

Bainbridge Township, Ohio  
Board of Zoning Appeals  
May 15, 2014

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:01 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater, Alternate; Mr. Joseph Gutoskey; Mr. Mark Murphy and Mr. Mark Olivier. Mr. Todd Lewis was absent. Ms. Karen Endres, Zoning Inspector was present.

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

Application 2012-10 by R. Blake Frederick for property at 8535 Tanglewood Square, Unit T-8 Rear - Continuance

The applicant was requesting a use variance for the purpose of establishing an indoor shooting range and retail sporting goods facility. The property is located in a CB District. *(The Board of Zoning Appeals will dispose of a stale application).*

Mr. Lamanna stated that this application has been continued for quite some time now.

Motion BZA 2012-10 – 8535 Tanglewood Square, Unit T-8 Rear

Mr. Lamanna made a motion to dismiss this application with prejudice for want of further prosecution of the application.

Mr. Olivier seconded the motion.

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

Application 2014-4 by Joel Frezel for Tanglewood Country Club for property at 8745 Tanglewood Trail (Rt. 306 across from Lucerne Drive) - Continuance

The applicant is requesting a conditional use permit with variance(s) for the purpose of installing a sign on the golf course property at Rt. 306 across from Lucerne Drive. The property is located in a R-3A District.

Mr. Lamanna noted that this is a continuance of this hearing and asked if anyone is here for this application.

Ms. Endres, Zoning Inspector testified that she has no further information.

Motion BZA 2014-4 – 8745 Tanglewood Trail (Rt. 306 across from Lucerne Drive)

Mr. Lamanna made a motion to continue this application to the next regularly scheduled meeting to be held June 19, 2014.

Mr. Olivier seconded the motion.

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

Application 2014-12 by Carl (Ed) Speck for property at 8440 Lakeshore 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. Carl Speck was present to represent this application.

Mr. Speck testified that his plan is to build an 8' x 12' and 9-1/2' tall storage shed to store things in his garage he no longer has room for. He said it is pre-fabricated with no windows and it will be delivered and set up, it is a small shed 10' off of his back property line and 20' off the west property line.

Mr. Lamanna asked if there will be a foundation such as a slab or will it just be put on the ground.

Mr. Speck said it will be what it will ride on.

Mr. Olivier asked if Lake Lucerne approved this.

Mr. Speck said the ARB has approved it yes.

Ms. Karen Endres, Zoning Inspector asked if it is 8' x 10' or 8' x 12' now.

Mr. Speck said it is 8' x 10'.

Ms. Endres said okay but it is 8' x 12' on some of these documents.

The board viewed the GIS aerial photograph.

Mr. Speck said the red property line is incorrect, the shed you see there is on the Weemhoff's property. He said they are proposing to be in from that.

Mr. Murphy said you are abutting his shed.

The board discussed the neighbor's shed.

Mr. Speck said the shed belongs to Dean Weemhoff, the house to the right.

Mr. Lamanna asked if the shed is on the back property line.

Mr. Speck replied yes, it is about 3-1/2' off the property line.

Mr. Lamanna said it has to have been there before there was zoning because he doesn't think that would have been approved.

Mr. Speck explained the proposed location of his shed.

Mr. DeWater asked what the reason is for the shed to be 10' off the back line.

Mr. Speck said that is Lake Lucerne's ARB requirement and added that it will be 20' off the property line on the west.

Mr. Murphy said if you are standing in front of the house on the road, the township tries to ask you to put your sheds within the distance of your house, so if it is 30' off of the side line, which you are not, they would ask you to come in further, which they started about 10 years ago, to ask people to tuck their sheds behind the footprint of their house.

Mr. Speck said he has spoken to the neighbor on the west side and he had no issue with it, there are trees and he won't be able to see the shed from his house.

Mr. Murphy asked Mr. Speck if any of his neighbors are here.

Mr. Speck replied no.

Mr. Gutoskey asked if the side yard of the house is 10'.

Mr. Lamanna said it is about 27'.

Mr. Gutoskey said it will be behind the house, it is just that the problem is the lot is oriented with the road.

The board discussed the setbacks for this property.

Mr. Lamanna said it will increase the lot coverage.

Mr. Gutoskey said apparently the last time it was calculated, they used a one-half acre lot.

Ms. Endres stated that they used .55 for the lot size and she thinks they used the Access Geauga measurement tool but based on the survey the lot is really .49 acres so the variance for the house is a little off because of faulty information.

Mr. Lamanna asked if now it will be up to 31.1%.

Ms. Endres said that is right but the additional 80 sq. ft. is negligible. She added that it was just one of those housekeeping things she wanted to put in here to reconcile the lot coverage until she can figure out what happened.

Mr. Lamanna said the board will just adjust it.

