

Bainbridge Township, Ohio
Board of Zoning Appeals
June 20, 2019

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 were Mr. Brent Barr, Alternate; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. Mr. Ted DeWater was absent. Ms. Karen Endres, Zoning Inspector was present.

Mr. Lamanna welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals, explained the public hearing process and swore in all those who intended to testify. He let the record reflect that everyone had been duly sworn in. He also stated that the applications will be taken out of order.

Application 2019-21 by Jonathan Price for property at 7271 Chagrin Road

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

Mr. James Ross, contractor and Mr. Johnathan Price, property owner were present to represent this application.

Mr. Price testified that his lot size is $\frac{1}{4}$ acre.

Mr. Murphy said it backs up to the former Frohring industrial complex, Henry Furnace and Foundry, the Moncrief Subdivision.

Mr. Lewis said that takes you back a century or so.

Mr. Gutoskey said the lot next door has an L-shape parcel.

The board discussed the adjacent lots in the Moncrief Subdivision.

Mr. Murphy said the road probably went back to the foundry. He said it is a 17 unit housing district for the foundry which would have been in the backyard of this, why else would they have 17 houses with a road in the middle. He asked if that road is still a road.

Mr. Lamanna said it is part of that one lot.

Mr. Gutoskey said Judson, yes.

Mr. Lamanna said it is all part of Judson.

Ms. Karen Endres, Zoning Inspector testified that Judson owns that frontage, but Brown uses Judson property to access his house.

Mr. Lamanna said those four lots have no access.

Ms. Endres said these probably belong to S. Franklin Circle.

Mr. Murphy said Brown's driveway is in the road.

Ms. Endres said he has the ability to have a driveway going out to Chagrin Road on his own property.

The board discussed the existing lots along Chagrin Road.

Mr. Murphy asked if there is some future S. Franklin Circle that could come out there with a road or are they done.

Mr. Gutoskey said they are done, that is when they extended Rocker out.

Ms. Endres said she doesn't know if they are ever going to use that but she thinks over here at Jordan Oval Circle there are places to build.

Mr. Gutoskey said there are one or two more big buildings they can put up there. He referred to an aerial and said down at the south right in there, but there is a ravine there, he did the engineering on this so he is somewhat familiar.

Mr. Price said there is an existing garage on the property and they are proposing to go out about 30' and attach it to the house.

Mr. Lewis asked what he is going to do with the pad behind the new garage.

Mr. Price said eventually he would really like to get rid of it if possible.

Mr. Lewis said it is sort of a yes or no thing because it affects your lot coverage by our code so we want to do our housekeeping accurately so the board will give you a defined length of time to get it out of there.

Mr. Lamanna said while they are hauling out all of the debris from the existing garage, that is when you get it out of there because it will cost you the least amount.

Mr. Gutoskey said you will have to widen the existing drive somewhat for the 16' door so you will have to flare out the driveway in front of it.

Mr. Price said yes.

Mr. Gutoskey said actually it is going to be a reduction in coverage anyway.

Mr. Lewis asked what is behind the existing garage.

Mr. Price said it is part of the garage but that is going bye, bye.

Mr. Gutoskey asked Mr. Price if he is aligning the garage with the back of the house.

Mr. Price said yes.

Mr. Gutoskey said so you are going to line it up with the back of the house and it looks like it is going to be 6-1/2' off the property line, correct.

Mr. Ross testified by saying more like 8'.

Mr. Gutoskey said he just did some quick math and it is more like 6-1/2'. He said it looks like the front of the house is 20-1/2' or 20.6', you are .9 off the property line, you are adding 22', subtract 50 and he gets 6-1/2'.

Mr. Lewis asked if he is going from the eaves or the footers.

Mr. Gutoskey said from the footers.

Mr. Lewis asked if they are hanging gutters and downspouts, where is the water going to go. He said you are really close to the property line.

Mr. Murphy said he thinks the property rolls to the backyard.

