

Bainbridge Township, Ohio  
Board of Zoning Appeals  
June 18, 2020

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:05 P.M. by Mr. Michael Lamanna, Chairman. Members present via Zoom were Mr. Brent Barr, Alternate; Mr. Michael Corcoran; Mr. Joseph Gutoskey and Mr. Todd Lewis. Mr. Ted Dewater was absent. Ms. Karen Endres, Zoning Inspector was present. Mr. Jeffrey Markley, Bainbridge Township Trustee was present to monitor and host the Zoom meeting.

Due to the COVID-19 Social Distancing guidelines this meeting was held virtually via Zoom.

Others present via Zoom were: Mr. Cliff Hershman, Ms. Marla Lucarelli, Mr. Glenn Knific and Mrs. Nancy Olson.

Mr. Lamanna welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals, explained the public hearing process and stated that individuals will be sworn in when the application is started.

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

ADMINISTRATIVE MATTER

Mr. Cliff Hershman was present to discuss application 2020-9 by Bainbridge Associates Ltd. for property at 16725 – 16785 Chillicothe Road that was approved for a conditional use on May 14, 2020.

Mr. Lamanna stated that Mr. Hershman has some concerns with some discussions we had with respect to a certain entrance and exit off of Chillicothe Road of this shopping center.

Mr. Hershman stated that they weren't really knowing that this was an issue for the conditional use so they were a little bit kind of caught off guard and they appreciate the opportunity and they had some time to think about it and they would like to propose this and see if they could start this way. He said what they are concerned with is the cross traffic between shopping centers, people are cutting across to get to E. Washington Street or from E. Washington onto Rt. 306 and avert that corner or intersection so we agree there are times when it makes no sense to have a left-hand turn onto Rt. 306 from our southern border or to come in but we would like to know if we could start by putting a sign up that says "No Left Turn" and a certain time period when it is really crowded it makes no sense for anyone to make that left turn so we would do it from rush hour.

Mr. Lamanna said let me tell you where he is coming from. He said he brought this up the last time we went through this that he had some concerns there and maybe even originally and he is in that area all of the time and he observes it carefully and has been observing it carefully for many years and he is just concerned that number one, for traffic that is proceeding south on Chillicothe Road in order to make a left hand turn into that entrance by the CVS they have to cross a hatched area on the highway that is the beginning of a left hand turn lane for E. Washington Street so technically they are not supposed to be entering that area anyway, that is a vehicle in traffic issue and plus when a car moves into there to try to make a left-hand turn there they either end up blocking Chillicothe Road because they only go half-way into the hatched area or if they go in further they end up blocking the cars trying to get into the left-hand turn lane so either way they are creating a problem there and that to his view only makes it easier for people to try to cut through the shopping center because now they can jump right through there and cut right straight back and through the parking lot in front of Cowboy and that way and get out over there where as otherwise they have to start all the way down by where Ace Hardware is and work their way all the way through so it makes it more inconvenient and then the left-hand turns the other way, there is so much traffic there for so much of the day that he just sees so much near accidents with people trying to get out of that left-hand turn and get themselves across a lane of traffic that is trying to get into the left-hand turn lane plus the traffic coming down Rt. 306 and frankly in the last five years the traffic in that intersection has increased substantially so things are different than what they were five years ago there, there is just so much more traffic coming down Chillicothe Road and if you have people trying to make that turn out of there with so little room it is just dangerous, they seem to be going back down where they have a better opportunity to get out up at the northern most entrance or frankly before he would have turned left out of there he would go back out onto E. Washington Street and get into the left-hand turn lane to go south on Chillicothe, he wouldn't try to make that turn. He said you could sit there for ten minutes trying to make that turn sometimes and it just creates a real interruption in the traffic flow there and it is not a spot where it is good to have interruption. He said when people are making left-hand turns they are concentrating on the traffic coming down Chillicothe Road and then they are not paying attention to people coming around the corner from E. Washington Street, it is not very far when somebody comes around the corner and they are going to be right on top of them so that is the reason why, the area has just changed so much in the last five years and he is there so often and he is constantly seeing people creating dangerous situations by trying to make those left-hand turns and there is no reason for it, there are other easy accesses in and out of the shopping center and in fact he thinks that would discourage people trying to cut through because otherwise people could come all the way down there and then try to go through if they suddenly see it is jamming up at the light then they could try to make that later left-hand turn and he thinks they are going to be less likely to start all the way up by Ace Hardware to work their way all the way through. He said he realizes that is a problem and it is a problem in a number of places and unfortunately there is no easy way to get around that, it is illegal and they can ticket people for it.

Mr. Hershman said their problem is in a perfect world both shopping centers would have been evened out but when people come through and when they are trying to get to E. Washington and they got to get past that one shopping center then make that dogleg and come through it is just not where we would like to see a lot of traffic flow because we do want to encourage people walking between both centers so he just thought that that would create more problems especially at night when we have the restaurants open and someone couldn't make an easy left turn after rush hour onto Chillicothe when there is not a lot of traffic so he was thinking some hours.

Mr. Lamanna said he thinks trying to control it by hours of the day is just awfully difficult, any time between 8:00 in the morning and probably 6:30 or 7:00 at night is not a good time and then after that when you are talking about a substantial decline in the number of cars going in and out anyway so he doesn't think it is that much of a problem for somebody to be going in at the first entrance even if they are going down farther and by that time the traffic is enough if somebody is going down to the restaurants and the far east piece there it is easy enough for them to just go down and turn onto East Washington Street and go that way, it is probably easier than trying to cut through the shopping center parking lot.

Mr. Hershman said he is talking more about the diners at night that are at Market Square that want to go east, he guesses they can go the other way.

Mr. Lamanna said he doesn't think by losing the left-hand turns that anybody is really inconvenienced because they can easily go out onto East Washington Street and go up and turn left or continue all the way up to the other entrance where they have a longer or better, easier exit because they are not so close to the intersection, it is much easier to make a left-hand turn, it is not real easy but it is a lot safer and a lot easier than to try to make it from the closer exit.

Mr. Gutoskey said the other thing to add to it, that northern entrance had its own dedicated turn lane if he is not mistaken.

Mr. Lamanna said coming in yes, in-bound, it has a dedicated turn lane coming in, yes. He noted that Mr. Hershman has temporarily dropped off of the Zoom.

Mr. Corcoran said he would like to add that he lives right around the corner from the shopping center and he frequents it regularly and he absolutely at all costs avoids going left out of that entrance by CVS on Rt. 306 just because of the hazards and he sees a lot of other people doing the same so he doesn't think it would be that detrimental.

Mr. Lamanna said he doesn't think it will be and really you are not supposed to cross that area anyway, sometimes they ticket people for cutting through that area so you are not really supposed to be crossing.

Mr. Gutoskey said another thing two, it is that taper set up for the left turn lane coming southbound.

Mr. Hershman rejoined the meeting via Zoom and temporarily dropped off again.

Mr. Lamanna noted that the board is going to move on with the applications until Mr. Hershman returns to the Zoom meeting.

Application 2020-10 by Marla M. Lucarelli for property at 17310 Tall Tree Trail

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

Application 2020-11 by Marla M. Lucarelli for property at 17310 Tall Tree Trail

The applicant is requesting area variance(s) for the purpose of maintaining a fire pit. The property is located in a R-5A District.

Ms. Marla Lucarelli was present via Zoom to represent these applications.

Mr. Lamanna swore in Ms. Marla Lucarelli and he let the record reflect that Ms. Lucarelli was duly sworn.

Ms. Lucarelli testified that she has a fire pit that she would like to maintain and an accessory building which is her daughter's play shed that she would like to maintain.

Mr. Lamanna said the minimum rear yard depth here is 50' and proposed is 16'. He said the issue on the accessory building is the minimum rear yard depth and asked if that is correct.

Ms. Karen Endres testified by saying correct.

Mr. Lamanna asked how this accessory building came to be built without having zoning approval or a building permit either.

Ms. Lucarelli said when she purchased the home she was unaware of the rules and regulations, she was managing the renovation of this current home from her other home in North Royalton so it is an oversight and she apologizes.

Mr. Lamanna said so you actually built this or had it built.

Ms. Lucarelli said yes, she had a company come out from of the west side of town.

Mr. Lamanna asked if they didn't mention the fact they might need to have a permit to do this.

Ms. Lucarelli said not to her knowledge.

Mr. Lamanna asked Ms. Endres if this requires a building permit, it is big enough, 12' x 24'.

Ms. Endres said she believes so.

Mr. Gutoskey said he has one other question too regarding the homeowner's association.

Mr. Lamanna said we are going to get to that part of it too. He asked Ms. Lucarelli what is behind her property.

Ms. Lucarelli said that is the HOA easement.

Mr. Gutoskey said it is a big open space and asked Ms. Endres to bring it up on ReaLink.

Ms. Endres said that Mr. Jeff Markley is here driving the computer today.

Mr. Lamanna said we understand that there is an area behind that that is not being used but these common area buffer zones are not meant to be substitutes for setbacks.

Ms. Endres said everyone should have an aerial in their packets.

Mr. Lamanna asked Ms. Lucarelli if the building is on a foundation or is it movable.

Ms. Lucarelli said it sits on gravel with railroad ties on the outside.

Mr. Lamanna said so it would potentially be moveable it is not like somebody built a concrete block foundation 4' deep.

Ms. Lucarelli said correct.

Mr. Lamanna said frankly one of the difficulties is if you were in here trying to get this approved initially it would probably be very hard to get it approved and the other problem is even if we approved it you still have to get the approval of your homeowner's association because what we do doesn't obviate your requirement to comply with your deed restrictions. He said generally we would like to see that these kinds of requests have already been approved by the homeowner's association especially when you are talking about something like this which is fairly straight forward setback requirements so we generally don't like to act on these until the homeowner's association at least has said yes or no, we don't necessarily have to follow their recommendation but their opinion is certainly something we would take into consideration because it goes to whether this is consistent with the character of the neighborhood and if they say no we don't want it there then it is very unlikely unless they are perceived to be totally unreasonable we are unlikely to approve that setback if they haven't approved it. He said if they won't act on it that is another thing, if somebody comes in and says they've had their application pending for six months and they haven't answered them then maybe we would go ahead and act but before we really want to rule on this we want to know what their opinion is on it.

Ms. Lucarelli said right, okay. She said so you would like to know if the HOA finds a detriment to the aesthetics of the house.

Mr. Lamanna said where they would approve the setback and it is not to say we would approve it, because if they approve it it doesn't mean we wouldn't if they won't approve it it is a strong consideration on our side not to approve it. He said it is kind of a funny relationship but.

Ms. Lucarelli said sure and she does understand that it is a catch-22 and she invites anyone to come out to her backyard to see the improvements she has done and she is happy to do whatever she needs to do to put more paperwork through.

Mr. Lamanna asked Ms. Lucarelli if she actually contacted them and followed through.

Ms. Lucarelli said this is her first process of making this case.

Mr. Lamanna said alright.

Ms. Lucarelli said she doesn't even know how to described the building, it is gorgeous and you can see her backyard, she has actually invested quite a bit of money to bring more vegetation, more trees so whatever she needs to do.

Mr. Lamanna said since you haven't really gone to the homeowner's association he thinks the board should postpone this application and table it so that you (Ms. Lucarelli) can contact them.

Ms. Lucarelli said yes.

Mr. Lamanna said that would be helpful to the board and asked if any of the board members disagree.

Mr. Lewis said he has a comment for the applicant. He said typically when you move into a development that has an HOA when the property changes hands typically the HOA delivers to that new member resident a packet of deed restrictions and by-laws and he would imagine you may have been provided them but the HOA probably also has a formal application form that needs to be completed for any construction, accessory buildings or changes to the property so you would have to go through that process entirely with them and finally when that has been completed they will provide you the applicant and the HOA a signed denied or approved form from the HOA. He said we are going to be looking for that form to be presented and added to your application please.

Ms. Lucarelli said she purchased this home through a bank owned issue so she was never presented any HOA deeds or anything and that is where her mistake was.

Mr. Lewis said have your conversation with your HOA and be sure they provide you that stuff just so that you have some guidance going forward with any future projects.

Ms. Lucarelli said will do.

Mr. Lamanna said read your title report, that is what he tells people, if you don't read your title report from your title company you don't know what your obligations are but you certainly have notice of them. He said it is an unfortunate problem that people don't read these things. He said if you would do that we will table these for our next meeting and he would also say at the next meeting be prepared to discuss why that should be there, the feasibility of moving it other places, are there any physical reasons on the property why it can't be moved to another location, those are the kinds of things that we need to consider so if you can be prepared to discuss those and you have thought about them and checked on them it makes life a lot easier and you won't have to put this off again.

