

Bainbridge Township, Ohio
Board of Zoning Appeals
July 18, 2019

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:02 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. 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.

Mr. Lamanna stated that tonight will be the last meeting for our member Mr. Mark Murphy, he is moving onto greener pastures and a little bit better climate to the south of us. Mr. Murphy has contributed a lot to the board and we certainly appreciate his service and since it is the beginning of the meeting he would like to acknowledge that on behalf of the board so everyone here knows the contributions he has made to the township. He continued by saying the board meets once a month, everybody here is a volunteer and we are here because of our interest in making the township a better place to be and to be a smooth functioning community at least with our little corner of authority.

Mr. Murphy said thank you very much.

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.

Secretary's Note: The applicant was not present so this application was moved to the end of the agenda.

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.

Mr. Jim Kusa of Auburn Home Builders testified that he is representing Mr. Jonathan Baker, he is his contractor. He said Mr. Baker and his family live in Lake Lucerne and have presently owned the house for approximately nine years and he has done some work for the Bakers here in the past on the renovation of their home. He said Mr. Baker has an existing out-building, a shed at the rear of the property, the rear right east corner and the shed is in poor condition but the shed has a complete foundation, it has block, it has cement so it is basically a well-built foundation but unfortunately the structure was built in 1965 and has not been maintained so Mr. and Mrs. Baker would like to keep the foundation of the existing shed and just build a new structure on top of the foundation. He said they are looking for two variances in

regards to Bainbridge, the rear setback and a side setback because they did not conform to Bainbridge. He said Mr. Baker went to his ARB in regards to Lake Lucerne and they did grant him the variances and the okay to go ahead and reconstruct the existing building or out-building.

Mr. Lamanna asked if it is going right back on the existing foundation.

Mr. Kusa said exactly, nothing is being changed.

Mr. Lamanna asked if it is a similar height.

Mr. Kusa said yes, similar height, we will stay within the guidelines.

Mr. Gutoskey asked if there is some kind of a fence enclosure.

Mr. Kusa said yes it is, that he was unaware of to the right or to the east of his property, the neighbor has a chain link fence.

Mr. Lewis asked if fences are permitted in Lake Lucerne, he didn't think they are. He reviewed the ARB approval and said there is a question mark, it says decorative fencing on page one of the Lake Lucerne ARB application.

Mr. Kusa said he was unaware of the decorative fence to be honest, he didn't mention anything about the fence.

Mr. Lewis said on the ARB he sees a question mark, he doesn't see an X like it is approved.

Mr. Kusa said he would just side table that and not approve it.

Mr. Lewis said he wasn't sure initially if they were just trying to show it as, it is definitely a fence.

Mr. Murphy said it looks like a 9' x 14' dog run or something.

Mr. Kusa said he knows the fence to the right hand side is existing so he thinks he is just trying to put that decorative gate in front of it. He said he would recommend right now disregarding it until the board gets more information.

Mr. Lamanna said these are the drawings as approved and they basically approved whatever is on the drawings.

Mr. Lewis asked, the ARB.

Mr. Lamanna said yes, they put their stamp on it.

Mr. Lewis said there is a question mark and they did not X it as okay on page one.

Mr. Lamanna said to him it is pretty clear, these are the drawings that were approved. He said they looked at and approved those drawings.

Mr. Murphy said he doesn't have a problem with it. He asked if there is anyone else here interested in this application.

Mr. Lamanna said there are a lot of sheds that are up on the back property line.

Mr. Gutoskey said this is a bigger, wider lot.

The board looked at the Dalebrook lots that are behind this lot on the aerial photo.

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

Motion BZA 2019-23 – 8292 Summit Drive

Mr. Lamanna moved to grant the applicant the following variances for the purposes of constructing a 10' x 14' accessory building to replace an existing shed in accordance with the plans submitted by the applicant.

1. A variance to the minimum required side yard setback on the east side from 50' to 20' for a variance of 30'.
2. A variance to the minimum required rear yard setback from 90' to 7' for a variance of 83'.
3. A variance from the maximum lot coverage of 10% to 28% for a variance of 18%.

Based on the following findings of fact:

1. A practical difficulty exists because this is a pre-existing lot of record.
2. This is replacing an existing structure that had a foundation that is going to remain.
3. The lot coverage and side yard lot lines are consistent with other properties in Lake Lucerne and therefor it will not change the character of the neighborhood.
4. The house is located a substantial distance from the property to the rear and the rear property line and there is substantial wooded coverage so it should not adversely affect the neighboring properties in that direction.

Mr. Lewis seconded the motion.

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

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.

Mr. Anthony Banaszak and Mrs. Laurie Banaszak were present to represent this application.

