through the back we could put the parking on the left side, opposite of where we are now and closer to the road, we could do that easily.

Mr. Gutoskey asked if the tenant is gone on the top, your tenant.

Mr. Mike Miller said no, not at this time, no.

Mr. Gutoskey asked if there are any outside speakers or anything on the building.

Mr. Mike Miller said no.

Mr. Gutoskey asked about security lighting.

Mr. Mike Miller said right now there is only one light and it points down.

Mr. Kobosky said there is one light in the back, that is all and we can change that light.

Mr. Gutoskey asked as far as on the new building.

Mr. Mike Miller said they will have but it will not shine into people's properties or anything, we only think we will need one light on it and it will be one of those that has a full-shield cut-off, more residential.

Mr. Kobosky said they can do a more residential type lighting on that building than commercial.

Mr. Gutoskey asked what kind of screening are you going to do with the building itself, it is a pretty big structure, you don't show any screening on here.

Mr. Mike Miller asked as far as bushes and trees you mean.

Mr. Gutoskey said yes.

Mr. Mike Miller said everything behind the building is all wooded completely.

Mr. Gutoskey said he was thinking on the side of the three windows to the east and even on the west.

Mr. Mike Miller said the way that that lot is, it is very high, if you were standing at our building and looking straight ahead we have this hill that comes down this way so to put the building there the soil would have to be dug down a couple of feet and that is going to drop the building down lower.

Mr. Kobosky said our neighbor up high will hardly see the top from the height aspect so it will be easy to hide from the upper building and he thinks some of your concerns are the newer house in the back.

Mr. Gutoskey said yes.

Mr. Kobosky said we would be able to plant around there obviously, we didn't put that in the plans and we had a conversation with them and they actually put a nice big bed back there in front of their house with evergreens that we can match up with the same kind of trees that they put in to make it look like it is part of theirs as they are looking out so it is not an issue.

Mr. Gutoskey said the next one has to do with the building because of the size and the height so is it going to look like a barn barn or a farm barn.

Mr. Mike Miller said we kind of did our renderings.

Mr. Gutoskey said and the most important is the color of the roof.

Mr. Kobosky said there are trees around it but we want it to blend in.

Mr. Mike Miller said it will have shingles.

Mr. Corcoran asked about the siding and doors, what kind of material, what color are they going to be.

Mr. Kobosky said they haven't picked any of that yet.

Mr. Miller said they will make it kind of blend in.

Mr. Kobosky said he wants it to look like a barn that has been there for 50 years, if he could do a vertical board and there are sidings that will match that type of look too that they do plywood siding and then you put your siding on there that is going to match it up, they will pick colors that are going to blend in and they are working with Mr. Joe Myers the architect on that and they didn't even touch on any of the siding picks or anything like that but obviously you want it to blend in.

Mr. Gutoskey said he has worked with Mr. Myers before.

Mr. Mike Miller said they would be happy to, this isn't something that they would just blow off, they would be more than happy to get their plans together.

Mr. Gutoskey said obviously it has been there awhile, it is a residential lot, just really stuck in the middle of a residential neighborhood, there are no other businesses for a ways here.

Mr. Mike Miller said you are right, he knows that.

Mr. Gutoskey said again, even with the parking, if you can get it 15' to 20' off the property line and get some mounding in.

Mr. Kobosky said they are 10' off right now with the parking but they could move it, they don't need all the spaces so they can put the parking down to the front, they thought about that as an afterthought but they have drawn some renderings of this back and forth to try to meet all of these issues.

Mr. Gutoskey said right and it has to work for you too.

Mr. Kobosky said he thinks we have talked more about the neighbors and the property in these past two weeks to try and get something that works for those views and what we are seeing and what we are hearing and with our employees and all the changes we can make to make this work to make it quieter and you will see nice landscaping, a nice building, a clean area, it is safe and it works but we are open to any suggestions on changing the siding, where to put the trees and we will talk to the neighbors before we actually plant these because he will walk out there with them and say this is the view that you have and this is what he is trying to do to create a screen because that is why we mixed the fencing with trees, we will do a partial fence and blend it in there so that some of it you just can't hide with the trees but it will do it with a section of the fence.

Mr. Gutoskey said that was his list of questions.

Mr. Lamanna said he has a couple of questions, when you say improved parking area you mean like tamped gravel or something like that.