Mr. Price said the issue is there is a bay window that they have to clear in order to get the cars in the garage.

Mr. Gutoskey said this says it is 66' off of centerline and that is what it scales.

Mr. Murphy said he grew up a mile from here and he passed those houses his entire life and he never realized that they were all part of an early development of an industrial housing complex, 18 lots for the foundry that may or may not have ever been built.

Mr. Price said it is interesting listening to all of these different situations and understanding the background.

Mr. Gutoskey said you are going to be losing almost two garages.

Mr. Murphy said he doesn't have a problem with it.

Mr. Lamanna said if you lose the pad.

Ms. Endres said she didn't know if the concrete currently in front of the garage is going to remain or be removed so she factored it in as if it was not going to remain.

Mr. Price asked if it still comes up over or under what they are supposed to be at.

Ms. Endres said it is still over, 10% is the maximum lot coverage, you are going to need a variance on lot coverage, the question is how much.

Mr. Lamanna said right but you are actually going to reduce the lot coverage so if we assume there is nothing behind the garage and you take out everything that is behind the new garage then we are down to a total lot coverage of 2,000 sq. ft. give or take except you are going to need a little more because you may want to flare out your driveway.

Ms. Endres asked if any sidewalks or patios are going to be put in in the future.

Mr. Gutoskey asked Ms. Endres if she subtracted out the right-of-way on this.

Ms. Endres said she believes so yes. She said she calculated the lot size as 50 x 125 which is inclusive of the right-of-way and she assumed that the right-of-way is 30' from centerline.

Mr. Gutoskey said 225 and he gets 11,250 sq. ft.

Ms. Endres said and then you subtract out the right-of-way area which is 1,500 sq. ft.

Mr. Lamanna said let's give him a lot coverage of 2,200 sq. ft.

Mr. Gutoskey said that is 22.5%.

Mr. Lamanna said that should give you plenty to do whatever you want.

Ms. Endres said keeping the 360 sq. ft. pad she came up with 24% lot coverage but he is removing the pad.

Mr. Lamanna said the board will bump it up to 2,200 because they are going to have to flare the driveway out when they get to the garage, they are not doubling the driveway, they will just apron it at the end.

Ms. Endres said so you are not widening the length of the driveway.

Mr. Lamanna said no, just at the end. He said we were discussing the water flow.

Mr. Murphy said he thinks we are good, they have gutters with downspouts on their house, they can tie to that.

Mr. Lewis said everything will go to the rear of the property.

Mr. Gutoskey said and the roof and siding will match.

Mr. Murphy said it looks like the siding and roof style will be similar to the existing house.

The board discussed the Brown property and the location of the driveway.

Mr. Murphy said it looks good.

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

Motion BZA 2019-21 – 7271 Chagrin Road

Mr. Lamanna moved to grant the applicant the following variances with respect to the construction of a new garage and removal of an existing detached garage that actually will be replaced by a garage that will be attached to the house as follows.

1. A variance to the maximum lot coverage to 2,200 sq. ft. or approximately 22.50%.
2. A variance to the lot size will be the existing 9,750 sq. ft. which considers the fact that part of the lot is in the right-of-way.
3. A variance to the minimum lot width of 50' based on the existing size of the lot.
4. A variance to the minimum front yard of 28' from the road right-of-way and again this is a pre-existing condition for the house.
5. A variance to the minimum side yard setback for the attached garage of 6.5' on the east side.
6. A variance to the minimum side yard setback (west side) of the existing .9'.
7. The minimum rear yard meets the appropriate standards.
8. In addition, the new garage will have gutters and downspouts with the flow directed to the rear.
9. The roof and siding of the addition will be consistent with that of the existing structure.

Based on the following findings of fact:

1. A practical difficulty exists because it is a pre-existing lot of record with a pre-existing detached garage.
2. Upon the completion of this project there will actually be less lot coverage than exists.
3. The side yard encroachments will be similar to those that currently exist so there will be no increase in the non-conformance that already exists.
4. The board finds that based on the other lots and houses in this area that what is planned is consistent with the neighborhood and will not adversely affect any of the neighboring properties.