Mrs. Banaszak testified by saying their intentions are to build a 40' x 60' pole barn to the right back of their house and they would be requesting a variance on the side lot, the south side lot from 50' to 35'. She said initially when they were building there was not a 250' wide requirement because we just built our house so we wanted to have the pole barn right at the end of the driveway and now it says we have to have it in the 250' wide area otherwise the building will have to be smaller.

Mr. Banaszak testified that they have wetlands at the back of the property too and we don't want to get near them or disturb that and the fact that we would have to clear another 100' of land out to put that building back farther where it widens out, we would have to clear about another 100' of woods out and we really don't want to do that we would just like to leave it natural if we could.

Mrs. Banaszak said and we are also trying to keep everything in line with the other houses and pole barns and such in the same area.

Mr. Banaszak said on both sides.

Mrs. Banaszak said that is one of the reasons why they had their house built where they did so that it would be in line with the other houses.

Mr. Gutoskey asked where the septic is.

Mrs. Banaszak said their septic mound is going in the corner.

Mr. Banaszak explained the location per the site plan.

Mrs. Banaszak said it curves on that corner where it widens and their well is in the front of the house.

Mr. Lewis said the well is in the front.

Mrs. Banaszak said yes and they put it on the wrong side on the site plan.

Mr. Lewis said he was going to question that.

Mr. Murphy said so it is wrong on this drawing.

Mrs. Banaszak said correct, it is right in front of the curve of the driveway. She said about where the pole barn ends is where the land is already cleared and would be able to not have to clear anymore to keep the back of the property as natural as we can.

Mr. Lewis asked if you moved it back you would be able to move it in from 35' to 50'.

Mr. Banaszak said that would include though snaking the driveway obviously to come in the front and part of that building where the doors would be, the building would be behind the garage more and you would have to snake the driveway back that way and it would not be a straight shot and he is storing a boat there and it would make it a lot more difficult to back it in obviously than a straight shot.

Mr. Lewis asked if he is going to extend the driveway pad to this.

Mr. Banaszak said yes, it is only 30'.

Mr. Lewis asked Ms. Endres if that is in the lot coverage calculations.

Ms. Karen Endres, Zoning Inspector testified that he is on a five acre lot so he has plenty of room.

Mr. Murphy said when you build here it says the construction entrance is from the lot next door.

Mr. Banaszak said no we are coming right from the street.

Mrs. Banaszak said there was apparently a second construction one when they were putting the septic in because they didn't want to go on the concrete driveway.

Mr. Murphy asked if there are any neighbors here.

There was a response from the audience, yes.

Mr. Lewis asked about the siding and roofing materials.

Mr. Banaszak said it is metal.

Mr. Lewis asked if it will have a metal roof.

Mr. Banaszak said yes.

Mr. Lewis asked what the house siding and roof is.

Mr. Banaszak said it is stone and vinyl on the sides and fiberglass shingles.

Mrs. Banaszak said they are having the colors match.

Mr. Lewis said he was just trying to find out if it matched the house.

Mr. Banaszak said the colors will match.

Mr. Lewis said but the materials will not.

The board viewed the aerial photo of the property and neighboring properties.

Mr. Lewis asked how big the boat is.

Mr. Banaszak said the boat is a 20 footer but it is a center counsel boat where you need a 12' door to get it in and the trailer is about 11' high.

Mr. Lewis said your proposal is for a 60' deep building.

Mr. Banaszak said yes.

Mr. Lewis said and your boat is 20'.

Mr. Banaszak said the boat is 22' plus the motor, plus the trailer and it wouldn't be just for the boat, it would be for yard equipment to keep the property up too.

Mr. Lamanna said it is a 2,400 sq. ft. building, if it was a house it would be a 5,000 sq. ft. house practically and two story so you see what our problem is here. He said unfortunately there is a house already built on the lot next door lined right up where you want to put this and they are already only 35' off of the property line so this is going to be really close to that and you will only have about 65' between the two structures.

Mrs. Banaszak said the building starts at the back of their house, it won't be alongside of it because it is 30' from the end of our turn-around.

Mr. Lewis said what they are going to be looking at is a structure with no windows, all metal, 60' long and 20' tall and there is no way in the world you are going to be able to screen that and that is a substantial hurdle particularly because you are asking for a variance and that was one of things we were looking at is how bad do you want it. He said people take out trees to build homes and structures all of the time, the access back in there has a little bit of an s-curve to back your boat in.

Mrs. Banaszak said the other part of it is it is going back further so we are in the 250, it is the additional costs that we would have to bear in doing so.

Mr. Lamanna said it wouldn't necessarily have to be pushed back to the 250, it is a question of moving it a little bit over more, you may have to move it back some. He said if you move it over you might have to go back some because of the curve but not moving it the entire 50' to 70' back.

