

Bainbridge Township, Ohio  
Board of Zoning Appeals  
June 21, 2012

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

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

Application 2012-11 by Ed & Sue Speck for property at 8446 Lakeshore Drive

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

The zoning inspector's letter dated June 21, 2012 was read.

Mr. Ed Speck and Mr. Tim Savage were present to represent this application.

Mr. Lamanna said this is a total replacement.

Mr. Savage testified by saying yes.

Mr. Savage said they are tearing down the current home but keeping the same driveway and it will be very much sitting on the same footprint with a little bit further extension in the back. He continued by saying they had the opportunity to review the plans with Lake Lucerne's Architectural Review Board and the representative provided them with a summary letter of their review.

Mr. Lamanna asked what the current lot coverage is.

Mr. Savage said he is not sure if it is indicated on the site plan but he knows that the architectural review board carefully looks at that and Mr. Steve Ciciretto looked that over so it has met that requirement for the Lake Lucerne deed restrictions.

The board discussed the site plan.

Mr. Gutoskey said it looks like the garage is 8' closer to the road.

Mr. Lamanna said it looks pretty much the same.

Mr. Savage said the board's feedback was that this house is similar to the neighbor's property and a shed dormer instead of two separate dormers was the preferred along with the elevation so they made that change and brought a copy with them. He said there is no footprint change or anything like that.

Mr. Olivier asked if it is just on the roofline with the dormer.

Mr. Savage said the front elevation change is just really the dormer modification.

Mr. Lewis asked about the height.

Mr. Wrench said it is 32'.

Mr. Savage said he believes so and that should be also indicated and he knows that it is something that Mr. Steve Ciciretto and the others look at carefully and it met that requirement.

Mr. Gutoskey said it is 33' from the front of the garage and asked if the deck will have a roof.

Mr. Ed Speck testified that no it does not but there is a screened-in porch.

Mr. Savage explained that there will be a multi-season porch with a deck on it.

Mr. Gutoskey asked about the distance of the deck on the back.

Mr. Savage said it is not shown.

Mr. Gutoskey said so there is another 12' of deck off the back.

Mr. Savage said yes and it runs even with the back of the covered porch.

Mr. Lamanna asked if the back deck is included in the lot coverage calculations.

Mr. Wrench said everything highlighted is what he calculated.

The board discussed the size of the deck and noted that it is 35' x 12'.

Mr. Wrench said the acreage is .38.

The board discussed the lot coverage calculations.

Mr. Lewis said the rear setback is 42'.

Mrs. Patricia Fromm of 8456 Lakeshore Drive testified that she lives next door and she is concerned about things like water being diverted to her property with the new construction.

Mr. Savage stated that it is all going to be improved to much better than the situation they have now and they are happy to show you (Mrs. Fromm) that very carefully when we are under construction and invite your participation in helping make sure that it is to your satisfaction.

Mr. Lamanna asked if the house is going to sit at the same elevation.

Mr. Savage replied yes.

Mr. Lamanna said you are not re-grading the lot.

Mr. Savage said no but we will have some fill that we will fill in around the elevation and along the foundation itself and they are maintaining all of the elevations and using the same driveway, they will then convert from the asphalt driveway to a concrete one once they are done with construction but everything is going to stay and they are all residents of Lake Lucerne and he is very committed to maintaining the beauty and integrity of the neighborhood and this is intended to be an enhancement and improvement and they very carefully matched the local architecture and also the particular sensitivity to your (Mrs. Fromm) home because you are right next door. He said he is looking forward to working with Mrs. Fromm on the project.

Mrs. Fromm asked Mr. Savage if he is going to tell her what he is going to do and when the house will be demolished.

Mr. Savage said he will tell her every detail and she will know everything and maybe almost to the extent she may get tired of seeing him.

Mrs. Fromm asked what precautions will be taken to protect unknowns.

Mr. Savage said they will be careful with that and he will walk through it with her along with the contractors.

Mrs. Fromm asked who is going to do it, knock it down.

Mr. Savage said it will be his excavator and he did the last project for them when they did this over at the Rovtar property, the same people.

Mrs. Fromm said but they weren't quite so close.

Mr. Savage said it is close but they do understand that and they will take all of the precautions for the safety of your home.

Mrs. Fromm asked about the trees.

Mr. Savage said they are staying, we want them there too.

Mrs. Fromm said between the houses.

Mr. Savage said between the houses and asked Mrs. Fromm if she is okay with that part of it regarding the trees.

Mrs. Fromm said she almost would rather have something a little different than those pines.

