

Bainbridge Township, Ohio
Board of Zoning Appeals
June 18, 2015

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:00 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey and Mr. Mark Murphy. 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.

Application 2015-14 by Joseph A. Bennett for property at 18762 Highpoint Road -
Continuance

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

Mr. Joseph Bennett was present to represent this application.

Mr. Bennett testified that his property is 150' wide and his house is 100' and he knows that he has 50' on both sides which is what he has to have off of the property line but the problem is on this side, (he referred to the aerial photo), he has his septic and back here the way his land falls it is tiered in his backyard so it falls dramatically in the back. He said he has one flat spot piece of land and it is right there and what he is requesting is, this part of the house is an enclosed patio and that is 15' x 15' and he would like to build a shed that is 16' x 16' which would be basically the same size so one corner would be in line with his property and the other corner would be set back a couple of feet and angled on the property but his back piece of the shed would end up 20' off of the property line on the right corner and the left corner will 21' off the property line which is in his plans and 28' from that corner to the property line and the front corners will be in line with the house and you can see how the property falls and there is really not a whole lot of flat areas and he doesn't want to put it back in the woods and he would have to take down trees and he does not want to do that either. He said he has only one spot that is flat and he would make it look exactly like the enclosed patio, it would almost match the patio.

Mr. Lamanna asked Mr. Bennett if he is trying to align it with the slope of the grade, is that why it is turned.

Mr. Bennett said right, it is flat and it is on an angle.

Mr. Lamanna asked how far the septic field comes across.

Mr. Bennett said his septic is right here, (he referred to the aerial photo) there are two tanks in the ground and it is pumped up to sand filters in the front and the well is right there.

Mr. Murphy said and you said it is a 150' wide lot and you have a 100' wide house so you only have 25' on either side of the house.

Mr. Bennett said it is 50' from here to here.

Ms. Karen Endres, Zoning Inspector testified that the house is 50'.

Mr. Lamanna asked what is preventing this shed from being farther in and closer to the backyard.

Mr. Bennett showed the board via the aerial photo that the area all tiers down in steps and he would have to excavate the property to get it level and it is all stone.

Mr. Lamanna said he is looking at the topo line if you advance south along the topo line a little way so what is preventing you from advancing right along that topo line to the east slightly.

Mr. Bennett said when they built the house they brought in dirt and tiered it so it wasn't a continuous slope to the backyard, it was tiered down, a gentle slope down, to walk down.

Mr. Lamanna asked if it is tiered straight across the yard.

Mr. Bennett replied yes it is tiered right across the yard.

Mr. Lamanna asked all the way pretty much.

Ms. Endres said the side view can be shown on the Pictometry.

Mr. Lamanna asked what is preventing this from being moved farther in off of the lot line. He said if the lot slopes down and the tiering runs straight across the lot there is nothing stopping it from being moved closer to the house.

Mr. Bennett said it is tiered from the house and he just happens to have one flat spot there.

Mr. Lamanna said then the tiers are right behind the house.

Mr. Bennett said it goes all the way from edge to edge of the house.

Mr. Lamanna said and the rest of it slopes naturally and then behind the house it slopes down.

Mr. Bennett replied yes.

Mr. Gutoskey said it shows it when you look at the contours. He asked if the topo is from 2002 and when the house was built.

Mr. Bennett said it was built in 2000 and explained the property via the aerial photo.

Mr. Gutoskey asked what the round thing is in the woods.

Mr. Bennett said it is a trampoline.

Mr. Gutoskey said it looks like there is a good stand of trees in the front blocking it from the street.

Mr. Bennett explained the topography and the open area for the proposed shed.

Mr. Lamanna said the shed is 16' x 16' and asked what the maximum height is.

Mr. Bennett said it is an 8' wall and 10' high with a 6' pitch to the top and the siding will match the house with the same shingled roof. He said it will have two plexi-glass windows on the top.

Mr. Lamanna asked which way the doors are going to face, are they going to face forward.

Mr. Bennett said they will be angled slightly so they will be facing towards the house and not toward the street.