Mr. Banaszak said the problem is if we move it back over the other way say behind the garage you are not going to be able to have a front load garage door, it is going to have to be a side load and then how are you going to swing a boat on a trailer because you would have to put cement out to the property line then to be able to get far enough over there, curve it and cut back in.

Mr. Gutoskey said if you keep the same orientation, just slide it over 15'.

Mr. Lewis said move it over and now it is not a real dramatic thing, just a slight bend angle back into it. He said he has watched guys with boats do remarkable things when they are launching them in tiny little parking lots.

Mr. Lamanna said other people are interested in this.

Ms. Patricia McKay Lentz testified that she is here as counsel for Mr. Remias who is the immediate neighbor to the south, the one you were just measuring so you picked up on exactly what we wanted to address is that it is hard to see from their diagram but it is exactly as you pointed out. She said this is part of their application, here is this building and his house is right here (she referred to a site plan) and his bedroom looks directly at this.

Mr. Lamanna asked Ms. Lentz if she happened to have brought a location survey for his house.

Ms. Lentz said no they didn't have time to. She said especially this area where it goes from 210' to the 250' you can see that the building backs onto that line which is where it moves from the narrower part, the 210, you can see that his house is just before that expansion so you can really locate, here is the building and here is the part it expands and his home is right here, it is exactly what you pointed out. She said it appears that the back of the building is actually back at the 250 area.

Mr. Lamanna asked Mr. Remias when his house was built.

Mr. Remias testified that it was built by his father in 1953 and they put up a barn on the property, a 30' x 40' barn for agricultural purposes and they raised cattle for a number of years.

Ms. Lentz said it is important to note that they are asking for a substantial variance, three different substantial variances, 30%.

Mr. Lamanna said that property also has a house that is built well within what the current setback requirements are.

Ms. Lentz said sure the house is but the pole barn which is an accessory building and they actually have some photos if it is helpful, this is at the corner of his house and you can just see the back of their current porch and you can see this is the property line marker and this is the edge of their current driveway so it looks actually very close if that is helpful. She said when you are standing there it seems very close.

Mr. Lamanna said it looks like there are some substantial trees in-between.

Ms. Lentz said there are but remember they are also talking about some space for construction and again 40 x 60 is quite a large building obviously and she doesn't know if there is an attempt to do anything else with that building or not.

Mr. Lewis asked Ms. Lentz if she has seen the elevations of the building.

Ms. Lentz said yes they have seen it. She said they tried Google maps so they could look at the construction but it is not real-time.

Mrs. Banaszak said she was looking for an aerial of it too.

Mr. Lewis asked Mr. Banaszak what color is his house.

Mr. Banaszak said it is a brown.

Mr. Lewis said he is trying to get an idea.

Mrs. Banaszak said it is a little darker clay color.

Mr. Banaszak showed the board a photo and said this is the color of the house. He said the neighbor's house is only 30' from the property line and he is farther than 30' off the line with this building.

Mr. Lamanna said but it is one of those cases that first in time, first in right a little bit, it is not absolutely certainly but that house was built before some of these requirements came along but again we do take that into consideration because the adjacent property owner to some extent has created part of the issue in terms of the overall separation. He said if you are that close to the line you can't have the same expectation that your neighbor can't be close to the line because you closed out that opportunity.

Ms. Lentz said well sure but at the time the house was built.

Mr. Lamanna said you take the good and bad of being pre-existing.

Mr. Lewis asked the applicant if this building has gutters and downspouts because he doesn't see it on the rendering and that is a lot of square footage on top and he needs to know where the water is going to go.

Mr. Banaszak said yes and they are going to do a swale to move the water.

Mr. Gutoskey said so the roof will match your roof color and the sides will match your house.

Mr. Banaszak said the metal will match the siding and it will have a darker brown wainscoting strip that is brown about 4' high and then it will be a lighter color on the side.

Mr. Lewis said the huge long side is what is going to face the adjacent property, it is 60' long and 20' tall, no windows and that is a really long expanse and he realizes that there are some trees between the yards but he doesn't know what you would see when the leaves are off for six months out of the year.

Ms. Lentz said and of course during construction there is going to be some area around the building that is going to be used for construction.

Mr. Lewis said if it is 35' from the property line to build this wall, they will need 10', 15' or 20' around it.

Mr. Murphy said not necessarily, a pole barn could go in almost anywhere with a minimum of interruption, it is not like you are excavating all the way around it.

Mr. Gutoskey asked if there are any other neighbors here.

Mr. Andy Lenart of 18445 Snyder Road testified that he is here with his wife Chris. He stated that they live on the north side of the property and obviously that building is on the other side so they don't have an issue with it but it is not right next to us so take that for what it is worth.

