

Bainbridge Township, Ohio  
Board of Zoning Appeals  
April 19, 2018

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:04 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. Ms. Karen Endres, Zoning Inspector was present.

Mr. Lamanna welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals, explained the public hearing process and swore in all those who intended to testify. Mr. Lamanna stated to let the record reflect that everyone has been duly sworn in.

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.

Mr. and Mrs. Matthew Moriarty were present to represent this application.

Mr. Matthew Moriarty testified that they live at 8402 Lucerne Drive and they bought the property last year, it is a lake front lot in Lake Lucerne and those lots are long and narrow and in fact his house is only about 8-1/2' to 9' from the property line itself. He said the coverage is about 26% primarily the house and driveway. He said when they bought there was a shed on the property which he can point out to the board on the aerial and referred to the photograph that he supplied. He said that shed was there when they bought and it may be for sale, it is about 7-1/2' by 18', it is ugly for the record and it actually encroaches on the property behind it by 1-1/2' at that corner, that near left corner just to the right of that Oak tree. He said that photograph also shows his neighbor's shed which is maybe 2' or 3' at most from the property line. He said they are here because they need a variance on two things. He said these are photographs, one is from Lucerne Drive and the other one is closer, you can see it from a different angle. He said they have a coverage issue and then the side line and what they proposed is an 8' x 12' x 10', he has photographs of the proposal, it is a commercially available product, it looks more like the one on the bottom, (he referred to the pamphlet) because it is only going to have one window, it is not going to have fancy planter boxes on it and the doors will look a little different but this is the basic commercial product, it will have a window on the right side facing the street and a window facing the driveway as you are looking at it. He said it is wood and will be painted close to the house color a very light brown. He said they have submitted survey drawings, they would move the structure 3' south toward Lucerne Drive and they would still remain well within the limits and that will allow them to move it 1' off the property line and we would build it so it is parallel to the line.

Mr. Moriarty continued by saying he had his surveyor play on the computer with the numbers to see if there was another place it could be placed further off the property line and not be intrusive in view from the street and the neighbors and there really isn't and this has been presented to the Lake Lucerne Architectural Review Board for that and one of the architects walked the property with him and he agrees that this smaller shed in roughly the same location is about the best we can do because if you put it on any other part of the property line on what we are facing as the left side, it sticks out even more and if you build a bigger buffer from the property line it sticks way out close to the driveway. He said Lake Lucerne lots tend to not have structures in their backyards because they are all visible from the lake and his particular property if you can see that enlarged photograph again, the aerial, he has probably the least foliage cover in Lake Lucerne in the backyard of a lakeside lot, it is wide open, hardly any trees back there and what you can't see is that it is sloped down toward those double black lines and along the property lines it is sloped upwards to essentially a tabletop behind the house so you couldn't put it close to the property line in the back because of the slope contour. He said they bought this with coverage that exceeded the local regulatory limits, this proposal would reduce the coverage and since banks and Geauga County permits transfers of properties like this he thinks a variance is appropriate when we are trying to reduce coverage and not keep it the same or enlarge it. He said as far as the side lot requirements are concerned essentially it is impossible to comply on a property that is configured like this so if we are going to have a shed like we do the question really becomes how much of a variance is allowable. He said this is a problem common with a number of lots in Lake Lucerne and he counts at least four on their own street, on the same side of the street that have sheds or pool houses or something in the front that are very close to the property lines including his direct neighbor and he already mentioned that one. He said it is really the best under a difficult set of circumstances, he talked to the properties on the left and the right and the one across the street and nobody objects to this, the appropriate letter did go out and he doesn't think anybody is here against it. He said it is certainly a compromise because they wanted a larger shed but it wouldn't fit appropriately and keep it off the property line so that 8' x 12' is really what they came up with. He said they balanced what they have which you know, it is clearly an improvement, nobody objects to it, we can't meet the letter of the regs but it meets the spirit of the regs to request a variance on the side lot and coverage requirements. He said he will be happy to answer any questions.

Mr. Murphy said well done and we hope that all of the presentations tonight are as nice and distinct and well prepared. He said we deal with this in Lake Lucerne all of the time and let's make sure we have nobody here that wants to speak up about this. He said apparently there are no neighbors here tonight.

Mr. Lamanna asked Mr. Moriarty if he considered placing it on the other side of the driveway.

Mr. Moriarty said they did including talking to the ARB about it but there is really not more room, the frontage at Lucerne Drive is about 70', it is no more than 80' at the back so because of that driveway configuration there is really no more room on that side and it is no more than 80' at the back and so because of that driveway configuration there is really no more room on that side and because it is right next to the Webster's shed it actually is far less intrusive to the neighbors sitting where it is now as opposed to sitting right next to the Fox's where it would stick out even more and in the location where it is, it is hidden, there is adequate shrub cover right here that protects it a little bit from the street and on this side there is nothing, it is a clean line straight down the property line, there is nothing to block the view from the street so it sticks out more the further you bring it out, it is almost right on the driveway.

Mr. Lamanna asked if they switched the driveway at one point in time, the entrance to the garage is that why that piece of driveway is there.

Mr. Moriarty said probably many years ago, possibly before the Holmes bought it and they lived there for 30 years because the original photographs of the cottage, it has been added onto a number of times, we think the original garage, if there was one, was that straight away view.

Mr. Lamanna asked what they use that asphalt paved area for.

Mr. Moriarty said parking, his son or when guests come and if you had the whole thing to do over again you would probably put the garage on the opposite side and eliminate that feature.

Mr. Lamanna said there is one option, because that is really not the driveway is to abandon that and move the shed farther from the property line onto what is now the driveway, it is not really a driveway it is really just an extra paved area on the property that has already got a huge amount of paved area.

Mr. Moriarty said it is certainly an option but abandoning that much asphalt is not a cheap thing.

Mr. Gutoskey asked if he could move the shed closer to the house.

Mr. Moriarty said between the driveway and the property line actually gets smaller closer in there.

Mr. Gutoskey said thinking about what Mr. Lamanna suggested is remove some of the driveway nearest the garage and move the shed back that far and kind of slide it away from the property line, he is just throwing some ideas out here.

Mr. Moriarty said personally he doesn't really want a shed stuck up next to his garage, they even thought about just doubling the size of the garage, all of these things are substantially more expensive and it is usually cheaper and easier to replace the shed in its current location and take it off the property line as opposed to the expense of abandoning the asphalt stretch and putting it right out in the middle there up next to the house. He said he talked to the ARB people about that and they agreed that this was the best of not a lot of great solutions. He said again, the Webster's shed is right behind it so they are there right together.

Mr. Gutoskey said so really two non-conforming sheds.

Mr. Moriarty said he believes his is the original structure from the orchard work house, it has probably been there about 80 years before ARBs and zoning boards.

Mr. Murphy said one of the problems with going closer to the house is there is a 150 year old Oak tree like the size of this table that sits right there but it doesn't really show in this picture.

Mr. Moriarty said you can see it if you see the shed photograph and the Oak is right on the property line that is the canopy of it and these are spring photographs.

Mr. Lamanna said it is hard to see because the driveway is being partially covered there. He asked how wide that section of driveway is.

Mr. Moriarty said he didn't measure, maybe 10'.

Mr. Lamanna asked Mr. Moriarty if he plans to come right up to the edge of the driveway or if he is trying to stay away from the driveway.

Mr. Moriarty said it is close and because of the way the driveway curves a little bit.

Mr. Lamanna said it is curving out towards the property line.

Mr. Moriarty said it would not be an equal distance from the driveway or it is 12' in length.

Mr. Lamanna said it is parallel to the side line.

Mr. Moriarty said it is within 2' of the driveway at the north end and then it is about 4' – 5' from the driveway on the south end.

Mr. Lamanna asked why it can't be right up to the edge of the driveway so you get a little bit more than 1' off of the side property line.

Mr. Moriarty said one reason is if the snow plow drivers are not any more accurate than they were this winter that shed would be demolished in about one season, he thinks it is dangerous to have something that close to the driveway, delivery trucks come in and out, guests come in and out, snowplows.

Mr. Lamanna said the delivery trucks would not be using the side driveway, they would be using the main driveway.

Mr. Moriarty said he understands the dilemma, he doesn't like it any more than the board does but there are not a lot of options.

Mr. Lamanna said he thinks you can reasonably expect people to avoid running into something, this isn't like it is on a traveled highway, it is not even on the main driveway, it is on an extra spur of old driveway that probably should have been taken out when this was done and added he doesn't know if it was done before zoning or not because they increased their lot coverage substantially when they really didn't need to. He said if somebody came before us and said they wanted to relocate their driveway like that they would have had to remove it as part of the project because it really is kind of unnecessary.

Ms. Karen Endres, Zoning Inspector testified that it looks like the new driveway was there in 1990 so it looks like the new driveway was added at some time before 1990.

Mr. Lewis said every foot counts and he is okay with the location because it is back to back with the neighbor's shed and they are both sitting in the front yard which he doesn't like in the first place but if you are taking an ugly structure down and you are going to put a new structure up. He said it appears to be taller than the existing because it has a roof peak on it.

Mr. Moriarty said it is still no higher than 10'.

Mr. Lewis said it looked very substantial.

Mr. Moriarty said the existing one he believes is 7' to 8' tall.

Mr. Lewis said he tends to lean with Mr. Lamanna that he would like to see it further off the property line and there is nothing really in the way to moving it another foot or so or 2' over and he guesses it is probably a fair tradeoff for leaving it in that position and he thinks Mr. Lamanna is right when the new driveway got relocated in there because of the lot coverage that should have been removed because right now we have a fairly substantial lot coverage already but he does appreciate that the new shed is a little smaller we will pick up a couple of tenths of a percent.

Mr. Lamanna said when you are building a structure we really would like you to have the ability to walk around and access the back of your structure without having to go on to your neighbor's property and part of the consideration is if you have got a structure there you should be able to access and use your structure without having to actually encroach on your neighbor's property. He said if you want to paint it you don't have to actually be working on his property to do that. He asked if this has an overhang, is it going to be actually over. He asked how big the overhang is, it looks like it is over a foot.

Mr. Moriarty said he did not measure that.

Mr. Lamanna said when you start getting so close we have to worry about having an overhang on it.

Mr. Gutoskey said the existing house is about 7' scaling off the line.

Mr. Lamanna said if it is 3' off the line at least you can go around the back of the structure without going on the neighbor's property.

Mr. Murphy said 3' off the line puts it on the asphalt that is there.

Mr. Gutoskey said it could be shoved forward a little bit.

Mr. Murphy said it makes sense to back it up to the Webster shed, it is tucked in the trees, maybe get 2' off the line.

Mr. Moriarty said it is a dilemma in that location, the further south you have to move the obvious it becomes.

Mr. Murphy said and close to the road.

Mr. Moriarty said he may be able to give 2'.

Mr. Murphy said just guessing looking at this photograph, it is a 12" – 14" overhang possibly even if it is 16" if we put it 2' off the line we would have moved it a foot from the request. He added that he does not have a problem with where it is with 2' off the line.

Mr. Lamanna said the other thing is if you are going to put it there the board would like you to put gutters on it and take that water somewhere so it is not going down onto your neighbor's property because otherwise it is going right onto your neighbor's property unless that is already a drainage feature and it doesn't look like it from the pictures.

Mr. Moriarty said frankly it is a dead zone just because it is a pile of leaves and old wheelbarrows between two sheds, that is what it is now.

Mr. Murphy said everything on that road drains to the lake so if there is a swale between those two houses it goes right down the property line towards the lake, from Lucerne Drive it is downhill to Lake Lucerne so if they put gutters on it he is going to drain the gutter right into the same place where the rain is falling.

Mr. Lamanna said if you are putting it this close to the line then we don't want the area behind it used for storage, in fact if you are going to put this shed there everything needs to be stored inside the shed, it must be in the shed and not on the shed. He said it looks like there is a ladder that is on the top and what is stored there should be inside because this is in the front yard and the only reason that is even allowable is because your house is set back so far from the road and there is a little bit of a glitch in zoning because the way they structured it they really didn't want people to have accessory structures in the front yard but they didn't write it well enough to be clear about that when houses are set back significantly beyond the minimum required setback. He said again, the idea is if you are storing stuff in the front yard in a building we want it in the building, we don't want the building to then become an extension with wheelbarrows on the outside and all kinds of other stuff, or stuff hanging on the back or on the side, whatever is going to be stored there is going to be kept inside, we don't want this turning into a larger front yard storage area because it is not fair to the community if it becomes such, it is a storage structure and what is stored in it needs to be stored in it. He asked Mr. Moriarty if he had any problem with that.