Mr. Kobosky said yes, they are working with an engineer to try to get a surface that is permeable but it is not paved but it is solid so they are working with an engineering company now, other properties have gravel and it becomes full of potholes but we don't want pavement there because of the water concerns so we are working with an engineer on trying to make it permeable.

Mr. Lamanna asked if they are looking at something that will define the boundary of this because one of the problems with this type of thing is it keeps expanding, it is this big and then the natural tendency is over time suddenly you find out that it is 20% bigger than it was beforehand.

Mr. Gutoskey said every Spring after you plow.

Mr. Lamanna said right so he thinks what we would like to see is some kind of border to define it that will help to keep people from driving, backing off of it and destroying the grassy areas and again just so that we have some kind of physical control of it.

Mr. Mike Miller said yes.

Mr. Lamanna said the other thing is do you have an area where you will park the things that you can't get in the building. He said there are two reasons he asks and one is he would like to set an area that says this is where we are going to park outside and he wants to limit that area so that we know you've got 1,000 sq. ft. to park stuff outside.

Mr. Kobosky said but that changes, it gets a little busy when you have to accommodate six different people.

Mr. Gutoskey said for storage.

Mr. Lamanna said for storage, we are not talking about daily operations.

Mr. Lewis said for rental trailers you can't get in the barn.

Mr. Mike Miller referred to the site plan and said this is it right here, you can picture a trailer and a trailer.

Mr. Lamanna said we would like you to say this is going be the outside equipment storage area.

Mr. Gutoskey said and again, move the parking to the other side along the west line.

Mr. Lamanna said right, on the other side.

Mr. Mike Miller said you will want to see it here and then put these over here.

Mr. Gutoskey said especially you say the way the grade changes, the person uphill won't see it because it will be below their eyes so if you move it to the left side it would probably benefit the person to the east.

Mr. Mike Miller said yes.

Mr. Gutoskey said the only other thing is with the landscaping you have probably enough to block the view from the street.

Mr. Lamanna asked about the stuff that is going to be stored outside, are you going to have things that are going to have fuel in it, hydraulics, that sort of thing and the question is if you are going to put that on a pervious surface, you would be better off not having that on a pervious surface in case you get any leakage because you've got a piece of equipment that is sitting out there, it may sit out there for weeks and if it dumps 40 gallons of diesel or gas into the ground.

Mr. Kobosky said they are maintaining their equipment all of the time and if it is something they can't fix immediately there it goes to their repair center.

Mr. Lamanna said okay.

Mr. Kobosky said they can't have equipment like that, they can't have equipment that is leaking, that doesn't go away.

Mr. Lamanna said he just doesn't want to see you ending up with ground water pollution because of vehicles sitting there that may go in and out infrequently and there is a greater opportunity for somebody not to notice for a while that something is amiss.

Mr. Kobosky said they look at the equipment every day there, they see it and they can smell, they know where everything is because they actually have to know what is there.

Mr. Lamanna said it is not a good thing for you because you don't want anybody to have to come in and dig out 40 cubic yards of soil.

Mr. Kobosky said on that too as far as storing of fuel in 5 gallon cans.

Mr. Mike Miller said no, we have a gas caddy, we put the fuel in two gas caddies that are 28 gallons so they are about a square by about a foot by a foot by about this tall and they just have a hand-crank fuel device on it so yes they put them in a trailer or truck, go up to the gas station, fill them up about once every couple of weeks, bring it back and that would be in the barn, that would not be sitting outside, they would never leave anything with open oil containers or open fuel containers outside and so it would be inside the barn or would have to be inside some kind of Rubbermaid box or something outside.

Mr. Gutoskey said if you are storing it outside it needs to be some sort of dike.

Mr. Mike Miller said he knows and actually the requirements to rent at their place are they get the equipment with a full tank and they are supposed to return it with a full tank, there are times where somebody doesn't do that but he would say 95% of the time or more people return it full and we don't have that much large equipment there that would require them to have huge tanks underground or anything like that, their primary customers are residents of Bainbridge Township and the surrounding areas, they are a small contractor business, we don't have \$100,000 backhoes and things like that, they never will, this property isn't big enough to be able to support that kind of business. He said they are mostly homeowner oriented, we rent tables and chairs and tents for folks that have parties in their backyard which by the way hasn't been very good in the past year but it is going to get a lot better. He said he thinks we believe it is a good plan, we will come back to you if you want us to as this progresses and we will keep in contact with Ms. Endres, however you want us to handle this project going forward, we are more than willing we just want to comply with the rules and be a good neighbor and good for the community and he appreciates you letting us present this tonight to you.