Mr. Murphy said since it has been brought up can we consider what the deck lot coverage is on the back of the house, is the deck part of the square footage.

Mr. Speck said the deck was added and processed when Mr. Shane Wrench was the zoning inspector.

Mr. Gutoskey said that Ms. Endres included it in.

Mr. Lamanna said it is in the calculation.

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

#### Motion BZA 2014-12 – 8440 Lakeshore Drive

Mr. Lamanna made a motion to grant the applicant the following variances for the purposes of constructing an 8' x 10' shed on his property as described in the application.

*Secretary's note: The aforementioned motion granting a variance for an 8' x 10' shed was amended by the Board of Zoning Appeals on June 19, 2014 to 8' x 12', as requested by the applicant, on the basis that it is a de minimis change and it does not change the board's decision in any way. The applicant originally requested an 8' x 10' shed in error. (See motion in June 19, 2014 minutes.)*

1. A variance from the rear yard setback from 90' to 10' for a variance of 80'.  
(The board notes that the side yard setback is greater than the 20' required in the district.)
2. A variance to the 31.1% lot coverage. The actual additional lot coverage is only 80 sq. ft. which is negligible, however due to some miscalculations on some prior applications that were processed the prior lot coverage was incorrectly calculated. The actual acreage of the property is .498 acres and with this addition the total lot coverage will be 31.1% and the board will grant a variance to that total amount.

Motion BZA 2014-12 – 8440 Lakeshore Drive - Continued

Based on the following findings of fact:

1. A practical difficulty exists because this is a pre-existing lot of record.
2. The lot coverage and setbacks are consistent with those in the neighborhood and would not cause any adverse impact on the neighboring properties.

Mr. Olivier seconded the motion.

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

Application 2014-13 by Richard and Tracy Wodarczyk for property at 7799 S. Riverside Drive

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

Mr. and Mrs. Richard Wodarczyk were present to represent this application.

Mr. Wodarczyk testified that they plan on building a three bedroom, 2,600 sq. ft. home, the builder is Dutch Heritage and asked if the board has a drawing of the home.

Mr. Murphy said the board does have a drawing.

Mr. Wodarczyk said it sits in a neighborhood that has been developed approximately 27 – 30 years ago, it is one of the last lots left in that neighborhood. He said they are seeking a variance of 25% to his right side due to a riparian setback of 25' which is a dry creek and what he means by a dry creek is it has water in it on days like today but weeds grow in it so it is basically what he would call a dry creek. He said all of the other setbacks are in line and he has reviewed some homes in the other area that have much more of a right side or left side variance, some within a couple of feet and to the left of him it is probably about 5' off the property line. He said he thinks these houses were built back when you didn't have lasers and that kind of thing and there are a lot of different variables in that neighborhood.

The board discussed the riparian and the county line.

Mr. Wodarczyk said there is a parking lot behind his lot which is Sea World.

Mr. Olivier asked if there is a railroad track.

Mr. Wodarczyk said there is a railroad track there and a pipeline.

Mr. Olivier said what you are saying is you can't bring the house to the left because you would be encroaching on the riparian.

Mr. Wodarczyk said the riparian is to the left.

Mr. DeWater asked about the pond location.

Mr. Wodarczyk said the retention pond is for the water.

Mr. Murphy asked if they are planning to put a pond in.

Mr. Wodarczyk said there is a pond there.

Mr. Murphy asked if the pond is in the riparian.

Mr. Wodarczyk said no.

Ms. Karen Endres, Zoning Inspector testified by referring to the site plan and said the pond is here.

Mr. Gutoskey said it is the last drawing in the building plan set, there is a survey in there.

The board discussed the size of the lot.

Mr. Wodarczyk said the house has to sit on an angle because the street is curved so they had it set on an angle adjacent with his neighbor's house and the setback is correct, their houses are in line on that street curve.

Mr. Gutoskey said it looks like one tip of the garage is sitting on the setback line and the house is more or less parallel with the property lines.

Mr. Wodarczyk said it curves off to the left.

The board discussed the setbacks.

Mr. Lamanna said the only issue is the setback.

Mr. Murphy said on the northwest property line.

Mr. Lamanna said he has 50' on the other side.

Mr. Murphy asked if neighbors are here.

Mr. Anthony Schumann replied yes.

Mr. Lamanna asked if he has any issues or questions.