Ms. Lucarelli said real quick, her question is in order to be compliant on both issues, how much further does she need to bring them into this setback or bring them in off the setback of the property.

Mr. Lamanna said to be in compliance, you have to be 50'.

Ms. Lucarelli asked 50' from the rear setback line.

Mr. Gutoskey said rear property line.

Mr. Lamanna said the fire pit is obviously somewhat less of a concern because it is not nearly as substantial a structure but on the other hand the problem with the fire pit is if you had it too close to somebody else's property you have the problem of starting a fire on somebody else's property.

Ms. Lucarelli said sure, she understands.

Mr. Lamanna said in this case it is really nobody else's property because the owner is the homeowner's association so if a fire accidentally starts over there is there going to be anybody around that is going to pay attention to it before it potentially causes some problems so although it is not as substantial a structure we would want to make sure what the risk was of accidentally having a fire start in the area that is frankly, it is not kept, it is not mowed, it is not taken care of it is a natural area so it is certainly more susceptible to that fire possibility then next to my neighbor's grassy yard so that is the other consideration we will probably delve into is the fire pit. He asked if there is anything else.

Ms. Lucarelli said no, all good information, thank you very much, she appreciates it.

Mr. Lamanna said thank you.

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

Motion BZA 2020-10 and BZA 2020-11 – 17310 Tall Tree Trail

Mr. Lamanna moved to table these applications to the next regularly scheduled meeting to be held July 16, 2020.

Mr. Lewis seconded the motion.

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

Application 2020-12 by Debbie Collins for property at 8724 Taylor May Road

The applicant is requesting area variance(s) for the purpose of installing an above-ground swimming pool and deck. The property is located in a R-3A District.

Ms. Debbie Collins was present in person to represent this application.



Mr. Lamanna swore in Ms. Debbie Collins and he let the record reflect that Ms. Collins was duly sworn.

Mr. Lamanna said so this is the house with the pool.

Ms. Collins testified by saying yes.

Mr. Lamanna asked Ms. Collins if she has two parcels here.

Ms. Collins said they have two lots.

Mr. Gutoskey said to Ms. Collins that you have a pool or had a pool and this is a replacement.

Ms. Collins said yes, we had a 24' round pool and we are hoping to get a 27' round pool but it will be in the same location.

Mr. Gutoskey said he thinks too on this, the second parcel can't be built on if they did an Affidavit of Fact, you really only have a variance for the one side yard and then lot coverage.

Mr. Lamanna said right and asked if there will be a deck on two sides of the pool.

Ms. Collins said yes between the house and the pool and then the left side.

Mr. Lamanna said the pool will be the farthest on the left side in looking at this picture.

Mr. Lewis said his copy of the site plan appears to be hand drawn and it is really faint and he can't read it, is there something that we might be able to put up that would depict the pool, the dimensions and the proposed deck as well.

Ms. Endres said there is an aerial view in your packet.

Mr. Lewis said he sees the aerial view, he's got that, so where is the deck.

Ms. Collins said it would be between the house and the pool, the small deck there, more like a walkway and then the deck would go, if you are looking at the screen to the left side over there and that would be the same height as the pool.

Mr. Lamanna said your second parcel is a strip along the left there.

Ms. Collins said yes, we bought it off the neighbors. She said this was my parents' home.

Mr. Lamanna said so they separated it off but didn't merge it in so we have plenty of room on that side. He said the one side is 34' so the side yard is less than 50' and we think it will be okay on the one side assuming it is treated all as one lot.

Ms. Endres said on the west side she thinks the setback is fine on the second lot.

Mr. Lamanna said so we are just talking about the setback on the east side and that is 34' versus 50'.

Mr. Lewis asked if this is based on a 24' round or a 27' round pool.

Ms. Endres said that is based on the 24' round pool, the measurement she used was the 2007 aerials showing the 24' so it is actually closer.

Mr. Lamanna said depending on how the footing is, are they going to put the center where the center was.

Ms. Collins said they are going to try to move it a little more towards the lot.

Mr. Lamanna said so if you could put the edge in the same place the old edge was to keep that 34', it is just a question where you put it so if you put it on the same edge to keep the same 34' that is well inside the house and the other side is fine and the total lot coverage will come to 11.7% and the lots are 1.5 acres so that is certainly not unreasonable or inconsistent. He asked if anybody else sees any issues here.

Mr. Lewis asked if we need to increase the lot coverage by two tenths of a percent because it was calculated on a 24 round, not 27.

Mr. Lamanna said we will just make it 12% on the proposed, we will keep it easy and 12% is certainly not a problem.

Mr. Gutoskey asked if there is anyone in the audience who has questions on this.

There was no response.

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

Motion BZA 2020-12 – 8724 Taylor May Road

Mr. Lamanna moved to grant the applicant the following variances for the purposes of installing a 27' round above-ground swimming pool and associated deck that is shown on the applicant's plan.

1. A variance to the east side property setback from 50' to 34'.
2. A variance from the maximum lot coverage of 10% to 12%.

Based on the following findings of fact:

1. With respect to the lot coverage, it is only a 1.4 acre lot so this is smaller than normal so slightly additional lot coverage is not unreasonable.
2. It is not inconsistent with the neighborhood nor will it adversely affect the adjacent property owners.
3. With respect to the side yard setback, again because of the narrow width of this lot and the fact that the house is even closer to the side yard setback there is a practical difficulty due to the lot width and it will not, again, adversely affect the neighboring properties or be inconsistent with the neighborhood because it lies entirely behind the house and is not visible from the street.
4. The board does note that the variances are being granted based upon combining two parcels that the property owner has so as a condition of this and it is necessary to satisfy the conditions for approval and without which approval would not be granted, the applicant will do an affidavit of fact with respect to the fact that these two lots are being treated as a single lot for zoning purposes and cannot in the future be divided without subsequent approval from the board of zoning appeals.

Mr. Gutoskey seconded the motion.

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

ADMINISTRATIVE MATTER - Continued

Mr. Cliff Hershman returned to resume the Zoom meeting to discuss application 2020-9 by Bainbridge Associates Ltd. for property at 16725 – 16785 Chillicothe Road that was approved on May 14, 2020.

Mr. Lamanna said you can see where the board is coming from.

Mr. Hershman stated that basically everyone agrees and you want me to put up signage.

Mr. Lamanna said yes.

Mr. Hershman said alright, he thought he would try but he understands.

Mr. Lamanna said he thinks it will be for everybody's benefit.

Ms. Endres said she wants to clarify, it is just a sign that needs to go up, there is no need to reconfigure the turn lane.

Mr. Lamanna said no, he is not sure that wouldn't itself create another hazard.

Ms. Endres said she understands, she just wanted a clear understanding.

Mr. Gutoskey said what about we just have them do some striping.

Mr. Lamanna said yes striping, you make it look like a lane but no physical thing there, you make a little yellow triangle with an X in it but no curbs or anything like that.

Mr. Hershman said he has an easement with CVS and asked if anyone has contacted them.

Mr. Lamanna said no but we will, we can send them a notice that this has been done as a condition on a joint driveway use but we will go ahead and send them a letter just so that they know and say we know this is subject to this and you are using a joint driveway and these are the conditions that now have been applied per the zoning.

Mr. Hershman said okay, he understands and he understands what Mr. Gutoskey wants him to do.

Mr. Lamanna said we don't want a physical barrier there but just striping and a sign.

Mr. Hershman said okay, will do. He thanked the board.

Application 2020-13 by Jason Fischer for property at 9217 Kingsley Drive

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

Mr. Jason Fischer was present in person to represent this application.

Mr. Lamanna swore in Mr. Jason Fischer and he let the record reflect that Mr. Fischer was duly sworn.

Mr. Fischer testified that he would like to build a detached garage on a concrete slab with an extension of his current driveway around the west side of his property on the west side of his house to his backyard and build a detached garage for additional storage. He said you notice on the old site plan his current drive angles to the northeast, it is a very odd angle and quite frankly just to fit his wife's car and his truck in the garage is nearly impossible just the way the angle is and in addition to that he has a boat, he really wants to store things, he enjoys inside and out of the elements and that is the reason for his request.

Mr. Lewis asked if this is an all metal structure, walls and roof, all metal.

Mr. Fischer said as of right now the plans would be yes to purchase an all metal structure.

Mr. Lewis said so it isn't going to have the finish on it, it isn't going to look like your house at all.

Mr. Fischer said no, actually he has designed it to match the current structure that is on the rear of his property, a red and white barn style finish but it would be metal, like the same style of building as commonly used with barn structures, tin roof and siding.

Mr. Barr said you are going to say that the sides of this structure are all going to be red with white striping.

Mr. Fischer said correct, red siding with white trim finish, the J-channels and things like that would be white, the exterior around the doors would be white, it would be essentially red and white with just a normal galvanized or dark roof.

Mr. Barr said it is going to be a very large red structure.

Mr. Gutoskey said he has some questions for the applicant. He asked if the existing barn in the back is going to stay or go.

Mr. Fischer said the plans are for it to stay, we really like it and it is part of the reason why we purchased the house, it looks nice, it is kind of historic and he would like to keep it.

Mr. Gutoskey said the second question he has is do you know where your septic is.

Mr. Fischer said yes.

Mr. Gutoskey asked if there is room on the lot to replace it if you take this space up with the new building.

Mr. Fischer said currently his septic is in the front from the road, that portion there, (he referred to the site plan displayed) to the west of his driveway, that is all his septic in the front there. He said if needed and he is not a septic guy the east side of his property is fairly the same size as the west and he doesn't see an issue why if an emergency took place could he not put a septic there, to him it seems proportionate on the left or the right side of the driveway but he is not knowledgeable with septic so it is kind of out of his realm of expertise.

Mr. Gutoskey said the next question is in this neighborhood are there any outbuildings this big in this neighborhood.

Mr. Fischer said within a quarter of a mile of his property using Geauga ReaLink he did find several outbuildings smaller and several outbuildings bigger. He said there are on Kingsley at least five other outbuildings and the closest in size is actually his neighbor's directly to the west of his property and the building that he is proposing would be similar in location on his property as it is on his. He said his is a 25 x 42 so the one he is proposing would be slightly larger and then again within a quarter mile on 9331 Taylor May there is a 40 x 50 and again he took these measurements from Geauga ReaLink, he didn't walk around people's properties. He said 18395 Snyder there is a 45 x 65, 18445 Snyder there is a 50 x 60.

Mr. Gutoskey asked how big are those parcels.

Mr. Fischer said they are at least 2-1/2 acres, 2.39 is his recollection, they are slightly larger parcels off the top of his head. He said the wooded lot, 18475 that is directly across from Kingsley is a new construction, new residence and they also have a new outbuilding that he would consider to be really big.

Mr. Gutoskey asked Ms. Endres how big that lot is.

Ms. Karen Endres, Zoning Inspector testified by saying it is 5.97 acres.

Mr. Fischer said there is one on the southeast corner of Snyder and Taylor May, the corner lot there and they have a 40 x 50 approximately and that is a comparable lot.

Mr. Gutoskey asked Mr. Markley what the size of that lot is.

Mr. Markley said 2.3 acres.

Mr. Fischer said that is 2.3 acres and they have an approximately a 40 x 50 based on his Geauga ReaLink calculation. He said 9320, he believes they actually own two lots, it does have a horseshoe driveway on that, it is a separate garage and he has a horseshoe drive. He said he doesn't have that one written on his paperwork here, he had 9230 but it should be 9320 maybe he made a mistake. He said that one 9320 on Snyder, he doesn't have the measurement for that one.

Mr. Barr said he is more apt to look at the comparisons of other houses and outbuildings within your road or development there, out on Snyder Road those are not part of a development or a street with houses quite so close.

Mr. Fischer said he has five of them that he has measurements on the road, a 36 x 25, again his neighbor to the west is 25 x 42, a 25 x 25 at 9235, 9216 there is a 25 x 30, 9230 he has a 30 x 30 and again these are just measurements taken off of Geauga ReaLink.

Mr. Gutoskey said it looks like what you are proposing, you are giving us buildings in the area of 750 sq. to 1,000 sq. ft. and you are trying to go 1,500.

Mr. Lamanna said plus a 660 sq. ft. of an existing building too.

Mr. Lewis said so between the garage and the existing accessory building we are looking at over 2,100 sq. ft. of storage.

Mr. Fischer said the calculation that you have is probably accurate, he is not able to do that off the top of his head however the existing accessory building, it was an old animal barn that was on the property since its existence, it actually has stalls in it for animals and from what he understands they had some livestock when the house was built, there was a donkey or something along those lines, they gave us the house story. He said the accessory building is functional, he could put things in it however the doors are not even big enough to put is lawn mower in, there is no floor, it is like dirt gravel floor so to put anything nice or valuable it is not necessarily able to be locked without attaching a hasp and a padlock, they are sliding barn doors and if you have valuable items in there they are not necessarily secure, it is just an old barn that was designed for animals and isn't really the best for actually storing things like a lawn mower or a vehicle or chain saws and lawn equipment and things that you would normally have as part of your daily household chores and things like that which is the reason why he would like to and additionally he has no access to it with a truck so if he wanted to drive he can't really get back there without driving through the yard and rough things up so it is just there, there is no doubt that it is on the property but it is not designed necessarily for garage use.