Mr. Lewis said he has a couple of questions for you or your team. He said he just wants to go back to one of Mr. Gutoskey's questions, we are confirming again, your tenant is still living there.

Mr. Mike Miller said yes.

Mr. Lewis said and you know that is not permitted. He asked about the tenant's exit date.

Mr. Mike Miller said we can talk about that later after this meeting.

Mr. Lewis said okay but it is part of this meeting.

Mr. Mike Miller said it is.

Mr. Lamanna said the ultimate final decision, we will set a date.

Mr. Lewis said his other question was we have talked about the site plan, moving some things around, shifting the parking and fence to the other side of the lot, some suggestions on the entry and he doesn't know if on your entry, your double entry which is sort of like a great turn-around area if there are any "No Parking" signs so that people know they have to use the parking spots but his real question is that, and he likes the direction that you are going in, you are making every effort you can to clean up this property, aesthetically, and not give away to the practical use of it and the efficiency of it so your business survives and is healthy there. He said in getting stuff put indoors it appears the hinge pin to make this whole thing work is this proposed pole barn, beyond the landscaping and some trees and fences and stuff so what he is after is that let's make an assumption that 60 days from now you got a green light, what is your proposed completion date on the pole barn.

Mr. Mike Miller said they have talked to two contractors in anticipation of that to try to see if we can get somebody hired at some point, obviously we couldn't do anything yet but we would jump on this right away, the issue of getting financing or something wouldn't be an issue on breaking ground with this as soon as we could. He said they would like to do it yesterday honestly.

Mr. Kobosky said their next step is engineering for the building and the lot grading and water, we would have to get power back there and sanitary out to the bathroom, get water back there and possibly a natural gas line so engineering is next.

Mr. Lewis said without being too edgy about it to approve a bunch of stuff and you don't have a building and you don't have a date of completion his apprehension is that we are revisiting this one or two or three years down the road and we have not satisfied the requirement and the real overall goal which was to get stuff indoors so in that sense, okay we've got some trees and parking spots but without the pole barn not enough has changed.

Mr. Mike Miller said they desperately need the pole barn. He said in order for our business to survive we need that pole barn, it is plain and simple, we have to have it.

Mr. Lamanna said procedurally what we can look at is if we like what we see here is to approve the lot split, the pole barn subject to you coming back with the final design of the pole barn next month if you can and rejiggering the landscaping and that sort of thing and then we have something then we would finally approve so you know that you can go ahead on the pole barn and get it engineered finally and designed.

Mr. Kobosky said we've been waiting on architects and engineers, we have to get engineering on the building to bring it to you, we are going to show you where all of the utilities are going to go, all of that needs to be considered, we didn't take those steps yet until we take care of all of this other stuff first.

Ms. Endres said they are going to need a variance on the size of the building and the height of the building and she doesn't know if they want to spend the money on the engineering until they get the variance.

Mr. Lamanna said we will approve those aspects of it, again before building, subject to the final approval of the actual building plan and site plan.

Mr. Gutoskey said again he wants to reiterate, he doesn't see the need for the driveway to be 40' wide.

Mr. Lamanna said look at your traffic pattern, he thinks on the one side, the top, you are just having people turning in there.

Mr. Gutoskey said it could be 24'.

Mr. Lamanna said understand the other side is bigger because if somebody with a trailer or coming out with a trailer they need more room.

Mr. Gutoskey said he doesn't have any problems with the western drive, but the other drive could be narrowed down to 24'.

Mr. Mike Miller asked if they are speaking about the upper drive.

Mr. Lamanna said yes, because he is assuming that people aren't trying to come in there with a trailer, they are going to come in the other side so they can go straight into the back.

Mr. Lewis asked if you are talking about shaving it to make the island bigger.

Mr. Lamanna said yes, it probably would improve the traffic flow and he thinks that is plenty of room for people to get in from both ways and there were only a few parking spaces.

Mr. Gutoskey said he would look at 24 and maybe 30 or 35 on the other one.

Mr. Lewis said if you've got a dump truck or a truck pulling in with a trailer.

Mr. Kobosky said it is not an issue, they could do that, they will have their engineer look at it.