Mr. Moriarty responded by saying no.

Mr. Lamanna said if you are going to have a nice structure like this he assumes you do not want it surrounded with a bunch of lawn implements and other stuff sitting outside all of the time. He added that the board will grant a minimum of 2' off of the line and at the end of the day your shed cannot be encroaching over the property line no matter what we say here, any projection. He said the base of it has to be at least 2' off but in no event can any part of this shed actually project onto the neighboring property because that would be an improper encroachment.

Mr. Lewis asked if this goes on a sled base.

Mr. Moriarty said they put gravel down in a frame and it goes on that.

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

Motion BZA 2018-7 – 8402 Lucerne Drive

Mr. Lamanna moved to grant the applicant the following area variances for the purposes of constructing an 8' x 12' shed located in the front yard, approximately 111.3' from the street as indicated on the drawings submitted with the application and of the type of structure that is shown in the applicant's application with the height reflecting a normally pitched roof for that size of structure.

1. A variance with respect to the minimum side yard setback on the east side of 2' versus 10'.
2. A variance with respect to maximum lot coverage of 10% to 26.33% for a variance of 16.33%.

Based on the following findings of fact:

1. A practical difficulty exists.
2. Currently the existing lot coverage will actually be slightly reduced because the shed is replacing an existing shed which had a slightly larger footprint so there will be no material change with respect to the lot coverage.
3. With respect to the side line, the board notes that the 2' setback is not withstanding that the applicant must keep any overhang or projection of the shed within his property line.
4. Two feet is being granted because there is an existing shed on the other property and due to the location of the existing driveway the shed is limited in the distance it can be moved away from the property line and it is only 8' wide to start with so it would be unreasonable to make it any smaller in width.
5. There is existing screening which will prevent it from being visible from the road.
6. The neighboring property owner has a shed also at the same location so it should not adversely affect the neighboring property owner.
7. The board notes that the applicant has agreed to a condition that all storage with respect to the shed will take place inside the shed and materials will not be stored around the shed or on the exterior of the shed so as to maintain an unobstructed and clean appearance of the building to the street.

Mr. Lewis seconded the motion.

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



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.

Mr. Kyle Witczak was present to represent this application.

Mr. Witczak testified that it is his second time being here in the past year for a lot coverage variance. He said as you might remember he put a driveway in and a pole barn and pad there and he keeps going over his lot coverage because he put the building and structure so far back because of the leach field there, the barn is 450' back. He said what he is asking for is the 37' x 30' pad extension, right in the back there, it is already there, when he built the pole barn he put asphalt grindings down for the guys to work and when the building was built he took the asphalt grindings out and just threw them in the grass and didn't know that was considered part of the driveway because he is never going to concrete it or anything like that. He said another issue he is running into is and this is a learning curve for him, he is not able to turn his trailers around in his pad, he didn't know that building the barn so what he would like to do is put this 20' x 65' right there and just make it gravel as well and eventually concrete that and it would be a nice front patio for the barn as well as a place to pull in and back his trailers in, backing the trailers up a 450' driveway isn't the most fun thing to do and then his wife wants a little 20' x 20' deck there since he got to build his barn. He said it would only increase it 2% about and obviously more projects will come so he was also wondering this is his second time coming in the past year at what point can the board give him, he is asking for more lot coverage, what is the board comfortable with back there so every time he has a project to do.

Mr. Lamanna said it doesn't work like that.

Mr. Witczak said he is learning as he goes here. He said there is a berm next to the driveway if the board remembers, the neighbor, two neighbors down is loving it because his backyard doesn't flood anymore, he was having a swamp back there, he fixed that issue for him. He said there is still plenty of room for his future leach field, his drawings are not the greatest but there is still plenty of room for everything. He said there are some things in here, the guttering thing, he ran out of time last year, the drainage is in the ground for the most part for the gutters to gutter the building and he will do piping to the street this summer, he doesn't want water in his barn.

Ms. Karen Endres, Zoning Inspector asked when the trees are going to be planted on the berm.

Mr. Witczak said he wants to let the berm settle this year, he has his landscaping guys working on it, the weather hasn't been helping him get going again but he just ran out of time last year.

Ms. Endres said she was just looking for a time-frame, she had a call come into her asking about the berm and the landscaping.

Mr. Witczak said he was going to leave his silt fence up as long as he needed to but his neighbor wanted it down so he took it down and he was told he could remove it but he wants it to look good, he is going to put Spruces on top of the berm.

Mr. Lewis said that was one of the conditions you have yet to fulfill on the first variance.

Mr. Witczak said yes but he ran out of time.

Mr. Lewis said he thinks we should probably try to get a timeline nailed down on that or the board could seek to do that, he doesn't want to leave that open-ended while we are adding more relief to the property.

Mr. DeWater asked Mr. Witczak to refresh him on what type of trailers and stuff he is pulling back there.

Mr. Witczak said a 27' boat, trailers, an RV, a little 14' trailer that he can't even turn that around in there, he is cutting the corner of his grass backing it up every time and he doesn't want his yard to look bad either.

Mr. Lamanna asked what the purpose is of adding the 20' in front of the barn.

Mr. Witczak said instead of backing up the whole driveway you pull in truck first and you take a right, right in front of the building and then you back the trailer up into where it is supposed to be. He said in putting up the barn he put the garage doors at the back side so the trailer sitting there would be in front of the barn doors which he didn't think about when he put the structure up.

Mr. DeWater asked if he absolutely needs the spot where the asphalt grindings are too.

Mr. Witczak said yes because if he didn't have that 30' x 37' his trailers would be sitting in front of his bay doors and he would have to move a trailer every time he wanted to pull something out of there. He said it was all a learning curve to him building something new, it is his first house so he is learning.

Mr. Lamanna asked if he is storing his trailers outside.

Mr. Witczak said correct, the trailers are next to the barn, the barn is full. He said obviously the boat is on a trailer and that is in the barn.

Mr. Lamanna said he assumed with the barn that there wasn't going to be a large parking area outside, and it is a large barn.

Mr. Gutoskey said we assumed because you wanted a large barn is because you could park everything inside.

Mr. Witzak said right.

Mr. Lewis said the trailers and vehicles are not in the barn.

Mr. Witzak said the vehicles are in the barn but he couldn't get his RV in the barn.

Mr. Lewis said but the trailers and such are not in the barn.

Mr. Witzak said correct.

Mr. Lewis said he thought the spirit of what we were doing was all that stuff was going in the barn.

Mr. Witzak said right, the contents of the trailers are in the barn, snowmobiles and stuff like that but he doesn't see a reason to put a trailer in a barn when it could sit outside.

Mr. Lamanna said the reason is so your neighbors don't have to look at a bunch of trailers sitting out.

Mr. Gutoskey said in a residential neighborhood.

Mr. Witzak said that is why he put the berm up and he is going to put trees on the berm. He said there are RVs sitting on the street that have been there, he hasn't seen them moved since he has been there and this is 450' off the property line in the front.

Mr. Jim Ptak of 9080 Old Meadow Drive testified that he doesn't know if this matters but he lives in the same development and he has got a very nice house, the barn is way in the back and he could park 20 trailers back there and nobody can see them except possibly the neighbors but it is very well done, he drives by there all of the time.

Mr. Lewis asked if he lives right next door.

Mr. Ptak said no, not right next door, he lives on Old Meadow and he is here for his own variance. He said it is very well done, he has got a berm and when he puts some trees up like he says his house and property is probably as nice if not nicer than everything else and you can't even see it and it is a huge barn.

Mr. Lewis said his concern is sprawling outdoor storage while we were okay with the big structure going in and he thought the intent was to put the stuff indoors which his memory seems to go with the trailers now whether there were toys sitting on the trailers or wherever they were going to be we don't seem to be going in the same direction that we started when we first started addressing this and there is still work to do on the first variance.

Mr. Gutoskey said the permit was issued May 22, 2017, about a year ago.

Ms. Endres said that sounds about right.

Mr. Lamanna said just counting this accessory structure and not counting his driveway there is 5,500 sq. ft. and there is a point at which something stops, the concept is accessory structure, not dwarfing the rest.

Mr. Gutoskey said the house footprint is about 1,200.

Mr. Lamanna said this is a three acre lot too.

Mr. Murphy said the barn is aligned with the neighbor's barn.

Mr. Witzak said the barn is pretty much where his barn is, maybe 5' in front of it but yes they are right in line together for the most part but his is bigger than mine. He said it is back there, it takes him two minutes to walk all the way back there and he thinks he has done a lot in a year, he wants to continue to make it look good.

Mr. Lamanna said part of the issue is the standard for granting a variance is that there is a practical difficulty, this is a three acre lot and we have already given you a variance over the normal 10% and he thinks he would be hard pressed to find other cases where we have given people variances on lots that are over three acres in terms of lot coverage because you are starting off with well over 12,000 sq. ft. of lot coverage which is more than enough for most applications. He said if you want to add a deck on he doesn't think the board has a problem with giving you what you need for the deck there.

Mr. Witzak said if his leach field wasn't right there he wouldn't even have to come here two times in the past year if he didn't have to put the 450' driveway in, if he could have just put it right behind the house he would not be here the past two years but with the leach field being there.

Mr. Lamanna said we gave you accommodation for that.

Mr. Witzak said right and he appreciates that.

Mr. DeWater said he would have liked to have seen current pictures of what the conditions are now, that would help him visualize a lot of what is going on.

Mr. Lamanna said we can always kick this thing and get some actual real photographs on what is on site now and what it looks like.

Mr. DeWater said he thinks we need to do that.

Mr. Lewis said he is after some clarity on the sizes of the trailers and he wants to look at those with the dimensions of the barn and the sizes of the doors and the heights because he does believe the intent was to have those indoors and asked Mr. Witzak if he has a mobile home.

Mr. Witzak said it is an RV and it is broken though so he had to put it outside, he just got it so it got towed there but that will be inside.

Mr. Lewis asked if that fits in the doors.

Mr. Witzak said yes so in theory there is only going to be able to be two trailers in the barn because of the bay doors, he can't turn a trailer in the barn and he is going to get the RV running this year and put that in the barn, he doesn't want that thing sitting outside.

Mr. Lewis said he is with what the other board members said, he thinks he is in favor of tabling this for more information.

Mr. Witzak said he is fine getting pictures for the board and asked if he has to pay more money.

Mr. Lamanna said no, it is just continued.

Mr. Murphy said it would help if he can see where everything is sitting and the berm on the property line and the proposal from last year next month when you come back.

Mr. Witzak said he is waiting for the weather to break.

Mr. Gutoskey asked about the little piece you are adding in the front to pull into, are you just going on the grass for part of that or what.

Mr. Witzak said he doesn't know if he is going to curve it into there or what.

Mr. Gutoskey said if you are going to do that it would add more lot coverage.

Mr. Witzak said you are saying if he was to curve this, this would add more lot coverage.

Mr. Gutoskey said right.

Mr. Lamanna asked if he needs to go that full 40' in front of the barn.

Mr. Witzak said there is a sliding glass door right here so it would be nice to have a patio to come out on etc.

Mr. Lamanna said please understand that one day you will come back and you will be sorry you have exhausted the limits of the property and then you will have a choice to make.

Mr. Witzak said his wife's parents just put a pool in so he is not going to put in a pool.

Mr. Gutoskey said if you had a five acre lot then you could get one.

Mr. Witzak thanked the board members for their time.

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

Motion BZA 2018-8 – 18070 Harvest Drive

Mr. Gutoskey moved to table this application to the next regularly scheduled meeting to be held May 17, 2018.

Mr. DeWater seconded the motion.

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

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.

Mr. and Mrs. Jim Ptak were present to represent this application.