Mr. Barr said one of his concerns down the road too possibly would be this being used for storage or maybe even running, not to say you would do this, but even running a business or something making this a commercial building at the back of your lot, not for you but for the next person to buy the house, that could be something that we could run into a problem.

Mr. Fischer said he understands those concerns, he can't debate you on that he can just tell you that that is not the intended use for him.

Mr. Lamanna asked if he is going to rehab it or is he just going to use it the way it is.

Mr. Fischer asked which one.

Mr. Lamanna said the old one.

Mr. Fischer said the old one is more of a nostalgic look, it is an old barn and it is just an old barn, it is really neat but he thinks as far as a commercial use for this new one that is not his intention and he understands the board's concern.

Mr. Lamanna said obviously with any structure like that we often put in a statement to make sure the applicant knows that you can't conduct any business things except as permitted under the home occupation rules after obtaining a permit to do the same so generally we like to do that so there is notice in the actual zoning certificate so somebody can't come back later because they thought they could do x, y, or z so the next person who comes along there is a record notice that they can't do x, y, or z. He said we have that concern but at this point there is nothing obvious that would raise a giant red flag and say this looks like a subterfuge, we have seen people come in with accessory structures that look suspiciously like they are another residence and we have really clamped down on people putting in kitchens and bathrooms and other things like that in accessory structures because the next thing you know somebody is living in there, they are renting it out as an apartment, but this is a different situation.

Mr. Fischer said he understands.

Mr. Lamanna said just so you understand that you can't conduct a business out of your residence, the only exception is if you qualify for a home occupation and you can do it within the limits of the home occupation.

Mr. Fischer said understood.



Mr. Lewis said he has some concerns about this he wanted to share. He said this structure is almost double the size of the other ones that seem to be built in the near vicinity, it is also proposed to be 5' off the property line and the part of the building that runs along the property line is a solid red wall of metal 12' tall and 50' long and it is looking like a big red commercial metal building stuck in a residential community and it is big and he gets trying to store lawn mowers and a car or two, 1,500 sq. ft. is really pretty substantial but he's got some concerns on the impact it has on the adjacent property owner and even if they are okay with it today they won't always be that property owner there and he has some concerns that we are not being real neighborly with where this is going and aesthetically it has zero similarities to his house at all so he is still working with this in his mind but he is struggling with some significant areas on it.

Mr. Lamanna said we are awfully close to the sideline here.

Mr. Gutoskey said he agrees with Mr. Lewis, that was the next question he had.

Mr. Lamanna said it is kind of wide open there too.

Mr. Lewis said and the neighbor's rear structure is oriented so that it runs lengthwise across his lot so the narrow side of the building is what is facing the applicant's so it is not as a dramatic of an impact on the neighbor.

Mr. Barr said it also looks to be tucked behind the house and looks to be of similar roofing from the aerial.

Mr. Fischer asked if it is a color concern or is it just a metal concern that is the problem.

Mr. Lewis said yes.

Mr. Gutoskey said he would say his concern is how close it is to the line, the size and there is no really way to screen it being that close to the line, not matching the house.

Mr. Fischer said he knows that screening was an issue or potentially could have been an issue and coming off the lot line whatever you guys would suggest why he is here. He said he already received a quote, if you zoom in on the southwest corner of his house there are three Pine trees that are right there, they are really nice Pine trees, really full, he had Davey Tree out at his property yesterday because he didn't want to cut those down and the Zoning Inspector suggested that he might want to look into some screening so he already received a quote yesterday to move those trees professionally along the property line if needed with the board's recommendation and that is something he is willing to do, his next door neighbor, Mr. Holland, he already spoke with him.

Mr. Fischer continued by saying he understands Mr. Holland may not always be his neighbor however he will do whatever is necessary to appease the aesthetics and he can change the color of the structure, he matched it to the barn that is existing at the back of the property, it can match the house more, he is not opposed to adding windows and things like that, he can do any of that stuff, he thought more for the meeting it was just a type of structure he wanted to have and if he needed to add some windows and things like that he definitely could. He said as far as the orientation of the structure, his favorite thing to do is go boating and it is what he does all of the time and he can't get a boat into his garage right now and the reason why he oriented it the way that he did with the long side of the building paralleling the property line is so he could easily back the boat into the garage with the truck and not have to contort it some special way, it is nearly impossible so this way he can back it straight in, it goes straight into the structure, he doesn't have to worry about trying to turn it or anything like that so that is why he designed the structure and applied for it the way that he did.

Mr. Lamanna asked Mr. Fischer if he could possibly get by with a smaller structure.

Mr. Fischer said of course you can but he wanted to be able to pull and put a truck and a boat in the garage, he wants to be able to back his truck and boat in there and be able to have both of them in the garage, that is the goal.

Mr. Lamanna asked if he would have them hooked up and be able to back them in tandem or side by side.

Mr. Fischer said yes tandem, back them both in there that way you've got half the garage as a work space or something along those lines.

Mr. Lamanna asked how long is the boat and truck together.

Mr. Fischer said the boat with the trailer is approximately 27' and truck is approximately 15'. He said he looked at a 30 x 40 and that was a goal wanting to have that 50' length.

Mr. Lamanna said if you have a 30 x 24 you can still back your truck and boat in and if 10' wide that still leaves you 14'.

Mr. Fischer said he knows his neighbor is oriented the opposite direction but he is only 450' sq. ft. smaller that what I am proposing.

Mr. Lamanna said it is 1/3 smaller, his is 2/3 of the size so if you were 40 x 24 so it would be about 1,000 sq. ft. so it would be about the same size as his. He said he can see that as a more reasonable structure given the location, if you were on a bigger lot with a little more side setback and you could put it back a little farther it would be a lot easier to look at something that big, we are really crowding.

Mr. Fischer said he missed the size that you are talking about.

Mr. Lamanna said he was saying if we get it down to 40 x 24, that would be like 1,000 sq. ft. and it still gets you plenty of room to back tandem in and still leaves you 14' x 40' for all of the other toys and storage and everything else or 600 sq. ft. of storage.

Mr. Fischer said some of the problems having worked through this a little bit, some of problems is the way that when you purchase these packages that size may not be available so the way they get designed is they have certain sizes.

Mr. Lamanna said he doesn't know what sizes these people make them in but usually they end up coming in at least in 2' or 5' increments so maybe it would be 25' x something rather than 24 x 40 so certainly 25 x 40 would be fine as well if that is the kind of increments they come in, they might come in 5' increments, they might come in 2' increments, he sure it is one or the other.

Mr. Barr said he would be more inclined to approve it if it was 25 x 40 and was more matching of the house or a white color versus a bright red, he thinks the red would really stick out and need a lot of screening.

Mr. Fischer said if he shaved off like the 30 x 40 just because he knows in a 30 width.

Mr. Lamanna said 30 x 40 is certainly an improvement.

Mr. Fischer said that drops it down to 1,200 sq. ft. which now we are within a 150 sq. ft. of the neighbor's, he knows the orientation is different. He said screening again, he is willing to do what he needs to do.

Mr. Lamanna said generally the board likes to see when you get to something like this that gets pretty close to the line the board likes to see obviously some screening with shrubbery and evergreen trees of some kind and the other thing we often look at is putting some architectural features on buildings so it breaks it up a little bit, either some windows or if people really don't want windows, we have even let people put in fake windows, not real windows but it looks like a window.

Mr. Fischer said windows are cheap, that is not something he is opposed to.

Mr. Lamanna said then when you look at it instead of looking at a big long expansive plain building.

Mr. Fischer said he gets all of that.

Mr. Lamanna said and then the main thing with the color is we want something that fits with the neighborhood especially given the fact that this thing is where it is oriented because it is in close to the house, other people can see it easily from their backyard that when you look at it it's not like what is this thing doing sitting in the middle of my neighborhood. He said at least it is not too tall which is helpful.

Mr. Lewis said he would say try to match the house, the siding on the house and the roof color and it will look like a structure that compliments the house and kind of goes with it.

Mr. Fischer said the reason why he did initially do that is because he knows his wife and painting the house could be like a couple of years down the road but the barn in the rear of the house, he knows that she loves that color which is why he didn't want to match the house, he is willing to do whatever but what happens when his wife decides to change the color of the house or something along those lines.

Mr. Lamanna asked what is the color of the house now.

Mr. Fischer said it is like a bluish with wood shutters.

Mr. Lewis said maybe go to the tan and taupe, the natural woods kind of colors, neutral.

Mr. Fischer said he doesn't think color is an issue, he can change the color and he has a color palette of what they offer and they have a tan, white and gray, slate gray, color is not an issue for him. He said the color of this photo here is actually an old stock photo of his house, the house is actually a darter blue, that is an old photo.

Mr. Barr said the aesthetic appearance is important to match the house so it doesn't stand out as a sore thumb as a bright red barn.

Mr. Fischer said if you scroll down just a little bit, he tried to match this barn, it is red with white and that is why, he is not an interior designer by any means but he tried to just match the colors of this barn because he knows the colors of the house can potentially change but again that is why he is here.

Mr. Lamanna said here is the problem he sees with that barn is that it is a nice subtle aged red color plus it is also not very glossy, it is very flat.

Mr. Barr said and it is in the very back corner of the lot.

Mr. Lamanna said it is in the back corner of the lot with trees so it is being shielded, if you get a brighter red painted metal structure, it is going to be a totally different look, it is not going to have the patina that the old building has and it is a bigger size, you might get that up in red and say was this really a good choice so he thinks something that is a more natural color and more consistent and you look around and people have light or not real bright shocking colors to pick something more of a tan or what looks a little more natural.

Mr. Fischer said okay.

Mr. Lamanna said otherwise he thinks it is going to stand out a lot and he thinks if we add some architectural features at least to the close side, put three windows in it.

Mr. Fischer asked on each side three windows.

Mr. Lamanna said it doesn't matter as much on the other side, the other side is pretty far away from the neighbors, he thinks it would probably look good if you did it on both sides because this thing is really close in your backyard so he thinks it would look good all around, probably put them on both sides.

Mr. Fischer said okay.

Mr. Gutoskey asked if there is any way to move it over more than 5'.

Mr. Fischer said absolutely so his understanding of this meeting is kind of like ask for the minimum he would need and then you guys use your experience and knowledge of this to kind of say you probably need to come more off the side lot so if that is something that you require.

Mr. Gutoskey said he is glad you (Mr. Fischer) asked that because it looks like you really have to snake your boat and truck back in and around your house so if you could shove the out building a little bit more behind your house and kind of just make that arc and come right around.

Mr. Lamanna said if we shrink the building by 10' if we keep the one side where it is.

Mr. Lewis said he thinks he was only shrinking it in depth not in the width so it was still going to be 30' wide facing the driveway.

Mr. Lamanna said okay, it is still 30' wide.

Mr. Gutoskey asked if the door can be offset somewhat in that front so that you can slide it over a little more from the property line.

Mr. Lamanna said he doesn't think he can do that with the kind of construction looking at the drawings of the construction he thinks the way those metal buildings are constructed it is not like you can move that door over, he thinks it is designed into the spot.

Mr. Fischer said you have some wiggle room but the goal is to have one big door as opposed to having small doors that way there is room for error when you have a 10' load trying to get into a 10' door, you've got no room for error.

Mr. Lewis said they've got the garage door centered justified on the front face of that building so they just used some of the extra space on one side of it to throw a man-door in.

Mr. Lamanna said since we are moving the front of the garage back effectively by 10' if you left the back where it is that gives you a little more driveway so he thinks you can offset maybe another six or eight feet and it is not going to cause you a problem because you have enough room coming back by your house to drift it, if you drifted your driveway.

Mr. Gutoskey said it looks like looking at the plan if you are going with the 30' it looks like it is 7' from the edge of the building to the edge of the garage.

Mr. Lamanna said do you mean the whole driveway come over a little closer.

Mr. Gutoskey said the building can slide over with it being back a little farther that will give you a little more room to back in there.

Mr. Lamanna said with that extra 10' you can slide the building over another 5' and that would give us a least 10' on the side. He said we barely have enough room to plant anything in there really.

Mr. Fischer said he did update the proposal and if you look at the photo, he thinks if you scroll up, that one right there, if you zoom in on that it actually is covered up but he did try to do a photo, that is a 10' offset from the property line right there, it is not 5', he did update the photograph and this came after his application and he did resend this to Ms. Endres because of some suggestions that she made that the 5' thing might be an issue so this actually is adjusted with a 10' setback from the property line.