Mr. Murphy seconded the motion.

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

Application 2019-20 by Pastor Doug Frano/New Life Fellowship for property at 18000 Chillicothe 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.

Pastor Doug Frano was present to represent this application.

Pastor Frano testified that it is a shed, somewhat called a garage but it doesn't have doors on it except for one section but we will tear this down and rebuild a 20 x 30 garage with doors on the same footprint, actually it will be 40 sq. ft. less.

Mr. Lamanna said the issue here is you actually have a big lot, eight acres, but the lot width is non-conforming.

Pastor Frano said it is the setback on the south side.

Mr. Lamanna said we are down to basically the setback on the south side and that is where the lot is narrow, right.

Pastor Frano said yes.

Mr. Lamanna said the lot is narrow at the point where all of the buildings are pretty much.

Pastor Frano and it opens up to the ballfield behind.

Mr. Gutoskey asked if there are three structures.

Pastor Frano referred to the aerial and said this one is the house, this is the shed/garage, this is, he thinks it was a chicken coop many years ago when it was a farm and this is an outbuilding.

Mr. Lamanna asked about the driveway.

Pastor Frano said the driveway is right there, he referred to the aerial photo.

Mr. Lamanna said so this is going right up into it.

Pastor Frano said he had some pictures, he has a couple of different views. He said the upper left one here is looking west from the drive, the house would be to the left and the south, it is looking west at the shed with the driveway pulling right up to it and then he has a view on the south side looking north in the lower left in the southeast looking direction of that corner.

Mr. Lewis asked what is behind the chicken coop, it just shows up as a white rectangle.

Pastor Frano said that is part of the batting cage for the baseball.

Mr. Lewis asked if it is another structure.

Pastor Frano said it is a piece of roofing on two planks where they used to pull the nets under to protect it from the weather.

Mr. Lewis said he looks at it as another structure.

Mr. Gutoskey asked if it is used for a batting cage.

Pastor Frano said yes.

Mr. Gutoskey asked what is behind the chicken coop, that big long rectangle.

Pastor Frano said it is the batting cage, there are four posts with a net to cover it and that of course is all mulch, there is no concrete from a lot coverage standpoint.

Mr. Lewis told Pastor Frano that he is really confused with what he is doing with this property, if we rewind a few months ago, you were in here for a conditional use permit to operate the church on the premises.

Pastor Frano replied yes.

Mr. Lewis said and we talked about that quite extensively.

Pastor Frano said yes we did.

Mr. Lewis said including a lot of physical things that would be done to the property to make it acceptable for congregational meetings or Bible studies.

Pastor Frano said exactly, we withdrew that.

Mr. Lewis said and you have withdrawn that.

Pastor Frano said yes.

Mr. Lewis said right now it is not a church property, the property is not being used for church services because you don't have a permit to do that.

Pastor Frano said that is right.

Mr. Lewis said it is a residence with a ballfield.

Pastor Frano said yes.

Mr. Lewis asked if he is going to be notifying Geauga County to have the tax status changed on the property because it is no longer a church and you have no permit.

Pastor Frano said he will have to notify them, yes.

Mr. Lewis said okay. He said maybe other tax authorities to boot. He said now you have revenue on your property and asked if he is charging groups to come in and use the ballfield, the Little League groups etc. He asked if there is a revenue from that.

Pastor Frano said basically we give them a break because they help us take care of the field in return for using the field.

Mr. Lewis said there is no exchange for cash, they give you some free labor and they are rewarded with the field.

Pastor Frano said yes.

Mr. Lewis said so this garage, you have three bays and asked if one of them is going to be used as a concession stand.

Pastor Frano said no.

Mr. Lewis said he is just asking questions so we understand.

Pastor Frano said sure.