Mr. Murphy said from the street you will see more of the shingled roof.

Mr. Lamanna said based on the topography, he does not think it is going to cause a problem with the neighbors there.

Mr. Murphy asked about the size of the lot.

Mr. Bennett said it is 1.97 acres.

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

Motion BZA 2015-14 – 18762 Highpoint Road

Mr. Lamanna made a motion to grant the applicant the following variances for the purpose of constructing a 16' x 16' shed as shown in the submitted application.

1. A variance for the shed location to be 21' from the north side lot line on one corner to 28' on the next adjacent corner to that side.
2. A variance from the maximum lot coverage of 10% to 10.5% for a variance of .5%.

Based on the following findings of fact:

1. A practical difficulty exists because the slope of the lot from front and back is fairly severe.
2. The backyard is also tiered in a way as to not create any flat spots for the purposes of constructing the shed.
3. This location is the most reasonably available flat area.
4. Due to the small size of the shed the fact that it will sit down at a lower elevation and its distance from the adjacent property which has a driveway and garage on that side this will not adversely affect the neighboring properties nor will it be inconsistent with the character of the neighborhood or other structures of similar kind in the neighborhood.

Mr. Murphy seconded the motion.

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

Application 2015-15 by Edward G. Pierson III for property at 7049 Cedar 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. Edward Pierson was present to represent this application.

Mr. Pierson testified that he is known as Ward Pierson and he is the sole resident at 7049 Cedar Street. He said he put together a separate Power Point presentation that will explain what is going on. He referred to the Power Point presentation and said this is his house the way it looks today and the kitchen addition he wants to do will not change this at all other than the fact the only work he has scheduled on the house right now is the house will get repainted the second week of September so he is looking to have all of this done and out of the way before that and also the roof on the house is at its expiration point so when they join the new part on, he will have the whole house re-roofed so from the street it won't change.

Mr. Pierson continued by showing a view from the back, it is a little dark on the left side which is actually where the current kitchen bump out is, they have a bump out on there that is about 10' wide and 4' deep and it is on piers instead of on a foundation and the piers have sunk a little bit into the ground so he does not have a perfectly level kitchen floor to deal with right now. He said this next slide shows the slide that is pretty much most in conflict, his neighbor's house, on the side there, her house is a mere 20' away and that is the closest one that is an issue and when he gets finished building what he is building he will not be any closer to her house but that wall will extend out 4' farther than it already does right now. He said this shows the actual 4' of bump out right now and this is the whole back wall of the house.

Mr. Lamanna asked about the bump out.

Mr. Pierson said right now it is 4' x 10' and it will become 8' x 13' so if you do the math there he is adding 64 sq. ft. which is two 4' x 8' sheets of plywood basically. He said what he did was this last weekend he laid board down on the deck and that is the footprint of what he is trying to do and actually looks like so that is how much farther it will come out and in all realty the footprint of the house doesn't change, the deck gets a little smaller so right now the current bump out that is on the house has just a regular slant roof and he has lost an inch or two of ceiling height because of that for the framing so when he goes to the new addition he will have a gabled roof with a regular peak and that peak will still be lower than the peak of the house. He said what you see from the outside is what is going to affect his neighbors and the like. He said he took the layout of the inside and added that this house was built in 1927 or so and back then the people that prepared the meals and did it in the kitchen and brought the meal out and we now live in a thing where the kitchen is more of a social center when your guests come over so what he is looking to do is change things. He said his refrigerator sticks out about a foot and a half from the cabinet that it is in because when this house was originally built back in 1927 they didn't even make plans for a refrigerator back then so the original bump out was so they could have a back door that was easier to get to the garage because in all reality the garage is on the wrong side of this house so the current back door makes it easier to get to the garage and it also leaves room for such amenities which weren't around in 1927 such as a dishwasher and refrigerator so what he has done is he has moved the refrigerator over here (he referred to the power point presentation) and this wall right here will come down and open up and this will be a counter space right here. He said he will at long last have a closet in his kitchen so he can put a broom and mop etc. in there and he will gain about 6' of counter space in the process so that is the reason why he wanted to do that and to have a kitchen and he has lived in the house for about 12 years now so this has revolved in time but this is the least amount of addition onto the kitchen and he realizes everything he wants to be able to do in the kitchen so that is what he is trying to do and he is happy to answer any of the board's questions. He said he has talked to both of his neighbors on the east and west side of him and they are both fine with it, one of them is out of town right now and the other one did not feel it was necessary to come today.