Mr. Gutoskey asked Mr. Friedman if he had any questions.

Mr. Friedman said no he doesn't, he likes what he sees so far.

Mr. Patrick Miller asked if the board is proposing us to not have any equipment stored on the east side of the property where the parking spaces are.

Mr. Corcoran said preferably if we could get everything on the west side.

Mr. Patrick Miller said it is so narrow if you have a trailer that is 16' x 20' long, he doesn't understand.

Mr. Gutoskey said they may flip the building so that the door is on the left and your other garage doors are on the right side.

Mr. Lewis said just invert it. He said you understand the reason for the request to flip it is because that whole area is in very close proximity of existing residential houses, the other lot on the other side of it, although owned by your group, is currently a completely undeveloped lot so what we want to try to do is lessen the impact on the adjacent existing properties and dwellings, we are not asking you to reduce the footprint, just invert it.

Mr. Kobosky said there is an issue with the height with this area right here, there is an arc area right here which is higher than everything else on the property and the property actually slopes back where the proposed building is going to be so we are trying to get this 38% here, we are taking away space that is actually going to be usable to turn around and the foot trailers and it is just difficult to do that flip.

Mr. Gutoskey said we understand but you have to build the building up anyway so the dirt that is on that side, the contractor can take that and grade it and since you own the lot next door if you have to grade a little bit on that it is probably not a problem.

Mr. Kobosky said from here to here it is a 6' increase.

Mr. Gutoskey said understood but the drawing you brought us doesn't have any topography on it.

Mr. Kobosky said right it doesn't have it yet but what he is trying to get is for their property to not have these places where if we put a trailer somewhere it can roll so we are limited right now because of the topography.

Mr. Gutoskey said but you are going to be doing regrading.

Mr. Kobosky said yes but what he is saying is that that is why he is trying to create green spaces and everything with plantings to hide everything but they could change all of that.

Mr. Gutoskey said so you are saying you can't move the spaces to the other side.

Mr. Kobosky said he can but.

Mr. Lewis said once they regrade and there are topo lines put in and you've got to set the height of the pole barn anyway, you are going to be looking at everything behind your existing building there anyway.

Mr. Miller said yes.

Mr. Lewis said and once you bring a dozer in and you are doing that grading, they can cut 10' of earth away and while they are doing that the pole barn will end up with gutters and downspouts.

Mr. Gutoskey asked where the drainage is going to go for the building.

Mr. Corcoran said he just wanted to see the building plans as far as colors and materials.

Mr. Kobosky said whatever you approve is what we would do.

Mr. Lewis said he thinks that usually the applicant submits it and then we review it, we don't suggest it.

Mr. Mike Miller said they are okay in making it white or brown or whatever, crème, it would blend in well. He said there are a lot of trees and growth all around this barn, it is solid woods behind there for like 400'.

Mr. Kobosky said they are ready for this, that is the next step, engineering, color, drainage and everything else.

Mr. Lamanna asked if there is anyone else on Zoom who is interested in this application, if not the public hearing portion of this application is closed. He asked the board if everyone is satisfied that we are going down the right road here. He said he thinks the board can approve the concept of adding this building in and obviously at this point in time we need to get the final site plan taking into consideration the exact location of the landscaping and the parking and also designating where the exact location of the equipment storage area is so we know this is the area where it is going to be and this is how big it is so we know where it is controlled and the other issues. He said they already addressed a lot of the noise and operational issues and he thinks without getting into all of that, that will all get adopted into the final decision but at this point we can tentatively approve the lot split so if you want to move ahead on that part of it.

Mr. Mike Miller said that would be good because of the EPA.

Mr. Kobosky said they approved it already.

Mr. Lamanna said the building is okay on setbacks right.

Mr. Kobosky said yes.

Mr. Lamanna said the only two things are the height and the size on a non-conforming lot.

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

Motion BZA 2020-37 – 7812 E. Washington Street – (7273 Miller Properties - Handy Rents)

Mr. Lamanna moved to tentatively grant the applicant the following variances for the purposes of reconfiguring the property and adding a new equipment building.