Mr. Jim Ptak testified that they live on 9080 Old Meadow Drive and he does apologize he did not bring his application but he will pull it from memory. He said basically they have a small 1,700 sq. ft. colonial, they have outgrown that space and we have our basement completely filled with stuff, some day he has dreams of having a muscle car so we decided to consider building another structure, basically an oversized shed or one-car garage or whatever you want to call it, approximate size 18' wide, 34' long and maybe 20' high, it is going to have a full loft, the plans call for that.

Mr. Ptak continued by saying basically we are asking for a variance, actually three different things, we want to get closer to the lot line than what current zoning permits, he believes it is 50' off of the lot line, we are asking for 25' or 30', we are asking for about 60' or so off the rear lot line and his understanding is those dimensions are in accordance with the original restrictions that were in effect 30 years ago but since then he thinks in 1990 or there about they had a change in zoning which tightened up the lot lines so they are requesting closer to the lot lines in both directions and also we are requesting permission to do a gravel extension or asphalt driveway at some point in the future from their existing driveway all the way to the barn itself.

Ms. Karen Endres, Zoning Inspector testified that she doesn't think she calculated that, this site plan with the driveway came in after she already processed everything.

Mr. Ptak said he included it in the Excel spreadsheet and it should be part of the packet. He said that is an approximate summary of our existing lot coverage consisting of the little porch in front of the house, the house, the garage, the deck, existing driveway, new driveway and the barn. He said this is to his understanding within the lot coverage requirement of 10%, he thinks he is good there and he does have some photos. He said that is the sketch view of in front of the barn and that is facing the side of the barn so it is going to be a real nice structure, of course they haven't started yet because they have to get permission first but they hired an Amish barn builder from down in Sugar Creek to do the structure, it is going to be real nice. He said it is not just a pole barn it is much more than a shed and a lot of people would be pleased to live in something like what he is building, it is going to be on a full frost footer, a concrete foundation so it is not going to be a temporary structure, it is going to generate tax revenue for the township police and fire and schools. He said basically they are just trying to get closer to the boundaries and they do have some flexibility that isn't cut in stone but he wants to get as close as he can and that seems to be the ideal location and the location they chose is the highest and driest part of the land and it is actually back in the woods so it is going to kind of disappear and if you look we didn't want it in the exposed area because when you go in our backyard you can look all the way left and all the way right and you see all green space so he didn't want to have a big garage obstructing that so we decided to place it back in the woods and it should disappear.

Mr. Gutoskey said it is a deep lot off of Haskins and then 422.

Mr. Ptak said it abuts 20 some acres from Haskins all the way down pretty much to the end, it is non-buildable so all of the people on Old Meadow Drive more or less enjoy his backyard because we view it as an extension of ours even though we don't own it, we still kind of see it, it is open and also as a side issue there are several structures in the development that are a lot closer to the property lines than ours are.

Mr. Murphy said there is no driveway on the Riffle property behind yours.

Mrs. Kathy Ptak testified that no there is not.

Mr. Ptak said he has got a barn or a shed he has got his house up on Haskins Road and it is woods and he doesn't use it as far as he knows, it is just a 20 acre lot or 25 acre lot so all of that, he can't subdivide it into lots because there is no access.

Mr. Gutoskey said it is right across from the entrance to the road garage.

Mr. Ptak said they had considered moving it to the right a little bit but they have a septic field over there and we can't really go too much more to the right, we feel that from an aesthetic point of view that is probably the best location where it is least visible and the least offensive to any neighbors and by the way he has spoken to his neighbors and no one has voiced any objections to his knowledge.

Mr. Murphy asked if any of them are here.

No one responded.

Mr. Ptak said it is going to be real nice, that is what they wanted to do but of course there are some trees.

Mr. Lamanna asked if there are any guidelines for that development for the side yard setbacks.

Mr. Lewis said if you go back to the 1979 guidelines.

Mr. Lamanna said given how far back it is going to be it is not going to make that big a difference and you don't want to get it too close to the current septic field.

Mr. Gutoskey asked if this is where the current septic field is and where the replacement area is.

Mr. Ptak said he doesn't think there is a suitable replacement area. He said he had a soil scientist come out in the event that they wanted to either enhance or replace their existing septic field and we paid about \$450.00 to get a soil test and he basically said that their on-lot soil would not support a second field and they would not be able to build on their existing field, they would have to abandon it and go into virgin ground but there is no suitable virgin ground to build on and he didn't outline a suitable solution other than off-lot drainage or some other expensive mound system so to answer the question, no there is no, to his knowledge as of several years ago there was no identified secondary area.

Mr. Gutoskey said the Health Department would have something on file that would identify where the replacement area would be.



Mr. Ptak said he has looked and there is nothing on file that he is aware of that identifies a future secondary field.

Mr. Gutoskey said the last one we just looked at on Harvest, he had a drawing from the Health Department that showed his septic replacement field.

Mr. Ptak said his lot is three acres, mine is one.

Mr. Gutoskey said the Health Department required you to have what your existing system was and where your replacement area is.

Mr. Ptak said he was told by a soil scientist and he doesn't know who is authorized by Geauga County Health Department to perform these tests, he advised him at that point that there was no suitable in-ground system that this property could go.

Mr. Gutoskey said not in-ground but probably a mound or a drip system because all you need is 8" of good soil.

Mr. Ptak said so to answer your question, he does not have any information for that.

Mr. Lewis asked Mr. Gutoskey if his concern is he would be placing the driveway in the replacement field.

Mr. Lamanna said by taking up that area, if you push the barn down you have the whole back part of the lot to use for potential area.

Mr. Gutoskey said you have to look at the contours because your system parallels the contours.

Mr. Murphy said if that is the leach field for the existing house, a mound system will take a third or half of that.

Mr. Gutoskey said it would be about 25' – 30' wide by about 150' long, it depends on the soil.

Mr. Murphy said he would like to see by our next meeting if there is in fact the Health Department has the original lot designation, whenever this was put in, that your driveway is not going through the replacement leach field.

Mr. Gutoskey said typically they piggyback them together, side by side.

Mr. Lewis said this has nothing to do with the surveyors or subcontractors, this is Geauga County Health Department and it is specific to them.

Mr. Ptak said whatever the standards were as of 1984 are no longer the standards, they keep changing the standards.

Mr. Gutoskey said they changed the beginning of last year but they were pretty much the same from about 1977, they just revised statewide the beginning of last year. He said there are alternate systems versus putting trenches in. He said we don't want you to put your driveway in and then if you have to replace your septic you messed up the area where your septic has to go.

Mr. Murphy said you need to have it confirmed by the Health Department, the soils scientist may say A, B or C but the Health Department will say what you need to do so whatever we do now we would like you to get a copy of the Health Department's record drawing of that property and it should show a replacement field. He said he hasn't seen anything in Geauga County that doesn't have a replacement drawn with the Health Department and for him to pull the original permit for that septic system, whoever built this, whoever developed the property he had to show a replacement field for that septic system.

Mr. Ptak said he needs to understand exactly what the board wants because he tried to get over time that same type of information.

Mr. Lewis said you need to go to the county offices.

Mr. Gutoskey said Geauga County Health Department.

Mr. Lewis said they will have a plat of your property and it is going to show this one and a specific location that they predesignated for the replacement fields to go if this one fails and this has nothing to do with whether or not a contract specialist came in and said that the soil won't percolate right, you just can't build over where the county said is your replacement field location, this way you won't get yourself in a jam.

Mr. Gutoskey said as long as you can make sure that you have a replacement area suitable.

Mr. Ptak said he doesn't know that he himself is qualified to identify it.

Mr. Gutoskey said but the Health Department is and if you have the information from your soil scientist.

Mrs. Ptak said what this doesn't show is if you move the septic over like you were saying, like the other gentleman said he has a 150 year old Oak tree, we don't have a 150 year old Oak tree but some beautiful Maple trees would have to go down because we need to do that.

Mr. Murphy said there are other ways to put a second septic system in that don't require an underground system, if the soils are bad you may not even be able to put that second system in with today's laws. He said we can't let you build a driveway across what is on the Health Department, that would be negligent on our part to give you permission to put a driveway across that and every lot we look at in Bainbridge Township has a replacement field and we don't let anybody do anything on a septic replacement field.

Mr. Ptak asked if the Health Department is mandated to come out and review this.

Mr. Gutoskey asked if he got a report from a soils scientist.

Mr. Ptak said yes but he doesn't know if he has it, it has been several years ago, he can try to produce that.

Mr. Gutoskey said if you have that you can take it to the Health Department, they can look at it and tell you what you can do and then you can get an idea of what kind of area you need to protect so when you put a driveway in.

Mr. Ptak said it is kind of difficult to do that.

Mr. Gutoskey said it is going to be hard to build your building if we don't know where your septic replacement field is, we can't approve your plan without knowing if you can put a septic on your lot.

Mr. Lewis said you have a proposed plat, you carry this and the report from your soil guy and you go out to Geauga County and you get with the Health Department and you have them pull their original print and you look at where is the replacement field, if it is not where you are building the driveway you don't have a problem, if they have designated it there then you discuss with them and you talk about what your plan B is which might be another type of system in another part of your backyard if this one fails and you get pre-approvals and you get them to stamp it and then swing by and drop off the documents to Ms. Endres, she will review them and it will come before us again next month.

Mr. Lamanna said we would feel pretty silly if we said build it back here in this corner and then we find out that that spot is the most ideal spot to put your replacement system in.

Mr. Ptak asked with residents that do have 1-1/2 acre lots, not 3 or 5 acres, but 1-1/2 acres and their septic systems are failing are there locations on the property.

Mr. Gutoskey said he could get a primary replacement area with a house on a one acre lot so it is doable.

Mr. Lewis said most of the accessory structures are 8' x 10', they are little storage buildings for lawnmowers etc., they are not this size structure where you want to put a vehicle in so there is a lot more criteria.

Mr. Lamanna said the difficulty here is that when you add up the total amount between the driveway and the structure you are snaking over a good part of your lot.

Mr. Ptak said so the main objective or main concern is the actual location of the replacement leach field.

Mr. Lewis said yes.

Mr. Ptak asked if the board is okay in general with the location of the structure itself with respect to the property boundaries.

Mr. Lewis said he doesn't know if he is ready to address that because he is being asked to address a hypothetical when he really doesn't even know if you can put it there.

Mr. Gutoskey said because that may be the spot on the lot where the replacement field is.

Mr. Ptak said another potential solution would be to by-pass that driveway too, not put a driveway in, he thinks he mentioned that it is just a large shed or one car garage, he is not going to store vehicles in there right now, right now it is primarily for storage and a walk to it, it is going to be back in the woods, it is not like he is going to be using it as a third car garage although it is going to be capable of storing a vehicle in there.

Mr. Gutoskey said which means approve it as a garage and you might or might not use it as a garage.

Mr. Lewis said he doesn't want to rule on anything with this until he knows where those fields are, structure, driveway or anything.

Mr. Ptak asked if they also want to know where the existing fields are.

Mr. Murphy said it will be on the original drawing.

Mr. Ptak said he thinks they can do that for the board.

Mrs. Ptak asked if they are to come back next month as soon as they get that information.

Mr. Lewis said get it to Ms. Endres.

Mr. Ptak said he hopes he can find the information from the soils scientist.

Mr. Lewis said call the vendor and ask them to send you a copy.

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

Motion BZA 2018-9 – 9080 Old Meadow Drive

Mr. Gutoskey moved to table this application, for more information on the septic system, to the next regularly scheduled meeting to be held May 17, 2018.

Mr. DeWater seconded the motion.

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

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.

Mr. Dale Markowitz, Attorney for the applicant, Mr. Steve Sares and Ms. Elizabeth Schupp of Manor Care (Arden Courts) were present to represent this application.

Mr. Lamanna asked if anything is changing.

Mr. Dale Markowitz testified by saying nothing. He introduced Mr. Steve Sares, Senior Director of the Facility and Elizabeth Schupp who is the Manager of the facility here in Bainbridge and told the board if they have any questions they will be happy to answer. He said he was here five years ago for the expansion when they added eight units and at that time the board put in a condition to come back in five years so in May it will be five years so we are back. He said there is literally nothing that has changed and he spoke to Ms. Endres a couple of times and nobody has had any complaints or issues, they are happy as a lark there and we are providing a service to the community and it has been a very successful facility and it seems like it has been about 30 years ago when he came here to get conditional approval for this facility. He said this was the first residential care facility in the township.