Mr. Pierson continued by saying the people in the back, he doesn't know if they can tell the difference between 96' and 100' so he is not sure it is really an issue. He said on the site diagram the red represents what is existing in the bump out and the yellow is what he wants to add on.

Mr. Lamanna said he thinks it is very clear that with the addition, this house is still well below the average development density in this area so in terms of pretty much everything else in the area, it is not even being widened, the width of the structure.

Mr. Pierson said no.

Mr. Lamanna said you have quite a substantial distance to the back compared to a lot of people so certainly this, as reconstructed, he doesn't think this house is anywhere unreasonable in size and it may still be the smallest house in the area.

Mr. Pierson said and his neighbor made a significant addition onto his house recently and basically everything that shoots back into the backyard was added on in the last 10 years or so.

Mr. Lamanna asked if there are any other issues.

Mr. Murphy asked if this is about half-way down on Cedar Street.

Mr. Pierson replied yes.

Mr. Murphy asked if the creek is still in his backyard.

Mr. Pierson said it goes across at the roller rink. He said his neighbor's is pretty much where it starts and he doesn't have anyone who lives across from him, the backyard of the people on South Street are his neighbors across the street and he believes he is about 100 yards from the county line. He said his understanding is the county line goes straight up South Street.

Ms. Karen Endres, Zoning Inspector testified that the north side of South Street is Chagrin Falls and the south side of South Street is Bainbridge.

Mr. Murphy said so you are across the street from the creek.

Mr. Pierson replied yes. He said S. Franklin is on the left and Main Street would be all the way on the other end and he is what they call the woods, Cedar, Oak and Pine.

Mr. Lamanna said there are tighter distances from the side lot lines than this in that area.

Mr. Pierson said he is not increasing the size of his furnace and it is all exterior walls so he is going to insulate the heck out of it and put an insulated space underneath it and for some storage but also so the cold air can't come up underneath and cool it down in the winter.

Mr. Murphy asked if he had a basement now and if he was adding onto the basement.

Mr. Pierson said the beauty of how he sized it, one of his windows will become an access door into the space underneath the new addition.

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

Motion BZA 2015-15 – 7049 Cedar Street

Mr. Lamanna made a motion to grant the applicant the following variances for the purposes of constructing an addition to the rear of his house for the purposes of enlarging his kitchen as shown on the drawings submitted with the application.

1. A variance for the proposed side lot line of 13' versus the prior permitted 20'.
2. A variance for the increase in lot coverage to 31% from the prior permitted 20%.
3. All of the other setbacks remain the same except for the rear which is in compliance with the 50' prior requirement so it requires no variance.

Based on the following findings of fact:

1. A practical difficulty exists because this is a pre-existing lot of record.
2. It is only a quarter acre lot and the prior zoning was one acre.
3. The existing house is only 13' from the side setback line.
4. This is an extension to the rear only so it does not increase the encroachment to the side setback.
5. It is only about approximately a 4' further extension back so it would have no effect on the adjacent property owners.
6. With respect to the lot coverage, because this is such a small lot, this is a reasonable lot coverage because the overall house after the expansion is still going to be one of the smallest houses on the street.
7. The side line setback is not inconsistent with the character of the neighborhood therefore neither of these variances will adversely affect the character of that neighborhood.

Mr. DeWater seconded the motion.

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

Application 2015-16 by Tanglewood Square Delaware, LLC for property at 8535 Tanglewood Square

The applicant is requesting area variance(s) for the purpose of installing signage. The property is located in a CB District.