1. The board is taking action to approve this building and modifications subject to the final completion of detailed engineering and specifications for the building and final completion of the site plan to reflect various comments and discussions reflected in the minutes of our meeting tonight.
2. No actual zoning certificate will be issued with respect to the construction of the building or with respect to the substitution of a non-conforming use until these final plans have been submitted and approved by the board.
3. Granting the variance is necessary to reconfigure four existing lots into two lots per the plans submitted by the applicant so there will be a proposed lot of 2.1096 acres without right-of-way with a minimum lot width of 129' approximately plus or minus a foot. If it turns out that the other lot needs any variances as shown on the submitted plan for the final configuration of the two lots the board will approve all variances that might be necessary with respect to accomplishing that consolidation.
4. The board will also grant a variance with respect to the maximum size of an accessory building from 300 sq. ft. to 3,500 sq. ft. with a maximum height from 15' to 25'.
5. The board will address the actual substitution of a non-conforming use in the board's final decision on this after the plans are reviewed.

Based on the following findings of fact:

1. The reason that the board would grant the large accessory building is that this will allow a much more orderly operation of this business and will also result in the elimination of a large collection of various and sundry outbuildings and storage containers that have been in use and will substantially improve the operation of the property along with other considerations that will again be addressed in the board's final review of the site plan and operating procedures which will be necessary conditions applied to the variances and substitution of a non-conforming use and will be a material part of this decision as well as the final decision.

Mr. Lewis seconded the motion.

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

Application 2021-5 by Jeff Hyde for property at 8290 Lucerne Drive

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

Mr. Jeff Hyde, property owner and Mr. Steve Ciciretto, architect were present to represent this application via Zoom.

Mr. Lamanna swore in Mr. Jeff Hyde and Mr. Steve Ciciretto and he let the record reflect that Mr. Hyde and Mr. Ciciretto were duly sworn.

Mr. Jeff Hyde testified that he will kick it off and Mr. Ciciretto will jump in with any additions. He said the request here for the variance was that he would like to add a third stall onto an existing two-car garage, he lives in Lake Lucerne and the original garage, according to the county records was built back in 1950 and it is pretty small in terms of getting a car in and out and his girlfriend moved in so they want to have an additional place for her to be able to park her SUV. He said the variances they are requesting are for the size of the accessory building as well as the setbacks, he thinks you are probably familiar that Lake Lucerne is wonky in terms of the lots and setbacks and things and so where this existing garage is placed is too close to the lot lines and setbacks on that southern and eastern portion of the lot and from an architectural and design perspective the front of his house is really facing the lake, this house is on the corner of Park and Lucerne Drive and the garage is what he would consider to be the back of his property on the south side.

Mr. Hyde continued by saying the Lake Lucerne Architectural Review Board has reviewed and approved these plans and he also talked to his neighbors, there is really only one neighbor who would be impacted by this in terms of his view of the garage and he shared the design plans with him and his wife and they are okay with everything and support the change and then he thinks the only other point to share on that is the portion of Lucerne Drive at the southern end of his property is really a spur of Lucerne Drive and that is really just access for that part of his driveway as well as two of his neighbors so that is not a throughway where people are driving, only to get access to those two houses. He asked Mr. Ciciretto if he had anything to add.

Mr. Steve Ciciretto testified that the only other thing to note is there is a little bit of unusual topography, obviously the north side goes out and falls off quickly to the spillway of Lake Lucerne and there is a bit of a grade drop and around the corner you can see that the existing drive, right underneath that proposed drive, there is already an existing garage so this isn't really developing any lot coverage change, we are building over a hard surface and the design of the garage allows someone to pull in from the south side and exit through the north side and lastly this whole lot is at 19% lot coverage which is very consistent with Lake Lucerne lots and the half acre lot is bigger than the average Lake Lucerne lot but saying that, it didn't really afford them a better place to locate the garage because of topography issues coming off of Park as noted before so there is no real height issue, we stayed under the height restrictions for this, 15', so we didn't require a variance on that. He said if we had an aerial you would see that the position for the garage is actually the least impactful of any other site that we might have chosen for a garage and it is also allowing Mr. Hyde to not need an accessory shed, you see sheds popping up all over Lake Lucerne because he and his girlfriend will take two spots and that leaves all of his mowers and bikes and things like that inside stored in the existing garage also and that is about it.

Mr. Gutoskey said he sees we have ARB approval.

Mr. Ciciretto said yes.

Mr. Gutoskey said good work.

Mr. Lewis said so there is a garage door at the north and south end so it is kind of like a drive through.