Mr. Murphy said he drives by and keeps thinking that it is a new place on E. Washington Street.

Mr. Markowitz said there is good landscaping and they are on 11 acres so it is a perfect setting.

Mr. Lamanna asked if anybody else is interested in this application. He asked Ms. Endres if she had any outstanding issues or if there is anything they are supposed to complete.

Ms. Karen Endres, Zoning Inspector testified that they met all of the requirements for the plantings, shrubbery, those are in and they are still alive.

Mr. Lamanna said it is one of the nicer looking properties around, it always looks very shipshape.

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

Motion BZA 2018-10 – 8100 East Washington Street (Manor Care/Arden Courts)

Mr. Lamanna moved to renew the conditional use permit for this property for another five years.

Mr. Gutoskey seconded the motion.

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

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.

Mr. George Clemens, Architect and Mr. and Mrs. John King, property owners, were present to represent this application.

Mr. George Clemens testified that he is the architect and the first application is for an addition to the main house. He said it is a corner lot as you can see, it is existing, a very nice house and we have a proposed lot plan and we are proposing an addition that fills in towards the center of the lot so we are trying to minimize the impact of that and achieve some utilitarian goals, a large kitchen, a master bedroom on the first floor and we will update the house and make it more for today's living. He said it is a 519 sq. ft. addition and the existing house has a footprint of about 2,052 sq. ft. and there are architectural drawings that describe it. He said according to Bainbridge zoning there really is no buildable area on these lots, it is on Cedar Street and Franklin Street and he is sure the board sees these as a matter of course, he is not going into all of that for the board.

Mr. Clemens continued by saying according to the kind of typically what has been used as a rule of thumb zoning or prior zoning, we are good with all of those setbacks, we are proposing two things here so it involves the garage as well as the second application but the total lot coverage is really the primary issue here which we are at existing something like a little over 22% and what we are asking the addition including enlarging the garage would take us to 35.8%. He said as you know these lots are much smaller lots and we think the final product of what we are proposing is going to be pretty consistent with a lot of the houses up the street, this isn't one of the smaller lots, it is not going to be a giant house or a giant garage. He said one good aspect of the lot on the corner is the driveway connection to the garage is short, the existing garage is about as close to the street as it can be and stop a car in front of it and give people a way to get out on the street and stop so we are proposing that the new garage would basically be right there in the same place, we would enlarge the driveway width but not the length and then we are just proposing a walkway to the house and he doesn't believe they intend on covering that at this point so we were just talking about some kind of hardscape connecting it to the house.

Mr. Lamanna asked where the current water off the house is being taken, gutters, where are they going.

Mr. Clemens said we did have a review by the Chagrin Watershed Partners and it looks like most of the downspouts are now connected to storm.

Mr. Lamanna said so you can tie into that for the new construction.

Mr. Clemens said that is correct. He said the garage he does not believe is connected, we would take that out and his suggestion was we provide some kind of rain barrels which we certainly can do on the back corners of the garage and potentially a small rain garden feature so we will do something with plants something that is going to slow things down off the garage.

Ms. Karen Endres, Zoning Inspector asked if they have the letter in the packets.

Mr. Lewis said it is in here, he read it.

Ms. Endres said the Watershed Partners had recommendations.

Mr. Gutoskey said in this section of the township on these smaller lots they have been giving us recommendations on these lots for some ways to take care of the run-off because the storm system in that area is kind of suspect.

Mr. Murphy said it gets overwhelmed.

Ms. Endres said they actually recommended disconnecting the downspouts from the storm system.

Mr. Gutoskey said he doesn't know if he would do that but he thinks he would try to mitigate some of the impervious area with some rain gardens etc.

Mr. Clemens said right and at least handle the garage separately so that we are not tying that into the system and it seems like a potentially reasonable approach.

Mr. Murphy asked if there are sidewalks on Cedar Street.

Mrs. Karla King testified by saying no.

Mr. Clemens said but there are on Franklin.

Mr. Murphy said he is seeing the dimension off the existing garage.

Mr. Clemens said you can see the lot goes to the centerline of the street.

Mr. Murphy said so that 6' number is not really on the site plan that you've got, you've got 6' from the front of the garage to, what is that dotted line.

Mr. Clemens said it is actually 36' from the garage to the centerline of the street, the right-of-way is quite large, it is a 60' right-of-way but the property line is back.

Mr. Murphy said this photograph helps, you have got plenty of room for a car, two cars in front of that garage you are adding and one to the left so those cars are not blocking a sidewalk and they are off the road, that is what he couldn't tell from this site plan because there is a dimension there that says 6' to some line in front of the garage, and there was no indication of where the asphalt or parking actually starts, but you have got plenty of room.

Mr. Clemens said we are not pushing towards any neighbors.

Mr. Lamanna said the biggest concern is with the added coverage is to make sure that we are handling the rainwater with all of the issues in this area, from a total lot coverage it is not really that inconsistent with what is down there because there are plenty of people who are up close to 40%, some are smaller lots than this but certainly this doesn't shock the conscience in any way in terms of what it is but as people are coming in and doing things all of them are getting requirements to manage storm water.

Mrs. King said their excavator is very aware of that area, he actually lives in the area so they are conscience of pulling the water away from the house and we are not pooling it.



Mr. Lamanna said some of these steps to mitigate hold the water and then delete it out over a period of time after the event stops is what we would like to see done and if we implement suggestions they had, ultimately we would like it going to the storm with mitigation such as rain barrels or something in between but if there is overflow so it goes somewhere so it doesn't then overflow onto the property, then it is going to the system if it exceeds your onsite storage capacity. He said other than it is within the setbacks of the original house and where we are on the lot coverage it certainly is not inconsistent with what is going on there and that part of it looks pretty good. He said he finds it interesting to see you have stoops on this house and that is not a term that you hear very often. He said stoop is a Dutch word, but here you don't hear that term as much. He said on the garage piece we will take a look at that to make sure nothing else is tied together.

Mr. Murphy said on the site plan it says existing garage and walk to be removed complete. He said he is not sure he understands what that is.

Mr. Clemens said what we are talking about doing is replacing the existing garage with a larger garage so we are not adding an addition to it.

Mrs. King said per the inspection it had been damaged significantly from insects.

Mr. Lewis said so it is a tear down and replace and you are going to make it bigger.

Mr. Clemens said correct, we are holding kind of the same corner, we are making the two bays 23' wide just to get a little width per car, it is a 20' wide garage and we know that is pretty tight with two cars and then the additional bay is 11' so we are not going crazy.

Mr. Murphy said and a covered walk.

Mr. Clemens said we are not proceeding with a covered walk.

Mrs. King said no, it will be just a walkway.

Mr. Clemens said it will just be hardscaped.

Mr. Murphy said if it is on the drawing as a covered walk and they put the sidewalk in and they cover it five years from now, as a structure, the sidewalk, they don't need a separate variance to cover it.

Mr. Clemens said it won't increase the lot coverage.

Ms. Endres said they wouldn't need a variance if they didn't increase the lot coverage but they would still need a permit.

Mr. Clemens said absolutely.

Mr. Lewis said if they attached it with a breezeway would the garage no longer be an accessory structure.

Ms. Endres said she doesn't like that, she wants to see an attached garage with shared walls.

Mr. Lewis said that is what he is talking about.

Mr. Clemens said a warm wall against the garage.

Mr. Murphy said he has no problems with this and asked if there is anyone else here for this application.

Mr. Lewis said what interests him in what is being done here is that everything you are doing you are building towards the middle of the lot, you are not going further outward on boundaries, you are not going any closer to the roads or the adjacent properties, all of your expansion is working within.

Mr. Clemens said they were hoping not to have any variances at all but there was no way around it.

Mrs. King said when they bought the house they were thinking it was in Chagrin, they were thinking that the same zoning would apply and so they thought it was a good lot for Chagrin so they thought they wouldn't have any issues at all and they looked into it and the way the house is right now it doesn't even conform.

Mr. Clemens said it is better in many, many ways.

Mr. Lewis said we share the post office.

Mr. Gutoskey said and no local income tax.

Mrs. King said you have no idea how excited we are, we are moving back from Shaker so we are very happy.

Mr. Lewis said he doesn't have any questions on any of it. He referred to the Chagrin River Watershed document to act as a guideline for your water and he thinks it is helpful and if you follow that path and apply it to the design that is good.

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

Motion BZA 2018-11 – 16321 Franklin Street

Mr. Lamanna moved to grant the applicant the following variances for the purposes of constructing a house addition as well as certain work that is associated with demolishing an existing garage and rebuilding a new garage which actually will be considered as part of application 2018-12 except with respect to the total lot coverage proposed from both of these applications which will be included in this application.

1. A variance to the maximum lot coverage of 10% to 33.44% for a variance of 23.44%.
2. A variance to the minimum front yard setback to 24.8' that currently exists on Franklin Street.
3. A variance to the minimum front yard setback to 28.01' that currently exists on Cedar Street noting that the addition will actually be farther away than those existing dimensions for the existing house which will be maintained.
4. With respect to the rear yard a variance to 44' 3" and again the addition will be farther away.
5. A minimum rear yard on the north side will be at 7' for the existing and again the addition is within that.

Based on the following findings of fact:

1. A practical difficulty exists because this is a small lot of record in the former Walker Subdivision.
2. The setback requirements there were 30' so these variances are not significant from those as they exist.
3. The addition itself will not increase any of the existing encroachments into the setback requirements and this is also true with the other rear yard setbacks, the prior setback requirements were 5' so they would have actually complied to the 5'.
4. These are consistent with the character of the neighborhood.
5. With respect to the lot coverage 33.44% is reasonable with respect to the total lot size. In addition it is also quite typical with the development in this area and so this level of lot coverage would not adversely affect the character of the neighborhood and is consistent with the character of the neighborhood.

Motion BZA 2018-11 – 16321 Franklin Street - Continued

6. None of these variances should adversely affect immediate adjacent property owners.
7. The board will require and the applicants agreed that they will take reasonable steps to control run-off from the property. They have obtained suggestions from Chagrin River Watershed Partners and they will follow those suggestions. The one change would be with respect to the connection of the gutters to the storm sewer that the board would like that after the mitigating or collecting rain barrels or other devices are connected to take care of an overflow situation if they are unable to contain the entire precipitation event.

Mr. Dewater seconded the motion.

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

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.

Mr. Murphy said the house addition is awesome and he agrees with everything the board just voted on. He asked to see the overhead on the garage and asked if it is next to the neighbor's garage as well.

Mr. John King testified that the house next to them is actually between both streets, it is between South and Cedar.

Mr. Murphy asked if this is the existing garage.

Mrs. Karla King testified by saying yes.

Mr. Murphy said so the new garage is going to look considerably different and nice. He asked if that second floor has a bathroom and kitchen in it.

Mr. Clemens replied no, in fact there is not a stair up, they will have a loft for storage.

Mr. Murphy said that would not be allowed per the zoning here to have a little apartment or anything like that.

Mr. Clemens said it is low for that, it is just a whole brand new garage.

Mr. Murphy asked if they are not reusing any of the existing footers.

Mr. Lamanna said it will have a new foundation, a total rip out, a brand new garage.

Mr. Murphy said you are not reusing any of the existing footers or anything.

Mr. Clemens said not in this case.

Mr. Murphy said we actually then could move it that extra foot to not have a variance at all.

Mr. Clemens said that is correct, we started with where the garage was if we moved it over a foot we could do that. He said the height would be the other issue, as these garages get larger the house itself has a nice steep pitched roof and we are trying to do the architecture with the house.

Mr. Murphy said it is a great looking garage, he likes the look but just realized we hadn't talked about that.

Ms. Karen Endres, Zoning Inspector testified that there is a height variance because of the non-conforming lot, we are looking at 20' instead of 15', but it is less than the 35' height maximum.

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

#### Motion BZA 2018-12 – 16321 Franklin Street

Mr. Lamanna moved to grant the applicant the following variances for the purposes of constructing a new garage in accordance with the plans submitted by the applicant.