Mr. Lewis said there are no church activities going on, it is a private residence with ballfields in the back and you've got a reciprocal agreement with some Little League teams.

Pastor Frano said they have Bible study and prayer meetings, neighborhood stuff.

Mr. Lewis said if you are going to have organized things like that then we get into your occupancy permit and notification of the fire department and a formal parking plan and getting a fire truck in and out and ADA compliance, from his point of view you (Pastor Frano) have a long way to go before you can be holding Bible studies there as an organized religion. He said he is sure there are others on the board that may want to weigh in.

Mr. Lamanna said there is a line between actually being formally acting as a church and just having people come to meet.

Pastor Frano said they are not formally acting as a church.

Mr. Lamanna said if people are just getting together generally to do formal Bible study and religion that is fine. He said you get a problem if 50 people start showing up then it starts to look like more than just a neighborhood thing so there is a point at which it would flip over, can he draw a bright line on that, no he probably can't draw a bright line as to where that is but certainly on a small scale that is not an issue, if you go beyond that then you may have a problem and you may have to come back.

Pastor Frano said if it goes down that then we rent a facility that is suitable.

Mr. Lamanna said he doesn't have a problem if you are letting local groups use the field.

Mr. Gutoskey asked who uses the field, is it strictly Kenston or do other teams from other cities come.

Pastor Frano said they are all Kenston teams this year, other teams come and play them from other cities, it is Kenston.

Mr. Lewis said if it is Kenston's home field.

Mr. Gutoskey said so they host other teams here from other cities.

Pastor Frano said yes.

Mr. Gutoskey said the question is, is a ball diamond on a residential property a permitted use.

Mr. Lewis said now you are running a business on your property which means that also your parking lot should be self-contained and self-sufficient on your property.

Mr. Barr asked where the current parking is when they come and play baseball.

Pastor Frano said it is at the church next door.

Mr. Barr said but you no longer own that church, correct.

Pastor Frano said no but they have written permission and we have already presented that written permission to use their parking lot.

Mr. Lewis said and he gets that and if that changes hands and that relationship or agreement potentially could dissolve or have a disagreement.

Mr. Gutoskey said the problem is whenever we looked at anything it needed to be contained on that property, like with the shopping centers, they have access parking and agreements but that is a little bit different.

Mr. Lamanna asked if there are any issues with the use of the ballfields, have there been any complaints.

Ms. Karen Endres, Zoning Inspector testified that she has never had any complaints and she was looking where ballfields would actually be permitted and it would be under active public parks but it is not unusual to have people with basketball courts.

Mr. Lamanna said we do have basketball courts and tennis courts, all kinds of things on their property. He said at this point in time he doesn't really want to delve into the nuances of the use of the baseball field one way or the other so just to be absolutely clear, we are not dealing with the use of the baseball field so his view is, at this point it is sort of out of sight, out of mind, but that doesn't mean that at some point in time you are not going to get a visit from the zoning inspector saying the way this is being used does not conform to zoning and we are not going to have that issue before us tonight, he doesn't think it is profitable for the board to get into dealing with that and it is the issue of the notice with the neighbors.

Mr. Lewis said he was just trying to understand what the property is being used for.

Mr. Gutoskey said when they were looking at the church on Rt. 306 for the YMCA camp there so if this was a church he was trying to figure out how that relationship went because we ran into the same thing with the Federated Church so he was trying to be consistent to the way we were looking at these but if it is not a church.

Mr. Lewis said it is not specific to congregational based activities.

Mr. Lamanna said there is a point at which having a ballfield and using it in some way may go beyond a permitted residential use.

Mr. Gutoskey said if people are paying him to rent it.

Mr. Lamanna said if somebody is bringing revenue in then you are doing something different, you are running a commercial enterprise at that point in time, if you are leasing out the use of the field. He said at least here we do have a spot immediately adjacent where people can go to park and he said they have an arrangement there and nobody has been complaining that there is some issue of cars parking and causing a problem.