Mr. Ciciretto said correct and that drive off of Park allows guests to pull in there and be off the street, off-street parking so generally when just Mr. Hyde and his family are there they would be in the garage but any guest would be off-road parking so we wanted to maintain that access to Park Drive.

Mr. Gutoskey said the addition sticks out farther than the existing garage but is it because of the angle of the setback it doesn't get smaller than what it is now.

Mr. Ciciretto said actually it is because the garage isn't parallel to that line it does allow it to pull out and frankly he doesn't know if Ms. Endres could put up the elevations and he wanted to define that gable end piece.

Mr. Gutoskey said it is an architectural feature, it bumps out.

Mr. Ciciretto said exactly and they did not need that extra space but he thinks that in order to make the building look right, it is only 6" to 8", something like that.

Mr. Gutoskey said this has been a problem in the past and Mr. Lewis has kind of brought this up, it says "match existing roof shingles", do you know what color it will be.

Mr. Ciciretto said you mean under the snow picture. He said the shakes on the garage and on the house are both the siding and the shingles match so it is kind of a weathered wood.

Mr. Gutoskey said we are a little gun-shy when we see match existing anymore.

Mr. Hyde said that is another benefit of the way that the building is designed, is that we are not just creating a long flowing piece of roof, you have to tie it in, it is intersecting with that new piece.

Mr. Ciciretto asked how old the shingles are on the house.

Mr. Hyde said probably seven years old.

Mr. Ciciretto said it is a fairly recent roof so it should be easy to match.

Mr. Gutoskey said so basically because of the configuration of this lot, it is kind of unique as far as where you place the garage because your house looks out towards the lake, correct.

Mr. Ciciretto said correct.

Mr. Gutoskey asked if we have another garage like this in Lake Lucerne, really close to the road.

Mr. Lewis said he grew up in Lake Lucerne and there are all kinds of oddities, particularly on Lucerne Drive.

Mr. Gutoskey asked Mr. Ciciretto if he did another one on Lucerne Drive where the garage was real close to the right-of-way.

Mr. Ciciretto said he can't recall but it would not surprise him, he thinks Mr. Hyde really knows the history of Lucerne Drive right there with the private extension where there was some debate whether the fellow across the street, his garage or front building was in the right-of-way, he thinks that road has been a little bit of a moving target over the years.

Mr. Hyde said his next door neighbor to the west has a detached garage that is equally close to the setback.

Mr. Gutoskey said he seems to remember that we had one here, he doesn't know how many years ago though, a similar situation.

Mr. Lewis said he doesn't see any negative impact of doing this at all, the proximity, the practicality of its location, ARB approval, the architect has done a great job of almost making it look like a carriage house and not just a vehicle storage container so it is within height, siding and shingles will match the existing so you have conformity and the ARB gave its approval.

Mr. Gutoskey said to Mr. Ciciretto it looks nice, good job.

Mr. Ciciretto said thank you, it is a charming house and property.

Mr. Lewis said my hat's off to you Mr. Hyde in contacting your neighbor to give him a heads up, that was a really nice thing to do.

Mr. Hyde said thank you.

Mr. Gutoskey asked Ms. Endres if the lot coverage is good based on the new code.

Ms. Endres said yes.

Mr. Lamanna said it doesn't change right.

Mr. Corcoran said they are building on hard surface.

Mr. Lamanna asked if there is anyone else interested in this application.

Mr. Friedman said everything is dotted and crossed, it looks good.

Mr. Lewis asked if we are expanding a non-conforming by a structure in the front yard, not that it is a problem.

Ms. Endres said it would be an expansion of a non-conforming building.

Mr. Lamanna said we have to give a variance to Chapter 135.03(b)(14) and a variance on the size of the accessory building.

Mr. Gutoskey asked Ms. Endres, when they were looking at the code as far as the size of an accessory building for garages.

Ms. Endres said the maximum size for an accessory building on a non-conforming lot is 300 sq. ft. and on conforming it is 900 sq. ft.

Mr. Gutoskey said it still stays the 300 on a non-conforming.

Ms. Endres said it is still 300 on non-conforming, correct.

Mr. Gutoskey said there are two front yards.

Mr. Lamanna said right, from Lucerne Drive it is going to be a new 4'.

Mr. Gutoskey said because of the angle it is at.

Mr. Lamanna said the new part of the building will be 4' away, the existing is 2'.