Mr. Lewis asked if that is the driveway at 10' or the building.

Mr. Fischer said the building right here, this photograph that is up on the screen is actually drawn at a 10' setback, the driveway, from his house is approximately 20' off of the property line.

Mr. Lamanna asked what he is going to have between the driveway and the house.

Mr. Fischer said right now there is just like a mulch area with Hostas etc. and then there is the air conditioner unit that is there so really there is not much.

Mr. Lamanna asked if there is maybe about a 4' landscaping area.

Mr. Fischer said it is already there, there is already landscaping there.

Mr. Lamanna said but that is all you need, there is nothing else in there that you need to worry about other than you just want to have a landscaping perimeter in there so it looks nice, there is no other obstruction or big air conditioning unit or generator or something like that that is sticking out there that you have to worry about.

Ms. Endres said there is no bay window.

Mr. Fischer said there is actually no window on that side of the house at all.

Mr. Lamanna said so you are approximately how many feet off the property line with the house now.

Mr. Fischer said he thinks it is 36' or 31' rings a bell. He then said it is approximately 32' from the property line to the side of his house.

Mr. Lamanna asked how wide the driveway is going to be.

Mr. Fischer said 10' as drawn right here.

Mr. Lamanna said if you take 10' off of 32' the centerline of the driveway would be 22' from the property line so that means the building would be 22' less 15' so would still only be 7' off.

Mr. Gutoskey said he would like to try to get 10' and he asked how many trees should be planted, if it is going to be 40' you are looking at 6 or 7 trees.

Mr. Lamanna said yes if you can keep it 10' off he thinks that would be a big help.

Mr. Fischer said okay.

Mr. Lamanna said he thinks it might require a little bend on the end of the driveway but not much, he thinks you will be very close to keeping it as a straight-in shot. He said there will probably be just a little bit of a tail off maybe a couple of feet offset of the centerline again depending on how close you make it to the house but he thinks it will still keep the building 10'.

Mr. Fischer said he agrees with you, it is kind of hard to visualize and draw it out but the goal is to try to get a straight shot.

Mr. Lamanna said you will be very close with a straight shot, it will hardly be noticeable plus you are going to a bigger door.

Mr. Barr said it will be straight once you bounce it off your air conditioner on your way back.

Mr. Lamanna said you will have an extra 10' to maneuver there too, that helps.

Mr. Fischer said he is trying to avoid that because he gives his wife a hard time when she is pulling her car in the garage, it will be him that messes something up now.

Mr. Barr said he recommends a nice big post next to his AC unit so you don't whack it.

Ms. Endres said safety bollards. She said what she is hearing is the building is going to be shortened from 50' to 40'.

Mr. Lamanna said right.

Ms. Endres asked if that is going to come off the front of the building or the back so it will be further from the riparian.

Mr. Lamanna said the front, the back will stay so the building front will move back some.

Ms. Endres said there is a riparian area in the back.

Mr. Lamanna said it looks like he is okay with the riparian, we will leave the building back there that way it will be a little farther from the neighbor's house as well.

Mr. Fischer said so the trees are the requirement because he already has the quote to move the three that are the mature Pines and he is 100% okay with that, he will gladly but if you feel there is additional needed.



Mr. Lamanna said he doesn't know how big those trees are.

Mr. Fischer said he bets they are at least 8' in diameter and right now they are probably 10' to 12' high and Davey Tree said they have no issues moving them.

Mr. Lamanna said he thinks because of the size of them, you are going to have to put them probably to the front of the building, he doesn't know if they can be along the side because you only have 10' to get in there and if they are that big is it going to work to put them there, he would put one up by the front corner and a then a couple of those maybe in front of it and then put in some new plantings going back farther because that is a smaller space.

Mr. Fischer said he understands that.

Mr. Lamanna said put in something that is maybe five or six feet high.

Ms. Endres said the wing span of the existing trees is eight feet and they are going to continue to grow.

Mr. Lamanna said right and they will be right into your building in no time at all.

Ms. Endres said you might want to put something that is less inclined to get wide.

Mr. Lamanna said to move the other ones where there is more room up by the front corner in that area there because he thinks the bigger trees are going to work better there because trying to move them to the side of the building he thinks it is going to be a problem.

Mr. Fischer said okay.

Mr. Lamanna said he doesn't think there would be enough room to get in there and they are going to be right up on the building hitting he building.

Mr. Fischer said so essentially the screening is just a requirement but that is at his discretion, he can pick out whatever.

Mr. Lamanna said like he said, move those trees over there and then along side the building he would put in some maybe another six evergreen trees.

Mr. Fischer said okay.

Mr. Lewis said he was thinking that if he puts three windows on the side that is 40' it wouldn't make sense and be a necessity to put a tree in front of the window so maybe it would be a checkered, black, red, black, red, every other.

Mr. Lamanna said once you get the building drawn out and figure out where the windows are and everything come up with a landscape plan where you are going to move the trees to and where you are going add some other evergreens, maybe some Spruces, you might want to do something like that. He said what he is looking for he doesn't want to say put in X if that doesn't make sense and it is going to look silly, we want it to look like a nice landscaped building so we wanted some things to screen it but if you have a window, it is silly to put a tree right in front of the window, it would defeat the purpose of having a window so rather than sit here and try to engineer this landscaping plan it is a lot easier, you get a drawing of what the building is going to look like with the windows in it and then you go figure out that you want some evergreens in here, we want them five or six feet high, the idea is to have this thing screened and landscaped so it blends into the background a little bit more, you can draw the plan and give it to the zoning inspector, she will review it against that standard and say okay that looks good or maybe you ought to add one here. He said we aren't going to spend time trying to design a landscape plan here.

Mr. Gutoskey said he has a suggestion, if the three trees he is going to move are that big what if one of them went at the front corner of the building and then the other two went up where the driveway is getting extended out then if they are that big it will block the view of that building from the street, right in there.

Mr. Fischer said there is a septic up there and he just knows how Pine roots do they get into pipes and things like that and there is currently, if you see the big white thing, there is a big tree on the side that provides a lot of cover from the roadway and then the big Pines that are right along the property line, those are big shielding Pines as well.

Mr. Lamanna said he thinks starting the first one off the front corner then you can position the other ones in there as well to screen too and that will help block if off from the street.

Mr. Fischer said he likes the front corner thing, it is fine by him.

Mr. Lamanna said this is going to reduce the lot coverage.

Mr. Gutoskey said only about 200 sq. ft. because the driveway will be expanded.

Mr. Lamanna asked Ms. Endres if the lot coverage came out to 12.85% according to the worksheet and then it says 14% on the front page.

Mr. Gutoskey said he gets 12.53%.

Ms. Endres said the 12% is closer.

Mr. Gutoskey said 12.53% but call it 12.6%.

Ms. Endres said you have also been adding a little bit for future projects like a sidewalk or a deck. She said she knows where she got the 14% from, it was on the appeal form. She said it is with the existing barn and when she got the appeal form the lot coverage was 14% vs. 10% if you were going to ask for anymore she didn't want to deviate from what was on the appeal form.

Mr. Fischer said he wasn't going to ask for anymore, he hasn't done lot coverage mathematics ever so he may have made a mistake, it could be his fault.

Mr. Lewis asked Mr. Fischer if he had enough concrete width on his driveway if you reach the building that you actually have a little bit of sidewalk going over to the man-door.

Mr. Fischer said he doesn't see that as an issue he kind of fanned out the driveway just to end just where it would kind of get to the man-door. He said he wouldn't imagine that would be an issue but if we had moved the door slightly then maybe the driveway drawing would have to be slightly different based on how that goes to get to the man-door.

Mr. Lamanna said at worst, this is three or four square feet here we are talking about.

Mr. Fischer said a little notch.

Mr. Lewis said that was kind of what he was thinking so he doesn't have to step onto his lawn.

Mr. Fischer said he doesn't need a big sidewalk or anything just something to get there that is all.

Mr. Lewis said he imagines that if you go to unlock the building for entry you are going to be using the man-door.

Mr. Fischer said absolutely.

Mr. Lewis said you want to be able to shovel a little bit of a walkway in the winter.

Mr. Lamanna said maybe we will just make it 12.8% and then he will have a little extra.

Mr. Gutoskey said he did add that .07 in there to get 12.6% or make it 12.7%, he thinks that is fine.

Mr. Lamanna said it gets you a lot of wiggle room for walkways and things like that. He asked if everything is covered, lot coverage, size.

Mr. Gutoskey said color, windows, trees.

Mr. Fischer said he has all of that written down, neutral or white color, or matching the house, the smaller 30 by 40, trees for the screening, windows at least three for each side and no business.

Mr. Lewis said and a new building plan and a site plan.

Mr. Gutoskey said landscaping.

Mr. Lamanna said and keep the old building but our intention it is being kept and not renovated into some new modern storage structure, obviously you can fix a few things but you cannot put a new big door on it and turn it into a sophisticated new building. He said the building is there, there is a history to it, it can stay the way it is, obviously you can repair it and make sure to keep it up but no reconverting this into another nice fancy storage shed, putting big doors and modern accrements on it, it is supposed to remain in its historical condition.

Ms. Endres said so maintenance is permitted.

Mr. Lamanna said yes but it is sort of like a historical building, you can't come in and change it, you can keep it up and maintain it but you can't modify it into something else. He asked if there was anybody interested in this application.

There was no response.

Mr. Fischer said his neighbor to the west, Mr. Ken Holland, submitted a notarized letter, he wasn't going to be here today, to the board.

Mr. Lamanna said he is the guy that is the closest.

Mr. Fischer said yes. He added that he is going to have gutters and downspouts and direct the water to the riparian area.

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

Motion BZA 2020-13 – 9217 Kingsley Drive

Mr. Lamanna moved to grant the applicant the following variances for constructing a 30' x 40' detached garage. This detached garage will be a smaller version of the 40' x 50' garage shown in his plans.

1. With respect to this garage a variance will be granted to the west property setback from 50' to 10'.
2. The rear of the garage will remain at the location shown in the applicant's submittal but the building will be shortened from the front and the applicant will maintain minimum requirements from the riparian area.
3. With respect to the maximum accessory building size the board will grant a variance from 300 sq. ft. to 1,200 sq. ft.
4. The building height will be less than the 15' maximum as shown on the drawings that were submitted.
5. With respect to lot coverage, lot coverage will be increased from 10% to 12.7%.
6. The property has an existing small barn so the board will grant a variance for the maintenance of the second accessory structure with its existing setbacks from the rear and side property lines.

With respect to this variance the following conditions will be applied which have been agreed to by the applicant and which are necessary to mitigate an adverse impact on the adjacent properties and an adverse impact on the neighborhood and without which conditions the requirements for granting this variance would not be satisfied.

1. The applicant will add three windows on each side.
2. The color of the barn will be a neutral color or matching to the existing house or otherwise consistent with the general tenor of the neighborhood.
3. The applicant is going to move three existing trees and place one of them near the front west corner of the building and the others in an area in front of that.
4. Additionally, the applicant will prepare a landscaping plan to be submitted to the zoning inspector for approval based upon having additional evergreens spaced along the side of the building of reasonable height and taking into consideration windows for the zoning inspector's approval.
5. With respect to the existing building it will be treated like a historical building so the applicant may maintain it and keep it in its current condition but is not going to renovate it into a different type of structure or a different look of the structure so it will be much like the standards applied to historical buildings.

Motion BZA 2020-13 – 9217 Kingsley Drive - Continued

6. The board notes that this building will be used only for storage and personal use of the applicant, there is no allowance for this to be used for conducting any business and if the applicant desires to conduct any business on the property he can only do so in accordance with the home occupation requirements as set forth in the township zoning ordinance.
7. With respect to the roof and the roof pitch is that if run-off from the roof becomes a problem, running off onto the neighbor's property or pooling or the like, the applicant will put gutters on the building and divert the run-off to a suitable area so it is not adversely affecting the neighbor.

Based on the following findings of fact:

1. A practical difficulty exists due to the lot size with respect to lot coverage and also due to the location of the house and driveway on the lot and to be able to have driveway access to the proposed structure without destroying either existing leach fields or appropriate locations for a substitute leach field.
2. With these changes it should not adversely affect the neighboring properties or the character of the neighborhood.

Mr. Lewis seconded the motion.

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

Application 2020-14 by Jeff Varney for property at 19036 Brewster Road

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. Jeffrey Varney and Mrs. Sara Varney were present in person to represent this application.

Mr. Lamanna swore in Mr. Jeffrey Varney and Mrs. Sara Varney and let the record reflect that Mr. and Mrs. Varney were duly sworn.