Mr. Anthony Schumann of 7791 S. Riverside Drive testified that when he got the notice about the hearing request they did some investigating before the meeting and learned about some possible issues. He said the watershed flows from his property over to his and towards that creek, he doesn't see any issues with the stream in the back going across, it is good because the lot is clear now they will start digging a basement and building a house. He said he wants to make sure we address or think about once the house is there that somehow that water can move to the front where the ditch runs around. He said the property in the back is surrounded by railroad tracks that are raised up so there is literally a moat back there that goes out to Brewster, down Brewster and back down S. Riverside and ultimately it must tie into the culvert that goes underneath the street in front of their property so he has to move the house a little bit towards me, he doesn't see a really big issue with that, he just wants to make sure that we talk about some landscaping plans with some mature vegetation and to make sure the water doesn't sit between their two houses.

Mr. Loren Margolis, Attorney for Mr. Schumann testified that he is here to help Mr. Schumann because he has dealt with variances on residential properties before and the big concern is two-fold and that is the swale issue to make sure that he doesn't have water run-off problems, his property is higher than their property. He said he did talk to Ms. Colleen Sharp of Geauga Soil & Water Conservation District and added that this property for a long time may have been unbuildable, it has challenges so everybody here is to make sure the challenges work. He said when you push something one way it can create problems the other way and we are here today just to make sure that if they are pushing it one way then it is dealt with the correct way and we don't have water issues for either party. He said she said it is important for the swale to capture the water run-off in-between the two properties to make sure it ties into the front property and it also will not be inappropriate whatsoever to request that a mature buffer in-between the properties would be appropriate. He said Juniper trees were recommended by certain landscape people and an architectural plan, at some point, be submitted for approval.

Mr. Schumann stated that he had a question about the driveway and noted the service drive and asked if that is where the existing drive will be or will it be slightly over to the right of that.

Mr. Wodarczyk said he believes the law on the books is that he can bring his driveway up to 2' off the property line and all the way up the property line. He said the driveway is going to be curved and it has a curve because of the riparian setback, they have to keep the driveway 25' off the riparian setback leading up to the two-car garage which is a front-load, not side-load.

Mr. Schumann asked if the driveway will be concrete.

Mr. Wodarczyk said it is a concrete drive. He said when they come in and build the home, they will put in a temporary driveway the rest of the way up to the garage and that is where the vehicles are to park, not off in the dirt or on the neighbor's yard, all vehicles are instructed to keep on the rocks, there will be a port-a-potty there so there will be no one using the backyard and there will be eventually landscaping put in and it is obvious that there needs to be a swale on the right-hand side of the home and eventually when they get to the final grade of the property he is working with Auburn-Bainbridge Excavating which is Mr. Lou Tomsic and he is doing a mound septic so there is a drain that has to go in front of the septic and there is going to be a couple of other landscaping drains put in to make sure the property stays dry.

Mr. Schumann asked where the location of the well is.

Mr. Wodarczyk said the well is in front of the house.

Mr. Murphy said your (Mr. Schumann) property is higher than his so without a swale your water probably runs across his driveway so whether he puts a swale in or not it is not going to bother you much.

Mr. Schumann said it would be beneficial for his property.

Mr. Murphy said you are saying that water in the backyard could actually back up to the railroad and go across yours.

Mr. Schumann said there is a moat around the whole neighborhood and it runs along the railroad track behind all of the properties.

Mr. Wodarczyk explained that the drainage ditch starts at Brewster and the drainage ditch in the front of the house connects with a county drain on his property.

Mr. Murphy said and goes across the street.

Mr. Wodarczyk said correct.

Mr. Schumann explained that the drainage runs behind their property right to the culvert so there is a lot of water in that system and he is assuming that the water from that area is all going down to the river that is lower so the properties are about the same. He referred to the GIS aerial photo.

Mr. Wodarczyk said his septic runs off onto his property and when clearing the property he has already created a swale.

Mr. Murphy said it will take it right to the ditch in front of the house.



Mr. Murphy said if we were to have 50' on each side of the house, the house would have to be reduced from 60' to 45' so it is a narrow 160' x 300' deep lot and he can appreciate you (Mr. Schumann) asking for mature plants, he is building a brand new house and he has all of the expenses in it and he is not seeing any desire to demand mature plantings out of this, he is understanding the senses involved in the first build, he is guessing that should the two of you want to have mature plants, you plant them now and in seven to ten years from now we will come back and look at them. He said he doesn't mean to be disrespectful in any way but to demand mature plantings at this point in time for this it seems it is a little bit much.

Mr. Lamanna said he totally agrees.

Mr. Margolis said his question would be, the value of the lot it was bought at, it was expected that there would be some work that has to be done to get it to accommodate the home.

Mr. Lamanna said what he paid for the lot is not relevant.

Mr. Wodarczyk said there will be some pretty nice size Pine trees as a buffer eventually put in and he is investing his whole life there.

Mr. Margolis said they are not asking for Holden Arboretum to be next door.