Mr. Savage said those trees are actually right on the line so you share ownership and for tree removal, particularly the size of those pine trees, Lake Lucerne is going to have to approve that. He said all tree removal has to be reviewed by the architectural review board and their plan was to leave those trees as they are, they are beautiful trees but they are very tall and there is some risk with the bad weather and wind but that is something that we can all talk about and see what would be the reasonable consensus for what is best for your property and your home but the plan was to not disturb the natural beauty of them right now and added that Mrs. Fromm can talk some more with Mr. and Mrs. Speck and also Lake Lucerne about them and any tree removal like that they are going to have to approve. He added that they are going to be right on the same footprint so that foundation is not going to be cutting into the root system there.

Mrs. Fromm said you are coming a little closer.

Mr. Savage said they will show you (Mrs. Fromm) what it will look like when it is staked out but we share the same concerns and sensitivity for the trees if there is a preference for maybe taking those trees let's talk that through and maybe there is an advantage to that or also the option of having them stay but this is to be very collaborative and interactive.

Mrs. Fromm said so since she is new at this, is there anything else she should be concerned about.

Mr. Savage said she should feel very much at ease about it and they will all work together and include Mrs. Fromm and let her participate and actually help this all happen.

Mrs. Fromm said things come up.

Mr. Savage said they sure do. He said when it is done it will be a very beautiful home and he thinks you (Mrs. Fromm) will be pleased on how it will enhance your property as well. He said he appreciates the questions and they make sense.

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

Motion BZA 2012-11 – 8446 Lakeshore Drive

Mr. Lamanna made a motion to grant the applicant the following variances for the purpose of constructing a new single family dwelling as proposed with the subsequent modifications as submitted due to the Lake Lucerne Architectural Review Board.

1. A variance from the minimum required side yard setbacks of 50' to 10' for a variance of 40'.
2. A variance from the minimum required rear yard setback of 90' to 42' for a variance of 48'.
3. A variance from the minimum required front yard setback of 100' to 50' for a variance of 50'.
4. A variance from the maximum lot coverage of 10% to 40% for a variance of 30%.
5. A variance from the minimum lot width of 200' to approximately 90'.

Based on the following findings of fact:

1. A practical difficulty exists because it is a pre-existing lot of record.
2. The side yards, front yard and rear yard are also consistent with the previous requirements in this area.
3. The total lot coverage of 40% is also consistent with other lot coverage in this area, therefore the board does not believe it will adversely affect the neighboring properties or be contrary to the character of the neighborhood.

Mr. Lewis seconded the motion.

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

Application 2012-12 by Robert Cohen of Bravo Homes, LLC for Joseph & Tara Calvello for property at 17158 Woodmere Drive

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

The zoning inspector's letter dated June 21, 2012 was read.

Mr. Gutoskey recused himself from this application.

Mr. Robert Cohen was present to represent this application.

Mr. Cohen testified that this is very similar to what the former applicant is doing, we are taking down a house on Woodmere and we are doing the demolition and filling in the front because right now there is a big pond in the front so we are filling that in and then we are going to build a new house. He said they going to actually move the driveway, currently the driveway is on the left and we are going to move it to the right but we will use both during the construction.

Mr. Lewis said maybe we can start at the front and work our way back. He said there is a riparian at the front.

Mr. Olivier asked if there are two lots.

Mr. Cohen said yes there are two lots and they are going to make it one lot, the process has started.

Mr. Lewis asked what exactly has been done.

Mr. Cohen said he talked to his surveyor, Mr. Gutoskey and he is doing it, he is getting it done.

Mr. Lamanna said these permanent parcel numbers will be merged.

Mr. Cohen replied yes.

Mr. Olivier said this is coming closer to the front than the current home and the rear yard is being increased.

Mr. Cohen said yes.

Mr. Olivier asked if this has gone to the ARB.

Mr. Cohen replied yes, they preliminarily accepted it and the homeowner is out of town and he is going back on Monday for the final approval, but they have given preliminary approval.

Mr. Murphy said he is not sure he understands the riparian and the culvert we are seeing on the site plan and it used to be a pond in front of that house, sort of a landscaped stream.

Mr. Cohen said it was a man-made pond and what we are doing is, we are taking the house down and we are taking the basement of the old house to fill in the pond and then we will grade it down so the front of the house will have a gradual grade to the street.

Mr. Wrench said this is still the stream.

Mr. Cohen said yes.

Mr. Murphy asked if that culvert dives under the existing driveway and comes back out, is that like a ditch on that property.

Mr. Cohen replied yes and the neighbors, the people who live next door, they want that to continue because there is a lot of vegetation there so they want us to direct as much water as we can into the vegetation and keep the water running the way it is right now.