1. The minimum front yard setback on Franklin Street will be 83'.
2. The minimum front yard setback on Cedar Street will be 6'.
3. The minimum rear yard setback on the east side will 5'.
4. The minimum rear yard setback on the north will be 62'.
5. The maximum square footage for an accessory building to 825 sq. ft. from 300 sq. ft. for a variance of 525 sq. ft.
6. A maximum height for an accessory building to 20' from 15' for a variance of 5'.

Based on the following findings of fact:

1. A practical difficulty exists because this is being built on a pre-existing lot.
2. It is also on a corner lot and a very small lot so the setbacks from Cedar are reasonable.

Motion BZA 2018-12 – 16321 Franklin Street - Continued

3. This also previously had a garage located in this area and the extension of the garage is not increasing the existing encroachments into the setback.
4. The setbacks in this case are consistent with the neighborhood and will not adversely change the character of the neighborhood nor will they affect the neighbors because the close setback to the existing lot is actually the backyard of the neighboring property so it won't adversely affect the use of their dwelling.
5. With respect to the maximum square footage of the accessory structure, since this is actually a detached garage, detached garages are common in this area and it is reasonable to have additional square footage to allow for a reasonable size detached garage.
6. With the 20' height it makes it consistent architecturally with the rest of the renovations being done and again given the nature of the structure and the already highly developed nature of the area 20' will not be unreasonable or inconsistent or adversely affect the neighboring properties.
7. The detached garage will only be used as a garage for cars and storage and not used for a business, occupancy or a dwelling unit.

Mr. Gutoskey seconded the motion.

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

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.

Mr. Joe Gutoskey recused himself from this application.

Mr. Bill Joyce, builder and Mr. and Mrs. Alec McClennan, property owners were present to represent this application.

Mr. Bill Joyce testified that he is here on behalf of the present property owner Mr. Mort McClennan and in the future property owners Alec and Jenn McClennan. He said we have a 29 acre plus site on Chillicothe that has a common driveway presently that services Mr. Mort McClennan's home, a gas well and two other structures and upon application for zoning Ms. Endres let him know that we needed a new address and a variance would be necessary for the use of that driveway otherwise we would have to put a driveway in that would have to front Chillicothe Road so we are here to ask for that variance and we have some ideas on why we really need it. He said because it is on Chillicothe Road and we have a 45 mph speed limit and we are at the base of a hill that people tend to gather speed so safety is our first issue. He said the existing driveway is directly opposite to Lucerne Drive is what we feel the safest entrance to the property is and you can see the drawings that he has given to the board, that is the proposed driveway to the new home and the drawings he gave the board show the old driveway, the existing driveway to the gas well is in the back of the property so only where it veers off to the proposed home would be a necessary addition to the driveway. He said if we were to access the new home from Chillicothe Road we would need approximately a 720' driveway west across the property and that little cordoned off area is a historical cemetery and by the 1080 topographical you can see there is some serious topography there, you would have to cross one ravine as we head west and as we reach Chillicothe Road we would have to contend with a 6' or 7' topographical drop to the road. He said he has photographs and the photograph to the left shows a wetlands if we were to come straight west across the property the driveway would come through the wetlands, if we kept the driveway away from the wetlands, this is the topography we would have to deal with, we would be coming downhill where there would have to be a serious cut to get the driveway fairly flat and safe to enter the road. He referred to another photo and said that is the entrance to the county drive as it sits and that driveway presently has a 36' easement and an 18' driveway so it is only 4' narrower than a dedicated road at this point so getting off of Rt. 306 coming down either from the north or the south you do have a nice amount of space to clear Rt. 306 safely even if there was someone exiting on the drive and where you see that painted stop line there, that is Lucerne Drive, its immediately opposite the common drive which most engineers say the safest way of any egress is if there is a cross street directly across instead of an off-set driveway. He said as you can see right behind the vehicle there is a garage, there is a large turnaround there, you could easily handle the turnaround with at 25' truck with a 25' trailer which also houses the mailboxes and the garbage receptacles so to get the postal carrier off the road and the garbage truck it is a safe bet as opposed to entering a long 750' driveway on an uphill climb. He said the site distance when looking south going up past the golf course towards McDonald's is approximately a minimum of 500' of site distance going south and then there is a picture right below that, that is our north site line which is an additional 600' of site distance and the present common drive comes out at level so anybody entering, the fear of sliding into Rt. 306 is nil.

Mr. Lamanna asked how big the existing lot with the house is.

Mr. Joyce said 29.21 acres.

Mr. Lamanna said no this one.

Mr. Alec McClennan testified that it is 5.2 acres.

Mr. Lamanna asked if this is one lot now or is it going to be divided.

Mr. Joyce referred to a site plan and said this is divided, a parcel here and a parcel here and then there is the parcel owned by Mr. Mort McClennan, that is his present residence so the driveway continues around here to his home.

Mr. Lamanna asked about the other parcel and if it is landlocked.

Ms. Karen Endres, Zoning Inspector replied no.

Mrs. Jenn McClennan testified that the back shaded green one is where Mr. Mort McClennan lives, in the back.

Mr. McClennan stated that you can go to Tanglewood from the back.

Mr. Joyce referred to the aerial and said both homes are going to be in this area, 750' out and here is the wetland area and here is the 7' topography.

Mr. Murphy said it appears that it is a landlocked flag.

Mr. Lamanna said it really isn't landlocked.

Mr. Murphy asked if there is a driveway off of Tanglewood Trail as well.

Mr. Joyce replied yes.

Mr. Murphy said you are putting a single home on the 29 acres.

Mr. Joyce replied yes.

Mr. Lamanna said if you really had to you could cut down along the boundary line of that property to Rt. 306, you would avoid then going through that really steep ravine but if you came off of this existing drive and then went right down the boundary line between the 5.36 and the 29.21.

Mr. McClennan explained that there is a leach field there.

Mr. Lamanna asked if that isn't entirely all on that property, on the 29 acres, if you came down along that property line on your side of it. He said he still likes the idea of having a combined driveway because he would rather not have another curb cut at that location.



Mrs. McClennan said the problem with that is visibility, you can't see up the hill.

Mr. Lamanna asked if it is possible because if the day came that for whatever reason it was no longer feasible to keep these three things together that we've got an escape hatch.

Mr. McClennan said it is not optimal but possible.

Mr. Lamanna said it looks like the topography is actually better there.

Mr. Joyce said he did take shots as it came down, that is the wetlands, this comes out where the cemetery is and then this would be the topography just in that area so there is still quite a bit of fall to the road.

Mr. Lamanna said it would not be ideal and he is much more inclined knowing that area very well through there that the fewer places we have people entering and exiting, the better off we are and that is probably since there is already a street on the other side, anybody going in and out of those houses on Rt. 306 there, they are accidents waiting to happen so the fewer places we have people coming in and out the better off we are. He asked if there has been some kind of an agreement created, easement agreement, driveway maintenance agreement because the board would like to have something, a formal easement with clear obligations as to maintenance requirements and that sort of thing and ways to enforce it and make sure that the driveways will be maintained, at least the common part of the driveway, once it goes onto your property that is your issue in that point in time but the one thing we don't want to have is a situation where sometime in the future you end up in a fight over maintaining that access part there because we want an agreement, a recorded instrument running with the land that makes sure the parties who are using this are obligated to keep it up so we are assured that if emergency vehicles have to get in there, there is a suitable road.

Mr. DeWater said to require to continue the agreement if any of those properties transfer.

Mr. Murphy asked if Mort McClennan is your (Alec) father and he is still on the back property and you are building on the front property.

Mr. Alec McClennan said yes.

Mr. Murphy asked who is in the front property on Rt. 306.

Mr. McClennan said it depends, he lived there for a while, it has been empty for a while, right now there is a tenant in there.

Mr. Murphy said it is a family house but it is rental right now.

Mrs. McClennan said they are building the house to bring the fifth generation of McClennans to keep the place together.

Mr. Murphy said so it is not owned by a third party.

Mr. McClennan said no.

Mr. Murphy asked if the board has any kind of issue with the fact the property right now this 29 acres, is not actually owned by you right now.

Mrs. McClennan said Mr. Joyce has power of attorney over it to apply for this, Mr. Mort McClennan signed it off.

Mr. Lamanna said we would want to see you put an easement together and give it to Ms. Endres and she can send it to the prosecutor's office but we want to make sure with respect to the common part of it that there is a mutual obligation to maintain it and people can be required to contribute their share and if there is a dispute there is some way of resolving that dispute so we are assured that it is proper and again, this thing has got to be big enough to maintain access for emergency vehicles. He asked if they have to get a separate house number.

Ms. Endres said they do have to get a separate address and she thinks these houses have been using the same address.

Mr. Lamanna said they should get three separate addresses and then make sure that it is posted at the driveway, those green signs with the addresses and then when you get up on the road to the spot that there is a sign there because if the EMTs are coming you don't want them sitting there trying to figure out where they are supposed to be going because five minutes can make a difference in somebody living or dying.

Ms. Endres asked what the primary address is on the Tanglewood house, do they use Tanglewood Trail or do they go off of Chillicothe.

Mr. McClennan said primarily they go to Chillicothe, it kind of depends on where they are going.

Ms. Endres said this is something that has her attention and the attention of safety services at the county level too, you have three houses and one address so what she is hearing is it is possible to go ahead and 17259 can be maintained by one of the houses and we should probably talk to decide which house you want for that address and then come up with two new addresses for the existing houses and then another new address for the proposed house. She said like Mr. Lamanna is saying it is really critical when you have safety services.

Mr. Lamanna said you don't want them thinking about where they are supposed to be going here and there are clear markings for the addresses and it should be pretty easy to take care of and is for everyone's benefit too.

Ms. Endres said things do have to get changed such as banks and credit cards when creating a new address.

Mr. McClennan asked who they talk to about that.

Ms. Endres said she is the one who assigns the addresses.

Mr. Lamanna said you will have to notify the post office and tell them that there are now three addresses.

Ms. Endres said on the government level it is really not that hard but assigning a new address to an existing house usually the problem comes with all of the paperwork that the property owner has tied to that old address.

Mr. Murphy said they don't need the engineer's office for a driveway.

Ms. Endres said she tells the engineer's office what the address is going to be and she works with the map room and the sheriff's office and with our fire department in establishing those addresses, she wants to make sure they are in line with the 911 protocols and they have software that we look at.

Mr. Murphy said that 5.36 acres, the front is one residence.

Ms. Endres said there are two houses on this lot.

Mr. McClennan said it is one house, one garage and then one really little house.

Ms. Endres said there is one house here addressed as 17259 and two houses on this lot addressed as 17259 so we would be getting this house a new address.

Mr. McClennan said the back house would probably keep the same address.

Mr. Lamanna said that would make sense to go 1, 2, 3 just because of where they are located.

Ms. Endres said she will work with the property owners and she will work with the county on establishing addresses.

Mr. Murphy said but we have two residences on the 5.36 acres.

Mr. McClennan said that is correct.

Mr. Murphy said and that is grandfathered in that we are just going to have that as one address or are you thinking two addresses.

Ms. Endres said each house would have its own address, one would be a primary address and there is a way of adding secondary addresses but we want to have those houses addressed separately. She said that happens all of the time with businesses such as plazas, you've got each different business in the plaza has its own address, we will do something similar here, the primary address, we would readdress that five acre parcel.

Mrs. McClennan said his parents have been in the back for years.

Ms. Endres said they would want to maintain 17259 on the back house, the two houses in the front then would get new addresses.

Mr. Murphy said those are two houses on one lot and we don't have any zoning for that in Bainbridge Township.

Ms. Endres said it is not permitted anymore, no.

Mr. Murphy said but because it is existing and why would we give them two addresses though.

Ms. Endres said because there are two houses, each house should have its own address.

Mr. Murphy said okay.

Mr. Lamanna asked if they lease these houses.

Mr. McClennan said it can be, it is a one bedroom.

Mrs. McClennan said it is an efficiency.

Ms. Endres asked if it is occupied right now.

Mr. McClennan said there is a guy living there.

Ms. Endres asked if it has been continually occupied.

Mr. McClennan said no, he remembers his grandmother turned the garage into a little house and since then it has been kind of on and off but the idea was that when his parents got old they would live there but it has really only been one person living there, the other house has been empty about 50% of the time in the last ten years.

Ms. Endres said that leads to, and Mr. Lamanna knows what she is thinking.