Mr. Lamanna said the problem is under the circumstances given that there is still 37 plus feet plus the other side, it is just not a case we would normally require any specific planting program. He said from the swale standpoint the one thing he thinks the board does want to address is that when the swale is designed, the board wants it designed so that it moves the water away no less effectively than it is moving away now so there is not a whole lot of slope on this property so it was moving it away at a certain speed before and the board expects that enough grade is maintained on that swale to the front so that it would continue to move away at the same rate that it previously moved away so we don't end up with a pond between the two properties, an unplanned pond.

Mr. Gutoskey said it shouldn't be an issue because the culvert under the road is 4' lower than the homes so there is plenty of fall.

Mr. Murphy said the riparian actually crosses under the road right-of-way in front of your house.

Mr. Gutoskey said there is a 24" culvert.

Mr. Lamanna said there is plenty of fall, you just have to make sure that it is done properly and if it is not done properly you will have to come back and fix it so that will assure that the fact we are moving over closer is not going to create a drainage problem.

Mr. Gutoskey asked Mr. Schumann if he knows how far his house is off the property line.

Mr. Schumann said he did not build it.

Mr. Gutoskey said it looks like about the same.

Ms. Endres said it is 35'.

Mr. Wodarczyk thanked the board.

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

Motion BZA 2014-13 – 7799 S. Riverside Drive

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

1. A variance on the northwest side yard setback from 50' to 37.5'.

With the following condition:

1. The applicant will design a swaling or other drainage system so that run-off from the adjacent property on that side will continue to move away from the adjacent property for an ultimate drainage area as effectively as it has previously moved off so it will not end up with any new ponding along the property line or on the adjacent property.

Based on the following findings of fact:

1. A practical difficulty exists because this lot is less than 150' wide therefore it is difficult to build any normally proportionate house without having some relief from side yard setbacks on one side or another.
2. In this case because of a riparian right-of-way at the front of the property the house needs to be shifted more to one side than the other.
3. The 37.5' setback is not inconsistent with other setbacks in the neighborhood.
4. With the condition that has been applied it will not adversely affect the neighboring properties and therefore it is necessary to have that condition to avoid undue impact on the adjacent property.

Mr. Olivier seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 7:45 P.M.

Respectfully submitted,

Ted DeWater, Alternate  
Joseph Gutoskey  
Michael Lamanna, Chairman  
Mark Murphy  
Mark Olivier

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

Date: June 19, 2014

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio  
Board of Zoning Appeals  
May 15, 2014

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 7:45 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater, Alternate; Mr. Joseph Gutoskey; Mr. Mark Murphy and Mr. Mark Olivier. Mr. Todd Lewis was absent. Ms. Karen Endres, Zoning Inspector was present.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the April 17, 2014 meeting as written.

Mr. Olivier seconded the motion.

Vote: Mr. DeWater, abstain; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Murphy, aye; Mr. Olivier, aye.

Applications for June 19, 2014

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for June 19, 2014 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.

Application 2014-4 by Joel Frezel for Tanglewood Country Club for property at 8745 Tanglewood Trail (Rt. 306 across from Lucerne Drive) – Continuance

The applicant is requesting a conditional use permit with variance(s) for the purpose of installing a sign on the golf course property at Rt. 306 across from Lucerne Drive. The property is located in a R-3A District.

Application 2014-12 by Carl (Ed) Speck for property at 8440 Lakeshore Drive - Continuance

The applicant is requesting area variance(s) for the purpose of constructing a shed. The property is located in a R-3A District. *(The applicant is requesting an amendment to the minutes to reflect an 8' x 12' shed instead of an 8' x 10 shed that was originally requested.)*

Application 2014-14 by Timothy Alder for property at 18849 Riverview Drive

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

Application 2014-15 by Robert Riffle for property at 17833 Haskins Road

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

Application 2014-16 by Alex Hillis for Lord of Life Church for property at 17989 Chillicothe Road

The applicant is requesting an expansion and a renewal of a conditional use permit for the purpose of adding an 8' x 12' clothing drop off shed. The property is located in a R-3A District.

Application 2014-17 by Drees Homes for M. Drue Lehmann for property at PP# 02-419830 Snyder Road

The applicant is requesting area variance(s) for the purpose of constructing a new single family dwelling. The property is located in a R-5A District.

Application 2014-18 by Per Larsson for property a 17823 Lost Trail

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

Application 2014-19 by Jessica Loconti for property at 7561 Mystic Ridge

The applicant is requesting area variance(s) for the purpose of constructing an in-ground swimming pool with fence. The property is located in a R-5A District.

Since there was no further business, the meeting was adjourned at 8:12 P.M.

Respectfully submitted,

Ted DeWater, Alternate  
Joseph Gutoskey  
Michael Lamanna, Chairman  
Mark Murphy  
Mark Olivier

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

Date: June 19, 2014