Mrs. Sara Varney testified that they are here for variances for an attached garage. She said they grew up in Bainbridge and her husband actually lived three houses down from the house they are in right now and his parents actually purchased our house in 2015 with the intent to flip and sell it. She said her father passed away unexpectedly and we decided that we were going to move from Cleveland pretty immediately back to Bainbridge which we were going to do in the long term anyway but it made more sense for us to do it now to be with our family so we decided to purchase the home from Jeff's parents in January of 2017 so anything prior to that was done by the previous owner, the house as it currently stands is how we purchased it so (she referred to a photo of it) and said this is what it looked like in 2013, it was not the best looking piece of property and home, it was purchased at auction over the internet. She referred to a current photo and this is what our house looks like today, again we have not made any inside or outside improvements since we purchased the home so we are here today trying to do so. She said if you look at where our house sits on the lot it is 2.4 acres however the 2.4 acres are very much on the northern corner and it was communicated to her that two sisters built our house and the house next door and obviously they wanted to be very close to one another however we are not in the same situation with our neighbor and not wanting to be that close and unfortunately that is the position we are in and we love the house, obviously the building restrictions were not in place in 1926 as they are today which obviously they would have built a home a little bit more standard within the property lines so to really fix that for us what we are proposing is to direct some of the activity and traffic more to the south so on the south side of property, if you actually look at the builder drawings and the aerial view, if you look at the aerial you will see a very unique topography and the reason why they built the house close to the property line as they did is we have a very significant drop off, it is about a 50' drop all the way around our home from the back of our house and it goes down to a ravine.

Mr. Jeff Varney testified that alongside of the house it goes straight up to that septic line so everything from there back is unusable land.

Mr. Lamanna asked if the blue line is a riparian.

Ms. Karen Endres, Zoning Inspector testified by saying yes, it is a riparian.

Mr. Lamanna said that is showing the riparian right-of-way through there, when you say it is a big gully that is probably what that is and does that look right based on where the house is.

Mrs. Varney said yes.

Mr. Lamanna said you can see the contour.

Mrs. Varney said it drops off right after that.

Mr. Varney said all of their land is basically unusable.

Mr. Lamanna said that is the only flat spot.

Mrs. Varney said right so the only little bit of flat spot that we would have is right after the garage and the septic and it is a very small portion anyway but what we do have is all of the property along the south side and you can see that the neighbor's home is no where near the property line and we have all of that space although we do have the hill drop off, you can see it really comes all the way forward, that is really what is driving our request for the variances, we are not trying stay unreasonable it is that our property does not have the ability to place it in a much different area.

Mr. Lamanna said so your septic is back behind the existing driveway.

Mr. Varney said the end of the driveway is at the end of the woods.

Mr. Lamanna asked if that is a separate building there behind the house.

Mrs. Varney said that has always been there.

Mr. Lamanna asked if they are keeping that one.

Mrs. Varney said right now they utilize that for a family vehicle and children's toys.

Mr. Lamanna asked if the garage is the same age as the house.

Mrs. Varney said she met the family and she said her father built it.

Mr. Lamanna said so it dates back to the fifties.

Mrs. Varney said yes.

Mr. Lamanna said the reason is because of the change in size of vehicles and some of the garages are not very practical for current vehicles.

Mr. Varney said it is hard to get a car in there. He said they have two cars, one of which stays at the in-laws and he has his truck that sits outside on the driveway, it is a brand new truck that he just purchased. He said he has lawn equipment and he has a very large front yard so the lawn equipment that he has to store, he puts it at his father's house which is three houses down and he has to pick it up every time he needs it, he has a snowblower so they have a bunch of reasons why they need space.

Mr. Lamanna said let's go back to the drawing showing where we are going to put this. He said so basically you want to put in a horseshoe driveway and then a garage.



Mrs. Varney said correct and the intent too as she mentioned it is far away from the neighbor's property line and also being concerned about what this will look like when it comes to the character of the neighborhood, the house was built in 1926, it has been updated and looks beautiful and we want to keep that flow going throughout so it would look just like our home, the stain, the siding, the windows, the roof and for us it is really important and she thinks it will make a much more appealing imprint on the property overall and try to draw your eye away from it so that is also part of the reason why we have the angle of the garage the way that we do and it will look good coming from the roadway. She said one of the variances that they are seeking is the 35', we actually had our builder come out and remeasure everything yesterday and today and come to find out that he inverted the numbers, it is actually 53' so we do not need a variance for that.

Mr. Varney said we have a couple of different building plans right now, initially he wanted to kind of tuck it back in there but that took us too close to the south and way too close to the street so we tried to angle the garage so it would be easy to pull the truck in.

Mr. Lamanna said he thinks our biggest problem right now is how close this is to the street and he himself would rather sacrifice some of the side yard setback if we could move it farther back from the street.

Mr. Varney said now it makes it closer, if we move it to where it fits like more in the side yard it is closer to the street.

Mrs. Varney said that hill, it follows close to Brewster Road the more south you go.

Mr. Varney said which is why it is also kind of angled because the back of it really follows the contour.

Mr. Lamanna asked what prevents it from being closer to the house, he can see where the hill drops off. He asked how far back the house is now, is there a dimension on that.

Mrs. Varney said she doesn't know.

Mr. Varney said 100'.

Mr. Gutoskey said if he is reading this right it looks like it is 113.7' from centerline.

Mr. Lamanna said that means it is probably 80' from the right-of-way.

Mr. Gutoskey said it is a 60' right-of-way but he can't read the number, he can't tell if it is 133, 113 he doesn't know, it is too small.

Mr. Varney said it has a line to the front that says 100' setback. He said it has two arrows on it and it shows the front of both of the houses.

Mr. Gutoskey said look at the last page of the house plans. He said it is in his packet it is stapled, the last page of the house plans.

Mrs. Varney said that is wrong.

Mr. Gutoskey said it is Exacta Land Surveying.

Mrs. Varney said she had the original.

Mr. Varney said they have no backyard and tons of front yard.

Mr. Lamanna said it is 113.7' again to the centerline less 30' so it is 83.7'.

Mr. Gutoskey said that is what the title company says.

Mr. Lamanna said that is not surprising because a lot of these lots are platted to the center of the road.

Mr. Varney said they measured from the center of the road.

Mrs. Varney said they did and it is 52' from the center of the road to the where the closest corner of the road would be.

Mr. Varney said it is 52' from the center of the street.

Mr. Gutoskey said it comes up to 22'.

Mr. Varney said he guesses it would be 22' he doesn't know if that makes a difference.

Mrs. Varney said two more feet.

Mr. Gutoskey asked if there is anyway to rotate it any more to get it.

Mr. Varney said no they literally tried four or five different ways to fit it in, if they moved it closer to the house it wouldn't look right symmetrical.

Mrs. Varney said it would be partially in front of the home and you can totally see by what is green in this picture.

Mr. Varney said that is their use of the land.

Mrs. Varney said the part that is somewhat green.

Mr. Varney said there is a little bit more in the front to the right but that is basically all we got.

Mr. Barr said that is quite a bit of a drop off there.

Mr. Varney said that is basically the majority of their lot.

Mr. Lamanna asked if that is a large tree there, straight up on the side.

Mrs. Varney said no that is not a tree, that is where the old well was.

Mr. Varney said a lot of trees were cut down though, a lot of this was gone.

Mr. Lamanna said those trees are down in the gully. He asked the applicants to point out on the aerial photo where the structure is going to sit.

Mr. Varney said yes, right in there, (he referred to the aerial photo). He said he was initially thinking way up there on the right corner but that took him too close to the street so right where you were pointing down in there, that way it looks symmetrical and it is the best we found. He said they tried several angles, several different drawings.

Mr. Lamanna said by the time you get close to the house you are in the ravine.

Mr. Varney said the front yard is the only yard that they have so they wanted to keep as much yard as they could have.

Mr. Lamanna said it looks like the ravine is somewhere along here right. He asked if there is a topographic line view of the property.

Mrs. Varney said if we go this way we are closer to the road so we kept pushing it as we could. She added that there is one tree that needs to be cut down.

Mr. Lamanna said it is really a question of how close is it over here.

Mrs. Varney said if we kept it where it was and tried to move it back we wouldn't be able to, we would have to go north as well.

Mr. Varney said if it gets closer to the house it really starts cutting off a lot of the house and it will look real odd. He said the building will be 36' x 36'.

Mr. Lamanna said unfortunately we need a better drawing, ideally what you would have is a topo map with all of those contours on it with the house drawn on it and then this put on it so that we have a better idea.

Mr. Varney said they have large scale drawings with some of it on there but he doesn't know if it is better than what this is, it is about the same thing, it shows you.

Mr. Lamanna said it is just very hard on here to see exactly where we are talking about.

Mrs. Varney said there is a home on Brewster that has a garage that is actually closer to the road than what we submitted for.

Mr. Varney said there is some kind of precedence for it on the street.

Mrs. Varney said it is a beautiful home and a beautiful garage and they are about 40' from the center of the road versus ours.

Mr. Lamanna asked what the upstairs of the building is going to be used for.

Mr. Varney said for storage for their patio furniture that they have on the outside and right now it is at his mother's-in-law, they have to store it over there and he has all of their kids toys and stuff so they can keep it out of the way, just main overall storage, like when they need to make some room and get stuff out of the way, they just want to be able to have a place where we can kind of stick it up there and when there is a change of seasons they would put their umbrella and patio furniture up there, things like that.

Mr. Lamanna asked about the bump-out in the back, why is that.

Mr. Varney said for the tools and bikes or something, we are just trying to maximize the space.

Mr. Lamanna said a 32' garage is a pretty deep garage.

Mr. Varney said it is.

Mr. Lamanna said he wishes he had a 32' deep garage.

Mr. Varney said his truck is 23' long and when he has garage door supplies that stick out the bed, sometimes they stick out 3' or 4' so it is 28' sometimes with his truck which is the reason he needs a lot of depth, he doesn't want to pull his truck right up to the very edge of the back of the garage.

Mr. Lamanna said it is like everything else, we would all like a big garage like the gentleman that was just here before you, he doesn't know if you heard that whole thing but, at the end of the day his garage went from being 30' x 50' to be 30' x 40' because again it is yes we would all like to have a 32' x 36' garage but when the only place we can put it is in our front yard and we want to be 35' from the road when the setback is 100' then we might have to have a slightly smaller garage.

Mrs. Varney said the only thing she would say to that is that we thought about that and we really are working with a wonderful builder and really looked at the full layout of the property and something much smaller takes away and detracts from our house.

Mr. Lamanna said yes but we are not changing the front of it, we would only be changing the depth.

Mr. Gutoskey asked if their septic is a leach field or is it an off-lot discharge.

Mrs. Varney said it is a something flush, it is not a leach field.

Mr. Gutoskey said it is probably an off-lot discharge so the question is, can that be moved somewhere else and can you put this at the end of your driveway and then he had one other question in the application. He asked about the question, provide a description of the proposed use of your property and you had "Add a detached garage for storage of family vehicles, lawn equipment, company work truck, and some overhead garage door equipment." He asked Mr. Varney if he is going to be running a business out of it.

Mr. Varney said no, absolutely not, no, their shop is in Streetsboro so what he would like to do and the only reason he mentioned that is because he will use it for small parts and things so when he leaves his house in the morning and he is headed in the other direction from Streetsboro so he doesn't have to run 30 minutes back in the other direction he can grab a small part or something and save himself an hour of drive time, it is not anything where he is going to be having trucks there or running equipment in and out, it is just for small stock just in case he needs something before he leaves for the day.

Mr. Gutoskey asked if there is any way they can put this at the end of your driveway and relocate the septic because there is definitely not enough room there where you have a septic, you probably have an off-lot discharge and aeration system.

Mrs. Varney said they did have someone originally because obviously all of that would have had to be inspected when they purchased the home and they said actually it was fine as it was and she didn't believe you could build on top of an old septic and isn't it about \$20,000.

Mr. Gutoskey said not if you don't have trenches, if it is just an aerator it wouldn't be that much to relocate it.

Mr. Varney said they told them in the beginning that it would be well over ten or fifteen thousand.

Mr. Gutoskey said that is his field.

Mrs. Varney said it was the septic company that told them that, the builder didn't have anything to do with the septic. She said the septic company explained to her if we were to put something else in it would go in the front and it would be \$20,000.00.

Mr. Gutoskey said just looking at and he doesn't know if they saw the hearing we had before this but it is a very large building and it is tall too, 27' tall.

Mr. Varney said we have a few structures on our street that are quite that tall.

Mr. Lewis said to add to Mr. Gutoskey's comments, it is big, it is tall, it is 20' off the road and it is in the front yard.

Mr. Varney said but we don't have any other usable land to put anything anywhere else.