Mr. Lamanna said it is abandonment of the use, if they are not both being continuously occupied, after a certain period of time you lose your pre-existing use status. He said and the bazaar thing is in this case you could end up with a situation where the bigger house loses its status and if either of them was not being used for a requisite period of time in the statute it would cause the property then to revert back to only one dwelling per lot so you would have to decide which one you are not going to make a dwelling anymore.

Mr. McClennan asked what the length is.

Ms. Endres said two years and she couldn't figure out based on the records when the houses exactly were built or occupied.

Mr. McClennan said 1827.

Ms. Endres said it looks like they were there for quite some time so she was going on the assumption that they were both legal non-conforming but if the use of either of those structures as a dwelling unit was abandoned for more than two years then after we had the single, one-family, one house zoning then that use would no longer be grandfathered in, it would have to revert then to our current zoning regulations.

Mrs. McClennan said the small house is pretty occupied but the big one is a relo house so people live in the town, sign a two year lease, live there for four months and have to continue to pay rent but don't live in the facility so technically it is rented and being paid for.

Ms. Endres said if you have two separate houses, for safety reasons it is better to have two separate addresses even if they are on one lot.

Mr. Murphy said he wasn't sure how that was going to work but he gets that.

Ms. Endres said she can work that out.

Mr. Murphy said he likes that and understands everything that is going on here and he knows the curve well and the area, he was brought up here and lived here all of his life and he thinks the idea of coming out across from Lakeshore is the safest and best and thinks it is a great idea rather than being up the hill, there is a cemetery and anywhere up that hill makes it tougher, you have a nice big wide two-car driveway so he agrees with the safety issues.

Mr. Lewis said he thinks Rt. 306 is three lanes wide down there because there is a center turning lane, you get into Lake Lucerne so there is plenty of space.

Mr. Lamanna said there is enough room to get in if somebody is waiting to get out.

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

Motion BZA 2018-13 – 17259 Chillicothe Road (McClennan/Joyce)

Mr. Lamanna moved to grant the applicant a variance for the purpose of constructing and maintaining a common driveway to serve a future house to be located on Permanent Parcel 02-240850. The start of the drive will be on Permanent Parcel 02-240600 and it will also serve the property located behind those two properties.

With the following conditions:

1. As a condition to granting this variance, the three parcels will obtain separate addresses including proper designations for the two houses that are located on Permanent Parcel 02-240600.
2. There will be markings of directional signs maintained at Chillicothe Road and at the division of the common driveway so that any access of emergency vehicles will be able to ascertain the direction to the appropriate address.
3. The applicants will also prepare and submit to the zoning inspector for review by the county attorney an easement and driveway maintenance agreement with respect to the use and maintenance of the driveway which will assure that the driveway will be maintained as required on the commonly used area with appropriate provisions for resolving any disputes and forcing payment of amounts necessary to maintain the driveway in a condition suitable for allowing the passage of emergency vehicles of the township.
4. The applicant will also maintain at the entrance sufficient width so that two cars can pass, one going in and one going out for the first 100' of the entrance of the driveway.

Based on the following findings of fact:

1. Because of the difficult topography on Permanent Parcel 02-240850 it would require a difficult driveway access and at its entrance into Chillicothe Road that would be a steep gradient to the road in an area on a hill with more limited site distance whereas this existing driveway is located directly across from an existing street, accessing Lake Lucerne, at a point in the road where there is good visibility in both directions so there would be a substantial improvement to the safety of traffic on Chillicothe Road and for the people entering and exiting this driveway if it was located at this point rather than farther up Chillicothe Road.

Mr. DeWater seconded the motion.

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

Mr. Joe Gutoskey returned to the meeting.

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.

Mr. Brian Feeley, Architect; Mr. Cliff Hershman and Mr. John Shahinian, property owners and Mr. David Boodjeh of Discount Drug Mart were present to represent this application.

Mr. Lamanna swore in the above mentioned representatives for the Drug Mart application. He let the record reflect that the representatives have been sworn in.

Mr. Brian Feeley testified by saying thanks to the board members for their dedication to the community. He said Drug Mart has been in town for almost 23 years and it has been a good corporate community and neighbor and we look forward to continuing our stay here in town, the existing site has been difficult with the parking so we are looking at the Sears store for the additional parking abilities plus a little more space to add some of the more current services that our clients are needing and a deli is one of the areas that this store will be able to provide. He said their site on Washington Street was Sears and a bowling alley before that, they have purchased or added this parcel, he referred to the aerial shown, and we consolidated the two in an attempt to try to maintain a large of an area as possible to minimize our coverage.

Ms. Karen Endres, Zoning Inspector testified that the lot split has gone through but for some reason it is not reflecting on Pictometry but she believes it is shown on ReaLink.

Mr. Feeley said those two have been consolidated and that is a major attempt to try to minimize the coverage. He said even with that they will be above the 40% coverage between the two lots, they have tried to minimize the footprint as much as possible without compromising services that the new store is required. He referred to a site plan and said overall the scheme of what is going to be happening they will be maintaining this part of the structure, they will be removing the front entry area and the side outdoor storage and will be adding on about 16' to the front coming about 40' over, this will be our new loading dock in this vicinity, the truck dock door will be to the north, towards Washington to try to minimize noise and activity and disruption to Bainbridge to the south. He said they have some wetlands in this area here and there are a few wetland areas back in the woods that we will try to minimize, there will be some impact and they are working with the EPA and a civil consultant to try to coordinate the best on that. He said that should give you a very good synopsis of the project and asked how the board would like to address each of the variances.

Mr. Lamanna suggested that they refer to a prepared list of the issues.

Mr. Feeley said he will go down the list of Ms. Endres' comments.

Ms. Endres referred to the packets and stated that there are standards compiled for each of the variances.

Mr. Feeley referred to the lot coverage and stated the lot coverage is 45.4% versus 40%. He said the Sears store originally had a variance for 50% lot coverage and if one considered 50% of that lot plus 40% of the original lot the total square footage of coverage would be less than those two totals. He said Ms. Endres has said that the 50% lot coverage for Sears might not run with the property when it is a consolidated property however there is that existing condition that is in place. He said there are a few of adjacent properties that comply with that 40% coverage, commercial properties, and again we are trying to be as tight and as close as we can to that 40%. He referred to the aerial and said the setback of 5' versus 20' from the west side lot of the truck turn-around and due to the existing wetlands in this area we put the truck turn-around to the back and showed the 5' setback to the side property line, that is a commercial property.

Mr. Lamanna asked if that is commercial or if it is in the industrial district.

Ms. Endres said actually it is right on the border.

Mr. Gutoskey said it is still Convenience Business.

Mr. Lamanna asked where the access is to it.

Mr. Gutoskey said it is kind of a shared drive down next to NAPA.

Ms. Endres said NAPA is the next one west.

Mr. Gutoskey said there are actually four lots there, there is a flag in the back, NAPA is on a small lot.

Mr. Lamanna asked about the building to the left that has the L-shape lot behind the bank.

Mr. DeWater said the tiny building used to be a tire store.

The board discussed the shared driveway and adjacent buildings.

Mr. Lewis said he doesn't think the truck loop turn-around is going to have any impact on the adjacent properties.

Mr. Lamanna said they are far away from it.

Mr. Feeley said another possibility of a turn-around would be putting it up towards the front but there is existing vegetation in the back and there is no reason to take down nice mature trees.



Mr. Murphy asked how Sears got trucks in and out of there.

Mr. Feeley said they turn around in the parking lot but he doesn't want to expose having truck, vehicular and pedestrian difficulties, that is not smart, we don't want to injure our patrons.

Mr. Gutoskey asked if there are two truck docks.

Mr. Feeley said a single truck dock is all we need, our deliveries are early morning.

Ms. Endres said there was a variance granted to allow Sears to have one loading dock rather than two, she carried that variance over and it might be appropriate to reinforce the one loading dock rather than two and on this particular application, she did not include that as a variance.

Mr. Lamanna asked if the stuff is coming in mainly on your own trucks.

Mr. David Boodjeh of Drug Mart testified that there is a truck from Drug Mart Corporate once a week, usually in the morning and probably three other 53' trailers that are delivering groceries through that week, the rest are just box trucks, bread, chips and pop deliveries and going also to the back.

Mr. Lamanna said then one should be adequate, you are not going to be stacking up trucks waiting to unload.

Mr. Boodjeh said in all their stores they have only needed one.

Mr. Cliff Hershman testified that they have had no problems with the tenants, never.

Mr. Murphy said it looks like a lot of asphalt just to turn around three or four trucks a week and especially if we are dealing with half of the wetlands on the lot.

Mr. Feeley said it is going right here.

Mr. Murphy said so you are missing the wetlands.

Mr. Feeley said they are trying to avoid it as much as possible and we can consider some pervious pavement or something to that affect too. He said the setback to the rear property will be 43' versus 60' for additions to residential property lines.

Mr. Feeley continued by saying the existing building is set about 43', the existing building comes to this point that has that patio on the back and this area (he referred to the aerial photo) where his clipboard is to here is the existing outdoor sales, the existing canopy on the front entry will be removed and we will be expanding to the front about 16' from the main walk so we are matching the existing setback here to the back and coming forward with the truck turn-around. He said they have eliminated a door to the back, they eliminated the overhead doors on this corner, they have taken those out so we are trying to treat this back wall of the building to try to protect the neighbors to the south. He said they have a lot of windows but consciously decided to not put a lot of windows on the south elevation so there would be no flooding of light and privacy to the adjacent residences, we will be using skylights instead with this store.

Mr. Lewis asked if they are planning wall packs on that back wall, he is just thinking of light hitting southbound into the residences.

Mr. Feeley said they have a small amount but are very careful to screen them.

Mr. Lewis asked by where the truck is shown backed in, just to the top of it, two opening doors, is that your dumpsters.

Mr. Feeley replied yes, and we will have a generator and transformers, an emergency power generator and hopefully that will only kick on when the lights are out. He referred to the landscaping plan and said it is not provided but they will certainly work on that. He said their major intent now is to get the feeling from the board for the variances on area and the setbacks and we will finish out with the details. He said the site plan does not detail the double striped lines that are required in parking lots that exceed 100 spaces but we will certainly do that, he emailed some pictures to Ms. Endres so we are on the same page on that just for simplicity and ease of legibility and they will certainly be added to the final document. He said lighting information was not provided and once we have approval on this phase, the next addition will have all of that and we will be in full compliance with Chapter 161.12.

Mr. Murphy said this drawing doesn't show the existing parking lot or does it.

Mr. Feeley said the existing parking lot, on this drawing, we have existing edge of pavement, and you can follow this line, this is the existing edge of the pavement.

Mr. Murphy asked if the garage building is coming down.

Mr. Feeley said he understands it is.

Mr. Murphy asked what the big gray box here is.

Ms. Endres said that is going too.

Mr. Feeley said Ms. Endres did mention that there was a concern about the entrance and exit. He submitted a site plan to the board and said when you are looking at the driveway, we are looking at moving that driveway further west.

Mr. Gutoskey said great idea.

Mr. Feeley said everyone can see what is going on and that will however increase their lot coverage so adding this driveway off to the side adds about 4,500 sq. ft. of pavement.

Mr. Gutoskey said this is a big improvement because the biggest problem we have right here is traffic and especially during rush hour with the back up because even when we used to go to Sears we had a conflict turning left out of Sears with a car turning left into Heinen's so you are eliminating conflict with lining it up with that other intersection, it is a great idea.

Mr. Lewis asked if they did the square footage to require parking spaces ratio or did you just arbitrarily come up with 115 parking spaces.

Mr. Feeley said the percentage is right.

Mr. Gutoskey asked if it is based on square footage.

Mr. Feeley said yes.

Mr. Gutoskey asked if they need all of the spaces or do they want to land bank some of them.

Mr. Feeley said they discussed land banking but we would just rather put them in now, and with our experience we know how many we are going to be needing.

Ms. Endres said there are more requirements for 100 spaces than there are for under 100 spaces so we had talked about the possibility of reducing the parking lot to less than 100 spaces but it sounds like Drug Mart does need the spaces that they are asking for.