Mr. Gutoskey said if it is a church, as we delved into and asked questions it created other questions.

Mr. Lamanna said right now it is not a church, if he operates it in a manner that it becomes a church then he is going to get a citation.

Mr. Gutoskey said but if it is residential and he is charging to use the field then it is a commercial operation.

Mr. Lamanna said then he will get a citation for that because that is outside of what is allowed. He said right now the way it is being used, he has a parking arrangement, we are not addressing that issue one way or another as to whether or not, we are not saying here tonight that it is okay or not okay, we are just not going to deal with it.

Mr. Lewis said it is an application for a garage, we are trying to understand.

Mr. Lamanna said that is right we are trying to understand but if problems develop you are going to hear about it and you are going to have to come in and deal with it then.

Mr. Gutoskey said the last time we left it as we tabled the request for more information so he didn't know if it was still on and just found out tonight that it was withdrawn which he wasn't aware of.

Mr. Lamanna said when it gets down to the garage he sees no issue with the garage.

Mr. Lewis said it is essentially in the same pre-existing footprint, there is no increase in lot coverage.

Pastor Frano said it is going to be aesthetically pleasing.

Mr. Gutoskey said he doesn't have a problem with the garage.

Mr. Lamanna said it is abutting a conditional use that has a 100' buffer zone.

Mr. Gutoskey said just from what Mr. Lewis said, it is not going to be used as a concession stand.

Pastor Frano replied no.

Mr. Murphy asked if there is a separate lot between your (Pastor Frano) lot and the adjacent church lot, does somebody else own the land in-between.

Pastor Frano said no, our lot comes all the way up to this line here (he referred to the aerial map) and this is owned by the church.

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

Motion BZA 2019-20 – 18000 Chillicothe Road

Mr. Lamanna moved to grant the applicant a variance for the purposes of constructing a 20' x 30' garage with the removal of an existing shed on the site in accordance to the plans that were submitted with the application.

1. A variance from the minimum side yard setbacks of 50' to 33'.
2. A variance from the maximum size on pre-existing lots for accessory buildings of 300 sq. ft. to 600 sq. ft.

Based on the following findings of fact:

1. A practical difficulty exists because at the point where the structure is located the lot is only 150' wide.
2. The location of this garage matches an existing driveway so there will not be a substantial increase in driveway.
3. The property on the south side where this variance is granted is under a conditional use permit for a church and they have a 100' buffer zone so they won't be affected by this property.
4. With respect to the size, given the fact that the actual total lot is over eight acres, having a 600 sq. ft. accessory building is not unreasonable and it is not going to affect the character of the neighborhood or the adjacent property owners.

Motion BZA 2019-20 – 18000 Chillicothe Road - Continued

5. The board notes that nothing in its decision reflects in any way on the current use of the ballfields or rules in any way on that.

Mr. Gutoskey seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 7:58 P.M.

Respectfully submitted,

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

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

Date: July 18, 2019

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
June 20, 2019

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 7:58 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Brent Barr, Alternate; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. Mr. Ted DeWater was absent. Ms. Karen Endres, Zoning Inspector was present.

MINUTES

Mr. Gutoskey moved to adopt the minutes of the May 16, 2019 meeting as written.

Mr. Murphy seconded the motion.

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

APPLICATIONS FOR NEXT MONTH

Application 2019-22 by Crandall Miller for University Hospitals Healthcare Enterprises, Inc. for property at 8185 East Washington Street

The applicant is requesting area variance(s) from the parking requirements. The property is located in a CB District.

Application 2019-23 by Jonathan Baker for property at 8292 Summit Drive

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

Application 2019-24 by Anthony and Laurie Banaszak for property at 18475 Snyder Road

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

Application 2019-25 by Dominic Lococo for property at 9498 Taylor May Road

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

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for July 18, 2019 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 8:40 P.M.

Respectfully submitted,

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

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

Date: July 18, 2019