Mr. Gutoskey asked Mr. Lenart how long he has lived there.

Mr. Lenart said since 1996.

Mr. Gutoskey asked Mr. Lenart if he knew why they split the lot up.

Mr. Lenart said he thinks that 79' there that they have from our house to that spot there he thinks that is not correct, he thinks it is more like 50' and he thinks when they split the property they needed the 50' so that is why they made it wider in the front to accommodate the 50' of the side variance. He said it makes sense.

Mr. Lamanna said it makes total sense.

Mr. Lenart said he thinks when they split it up they needed that 50' so they made it wider there and they still have 200'.

Mr. Lamanna said these lot lines are not precise.

Mr. Lenart said and they still have 200' and asked if that is the minimum, 200'.

The board discussed the lot width requirement.

Mr. Lenart said he thinks the property was divided off in 1991 if he remembers right, on the deed.

Mr. Lamanna said that would make some sense and the 50' rule has been there a long time, it is a 250' lot width rule that is more recent. He asked if it was split in 1991.

Ms. Endres said it actually conforms, it has 60' of frontage on Snyder Road so that conforms, it is more than five acres so that conforms and it does achieve the 250' lot width back here.

Mr. Lamanna said but not at the front building line.

Ms. Endres said they constructed the house at that time when the 250' at the building line was not in our zoning and that was when they were working with definitions. She said the required lot width has been there all along.

Mr. Lamanna said what has changed is the definition of where you measure that at so it was probably divided before it was at the building line.

Ms. Endres said it is a conforming lot, what is non-conforming is the location of the house because the house is located at a point on the lot where it is not 250' wide.

Mr. Lamanna said he didn't think there is a requirement that it has to be at a point where it is 250' wide as long as it meets the 50' on each, the 50', 50' and 100'.

Mr. Gutoskey said he thinks it does now the way the definitions were revised, you have to have a 250' width where you build the house.

Ms. Endres said correct, at the front setback line.

Mr. Gutoskey said if you were creating a new lot now you would have to have it at the minimum.

Ms. Endres said that is the area where you achieve a 250' lot width. She said on a triangular lot people can build on those culdesac lots.

Mr. Gutoskey said so they have 250' between the property lines.

Ms. Endres said right.

Mrs. Banaszak said they were grandfathered in at the time that they had the permit for the house the 250' width requirement wasn't there so we were allowed to build the house so now it is non-conforming.

Ms. Endres said it was conforming when the permit was issued.

Mr. Lamanna said so that requirement wasn't there.

Mr. Murphy asked if there are any other neighbors here.

Mrs. Kathy Obradovic of 9320 Kingsley Drive testified that she lives across the street from this house that is going in and her question is, no offense, but since they starting building this house their side lot is getting water, where it is coming from, she doesn't know, she can't even ride the tractor on the side lot, she has to walk it.

Mr. Gutoskey said it has rained a lot.

Mrs. Obradovic said yes but they have been there 50 years now and this is the first time Snyder ever flooded.

Mr. Gutoskey said it is probably not because they built that house though.

Mrs. Obradovic said well her side yard since last year is getting more muddier than ever before and if they are going to put the barn up where is this water going to go, is it going to go to the ditch and under the road, you can't even walk in her side yard.

Mr. Gutoskey asked where it is coming under the road.

Mrs. Obradovic said she has no idea, we have the ditches there but her side yard is just muddy.

Mr. Lewis said he didn't know that there was a crossover pipe taking it from one side of the road to the other side so everything on your property's side of the road is going into that ditch.

Mr. Gutoskey asked to see the aerial photo.

Mrs. Obradovic said they have been there for 50 years and they have never, their side yard gets wet but it dries.

Mr. Lewis said he lives in Bainbridge and three weeks ago was the first time they were able to cut their grass this whole year because of the three months of monsoon wetness so he appreciates that. He said he is just trying to figure out if there is a crossover culvert somewhere.

Mrs. Obradovic said they came in and built up the ditch between Bennett and the other property.

The board viewed the aerial phot.

Mr. Lenart said it is on the north side of Toben, it is a little creek. He said there has been a lot of water on their side too but that is because the pipe under the road is too small, it backs up and doesn't take that water anywhere.

Mr. Murphy said Banaszak can't be flooding Obradovics, he doesn't think that their construction can be affecting the Obradovic property.

Mrs. Obradovic said they never had that problem before.

Mr. Murphy said he never saw water in his yard like he saw this year either.

Mrs. Obradovic said it started last year.

Mr. Murphy asked if there is silt fence in place for the construction.

Mrs. Banaszak said the fences are still up, yes on the south side. She said they haven't seen any water on the driveway.