Mr. Gutoskey said he doesn't have a problem with the standard 9 x 20 spaces with a single stripe, it is just much easier to do because the spaces are still just as wide whether they are double lined or single lined.

Mr. Lewis said he knows it is early on and there are some conversation points that are going to come up about between the street and where your parking starts, that greenspace as there has been a rather concerted effort in the last decade to clean up and even within your parking areas where you've got some islands and he knows you are trying to get the basic site plan today and then come back and detail it.

Mr. Lamanna said the nice thing about this property is that there really is the opportunity to landscape out in front so you are not looking back in at just a big parking lot because you actually have some room here, you are not right on the road. He said you probably weren't here for the Arden Courts renewal of their CUP but they have done just a really nice job down there with landscaping the front of their property and here we have a nice opportunity to really enhance the appearance of the street along here because you've got some actual room to work with and put some nice landscaping in to screen it. He asked if the truck turn-around is a whole paved area, is there any possibility of cutting out part of the middle of it.

Mr. Gutoskey said it depends on if it is an over the road or a single axle. He asked if some pervious paving could be done instead of having a big massive amount of concrete.

Mr. Hershman asked if that would be like heavy asphalt, impervious.

Mr. Feeley said they can have a dry mix, it doesn't flow real right and he certainly would be willing to look at that if that would help out in some fashion.

Mr. Lamanna said that is a big paved area that is not getting a lot of utilization perhaps.

Mr. Feeley said perhaps a whole in the donut.

Mr. Lamanna said yes that is what he was thinking, it would just kind of break it up and take a little coverage out and he thinks there would still be plenty of room for the trucks to not worry about making that turn and dragging their wheels across it.

Mr. Feeley said they do have a separate ingress, egress so they have added that, it addresses to the coverage but it makes the ingress and egress that much better and we are trying to improve patron accessibility.

Mr. Gutoskey said the nice thing is where your store is now you've got those cross-easements between your two shopping centers and CVS, you have multiple ins and outs. He asked if they ever considered cross-easements with the bank or Dunkin Donuts etc.

Mr. Hershman said not yet.

Mr. Gutoskey said that would give you another out to Rt. 306.

Mr. Hershman said it is Keybank and Dunkin Donuts and then there is some residential land back there.

Mr. Gutoskey said the zoning stops at the Dunkin Donuts and then after that it is residential.

Mr. Lewis said he is not in favor of dumping anything more out on Rt. 306 through Dunkin Donuts, that is a mess up there even now.

Mr. Lamanna said he thinks it is better to have the traffic come out onto Washington to Rt. 306.

Mr. Gutoskey said with that many parking spots at least you can regulate the traffic coming in and out of Drug Mart and you are not sending that quantity of traffic cutting through other small businesses' parking lots.

Mr. Lamanna said and when you get to Rt. 306 you will get the people who decide to sneak out that way and then turn left.

Mr. Gutoskey said he was thinking more like if someone goes to Dunkin Donuts and needs to pick something up.

Mr. Lewis said or go to the bank.

Mr. Hershman said yes, just to connect.

Mr. Gutoskey said you have it at the other corner at CVS, not as a cut-through but for a connection for convenience.

Mr. Feeley said they would have to work on it.

Mr. Lamanna said connecting it with the bank would make a lot of sense.

Mr. Gutoskey said and eliminate the curb cut at NAPA.

Mr. Lamanna said to him people going to the bank and Drug Mart, there might be a lot of common traffic and to not have that traffic have to go back out on East Washington Street and then have to cut back in, if there was a connection in between, that could be helpful for both of you actually in a way to make it convenient because there would be a lot of cross customers between the two.

Mr. Hershman said that would add to the greenspace but if you are fine with that.

Mr. Gutoskey said it would help a lot with the traffic.

Mr. Lamanna said we would be willing to sacrifice for things that are improvements like that.

Mr. Feeley said that is something to work on.

Mr. Lamanna said you can see if it is a possibility.

Mr. Feeley said we could come back to the board for that.

Mr. Lamanna said we might ask you to investigate it to see if it is possible and if it is possible you can go ahead and if you do we can give you extra lot coverage to cover the pavement in-between but anything that reduces cars going back out and back in again.

Mr. Gutoskey said the bank has a big problem with ingress and egress because they are even closer to the intersection. He said when the industrial park lets out that traffic is backed all the way to the carwash and beyond.

Mr. Lamanna said the industrial park goes all the way down to Chagrin.

Mr. Gutoskey said lights, full cut-offs.

Mr. Feeley said absolutely and we are quite far in from the property line.

Mr. Lamanna said they have to meet the current lighting standards. He asked if the drive-thru is going to be on the front there.

Mr. Feeley said yes and there will be no loud speakers or anything like that.

Mr. Lewis said the general consensus here seems to be moving the driveway further west would be a really good thing to come back with.

Mr. Feeley said done deal.

Mr. Lewis said that would just be wonderful for all the reasons we have all been chitchatting about.

Mr. Gutoskey asked if we are okay with the single line stripes on the parking lot and added we have more than 100 spaces out here and they are all striped single.

Mr. Lewis said it doesn't make a lot of difference to him but does it take more room.

Mr. Gutoskey said it is a pain in the neck to do, you are striping the same width 9' but you are striping two lines on either side of that center.

Mr. Lewis said we don't need to make them go through that unless it is their own preference.

Mr. Gutoskey said it is in our code, we would have to give them a variance to it, to single stripe.

Mr. Murphy said he thinks one line is plenty.

Mr. Gutoskey said even if you double stripe it people want to park between them anyway.

Mr. Lewis said that is motorcycle parking.

Mr. Gutoskey said we haven't talked about signage.

Mr. Feeley said he submitted the signs with the package.

Ms. Endres said she hasn't evaluated the signage yet, she can't approve signage until Drug Mart gets their commercial use permit.

Mr. Gutoskey asked Ms. Endres if she looked at it for compliance.

Ms. Endres said she didn't look at it that much.

Mr. Gutoskey said the sign on the front looks pretty big.

Mr. Murphy said Drug Mart, 16 mm full color message center and he takes it they are LED lights, the sign that you are planning and you realize that you can't change the message but once every 10 or 15 minutes or whatever it is.

Ms. Endres said they have to change instantaneously and they can't scroll.

Mr. Lewis said we have some guidelines.

Mr. Murphy said there are a couple of those signs in Bainbridge and if you have to have that big bright thing out there, they will get to that when they get to signs. He said he thinks it is a great fit for that building and he shops where it is now and he is in there all of the time.

Mr. Lamanna asked about storm water detention.

Mr. Feeley said they are working with their engineers on that, they will not be adding to the coverage, they will divide it in such way. He said EPA has to come out to verify the wetlands staking of our environmental engineers and that is all weather dependent so they are on the list.

Mr. Gutoskey said back when it was done in 1995 he thinks lot coverage was actually reduced from what it was so it didn't require detention but he thinks the way the regs are now you will probably have to provide some water quality and maybe a little detention, it depends on if you are increasing the lot coverage but you probably have to provide some water quality, about 20% because it is a redevelopment.

Mr. Feeley said their civil engineers are working on that.

Mr. Lamanna asked about the gravel drive.

Mr. Feeley said it is access for the utility, currently they jump the curb and drive all the way around the building because there is no access on that side but since we had access on that side we can put a little bit of gravel that the grass will grow through.

Mr. Lamanna said so that is just to access that power pole back there.

Mr. Feeley said correct, we thought this would be a lot cleaner.

Ms. Endres said she ran some quick calculations on the sign and asked if it is going to be channel letters.

Mr. Feeley said he believes so.

Ms. Endres said she is coming up with right around 200 sq. ft., just using gross calculations and with a channel letter sign we can factor out the white space, the building is 195 ft. so they would get 215 sq. ft. of signage and she came up with a rough estimate of 200 sq. ft. of signage allowed so she thinks they are going to be right there.

Mr. Feeley said if they need to reduce the sign they will reduce the sign.

Ms. Endres said she thinks they are going to be okay.

Mr. Gutoskey said and that doesn't include any banners or signs in windows, correct.

Ms. Endres said that only includes the signage that was in the packet here, the signs that were on the front of the building.

Mr. Gutoskey said when you look at signage, they can't have signs or banners in the windows, right.

Ms. Endres said that banners are not permitted and window signs require permits and you can't cover more than 25% of the glass area.

Mr. Feeley said so far he has heard all positive comments except for their LED sign out front. He said the next stage for lot coverage etc. he knows these aren't complete final construction documents but we are wondering if the board would have a favorable motion and our construction documents would comply with the preliminaries here and we could come back but we just want to be able to proceed.



Mr. Lamanna said the board could grant approval but it is going to be on the basis that no zoning certificate can be issued until you fully complete all of the requirements.

Mr. Feeley said they would certainly come back.

Mr. Lamanna said obviously because everything is not before us it is going to be subject to the zoning inspector's review and her decision as to whether or not whatever our approval is whether what you submitted satisfies all of the requirements because it may require you to come back and review the landscape plans for example. He asked if it is a problem for them coming back on some of the ancillary things.

Mr. Feeley said they just want to be able to proceed with submission of the plans to the county for construction at least for the building, the site work is after so he has no problem.

Mr. Lamanna said his thought is he doesn't want to try to sit here and cobble together something that is detailed enough so you won't have to come back, if your plan is you may have to come back anyway and you've got that built into it, it is just easier, we can say this is all subject to final plans being submitted to the zoning inspector and review of the landscaping plan and any other thing the zoning inspector thinks may require is not in conformance with the zoning requirements that you have to come back on that.

Mr. Gutoskey said we don't know what the lot coverage is going to be.

Mr. Feeley said a real quick estimate should be on that sheet.

Mr. Lewis asked with the proposed relocated driveway.

Mr. Feeley replied yes, we have a 48% lot coverage with the relocated driveway and added that is very rough.

Mr. Lamanna said we will go with 48% and if need be, when you come back and we revisit some of these other things, if we have got a little tweaking to do, we can address that then and hopefully there may be some other things if you can do something with this turn-around that might give you some other leeway and then depending on how the thing with the bank goes.

Mr. Gutoskey said if they have a detention pond it counts as lot coverage.

Mr. Lamanna said that might be an issue.

Mr. Feeley said under certain conditions.

Mr. Gutoskey said if you can meet what our code says as far as the slopes, it is not a problem.

Ms. Endres said she does need the sediment control storm water plan before she can issue the building permit.

Mr. Feeley said their civils are starting to work on that but that is all dependent on the wetlands so it is all which came first, but at least we will be able to get this done.

Ms. Endres said the final approval on this is the plan for the sediment control, storm water plan.

Mr. Lamanna said we will need a final lot coverage.

Mr. Gutoskey asked if the clothing bins are going to go.

Mr. Feeley said absolutely.

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

Motion BZA 2018-14 – 8459 Washington Street (Discount Drug Mart)

Mr. Lamanna moved to grant the applicant the following variances for the purposes of building an addition and modification to an existing structure, re-location of the driveway and expansion of parking primarily as shown on the revised site plan, dated April 19, 2018 and labeled as Exhibit A. The variances will be as follows:

1. With respect to an 8,736 sq. ft. addition shown in the application, the maximum lot coverage will be 48%.
2. A variance with respect to the minimum side yard parking on the west side of the property for the purposes of a truck turn-around will be 5' for a variance of 15' from the required on the rear yard of the building.
3. A variance to 43' covering both the addition and the existing building for a 17' variance from the residential district.
4. The utility drive, a variance from 60' to 35' for a variance of 25' from the 60' requirement.
5. A variance from the parking spaces requirements to be double striped to just single striping.
6. A variance with respect to off-street loading spaces from two to one.
7. With respect to these variances, they are contingent upon the final completion of the remaining submittals that are required by the zoning ordinance including the landscape plan, the soil and water plan, final detailed drawings with respect to the addition, lighting plan which will comply with Chapter 161.12.

Motion BZA 2018-14 – 8459 Washington Street (Discount Drug Mart) - Continued

8. With respect to these items the landscape plan will be subject to further review by the board after it is submitted at which time the board will also address any other issues that may arise in the submission of the final plans with respect to compliance with the requirements or any modifications that manifest themselves after that time. The board would like to try to be able to do that in one hearing.
9. The applicant will also look into the possibility of a joint connection with the bank to see whether that is feasible, whether they would be interested in that if they think it would help improve the traffic flow.