Mr. Ciciretto said correct.

Mr. Lamanna said the other one really doesn't change, the new part will still technically be too close but it is actually totally behind the existing building.

Mr. Gutoskey said right.

Mr. Lamanna said so it still maintains that setback of 11'.

Ms. Endres said you are right, technically we need a variance to 165.08 also because we are altering the building to become larger, we are making a non-conforming larger, the extension of non-conforming buildings, structures and uses.

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

Motion BZA 2021-5 – 8290 Lucerne Drive

Mr. Lamanna moved to grant the applicant the following variances with respect to the construction of an addition to an existing detached garage as shown on the plans submitted by the applicant from Mr. Stephen Ciciretto, Architect.

1. A variance with respect to the minimum front yard setback from Lucerne Drive of 4' for the garage addition knowing that the existing garage is actually only set back 2' from Lucerne Drive and will be maintained at that.
2. The board notes that with respect to the Park Drive setback the existing 11' setback will be maintained. This addition is being built behind with respect to that setback of the existing garage.
3. A variance to Chapter 165.15(d) with respect to the maximum accessory building size. The existing building is 405 sq. ft., the new building will be 718 sq. ft. for a variance of 418 sq. ft. from the permitted 300 sq. ft. maximum accessory building on a non-conforming lot.
4. A variance to Section 165.08 for the extension of a non-conforming building.
5. A variance to Section 135.03(b)(14) with respect to a detached accessory building being located in front of a dwelling or principal building.

Based on the following findings of fact:

1. A practical difficulty exists because this lot is a very unusual lot and actually has two frontages except that the rear frontage is on a stub street that is not really a through street and is there primarily as an access drive to two lots and both of them have detached garages located upon the back stub street.
2. In each case these lots are designed so that the building can actually face towards the lake with much of the property in front of the actual structure, therefore these are very unusual lots.
3. The location of these garages are the only practical location upon the property and upon viewing the property it does not actually look like the garages are in a front yard so it is reasonable to grant a variance for that purpose.
4. The size of this garage is reasonable given the lot size and character of the neighborhood and will not adversely affect the neighboring properties or the character of the neighborhood.
5. This is a reasonable extension and the design features of the building are such that it does not adversely affect the character of the neighborhood.

Mr. Gutoskey seconded the motion.

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

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

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

Mr. Lamanna moved to continue applications 2020-35 and 2021-4 for 16965 Park Circle Drive because the applicant has requested a continuance, they are continuing to work on possible changes and movements of the proposed items so they have requested that these applications be continued to our next regularly scheduled meeting to be held April 15, 2021.

Mr. Corcoran seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 8:52 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: April 15, 2021

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
March 18, 2021

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:52 P.M. by Mr. Michael Lamanna, Chairman. Members present in person were Mr. Michael Corcoran; Mr. Joseph Gutoskey and Mr. Todd Lewis. Mr. Ted DeWater was absent. Mr. Ian Friedman, Alternate was present via Zoom. Ms. Karen Endres, Zoning Inspector was present in person. Mr. Steven Averill, Assistant Zoning Inspector was present in person to monitor and host the Zoom meeting.

MINUTES

Mr. Gutoskey moved to adopt the meeting minutes of February 18, 2021 as written.

Mr. Corcoran seconded the motion.

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

APPLICATIONS FOR NEXT MONTH

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

The applicant is requesting a substitution of a non-conforming use to permit a rental business in a residential district, variances relevant to lot consolidations *and area variance(s) for the purpose of constructing an accessory building*. The property is located in a R-3A District.

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

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

Application 2021-6 by Easy Sign Group Inc. for property in the Right-of-Way on the NE Corner of Lake in the Woods Trail and Chillicothe Road

The applicant is requesting area variance(s) for the purpose of installing a subdivision sign within the Lake in the Woods Trail right-of-way on the NE corner of Chillicothe Road and Lake in the Woods Trail. The property is located in a R-5A District.

Application 2021-7 by Easy Sign Group Inc. for property at 9128 Lake in the Woods Trail

The applicant is requesting area variance(s) for the purpose of installing a subdivision sign. The property is located in a R-5A District.

Application 2021-8 by MM Washington LLC for property at 8531 E. Washington Street

The applicant is requesting a modification of an existing conditional use permit. The property is located in a CB District.

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for April 15, 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 9:10 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: April 15, 2021