Mr. Lewis said if the new structure is being swaled to the front ditch it is still not going to cross the road, it is going to go in that ditch, whichever direction that ditch is pushing water so he guesses he is still back to this accessory structure, he is still struggling folks with looking at a 60' long, 20' tall sheet of metal, he knows it is going to be painted and you are going to soften it up and make it woodsy colors to match your house. He asked why there are no windows on that side.

Mr. Banaszak said he just figured the way the sun was shining coming through the window, he could put windows on the side, it is not a big deal.

Mr. Lewis said he is looking for either something ornamental or decorative or some really serious screening there all year because you have a behemoth structure, 2,500 sq. ft. is bigger than half of the homes in Bainbridge.

Ms. Lentz said the maximum size is 300 sq. ft. according to the code.

Mr. Lewis said that is part of their variance.

Mr. Lamanna said you have to understand the history of why it is in there, it is because most of the lots this applies to are under an acre so that is why the size of the building was limited because we don't want people on a one acre lot building a 7,000 or 8,000 sq. ft. building without coming and getting a variance so if somebody is putting in an 8' x 10' shed on a small lot that is pre-existing we don't hear it, we had cases every month of people putting up little tiny sheds on substandard lots so that is why that was put in so that we wouldn't have to be hearing those cases.

Ms. Lentz said it could go farther back, that would make a lot more sense if it went farther back there is plenty of room back there.

Mr. Lamanna said the serious problem we have here is the standard, is there a practical difficulty to grant a variance for the side yard setback so the question is why can't it satisfy the setback requirements, what is there about the property that prevents it from being placed where it would satisfy the setback requirements.

Mr. Banaszak said again the snaking of the driveway and all of that and clearing out a lot more property because it will add to the cost. He said it is a substantial cost to them.

Mr. Lamanna said unfortunately clearing out property unless somebody says they can put it back there but they would have to build a \$500,000 bridge to get it back there, there is a point which costs becomes an issue but.

Mr. Banaszak said what you are saying if he moves it back he could put it there and move it over 15'.

Mr. Lamanna said move it over 15' and move it back.

Mr. Banaszak said and you can't stop it.

Mr. Lewis said you would still need the variance because of the size.

Mr. Lamanna said based on our understanding of that provision and the prior history of rulings on that if you can meet the 50' requirement then we would most likely grant the variance for the technical size.

Mr. DeWater said the further you move the building back the less of a factor your snaking driveway becomes because it will be more of a gradual curve off so your bigger concern is removing the trees which is kind of inconsequential, a lot of people are cutting trees down every day.

Mr. Banaszak said if he moves it back to the 250' wide spot, would it be okay there.

Mr. Lamanna said the reason for moving it back is so you don't have a radical S curve to back your boat in, the further you move it back, it is a very gradual so it is a matter of what is convenient to you.

Mr. Banaszak asked 50' from the house.

Mr. Lewis said no the side yard.

Mr. Lamanna said move it back maybe 15' or 25' more so then you won't have a really radical turn, it is just a little angle then and also the advantage is too it is not going to be directly opposite where his house jets out there, if you move it back 20' that gets you out of the direct line of site when he looks out his window.

Mr. DeWater said and with Mr. Lewis' note to put in some substantial evergreen screening.

Mr. Lamanna said just to break it up so we have something for 10 – 15 years.

Mr. Richard Obradovic of 9320 Kingsley Drive testified that they have lived there since 1966. He said he is very familiar with the property and there is a bog behind the house, both septic tanks floated above the ground, they had to come back to try to get them to stay down, right behind there is a bog and it is like 50' – 60' maybe 70' from the house so if you go back any further it is a bog almost to the next street and you can't drain the water there because he talked to somebody that is involved with that development so he doesn't know, it is a beautiful home, it took them a year but he has been there for over 50 years and we put a lot of time and effort in our property, it is almost two full acres and his neighbor does a lot of work on his property and Mr. Lenart does a lot of work on his property and so does Mr. Remias but this water is under the ground and it is coming west under the street now, it is coming into our yard and we are westbound on Snyder and it is coming under there and it is flooding, he can't even walk there and never in the last 50 years has it ever been like that, he can't drive his tractor on it. He said he had a heart attack so his wife is using the Toro mower and we do it very lightly because the water just keeps coming.