Based on the following findings of fact:

1. A practical difficulty exists given the nature of this lot.
2. The fact that we are getting substantial improvement in terms of relocation of the driveway farther west which will help improve traffic flow.
3. The applicant has added a truck turn-around area which will improve possible conflict with customers and because of these improvements it will add to the coverage that previously existed on this lot by approximately 2.6%.
4. With respect to the rear yard, the side yard setback, that part of the property is adjacent to a flag lot and it is an undeveloped part of that flag lot in the commercial district which is probably very unlikely to be able to be developed because of existing lot coverage so it is not going to adversely affect that property owner.
5. With respect to the rear yard setbacks the building is already at 43' and the small addition that they are adding will not materially affect the adjacent property owners because it is still going to be just as far away.
6. The smaller utility drive is infrequently used and it is to serve a power pole which has been previously done in the past so that area has always had access for utility maintenance purposes.
7. With respect to the off-street loading spaces there was previously only one located at this site and after examining the operations of the applicant it would appear that a single loading bay will satisfy their needs and not create any undue problems with trucks stacking up waiting to unload.

Mr. Gutoskey seconded the motion.

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

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.

Mr. Salvatore Cheraso was present to represent this application.

Mr. Cheraso testified that it is not an accessory building, it is a barn. He said his barn burned down on February 9<sup>th</sup>, he lost everything, he is boarding his horses out and he thought he would be able to just turn around and build a barn and put everything back together but he couldn't do that so he waited to come back here and see what you guys say.

Ms. Karen Endres, Zoning Inspector testified that a video was found of the fire from Fox News taken from a helicopter and showed it to the board.

Mr. Cheraso said that barn has been there since 1974 and he moved in in 1986.

Mr. Lamanna asked him if he is planning to rebuild the same size barn.

Mr. Cheraso said smaller and the board should have the plans.

Mr. Lamanna asked if any of the foundation is being reused.

Mr. Cheraso said he is starting from scratch and the barn before was 65' x 75' and he was way under insured, he never knew and his insurance company never said to raise up the coverage, they raised up the house every year but not the barn, he didn't know it so he has to make it smaller and do whatever he has to do. He said it is bad enough that he lost all of his equipment, he only had liability and no fire, he lost everything.

Mr. Lamanna asked what he is planning on doing with the barn.

Mr. Cheraso said to put his horses back in there and hay back in there.

Mr. Lewis asked if he was boarding.

Mr. Cheraso said he is boarding his horses out right now.

Mr. Lewis asked if they were other people's horses or his horses.

Mr. Cheraso said it is enough work to do two horses by yourself.

Mr. Lewis asked if he is building stalls himself because he didn't see them depicted on the plans.

Mr. Cheraso said yes because he is trying to save money.

Mr. Lewis asked where the stalls are going to be.

Mr. Cheraso said on the back wall.

Mr. Lewis asked if he has two horses.

Mr. Cheraso said yes and he keeps 40 – 1,000 lb. round bales and about 300 square bales to take care of them because he doesn't have enough pasture and his horses eat 24/7 so he makes sure they have enough to eat all of the time.

Mr. Murphy referred to the double garage doors and asked if this is the view from the road.

Mr. Cheraso said that door to the left hopefully will be everything to put hay in, if not, they will go through the other door.

Mr. Murphy said you have a 16' x 14' door and asked if he has an RV or something.

Mr. Cheraso said he had one but lost it and he just bought a horse trailer with living quarters and he will be able to put that in the barn.

Mr. Lamanna asked if he was planning on bringing it parallel to the side line, you have it 10' off the side property line.

Mr. Cheraso said it was only a couple of feet and he is bringing it 10' over.

Mr. Lamanna asked if it was closer than that before.

Mr. Cheraso said yes, it is right on the property line, about 2'.

Mr. Lamanna asked if the front is going to be in the same place as the old one was.

Mr. Cheraso said pretty much yes, he may move it up a little bit but pretty much the way he has it drawn, that is the way it is going to be. He said he hopes the drawings are right, he got the builder to draw the plans.

Mr. Lamanna asked if he has some idea of where the property line is, has it been surveyed recently.

Mr. Cheraso said the guy in the back just built a house back there in the last couple of years so there are stakes in the ground on both sides and then all the way in the front so he measured from the property line over 10'.

Mr. Lamanna asked so no other planned use of this other than storing horses.

Mr. Cheraso said that is it.

Mr. Lamanna said no businesses, no car repairs or anything.

Mr. Cheraso said he is 73, in five years he figures he is done.

Mr. Lamanna said one thing about these barns is everybody has to understand, they are for storage and boarding horses.

Mr. Cheraso said two horses.

Mr. Lamanna said no business operations unless you get a home occupation and you have to meet the standards for that but we want it clearly understood that no business is to be carried on in here.

Mr. Cheraso said he is on Social Security.

Mr. Lamanna said we say that so people understand what we expect when this is done. He asked if there are any other questions.

Mr. Cheraso said he is lucky he is able to do what he is doing.

Mr. Lamanna said not as a critique, it is a very straight forward barn, there is nothing elaborate. He said some people are tempted to rent out a room and put a bathroom in.

Mr. Cheraso said there are no rooms in this barn.

Mr. Lewis asked Ms. Endres if she is looking for anything else with this application, he was reading some of her notes, were you looking for a floorplan.

Ms. Endres said she was originally looking for a floorplan showing the stalls, she talked to the contractor about that and it was never dropped off.

Mr. Cheraso said he isn't building the stalls because he couldn't afford the extra money so hopefully down the road he is going to build them.

Ms. Endres said so the horses are just going to go loose on the inside.

Mr. Cheraso said when it is nice they are going to be outside, he has a lean-to where they can go in and out and when he can afford the extra wood he is going to put two stalls in.

Ms. Endres said her understanding is it is a dirt floor so she didn't require a sediment control plan so being a dirt floor that is better for the horses is what she understands.

Mr. Cheraso said he is going to, down the road, get rubber mats and throw some sawdust on top of that.

Ms. Endres said based on some of the reports she read, it sounds like there was a truck in there, the truck caught on fire in the barn so we need to be sure that if it is going to be a barn it is not going to be used for commercial.

Mr. Cheraso said he found out that that report was wrong because they said the truck caught on fire but when he had the truck towed out of there he had just filled up the tank with gas and the gas never burned, the fire was from something else, it had nothing to do with that truck.

Mr. Lewis said he thinks that we can remedy that by just saying there is no vehicle storage in this barn, it is for horses and their food and bedding supplies, it is not for business and not for vehicle storage and we avoid the whole problem reoccurring and just shut down any risk of another fire. He said he doesn't have any questions on the structure or the setback or its location, his were all based on use.

Mr. Lamanna asked what the lot coverage is.

Ms. Endres said the applicant came up with 12.76% but when she factored in the house, she used the auditor's cards.

Mr. Gutoskey asked if these are all gravel areas behind here or driveways.

Mr. Lamanna said it looks like it.

Ms. Endres said she factored in the house and it looks like a lot of vehicles being stored here on a parking pad.

Mr. Gutoskey said that is where you are getting the 20%.

Ms. Endres said that is the difference.

Mr. Gutoskey asked Mr. Cheraso if he still has all of these vehicles here.

Mr. Cheraso said gone.

Mr. Lamanna asked if this is a gravel area where they were parked.

Mr. Cheraso said yes.

Mr. Lamanna said so it is technically a driveway type area.

Ms. Endres said yes.

Mr. Lamanna said we will just treat it as lot coverage.

Mr. Cheraso said he had his horse trailer there and he had two trucks parked over there.

Ms. Endres said she came up with 8,000 sq. ft. of the drive and parking area which that is a lot and she used a measuring tool, she didn't go out there with a yardstick but she used the measuring tool from ReaLink.

Mr. Lamanna said what we would like you to do is try to reduce some of that gravel area over time, there is a lot of driveway etc. that you are really not going to need with this barn so if you can churn it up a little bit and try to take it back to natural and get it away from looking like a driveway.

Ms. Endres said she used ReaLink to come up with the 8,000 sq. ft.

Mr. Lamanna said we would like you to when you go to do the construction, over time take some of that gravel area back to the vegetation.

Mr. Cheraso said he has some asphalt chippings over there because he won't have mud.

Mr. Lamanna said to try to get rid of some of that parking lot in the back and get it back to vegetation.

Mr. Cheraso said okay.

Mr. Lamanna said you are getting a small barn anyway and you won't be having all of these vehicles it would be a good chance to just get rid of this thing and we will put the variance at 20% so you have got to get within that at least, you are over it now, but we do want you to try to reduce that area where you can. He said the board will go forward in your good faith commitment to do that.

Mr. Murphy asked if there is anyone else here for this application.

Mr. Julius Ferencie of 18770 Geauga Lake Road, neighbor to the south, testified that he is just the neighbor and Mr. Cheraso is a good neighbor, he just wants him to get this done so he can get his backyard straightened up.

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



Motion BZA 2018-15 – 18750 Geauga Lake Road

Mr. Lamanna moved to grant the applicant the following variances for the purpose of constructing a proposed accessory building 60' x 54' as shown in the plans submitted by the applicant.

1. A variance from maximum lot coverage from 10% to 20%.
2. A variance from the minimum required side yard on the north side from 50' to 10'.
3. A variance from the maximum accessory building height from 15' to 25' 11".
4. A variance from the maximum accessory building size from 300 sq. ft. to 3,240 sq. ft., both of those for non-conforming lots of record.

Based on the following findings of fact:

1. This building is actually smaller than the previous building that was destroyed by fire so there should actually be some reduction in the existing lot coverage.
2. In addition the applicant has agreed to make efforts to reduce the amount of semi-paved area since less will be needed with the small barn.
3. With respect to the side yard, this building is going in a little farther from the side property line than the previously existing building so it will actually have an improvement and given this location it should not adversely affect the adjacent property owner.
4. The restrictions on the building size are conducive to the non-conforming size of the lot.
5. This lot is 1.668 acres so this size building is not unreasonable and actually it represents a reduction from the previously existing barn on the property.
6. The height for the size of the barn is a reasonable height and has a low pitched roof so it is not unnecessarily high nor is it inconsistent with the character of the neighborhood.
7. The board does note that the barn is going to have an unpaved floor and it is going to be used primarily for horses but it is not going to be used for vehicle storage nor will it be used for any business use unless that business use is as permitted under a duly issued home occupancy certificate in conformance with the Bainbridge Township Zoning Regulations.

Mr. DeWater seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 11:02 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: May 17, 2018

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio  
Board of Zoning Appeals  
April 19, 2018

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 11:02 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. Ms. Karen Endres, Zoning Inspector was present.

MINUTES

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

Mr. DeWater seconded the motion.

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

APPLICATIONS FOR NEXT MONTH

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

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 - Continuance

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 2018-16 by Valley Presbyterian Church for property at 17560 Chillicothe Road

The applicant is requesting a review and renewal of an existing conditional use permit for the purpose of conducting worship, a preschool and adding a resale store. The property is located in a R-3A District.

Application 2018-17 by Randy Eging for property at 17457 Traymore Drive

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

Application 2018-18 by Riser Foods Company for GetGo Partners South for property at 17675 Chillicothe Road

The applicant is requesting a review and renewal of an existing conditional use permit for the purpose of an existing GetGo fuel station and convenience store. The property is located in a CB District.

Application 2018-19 by David Olson for property at 17142 Eastview Drive

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

Application 2018-20 by Birmingham Associates for the Tanglewood Lake Association for property at 8745 Tanglewood Trail

The applicant is requesting a review and renewal of an existing conditional use permit for the purpose of a public golf course, clubhouse/banquet center and ground sign. The property is located in a R-3A District.

Application 2018-21 by Matthew A. Boehnlein for property at 8325 Tulip Lane

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

Application 2018-22 by Matthew & Rachel Cerminara for property at 17365 Woodacre Trail

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 2018-23 by Rick Siegfried, RSA Architects for CGII Developers LLC – Attn: Craig Gemmill for property at 9191 Bainbridge Road

The applicant is requesting area variance(s) for the purpose of constructing an addition. 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 May 17, 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 11:36 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: May 17, 2018