Mr. Lamanna said here is the thing, you have to understand, yes there is a practical difficulty here, in most cases if somebody came in and said they want to put a garage in their front yard we would say sayonara, forget it, it is not going to happen so you have probably the one situation but again it is still a question of yes you are entitled to some relief but the amount of the relief is what is the minimum that can be done to overcome the difficulty. He said yes it would be nice if it was a certain separation between the house and the garage but we want to look at what is the maximum setback that we can get from the road because whatever it is it is going to be much less than almost everything else other than maybe one or two that go back probably 50 – 75 years when they were originally constructed. He said the houses are all set back.

Mr. Varney said what about 16770, a brand new garage structure that is 50' from the middle of the street, the same we are asking.

Mrs. Varney said it is beautiful.

Mr. Varney said it is in front of the house, it is two story building, it is one of the newest houses on the street.

Mrs. Varney said they have so much property.

Mr. Varney said it is 50' from the middle of the street, he measured it himself.

Mr. Lamanna said it doesn't ring any bells here.

Mr. Varney said they have a ton of yard and we have no yard.

Ms. Endres brought the property up on ReaLink.

Mr. Barr said he thinks if there was any consideration to move it to the backyard he thinks first we would need to figure out where the actual septic tank is and what is the feasibility of relocating that run-off pipe.

Mr. Varney said it is literally in the middle of his backyard.

Mr. Lamanna asked if they have had an inspection.

Mr. Varney said yes, they have had it inspected.

Mr. Lamanna asked if there is a written report that you got for the septic system.

Mrs. Varney said she could probably get one.

Mr. Lamanna said that Mr. Gutoskey could look at it and he would have a good idea as to whether it would be a feasible option or not.

Mr. Varney said it is a very small space.

Mr. Barr said he thinks it depends on where the septic is because obviously you can't build over the existing tank but if it is as simple as just relocating the run-off pipe.

Mr. Varney said no, you can see where it is, part of it and it goes farther towards the house. He said there are three of them he thinks and he just put chlorine tablets in this one here.

Mr. Lewis said for those of us that are on Zoom when we have everybody talking at once it is kind of hard to follow. He asked if we could space it out just a little bit please.

Mr. Lamanna said one of the problems here is we just really need a better drawing of where you want to put this. He said the problem is we are looking at it, there are no dimensions on it hardly to speak of, we don't where the drop off actually begins and we don't see it on here. He said normally what we would like to see is a topo of the lot.

Mr. Varney said we had that but it didn't come through.

Mr. Lamanna said so we can see what are we talking about here, what the distance from the house is and the size of the house.

Mrs. Varney said maybe don't have it because it is small.

Mr. Lamanna said the problem is we are going to need a drawing this big, what we would like to see is this part of the drawing at least this big.

Mr. Barr asked if it is possible, could the Health Department provide drawings of where the septic system is exactly in the back to show that it is not feasible to build back there.

Mr. Varney said you can see it.

Mrs. Varney said she will get anything the board asks of her if there is someone she can get it from.

Mr. Lamanna said he thinks the thing that would help the board the most would be a bigger drawing of this piece here and ideally to have on with the edge of the contours.

Mr. Varney said he has blueprints that are this big and he would have provided three copies but he doesn't have that kind of money. He said he has the huge blueprints. He thought that since these have the waves on it the other one would show the topography.

Mr. Lamanna said you could have brought them in.



Mr. Lewis said he has some more observations, the original purpose of this was to build a garage to put some vehicles in so the footprint of the building is pretty big, it is very roomy, bigger than most garages. He said we also have a second floor on it kicking the height of this rascal up 27' and kind of a narrow stairway going up there so he will go with it, it is for personal storage for items that are seasonably based. He said this is a really, really big structure, really close to the road and he goes well folks if you are trying to get back to your primary objective which was vehicle storage, you may have to make some concessions on the size of this building and certainly what is going on with the second floor to lower this thing down so it is not so substantial sitting on the curb of the street and he agrees with Mr. Gutoskey's observation, he thinks you need to sincerely explore whether or not this can be located in the rear yard and whether that is practical with your sanitary system. He said this is a big building in your front yard so he is going alrighty guys, he is not sure it fits as is so he also agrees with our Chair that we need a much more accurately dimensioned site plan so he thinks there is some work to do on this application.

Mr. Varney asked if the board wants him to bring his actual blueprints in, is that what you want to see and he doesn't know if they are going to give the same topography that he has, how are we going to get that, you said you want to see a larger blueprint.

Mrs. Varney said she was going to ask if that is something the builder might have, if he took pictures he could make a rendering that is more of like a 3-D visual around the property to show it because she is just trying to think of how they could get something better than the blueprint.

Mr. Lamanna said it would help to have some more detail even to the point of putting stakes in the ground but really what we want to see and asked if there is a topo option on the GIS.

Ms. Endres said it is the same one that shows the riparian.

Mr. Lamanna said what we would like to see is this chunk of the property and if you could get a copy of this and then blow it up and then put the drawing of where your things are with some dimensions that show if we put the back end of it here this is where the front end will be and it is this many feet from the road.

Mr. Varney said he thought they did that already.

Mr. Lamanna said we can't really tell, there are not enough markings for us to get an idea of how many feet back we are and how many feet we are from this way. He said he doesn't know where you are or could be.

Mr. Varney said it is 60' from that edge line, right along there.

Mr. Lamanna said he can't tell from here what 60' is. He said we would have to sit here and go back and try to measure 60', there is a measuring tool on here that will give us an idea. He said this is not an uncommon problem, we've had other circumstances like this and usually what it means is going back and trying to get a little bit more accurate drawing so we get an idea of, you selected this point, is this really the optimum spot. He said you may think it is the optimum spot from your perspective but we have to make sure it is an optimum spot from zoning's perspective and it is satisfying the requirements for us to grant you a variance. He said we have to look at certain things in terms of granting you a variance, he doesn't know what the situation is on this other property. He said he doesn't remember that property.

Ms. Endres said that address is not coming up in our facility files.

Mr. Lamanna said something like that would have stuck out just because of the size.

Mr. Gutoskey said this lot has so much going on with it so he would suggest having a surveyor put a plan together so we will know exactly where the things are on the lot and what the topography is and where this thing can fit just because this front setback we have to work with because these old county roads, the old roads in the township aren't exactly in the center either especially in a curve so that would be his suggestion, just because of what we are trying to jam on this lot.

Mr. Lamanna said we have never allowed a garage that close to the road.

Mr. Varney said he knows that why he figured it wasn't going to be too terrible because it is the same basically that we want to do and well they set a precedent because that is one of the newest buildings on that street, honestly.

Mr. Lamanna said precedence means nothing in zoning and every lot stands on its own merit and it is also possible that somebody built that and never got approval for it.

Mr. Varney asked if nobody ever noticed that they built it that close.

Mr. Gutoskey said he has been on the board eight years, and asked Mr. Lewis if he remembers a variance on this.

Mr. Varney said it is much earlier than that, it is probably three or four years old.

Mr. Lewis said he doesn't recall, seventeen years is a long time. He said he thinks we have given this applicant a pretty good idea of what the board wants and he is hoping that our Chair may move towards tabling this.

Mr. Lamanna said he thinks we are going to do that and he thinks he is right about considering getting a surveyor to mark it out and give a drawing.

Mr. Gutoskey said they can locate the top of the bank to the ravine there and where the septic is, they can locate everything relative to the property lines and give us some elevations.

Mrs. Varney said that is the part, predominantly the elevations.

Mr. Gutoskey said we need a detailed site plan that is normally prepared by a surveyor or engineer.

Mr. Lewis said he thinks we are ready to take a direction on this.

Mr. Lamanna said we will table this so, go back and try to collect some of that information and work with Ms. Endres, she can guide you on, she understands what we want and she can help you out on getting something that we can really understand. He said meanwhile we will look into this other property and see what the story is.

Mr. Gutoskey asked if there are any neighbors here that are concerned with this item on the agenda.

There was no response.

Mr. Lamanna reminded the applicants to work with Ms. Endres because she can help guide them so when they come back the board we will be able to act on this application.

Mr. Varney said he has got that truck and it is so long he doesn't know if he can cut it depth wise.

Mr. Lamanna said there is a 4' bump-out that wouldn't affect your truck at all.

Mr. Varney said so you are saying take away the bump-out.

Mr. Lamanna said yes.

Mr. Varney said it goes in the woods kind of.

Mr. Lamanna said it may make a bigger difference than you think. He asked if they can get some pictures of the front of the property so we know what trees are there because all of the stuff we have obviously is old.

Mrs. Varney said yes.

Mr. Lamanna said so if we have some better pictures of that area and what it looks like looking from the street it will certainly help us but he thinks right now that is their biggest problem, you just need to generate some more detail and this is not uncommon.

Mrs. Varney said she is sorry.

Mr. Lamanna said it is difficult, sometimes something like this will work fine in a lot of circumstances but there is probably 25% of the circumstances where it doesn't and we have to send people home to refine it.

Mr. Varney asked if they have another month now.

Mr. Lamanna said yes. He said work with Ms. Endres and she can make sure you have what we need.

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

Motion BZA 2020-14 – 19036 Brewster Road

Mr. Lamanna moved to table this application to the next regularly scheduled meeting to be held July 16, 2020.

Mr. Lewis seconded the motion.

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

Application 2020-15 by Lisa Meyer for property at 17122 Sunset Drive

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

Mr. Henry (Fritz) Meyer and Mrs. Lisa Meyer were present in person to represent this application.

Mr. Lamanna swore in Mr. and Mrs. Meyer and let the record reflect that Mr. and Mrs. Meyer were duly sworn.

Mr. Dale Olson of 17114 Sunset Drive was present in person.

Mr. Lamanna swore in Mr. Dale Olson and let the record reflect that Mr. Olson was duly sworn.

Mr. Torrey McNeal of 8340 Lucerne Drive was present in person.

Mr. Lamanna swore in Mr. Torrey McNeal and let the record reflect that Mr. McNeal was duly sworn.

Mr. Meyer testified that he doesn't mind Mr. Olson being here and he knows he doesn't agree with them but two days ago there was a confrontation on our property with him and his wife with our builder and workers and it didn't go well so he is not comfortable with him being here,

Mr. Lamanna said he has every right to be here and if he does anything here, if anybody causes a disturbance at our meeting we will call the police and we will swear out a complaint against them for interfering with a public meeting, that is how we control it, thank you for letting him know and he is sure Mr. Olson understands that is what will happen if there is any misbehavior here. He said he will call the police and he will fill out a complaint and he will not drop the complaint to settle it, he will insist that the prosecutor continue it, so everybody be advised.

Mr. Meyer said okay.

Mr. Lewis stated that he thinks this applicant was before us very recently on this lot and they presented a site plan and a house plan and the board did grant several variances on it and it was approved. He said part of the criteria that was that the Lake Lucerne Architectural Review Board had already approved the site plan and we were provided with their documentation from Lake Lucerne ARB, their signed approval documents for our files. He said in looking through the package that he has, before we even get to the accessory building he understands the house plan has been changed and now there is a circular driveway, he wants to know where the Lake Lucerne ARB approval signed documents are on that portion of it because he doesn't see those in his package. He said what we do also know at this point the applicant does know the process with both the township and with Lake Lucerne ARB so he is asking, has that step been completed with Lake Lucerne ARB and if it was denied or approved, where is the document.

Mrs. Lisa Meyer testified that she has an email from the President of the ARB approving the driveway and when they had it done she did not realize that she needed to go through zoning for the driveway and as far as the back porch, it was not her builder, it was her. She said when the Amish men were building the back porch and it was smaller than she anticipated, she asked if they could bump it out as long as it didn't go beyond the farthest point of the house, once again, her mistake, she did not know it needed zoning, she thought it was still within the lines so she is asking forgiveness for those two things.

Mr. Lamanna asked if the ARB approved the change to the deck.

Mrs. Meyer said not the back porch, no.

Mr. Lamanna said now we will hear from the representative of the association.

Mr. Torrey McNeal was present to represent the Lake Lucerne Architectural Review Board.

Mr. McNeal testified that his question is when he saw the letter about the variances the original plan, he doesn't know what has changed from the original plan to what the board has so there were variances but why are there variances that are different than the original plan. He said he has been on the ARB for three years now and he is just curious because he got a letter and a question on did you approve these and he couldn't answer it, he is asking why were there variances, we approved the house, that was a long time ago with the original plans and he is assuming the variance is for new things than the original plan.

Mr. Lamanna said no, originally there was a plan submitted in 2019 and he believes that was approved by the ARB.

Mr. Lewis replied yes.

Mr. Lamanna said based on that plan and the approval certain variances were required as they always are in Lake Lucerne because you can't build anything and meet the zoning requirements.