Mr. Olivier said you are just going to grade down to that pond and integrate it and asked if it is mostly dry other than when it rains.

Mr. Cohen said yes, it is mostly dry other than when it rains.

Mr. Lamanna asked if the riparian begins on this property.

Mr. Wrench said no, it comes from up over here (he referred to the GIS aerial photo).

Mr. Lamanna said yes it comes across the street and asked which way it is flowing and if it is from top to bottom.

Mr. Wrench said yes.

Mr. Lamanna asked if it flows through the culvert underneath the driveway.

Mr. Cohen said yes and there are two culverts actually, one by the street and one by the road and we are going to abandon the one further up.

Mr. Lamanna asked if the one by the street is the actual riparian.

Mr. Cohen said yes.

Mr. Lamanna said so you are going to leave that culvert there but the driveway is going to be gone.

Mr. Cohen said correct and right now there is a little bridge there and we are going to keep the water running through the culvert but we are going to switch the driveway from the left.

Mr. Lamanna asked if it is a piped culvert.

Mr. Cohen said it is not really a pipe, it is like a big swale.

Mr. Lamanna asked how the driveway gets over it.

Mr. Cohen said there is a little bridge.

Mr. Lamanna asked if that is going to stay or go.

Mr. Cohen said they are going to clean it up but leave it there because they want that water to continue.

Mr. Lamanna said but you are going to leave the bridge over it.

Mr. Cohen said yes but we might clean up the bridge or put in a different bridge.

Mr. Murphy said but you are not using that as a driveway anymore.

Mr. Cohen said no.

Mr. Murphy asked what the purpose of the bridge is.

Mr. Cohen said to keep the water flowing underneath, they are going to clean it up, maybe not doing it as a bridge but we are going to allow that water to continue its path.

Mr. Lamanna asked if they are going to leave the swale elevation there so the water will continue to flow.

Mr. Cohen said yes.

Mr. Lamanna asked if they are going to leave a bridge over it or take all of that out and just leave it natural.

Mr. Cohen said they are going to do what is necessary to make sure that the water keeps flowing and it depends on what the homeowner wants to do but we are not going to affect the water.

Mr. Lamanna said but once you take the bridge away you can't just take it away and build a new one there.

Mr. Cohen said it is small and it is not like a big bridge, it is just some pieces of wood.

Mr. Lamanna said right but it is a riparian.

Ms. Luann Capone testified that she lives on the other side and her front porch faces the yard right now and it is going to face the garage and she is kind of concerned that if they are positioning the driveway to the other side, what she is going to be looking at and the house is being moved forward.



Mr. Cohen asked if she is right next to them.

Ms. Capone said yes, she is above them.

Mr. Cohen said what Ms. Capone will be looking at is on that side there is going to be a walk-out basement.

Mr. Murphy said the bottom elevation is what faces uphill.

Mr. Cohen said that is the right.

Ms. Capone said she is actually north of the house and showed the board her property on the GIS aerial.

Mr. Lamanna asked how far back is the existing house.

Mr. Cohen said they are moving it up ten feet.

Mr. Lamanna said you will be ten feet closer than the existing house.

Mr. Cohen replied yes.

Mr. Lamanna said because of this little section that sticks out here.

Mr. Murphy said Ms. Capone is the next door neighbor on the right.

Ms. Capone replied right and said right now there is nothing there but trees and a yard and she is trying to figure out how much of the house and the garage she will see and she realizes that the driveway is going to be pretty much right next to her driveway and she knows the house is going to be much bigger than this house.

Mr. Lamanna said the front of it on your side (Ms. Capone) is going to stick out about to where the front of your house is.

Ms. Capone said where her garage is.

Mr. Lamanna said yes where the front of her garage is, this house is going to be from looking at the drawing, the point of it is going to be about that same depth from the street, on or about that line because the street actually curves away and his guess is you (Ms. Capone) are about 50' off the street right-of-way and they are going to be a little bit farther than that, they are going to be 58' off but the street is bending so if you probably drew the line along the front of your garage and follow that line that is about where their house will come to.

Ms. Capone said okay and she would be basically seeing this whole side.

Mr. Cohen said yes.

Mr. Lewis said your (Ms. Capone) driveway, facing the house is on the left and so is the garage.

Ms. Capone said yes.

Mr. Lewis said and then his garage and driveway would be on the right so actually you have kind of an optimum situation here where you have driveway against driveway and garage facing garage which is a great place for everybody's privacy.

Ms. Capone said just that her porch is right there too.

Mr. Lamanna asked how the distance of the new house will be as compared to the existing house from the property line.

Mr. Cohen said about the same.