Mr. Obradovic continued by asking who is going to be responsible a year from now or so and he talked to Mr. John Brett at the township garage and he said he can't tell him that but who is he supposed to go after if they need more or bigger pipes. He said they did put a driveway over, an access drive, northbound on Snyder and that pipe is only like 6" in diameter and someone told him that because the new driveway is all poured concrete and they didn't want to drive over that and they had to bring an excavator in there and a dozer and everything else so they came early in the morning and they put this 6" plastic pipe in the ground and threw asphalt on top of it and just smashed it down so he doesn't understand why they did it that early in the morning, it woke him up so he doesn't understand what is going on there so this is his problem, he is looking at the future, he is giving his property to his daughter because he doesn't know how long he is going to live and that is as blunt as he can make it but he is worried about that water. He said he remembers hunting on that property, going back through there, you just couldn't go through there so it took a long time to find a buyer for that property, God Bless them but the thing is, something is wrong there and it is a bog, that is all he can tell you.

Mr. Lewis said he doesn't know if there is a riparian back there, they are doing gutters, downspouts and swales and they are directing the water into the front ditch which is where it is supposed to go.

Mr. Lamanna said they are on five acres too and not even close to the lot coverage.

Mr. Lewis asked Mr. Banaszak where he is at with moving it 50' off of the property line, is it doable, move it back a little bit further and slide it over 15'.

Mr. Banaszak said he guesses if he has to.

Mr. Lewis said he thinks if that is doable then we are just going to lay light recommendations on some screening because they will have 50' or so of evergreens, they can get pretty wide, you have enough to stagger a few of them along that 60'.

Mr. Lamanna said if they move it over 15' how much further back would you think you would want to move it.

Mr. Banaszak said he would have to look at it, maybe another 30' when you figure a truck and a boat and trailer.

Mr. Lewis asked if he needs screening because he is going to be further back.

The board discussed the proposed screening.

Mr. Lamanna said what the board would like is for you to plant five evergreen trees spaced along that side of the structure after you have completed it and he thinks the board is okay with approving the size of the structure. He said move it over 15' and back 25' to 30' where you decide.

Mr. Banaszak asked if it will be a problem moving it back a little farther.

Mr. Lewis said he doesn't care how far you put it back, he just wants it 50' off of the side yard, no more and no closer than 90' in the back.

Mr. Lamanna said at least another 20' back but if you want to go back farther that is fine, moving it back 20' gets it out of his line of sight.

Mr. Banaszak said so a minimum of 50' from the house.

Mr. Lamanna said yes, a minimum of 50' from the back of the garage.

Mr. Banaszak said okay.

Mr. Lamanna said and then you will be 50' from the side line, put in five 6' evergreen trees and then you are good to go.

Ms. Lentz asked if they are going to reapply so that everybody can see where they are going to be putting it and how far over it is going to be, that would be helpful.

Mr. Lamanna said we are approving it now. He said they will have to provide a new site plan to show where it is but they won't have to come back for another meeting here and take up everybody's time because it is easy to see where it is going to be.

Ms. Lentz said she has some questions about that because when they were describing the proposed use they were talking about livestock, they weren't talking about a boat so.

Mr. Lamanna said they can use it for anything that is legal, they can't have a business in there and they can't have tenants in there and they can't store hazardous items in there that are going to violate the fire code.

Ms. Lentz said or run a construction company.

Mr. Lamanna said no, they can't run a business out of it. He said generally we don't make an issue out of that unless we have other evidence that leads us to believe that either because of prior use or the way the building is designed that it is suspiciously constructed that it could be easily put to something that is not permitted. He said the board does note sometimes in our decision that you can only maintain legal uses, you can't have a business and no tenants etc. but there is nothing here that indicates that but whether we say anything or not that still applies and we do enforce that, we have had more than a few cases with people doing things in accessory structures that they are not supposed to be doing in accessory structures and we do get on that when we find out about it.

Mr. Murphy asked if their contractors did something to take a 6” pipe across Snyder Road.

Mr. Gutoskey said they put in a temporary pipe to build the septic so they wouldn’t have to drive over their concrete drive.

Mr. Murphy said so under your driveway you have a normal culvert pipe in the ditch, sized by the county.

Mr. Banaszak said yes, the other one is a small temporary pipe.

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

Motion BZA 2019-24 – 18475 Snyder Road

Mr. Lamanna moved to grant the applicant the following variance:

1. A variance to Chapter 165.10 (b)(3) with respect to the maximum size of an accessory building based upon a modification of the proposed location of the accessory structure so that it will be at least a minimum of 50’ from the side yard on the south side and it will now be also a minimum of 50’ from the back of the existing garage.
2. A variance to the building size from the maximum 300 sq. ft. to 2,400 sq. ft.
3. A variance to the building height will be allowed at 20’-10” versus 15’ per Chapter 165.10.
4. A variance to the lot width at the building line of 210’ versus 250’ which is where the existing house has been built and this way it will conform to the status of the property with what is actually constructed there and certainly the house meets the setback requirements on both sides as it is built and there are numerous other lots in this area that are not the full 250’ wide at the building line so it is not inconsistent with the neighborhood.
5. In addition, the applicant has agreed to add five (5) 6’ evergreen trees along the south side of the building spaced evenly to screen it from the adjacent property.