Mr. Meyer said they had a letter.

Mr. Lamanna said the assumption is when you come in and get a variance and it is based on a particular plan that you will build in accordance with the plan and if you want to change the plan you will come back to the BZA and get approval to change the plan and you will get approval from the homeowner's association as well to approve the plan.

Mrs. Meyer said she knows.

Mr. Lamanna said what we don't like is people who come and say they are just going to do what they want to do and then they will come in and say please forgive them.

Mr. Meyer said this is all new to them, they came from 10 acres so they are trying to go by the rules.

Mr. Lamanna said the problem is, it is like anything else, when you get approval for something, that is what you have approval for, not something else, especially when you are asking for a variance to these requirements. He said you got the variance and you know what the requirements are and if you add another driveway you have obviously increased your lot coverage significantly, that is one of the things we had to give you a variance on, and the same thing with the deck. He said he doesn't want to sound like he is being a hard-ass but frankly it gets kind of annoying to us when people do things like that, your builder should know better number one.

Mrs. Meyer said she apologizes.

Mr. Lamanna said your builder should know better and sometimes what happens is you go ahead and do something and come back here, we are going to tell you we are sorry but we have given you all of the variances we are going to give you because generally we are pushing the limit on these houses in Lake Lucerne anyway so then when you come back and ask for more, we are sorry, you are going to have to tear it out and go back to where you were. He said yes it seems harsh but unfortunately you put the board in a difficult position. He said we can't just have people doing what they want to do and then coming in and saying this is what we did, now approve it and we get situations when we say we wouldn't have approved what you did if you had come in here and asked us, we would have said no so we are not going to put you in a position where you can say they might say no so I'll build it and try to get them to approve it.

Mrs. Meyer said that wasn't what happened.

Mr. Lamanna said that creates a real problem because then everybody will be doing what they want and be in here asking after the fact, we did this, we are sorry.

Mr. Meyer said they went to the ARB to get approval, we didn't know we had to go a step further and get approval from you, that is where we messed up.

Mr. Lamanna asked if they got approval for the driveway before the driveway was put in or after the driveway was put in.

Mr. and Mrs. Meyer replied before.

Mrs. Meyer said it was a construction driveway and the mailboxes are right in front our driveway and we found that with people coming in and stopping and reading their mail that it worked really well.

Mr. Meyer said they have 25 mailboxes directly in the middle of our yard, you can't park cars in front of our house, we have people come in the driveway and stopping and get their mail. We didn't want to park cars on the road and we didn't want to create problems for anybody else.

Mr. Lewis said there is always a reason that we ask for things and he appreciates that and you are residents and we are all looking for the same quality of good life. He said to our Chair's point you have been through the process already with Lake Lucerne ARB and with the board of zoning appeals. He said you were given variances on a specific site plan, you can't just arbitrarily go out and start changing things and as he said there are always reasons but he thinks we just heard from the HOA/ARB Chair for Lake Lucerne, he has never seen this new plat with the new driveway to approve it so a whole step missed and you already knew the procedure so he thinks we need to resolve this piece of it before we move on and talk about your shed. He said he did see an email in there, he thinks it might have been sent by Ms. Savin that said that the board had approved the shed.

Mrs. Meyer said correct.

Mr. Lewis said but he sees nothing in there that was submitted for the driveway and the porch change and now he is hearing another email that the HOA/ARB is not appreciative of the shed so we have got a long way to go on this.

Mrs. Meyer said she also has an email that says the ARB approved the Meyers shed at 17122 Sunset Drive in writing.

Mr. Lewis said that is good.

Mr. Meyer said the ARB needs to know what they are doing because it causes conflicts, we have this in writing.

Mr. Torrey McNeal stated that he wanted to verify on the ARB stuff and a lot is being said about it and it is not accurate.

Mr. Meyer asked why did they get something in writing.

Mr. McNeal told Mr. Meyer that he is supporting him and he might want to listen. He said as far the shed goes the ARB was not in conflict with the shed upon one condition, the applicant said that the shed could only go in the location of their choosing and the ARB requested that it be completely screened from the road. He said our deeds and regulations state the shed should not be visible from the street, that Lake Lucerne as the zoning committee knows there are sheds that have been built, he doesn't know all of the years that these different sheds were built, there are sheds that have been built that are visible from the road, the ARB's request for this applicant's shed was that if the shed was going to go up, it would not be visible from the road, that was a condition that we had on that shed. He said as far as the driveway goes his question that he did ask in the beginning is have the driveway dimensions changed versus what the original plan was, the original plan was approved by the ARB.

Mrs. Meyer said correct.

Mr. McNeal said if the driveway is the same in the original plan, he is not issuing an argument on behalf of Lake Lucerne. He said his question is is this what was in the original plan.

Mrs. Meyer said no, it was her error.

Mr. McNeal said okay so then just to be clear, what they are saying is they have a letter for an approved driveway but that driveway was not approved on the original plan.

Mrs. Meyer said it was the one that we have in writing was the horseshoe that was approved.

Mr. Meyer said that is the one that was approved by the ARB board.

Mrs. Meyer said you can tell because the date the house and driveway were already up.



Mr. Lamanna asked if she submitted that.

Mrs. Meyer said she did not, she just got it.

Mr. Meyer said we got it approved by the ARB.

Mr. Lamanna asked if the board could have copies of that made.

Mr. Meyer said they were just trying to follow the rules.

Mrs. Meyer said going to the shed they are trying their best to do it correctly, they asked them to put it on the opposite side of their backyard but when we did are grading, the elevations, they made us put that side ahead of an elevation drop so it is not flat and to put the shed on the other side it would be closer to our driveway and her husband has a tractor that has attachments for plowing their driveway, all of these big attachments.

Mr. Meyer said the other problem is the middle of their backyard is the sump pump is going out the back so they are limited to where they can go with it.

Mrs. Meyer said she has a signed letter from their neighbors directly across the street who would be mostly affected by the view and they said that they were fine with it.

Mr. Meyer said and the neighbors next door also signed it and all down the street so the neighbors are fine with it except for.

Mrs. Meyer said they are planning on putting a couple of trees in front of the shed.

Mr. Meyer said that is what they agreed to do.

Mrs. Meyer said it will be a white shed with black trim, it will all match the house, it will have little windows.

Mr. Meyer said they are just trying to make everyone happy.

Mr. Lamanna said the problem with things like this is he can't tell anything from these because he has a document that says "Approved driveway extension subject to a revised grading plan, the ARB approved your plan." He said he doesn't have anything that tells him what that plan is.

Mrs. Meyer said that is what they got so she is just giving you what we got.

Mr. Lamanna said you should have attached the plan that you submitted to the ARB.

Mrs. Meyer said she came out and looked, we did not give her a plan, she came out and walked their property.

Mr. Lamanna said that is absolutely worthless to us because now we have no idea of what it is.

Mr. McNeal said he is not sure what that is, he is not sure who was the representative that was doing the walking or whatever, he knows that it was not at a meeting that they had.

Mrs. Meyer said no.

Mr. Lamanna asked if an individual can approve it, he assumed it has to be done and brought up before the board and approved.

Mr. McNeal asked if that was Ms. Savin.

Mrs. Meyer said yes.

Mr. McNeal said she is not actually on the ARB.

Mrs. Meyer said then she is confused.

Mr. McNeal said she is on the Lake Lucerne board, she is not a member of the Lake Lucerne ARB.

Mrs. Meyer said so you are saying when she has something done she needs to have it approved by the HOA and the ARB.

Mr. McNeal said no, just the ARB.

Mr. Lamanna said the ARB approves if on behalf of the HOA, the homeowner's association delegates their architectural review board to make the decision as to whether or not something is approved, it is not up to individual board members. He said in theory if the entire board of Lake Lucerne decided at a meeting to say they are going to approve something even though the ARB said no it would be within their prerogative to do that because they can override the ARB but it would take an action by the entire board of the association at a meeting to approve that but no individual member of the ARB or no individual member of the board has the authority to approve something, it has got to be an action of either.

Mrs. Meyer said she didn't know that.

Mr. Lamanna said you are a member of the association, it is your responsibility to know.

Mrs. Meyer said she is trying to do the right thing.

Mr. Lamanna said I know you are trying to do the right thing but unfortunately your obligation as the property owner and a member of the association to know how the association operates and who are the appropriate people in the association who has the appropriate authority to act on behalf of the homeowner association. He said you can't go talk to one member of the board and they say they think that is okay and then run off and think you have the approval of the homeowner's association because it is pretty clear that nobody has that individual authority. He said it would be like cornering one of the trustees at a party and saying you are thinking of doing this do you think it is okay and he says it sounds okay to him, but that is not the approval of the township.

Mr. Lewis said it sort of begs the question, why was Jill Savin who is not on the ARB granting authority and writing things on behalf of the ARB at Lake Lucerne and where was the ARB through this whole process particularly when we just saw this property a few months back.

Mr. McNeal said they approved the main plan.

Mr. Lamanna said the original plan. He asked if the ARB was provided a plan, he doesn't know who produced this document.

Mrs. Meyer said she thought they did, that is where she got it.

Mr. Lamanna said he has here in the package a marked up drawing which looks like it was the original drawing and added to it is a driveway.

Mrs. Meyer said she believes that was what was sent to her and that was what was approved by her.

Mr. Lamanna said he is not sure what these other things are, it looks like there is a porch extension here and there is some other extension on the driveway, the back end of the driveway behind the garage and a shed.

Mrs. Meyer said yes.

Mr. Lamanna said the accumulative effect of which takes the lot coverage up by a third, that is not a little bit that is a third when you are already starting off at more than double. He said it is more than double of what is permitted but it is probably consistent with what Lake Lucerne is, it is close to what is consistent but now you have added a third on top of that so that puts us in a rather difficult position.

Mrs. Meyer said there will be nothing else added to their property.

Mr. Lamanna said it doesn't help us a whole lot.

Mrs. Meyer said they have two cars, they are going to have a golf cart, they have two kayaks, they've got bikes, they've got four grandkids, they've got four car seats.

Mr. Meyer said and a tractor with implements.

Mrs. Meyer said they are overflowing in their garage area and they would just really appreciate the space.

Mr. Lewis said this may come down to what is more important.

Mr. Lamanna asked how big the porch extension is, was it in the back of the house.

Mrs. Meyer said it is in the back of the house.

Mr. Lamanna asked how much bigger that got.

Mrs. Meyer said it did not go beyond that last point of the house.

Mr. Lewis said we have no dimensions on that, right.

Mr. Lamanna said he can't tell exactly if there is a dimension on that. He asked if there was something also added to the back end the driveway, the rear porch went out from where it was shown there.

Mr. Barr said it looks like there is extra pavement there for a turn-around.

Mr. Lamanna said yes it looks like there is something added.

Mr. Gutoskey said it looks like there is another 1,500 sq. ft. of pavement.

Mr. Lamanna said he is showing an extension of the end of the driveway beyond what was originally shown.

Mr. Meyer said he thinks they added that on at the end.

Mrs. Meyer said they have four children, three of them are married and they have a million cars.

Mr. Meyer said if you look at the Olson's house, they are right on top of our property, every time he parks in that area their lights are going to go in their house and all night and early in the morning it is going to go in there all of the time, he tried blocking it with trees and they put the extra area in there so they would not have to shine their lights inside his house, once again thinking of our neighbors.

Mr. Lamanna asked what they use that area for.

Mr. Meyer said that is where they put the cars, they were originally going to pull towards Mr. Olson's house, they decided not to do that because it is really close to his house. He said they made a mistake, they tried to put the parking there and you can ask Mr. Olson, they don't park by his house, they park in that area.

Mr. Lamanna asked if the cars beyond you would those be kept in the garage.

Mr. Gutoskey said realistically though if they cut the 10' off, they built that pad 40' wide, so if they took 10' off of that by 30' that would make up for the 20' x 15' they added at the end because typically on a side entry garage you need like 30' or 32' and typically most of them are 32' so there would still be enough room there to get a car in and out of a side entry garage.

Mr. Lamanna asked if they are using it to park extra cars there.

Mrs. Meyer said all of their kids are local and they come and go all of the time.

Mr. Meyer said at one time they had four cars and then they built this house they sold two of them just from the fact that there is just not enough space there.

Mr. Lamanna said that is the practical thing about it is we have this discussion with lots of people, you have a piece of property, it is a certain size and there is only so much you can put on it, if you want to have 18 cars it is not going to work, if you want to have four cars it may not work, if you really want to do that you may need to be somewhere else or you are going to have to make a sacrifice and decide and give it up. He said if you are saying if you park your extra cars when people come to visit over there, his answer to that is you just added a circular driveway, go park in the circular driveway.

Mrs. Meyer said to be honest, she can't have them park in the circular driveway because she can't have the grandkids playing over there where the Olson's bees are, her grandson is allergic to bees so she will not let them play there.