Mr. Richard Katz of Tanglewood Partners was present to represent this application.

Mr. Katz testified that his architect had a graduation conflict and could not attend the hearing tonight therefore he is requesting that the application be tabled until the July meeting.

Motion BZA 2015-16 – 8535 Tanglewood Square (Tanglewood Shopping Center)

Mr. Murphy made a motion to table this application to the next regularly scheduled meeting to be held July 16, 2015 at the request of the applicant.

Mr. Gutoskey seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 7:36 P.M.

Respectfully submitted,

Ted DeWater
Joseph Gutoskey
Michael Lamanna, Chairman
Mark Murphy

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

Date: July 16, 2015

AUDIO RECORDING ON FILE

BZA PH 6/18/2015

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Bainbridge Township, Ohio
Board of Zoning Appeals
June 18, 2015

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 7:36 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey and Mr. Mark Murphy. Mr. Todd Lewis was absent. Ms. Karen Endres, Zoning Inspector was present.

Application 2015-10 by Cynthia Cooke, James Cooke and Lee Jones for properties at 8377, 8379 and 8391 Washington Street

Mr. Jim Cooke, Ms. Lee Jones and Mr. Kerry Jones met with the board to discuss a revised site plan for the lube station portion because of an existing storm drain there that cannot be relocated per the Geauga County Engineer's office. The revised site plan was submitted to the board. The board was in agreement to amend the board's decision (minutes) on May 21, 2015 to modify the ingress and egress in front of the lube station portion in accordance with the drawing submitted on June 18, 2015 which will be marked and entered into the record.

MINUTES

Amendment to BZA 2015-10 Decision on May 21, 2015

Mr. Lamanna moved to amend the decision on BZA 2015-10 to reflect the fact that additional information has come in regarding the location of a storm sewer on E. Washington Street that the board was unaware of and because of that the egress areas in front of the lube station need to be modified and they will be modified in accordance with the document entered into the record showing the revised ingress and egress and green space area for the property dated as of today's date June 18, 2015, marked Exhibit A.

In all other respects the minutes will be accepted as written.

Mr. Gutoskey seconded the motion.

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

Secretary's note: Exhibit A is attached to and will become a permanent part of the minutes dated May 21, 2015.

NEW BUSINESS

7824 E. Washington Street

Mr. and Mrs. Gary Trinetti met with the board for an informal discussion on the property located at 7824 E. Washington Street for a possible subdivision of four homes for empty nesters. The property is located next to South Russell Park in Bainbridge Township.

OLD BUSINESS

South Franklin Circle

Ms. Mareen Wolfe of Chagrin Road met with the board to discuss the on-going advertising of the Radius Restaurant at South Franklin Circle and the sign located at the corner of Rocker and Chagrin Roads.

Ms. Endres noted that she previously sent South Franklin Circle a letter and will send a second letter.

Applications for Next Month

Application 2015-16 by Tanglewood Square Delaware, LLC for property at 8535 Tanglewood Square - Continuance

The applicant is requesting area variance(s) for the purpose of installing signage. The property is located in a CB District.

Application 2015-17 by Dennis Guritza for property at 17727 Lost Trail

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

Application 2015-18 by Lake Geauga Habitat for Humanity for properties at PP# 02-238800, 02-238900, 02-239000, 02-239100, 02-239200, 02-239300, 02-239400, 02-025800 Railroad Place/E. Broadway

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

Application 2015-19 by Timothy Roach for property at 7285 Aurora Road

The applicant is requesting area variance(s)/use variance for the purpose of selling outdoor and seasonal products. The property is located in a CR (MUP) District.

Application 2015-20 by Aldo Dure for property at 8564 E. Washington Street

The applicant is requesting area variance(s) for the purpose of installing multi-tenant signage. The property is located in a CB District.

Since there was no further business, the meeting was adjourned at 8:37 P.M.

Respectfully submitted,

Ted DeWater
Joseph Gutoskey
Michael Lamanna, Chairman
Mark Murphy

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

Date: July 16, 2015