Based on the following findings of fact:

1. This is actually a pre-existing lot of record and it turns out the only reason it is not conforming has to do with the actual lot width at the front building line but otherwise the lot fully complies with the five acre minimum lot size and because of that this accessory building of this size is perfectly reasonable and consistent with the neighborhood on lots of this size.

Motion BZA 2019-24 – 18475 Snyder Road - Continued

2. With the relocation of the building farther back and conforming from the side it is also substantially reducing any adverse impact on the neighboring house which is also ameliorated by the additions of the evergreens for screening.

Mr. Murphy seconded the motion.

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

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.

Mr. Dominic Lococo was present to represent this application.

Mr. Lamanna stated that the applicant is asking for a 1,200 sq. ft. detached garage on a non-conforming lot less than 50' from the east side line. He said the applicant is looking for 33.5' and it is two acres with the right-of-way so it is a little bit less.

Mr. Lococo testified that the existing structure that is there now is about 24' x 25' so it is going to be sitting in the same spot and right now it is at 35' he thinks.

Mr. Gutoskey said 33.5'.

Mr. Lococo said he is asking for 33.5' but he thinks it is at 35' right now but he can still go at 35' if he has to but he would like 33.5'.

Mr. Lewis said he sees what he has done and asked if that is the old building and he is going to make this one wider and deeper but no closer to the side line.

Mr. Lococo said correct, exactly and the driveway is already there and he can't move it towards the yard because the leach bed is right there. He said he has very little room for it.

Mr. Lamanna said basically you are just going to expand it.

Mr. Lococo said expand and make it better, make it a little bigger.

Mr. Lewis said the overall height is only 14' and 30' wide, he is not growing it but he is going into his front and rear without any disturbance of those setbacks and he is staying consistent with what is pre-existing and it is a very low profile building.

Mr. Gutoskey said it is almost a two acre lot with the right-of-way so even the 300 sq. ft., 1,200 is no big deal.

Mr. Lewis said and it is no closer to the adjacent property than the existing structure already is so there is no creeping.

Mr. Lococo said no.

Mr. Lamanna asked what is on the side of the building there, what is in between you and the adjacent property owner.

Mr. Terry Markoff of 9514 Taylor May Road testified that he is the adjacent property owner. He said there is actually a lean-to and a pad that goes to about 25' or maybe a little less to the property line now.

Mr. Lewis said it looks like a new building will dress the lot up nicely.

Mr. Markoff said it is an old rotting shed and added that the pad is concrete that goes to 25' now.

Mr. Lewis said so there is a pad on that side.

Mr. Markoff said there is a pad and a lean-to shed.

Mr. Lococo said it is a brick building with a lean-to.

Mr. Lewis asked Mr. Lococo if he is going to demolish it.

Mr. Lococo said yes it is totally falling apart.

Mr. Lewis said so the pad goes closer to the neighbor's property than the 35' and asked if the pad is depicted on the drawing.

Mr. Lococo said no, he doesn't think it is.

Mr. Lamanna asked if a new foundation will be put in.

Mr. Lococo said yes, he doesn't know if the old one is going to have to be ripped out or if he can go over it or not.

Mr. Markoff said he is clearing the junk on his side for him.

Mr. Lamanna asked if it is 33' to the main building or to the thing that is sticking out there.

Mr. Markoff said there is actually a sidewalk on that side now. He referred to it on the aerial photo.

Mr. Lococo said you can't see it because it has grass growing over it, it is packed gravel with grass growing over it, he can go right over it with the car.

Mr. Lamanna said so the new building won't be over as far as that shed goes.

Mr. Lococo said no, it won't be as far as the lean-to.

Mr. Lamanna said the lean-to will be gone and it will end where the existing structure ends so it will actually have less encroachment than there is now.

Mr. Lewis said it will increase from 25' to 35' or close to it.

Mr. Gutoskey asked what the pitch on the roof is, it is 12' to the eave and 14' to the peak.

Mr. Lamanna said that is pretty flat.

Mr. Lococo said he might have a side door instead of a garage door in the front, it might just be the garage door and a door on the side.

Mr. Lewis said the roof is only 14' high and the building is 30' wide.

Mr. Murphy asked if it is a metal roof.

Mr. Lococo said an all metal building.

Mr. Lewis asked what color it is going to be.

Mr. Lococo said it should be about green.

Mr. Lewis asked what color his house is.

Mr. Lococo said it is like a gray color.