Mr. Meyer said they can't play there because of bees, his son is allergic too so it is a problem anyway you look at it.

Mr. Barr said you have a three-car garage plus you want more storage, most houses in Lake Lucerne only have two-car garages.

Mrs. Meyer said she understands that, they asked zoning for an outside shed and we were denied which she understands so they made a larger garage knowing that we have extra things, they have kayaks, car seats, cars, bicycles and her husband's tractor has a mower, it has a blower, it has a plow for the winter so yes it is filled up, it filled up faster than they anticipated so to just get a 10 x 12 as in the limits of the ARB small shed to put the tractor and some tools in would really be appreciated. She said it doesn't go against the character of the neighborhood and it is not going to be ugly.

Mr. Lamanna said next he would like to give the neighbor a chance to give his observations.

Mr. Dale Olson testified that they had a similar problem last year with their neighbor on the other side, Mr. Heiman at 17106 Sunset Drive, he wanted to put a shed right on the property line and this board asked him to move it so it will not be seen from the road to directly in back of the house which he did readily, and didn't have problem at all, they didn't have any problem with that either. He said they are asking for the same thing with the Meyers to put the shed directly in back of the house and he knows that the builder's superintendent was going to drop about 10 tons of stone in the backyard about 15' from the property line two days ago and my wife went out there and asked them not to do it because he has to say that the construction superintendent, he just played dumb. Mr. Olson said he is in construction also, he is a superintendent and he makes sure he follows every law of the land and also the ARB and everything else when he is out there. He said the Meyers also had their lot clear cut without the approval of the ARB and they were fined, he believes, \$100 for it and that was also against the rules of the development. He said they have been here for 30 years, it will be over 30 years and we have a really good idea of the neighbors and the people of Lake Lucerne but when you come in and you just want to do things your way and then ask for forgiveness later on he doesn't really feel it is right and he would also say that he has four children and a very small driveway and they make it work all of the time, they play musical chairs, cars or whatever you want but the main thing is he thinks it is a slap in the face to the Heimans that you make him move a shed and then the Meyers come and put theirs wherever they want and you don't make them move it, you let them do what they want.

Mr. Lamanna said we haven't let them do anything yet.

Mr. Olson said he knows, he is just saying.

Mr. Meyer said we are now 20' off of the property line and referred to the trees.

Mr. Lamanna said the trees are not the board's concern.

Mr. Meyer said they are not on the property line and as of right now we are at 20'. He said the gravel he thought was being dumped was not being dumped because of miscommunications and he stopped that.

Mr. Lamanna asked what the story was with the gravel.

Mr. Meyer said the builder got a good deal on the gravel.

Mr. Lamanna said so he was going to put the gravel down and put the shed on the gravel.

Mr. Meyer said before he got away, the Olsons came over. He said it is not a big deal, he said it was going to be 15' off the property line, that is all they wanted to do and cover it with Pine trees so no one has to see it. He said the people across the street are great people and they talked to them and they have no problem with it and they signed off on it and they will block the view from the road for everybody.

Mrs. Nancy Olson said she knows people from the other side of the road from our house.

Mr. Meyer said he didn't think the Olsons had a problem with.

Mr. Olson said he didn't remember being asked to sign anything.

Mr. Meyer said he was comfortable.

Mr. Gutoskey asked if there are any people on the Zoom that want to talk about this.

Mrs. Nancy Olson said she is the only one, she is the one who spoke to the builder, she saw him backing in the gravel, why else would he be backing in the gravel to a place.

Mr. Lamanna told Mrs. Olson that he had to swear her in. He swore in Mrs. Nancy Olson and let the record reflect that Mrs. Olson was duly sworn.

Mrs. Nancy Olson of 17114 Sunset Drive testified that she wanted to address that she was the one that went out because she saw the place where the shed was going to be, it was spray painted in the driveway, there is a square 15' from the lot line and she sees that the builder is ready to dump gravel, he has backed it in and he doesn't even have a variance for that and that is what she said to him, she asked do you have a variance to do this work because we had a meeting Thursday and he said he just does what the builder tells him and she said but we haven't had a meeting yet and she left the property, that is all that happened. She said she has a problem with people doing things and then asking for permission after they have done them, like the circular driveway, like the attempt maybe at having gravel dropped off and the clear cutting of the property which she knows doesn't involve zoning, going ahead and building the addition which they didn't have permission prior to from the ARB or zoning so yes she went over and stopped the guy and said hey you might want to not do this, she went to the homeowner, they were not home, she thought let's talk about it but they were not home.

Mr. Lamanna said we don't need all of the gory details.

Mrs. Olson said she is done, thank you.

Mr. Lamanna asked Mrs. Olson if she has a problem with the circular driveway, just as a question, not as a principal of whether they should have done it or not, but on the basis if you feel it is adverse to the neighborhood or adverse to your property.

Mrs. Olson said she doesn't think it is adverse to the neighborhood, she thinks it is a lot coverage issue, she feels like she has a parking lot outside her window, the side driveway is large. She said her only asking and her husband is that if you do put the shed in that it go behind the house, to the edge of the house, it doesn't have to be in the center so you don't see it from the road which is what is in their guidelines, that is all, she is done.

Mr. Lamanna said thank you. He said so the shed is not there yet.

Mrs. Meyer said no it is not.

Mr. Meyer said and there is no gravel there either.

Mr. Lamanna asked what is along their property line, is there anything between your driveway and the property line, any landscaping or anything along the property line.

Mr. Meyer asked between which driveway, the parking area.

Mr. Lamanna said on the north side of your property.

Mrs. Meyer said Arborvitae in the area to try to make a barrier for the bees.

Mr. Meyer said to try to get the bees to fly a different direction.

Mrs. Meyer said they were planning on putting something up by the shed.

Mr. Lamanna swore in Mr. James Heiman and let the record reflect that Mr. Heiman was duly sworn.

Mr. Jim Heiman of 17106 Sunset Drive testified that he doesn't want to get into the he said, she said, he just wants to state the facts that since the house was built it is cosmetically beautiful, it adds charm and character to the neighborhood, the street, it looks great, he has no doubt that the shed will also look great and add value to the property and the neighborhood but again he always supports the board in being in compliance with the distance and regulations.

Mr. Lamanna said here is what he wants to have happen on this, he would like you (applicant) to take this drawing that he assumes has all of the items on it, take it back to the ARB and say here are the modifications that we want to the original plan that was submitted, please look at each of these modifications, one, two, three, four and tell us whether you will approve them or not and he wants it tied back into a drawing like this so he is not trying to figure out what was approved and what wasn't approved.

Mr. Meyer said if the ARB board is okay with the shed as long as you landscape around it.



Mr. Lamanna said he wants to see that all in writing on one piece of paper so that he can be confident that what he has gotten is a proper approval from them. He said do not assume that if they approve it in a certain location that we are going to approve it in a certain location, that is a separate and complete new issue. He said what he also wants from you is he wants some current photographs showing each of these areas as they now lie, the northern boundary line of your property and he wants some views of the rear side of your property along the entire rear taken both ways, north, south and east, west so he can see what the topography looks like and see what else is back there and inform on where a shed could be located, where a reasonable place is and also again, showing the extension of the porch with some accurate dimensions as to how that differs from what was approved and the same with the area on the driveway, how big that is, exact measurements, dimensions and pictures showing it so we know exactly what the non-conformances are so we can look at it all because you made a huge increase in the lot coverage here, that is a problem for us as to how we deal with that, you have created a big problem for yourselves with respect to that. He said he is not sure how that is going to come out and we will see what happens on the shed because you've gobbled up a lot of extra lot coverage and now you want some more for the shed and you may have sacrificed your shed by increasing all of this other lot coverage, that will be seen when we take this application up again so that is what he wants to see coming back from you so we can look at this application and if your neighbor wants to give us any additional information or photographs or whatever that is his prerogative to do that as well. He asked if there is anybody else on the board that has any other things we ought to be asking for.

Mr. Lewis said he would like to see the written document of approvals or recommendations from the ARB themselves from Lake Lucerne, not from the HOA.

Mr. Lamanna said that is why he wants something that addresses this particular document saying you need to address these four items that were changed and he expects to have an answer back from them one, two, three, four, yes, no, maybe, change this or whatever so that we have something we can track back to a specific plan and we know exactly what has been approved, what hasn't been approved and what has been approved with conditions and what those conditions are so we have got the appropriate representative of the board here to do that so he knows what we expect, he knows what they should be sending to him so he thinks everybody should be on board on this and hopefully we can resolve this at our next meeting.

Mr. Meyer said he has a zoning question. He has something from his neighbor that is built on his property, a brick wall, it is on his property and it came when he bought the property but he built it, what does he do with that.

Mr. Lamanna said he built an encroaching structure, whether it violates zoning, he doesn't know, it may.

Mr. Meyer said it is on his property.

Mr. Lamanna said you can have a civil action to force him to remove it if he is encroaching.

Mr. Meyer said he would let it stay, he was just curious.

Mr. Lamanna said it may be a zoning issue if it was something that required zoning if he built it where he wasn't supposed to.

Mr. Meyer said they are not going to touch it.

Mr. Gutoskey asked if those mailboxes were there when they bought the lot.

Mr. Meyer said those were there.

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

Motion BZA 2020-15 – 17122 Sunset Drive

Mr. Lamanna moved to table this application to the next regularly scheduled meeting to be held July 16, 2020.

Mr. Gutoskey seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 10:35 P.M.

Respectfully submitted,

Brent Barr, Alternate  
Michael Corcoran  
Ted DeWater  
Joseph Gutoskey  
Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman

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

Date: July 16, 2020

AUDIO RECORDING ON FILE

BZA PH 6/18/2020

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Bainbridge Township, Ohio  
Board of Zoning Appeals  
June 18, 2020

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 10:35 P.M. by Mr. Michael Lamanna, Chairman. Members present via Zoom were Mr. Brent Barr, Alternate: Mr. Michael Corcoran; Mr. Joseph Gutoskey and Mr. Todd Lewis. Mr. Ted DeWater was absent. Ms. Karen Endres, Zoning Inspector was present. Mr. Jeffrey Markley, Bainbridge Township Trustee was present to monitor and host the Zoom meeting.

MINUTES

Mr. Gutoskey moved to adopt the minutes of the May 14, 2020 meeting as written.

Mr. Barr seconded the motion.

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

Mr. Lamanna moved to adopt the minutes of the April 16, 2020 meeting as written.

Mr. Gutoskey seconded the motion.

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

Addendum to April 30, 2020 Minutes – BZA 2019-44 – Kelly’s Working Well Farm

1. Mr. Lamanna moved that with respect to a request by the appellee to admit the decisions of the Board of Fire Appeals and the motion was that we accept those documents into evidence.

Mr. Lewis seconded the motion.

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

2. The appellant requested certain documents be admitted. Mr. Lamanna moved that the board admit the documents that had been submitted by the appellant and deny a motion of the appellee not to accept them with the caveat that essentially these documents would be subject to credibility and relevance determinations by the board because the documents appear to directly contradict the testimony and the things presented as business records were not actually business records in the ordinary sense.

Mr. Gutoskey seconded the motion.

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

This is a third additional Findings of Fact by the board and the Findings of Fact is as follows.

1. The applicant did not possess any license or approval from the State of Ohio or its departments or agencies with respect to the operation of any school or daycare facility of any kind.

Mr. Gutoskey seconded the motion.

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

#### APPLICATIONS FOR NEXT MONTH

Application 2020-10 by Marla M. Lucarelli for property at 17310 Tall Tree Trail - Continuation

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

Application 2020-11 by Marla M. Lucarelli for property at 17310 Tall Tree Trail - Continuation

The applicant is requesting area variance(s) for the purpose of maintaining a fire pit. The property is located in a R-5A District.

Application 2020-14 by Jeff Varney for property at 19036 Brewster Road - Continuation

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

Application 2020-15 by Lisa Meyer for property at 17122 Sunset Drive - Continuation

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

Application 2020-16 by Nathanael R. Clemensen for property at 16309 Franklin Street (aka 205 S. Franklin Street)

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

Application 2020-17 by Virginia and Chris McClure for property at 7047 South Street (aka 40 South Street)

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

Application 2020-18 by Anthony T. Thomson for property at 8390 Treetower Drive

The applicant is requesting area variance(s) for the purpose of installing an above-ground swimming pool and deck. The property is located in a R-3A District.

Application 2020-19 by Mark and Nancy Kautzman for property at 17877 Lost Trail

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

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for July 16, 2020 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 11:04 P.M.

Respectfully submitted,

Brent Barr, Alternate  
Michael Corcoran  
Ted DeWater  
Joseph Gutoskey  
Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman

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

Date: July 16, 2020