Mr. Lamanna said it looks like it is about the same but sometimes those property lines are a little shaky as exactly where they are and sometimes not located exactly accurate with the lines on the map you are seeing there.

Ms. Capone said right but they are great people and as long as they can work out whatever they are going to be putting between the two properties.

Mr. Olivier said so you would like some vegetation, screening potentially.

Ms. Capone said yes and if the porch was facing the street that would be a different story but the porch is actually facing the side.

Mr. Lewis told Ms. Capone that she has the option of adding screening in her yard as well and there are two ways to approach it if you are looking for a little bit more privacy or if you don't want to look at the side of their house, you have got plenty of room on your side yard to add whatever you need and there are a lot of plantings that you can buy five or six feet tall immediately and they are green all year round. He asked if the lot coverage now is based on the two lots as one.

Mr. Wrench replied yes.

Mr. Lewis said he sees different criteria with the lot joining being legalized and the ARB formally approving it.

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

Motion BZA 2012-12 – 17158 Woodmere Drive

Mr. Lamanna made a motion to grant the following variances for the purpose of constructing a single family dwelling.

1. With respect to the lot combination, the existing permanent parcels #02-310900 and #02-311000 are going to be joined into a single parcel and the board will grant a variance to the three acre requirement to the actual combined acreage of those lots.
2. A variance to the minimum required lot width from 200' to 138', average the front and back, plus or minus.
3. A variance on the north side from the minimum required side yard setback of 50' to 23.38'.
4. A variance on the south side from the minimum required side yard setback of 50' to 20.37'.
5. A variance from the minimum required front yard setback of 100' to 58.03'.
6. A variance from the minimum required rear yard setback of 90' to 78' for a variance of 12'.
7. A variance from the maximum lot coverage of 10% to 22% for a variance of 12%.

Based on the following findings of fact:

1. The lots being combined are two pre-existing lots of record so they are creating a lot twice as big as many of the lots in this area so it is a practical difficulty and it improves the existing situation in terms of lot size.
2. The setback requirements are consistent with the previously allowed setbacks in this area and therefore are consistent with the character of the neighborhood and will not adversely affect the adjacent property owners.

With the following conditions:

1. The variance is granted for the construction based on the completion of the merger of the two lots.
2. There is an existing riparian across the front of the property and during and after the removal of the existing driveway, the flow of that riparian will be maintained in the condition as has historically existed in that location.

Note: The board notes that final approval has not been obtained from the Lake Lucerne Architectural Review Board but nothing in the board's decision obviates a need to obtain that or circumvent that, it is a separate legal requirement that the applicant must obtain before proceeding ahead.

Mr. Lewis seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 7:50 P.M.

Respectfully submitted,

Joseph Gutoskey  
Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman  
Mark Murphy  
Mark Olivier

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

Date: July 19, 2012

AUDIO RECORDING ON FILE

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Bainbridge Township, Ohio  
Board of Zoning Appeals  
June 21, 2012

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 7:50 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey, Mr. Todd Lewis, Mr. Mark Murphy and Mr. Mark Olivier.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the May 17, 2012 meeting as written.

Mr. Lewis seconded the motion.

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

Applications for July 19, 2012

Application 2012-4 by St. John Funeral Home for property at 16381 Chillicothe Road - Continuance

The applicant is requesting approval for changes to a non-conforming use structure. (Review). The property is located in a R-5A District.

Application 2012-13 by David Howe for Drug Mart for property at 16765 Chillicothe Road

The applicant is requesting a modification to an existing conditional use permit for the purpose of installing a pharmacy drive-thru kiosk. The property is located in a CB District.

Application 2012-14 by Robert W. Riley II for property at 18119 Kenston Lake Drive

The applicant is requesting an area variance for the purpose of constructing a detached two-car garage. The property is located in a R-3A District.

Application 2012-15 by Dominik M. Stupica for property at 7151 Country Lane

The applicant is requesting an area variance for the purpose of constructing a storage barn. The property is located in a R-5A District.

Application 2012-16 by Ronald J. Ries for property at 16665 Heatherwood Lane

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

Application 2012-17 by Thomas Johnson for property at 17926 Kingswood Drive

The applicant is requesting an area variance for the purpose of replacing a storage barn. The property is located in a R-3A District.

Application 2012-18 by Robert Cohen of Bravo Homes, LLC for Joseph & Tara Calvello for property at 17158 Woodmere Drive

The applicants are requesting area variances for the purpose of constructing a new single family dwelling. 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 19, 2012 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 8:13 P.M.

Respectfully submitted,

Joseph Gutoskey  
Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman  
Mark Murphy  
Mark Olivier

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

Date: July 19, 2012