Mr. Lewis asked brown-gray or gray-gray.

Mr. Lococo said brown-gray.

Mr. Lewis said it might be nice to try to match the colors so that it just looks nicer and some day when you go to sell the place it looks better.

Mr. Lococo said he will do his best.

Mr. Lewis said this is a great improvement.

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

Motion BZA 2019-25 – 9498 Taylor May Road

Mr. Lamanna moved to grant the applicant a variance with respect to tearing down an existing accessory structure and side shed and constructing a new 1,200 sq. ft. detached garage in accordance with the plans submitted with respect to the building.

1. The applicant is going to build this in the location of the current building so there will be a side setback of 33.5' for a variance of 16.5'.
2. This variance will actually be smaller than the side yard encroachment of the existing building because of the removal of the lean-to structure on that side.
3. In addition this is a non-conforming lot so a variance is granted from the 300 sq. ft. maximum to 1,200 sq. ft. for a variance of 900 sq. ft.

Based on the following findings of fact:

1. The reason for granting a variance on the size is that this is a two plus acre lot and for a lot of that size the 1,200 sq. ft. accessory building is appropriate and consistent with the neighborhood.
2. With respect to the side yard variance a practical difficulty exists because there is an existing driveway and also to move it farther into the property it would start to encroach on the existing leach fields of that property as well.

Mr. Gutoskey seconded the motion.

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

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.

Mr. Gutoskey recused himself from this application.

Mr. Lamanna noted that Mr. Gutoskey is recusing himself from this application because he has been involved with some of the neighboring property owners on some related issues. He also stated that the application is to allow construction of a storm water pond to serve the lot and to reduce the number of parking spaces from 161 to 124.

Mr. Crandall Miller was present to represent this application.

Mr. Miller testified that over the last number of years with the prevalence of more higher volume storms and where we are on that hill we get storm water run-off from above us, it surfs over our property and it goes down and we have hardscape as well and it has been a burden and a hardship to the neighbor to the west so we are taking these measures to modify how we capture the storm water, try to retain it and control it more slowly so it doesn't just surf over so in doing that we are modifying the lot and because the hardship is where the water comes across we have taken measures to expand the catch basin, putting in trench drains, building a higher curb on that west side to no avail so we have now brought in engineers to evaluate the size of our underground pipe, try to capture the water and essentially slow the water down, capture it and keep it from surfing over and creating damage for the neighbor. He said in doing that the other modification that makes sense is where you can see the current striping and light post and parking space so we are trying to incorporate and put those in the center as well and make it more logical, minimize the bumps and scrapes as people get out of their cars. He said this reduction of parking spaces will not impact us in terms of our operation of the building, it is a viable health center, we have a number of primary care and specialty care services within the building and anticipate that level to be approximately the same, we are not looking to add a lot of activity to the building going forward, we have had that building for a number of years so this seems to be the sweet spot for what works in this site so we don't consider the lack of spaces to be a hardship, we are not filling up the spaces today and as we project this we do not perceive any negative impact to us, we perceive this activity and action to be a positive benefit to our neighbors certainly and to us to control the storm water in a more reliable fashion so that is the purpose and intent of this revision.

Mr. Lewis asked how many permanent employees are there, he is trying to relate that to parking spaces, he is just trying to get a sense of where the business is.

Mr. Miller said he understands and the average number of UH staff probably there at any given day is probably between 30 and 35 maximum and with the number of suites they have that would include caregivers, medical assistants, all of those folks and then the patient activity is spread throughout the day so they don't necessarily have peaks, that is fairly even and a nominal amount so they have never had a congestion problem with the parking lot and its current state. He said as they evaluated these numbers that they are projecting, again, it doesn't even appear to be a push for us that they are going to be congested.

Mr. Lewis said he is looking at the site plan and let's talk about where you want to place this retention basin and how the parking lot will then look.

Mr. Miller referred to the site plan and said you can see this basin here which is on the west side so their building is here at the lowest end, the parking lot to the front of E. Washington going diagonal across the top. He said the basin here is directly to the west of their existing parking lot and this is an additional safety measure, we are upsizing the underground pipes to contain and control the water and we believe that will help the majority if not all of the standard storm water run-off. He said this basin is being put in as an additional measure so if we have a more violent storm, a more high volume storm we have another place that water can gather and to be kept versus pushing it off onto the adjoining properties.

Mr. Murphy said so you are eliminating that one section of parking lot that is currently asphalt right now and that is going to become the new catch basin.

Mr. Miller said that is correct.

Mr. Lewis said that is the low end of the parking lot so anything that your drains don't catch you are putting a safety measure at the far end of the parking lot where all of the water is coming and catch it before it goes to the neighbor and slow it down.

Mr. Lamanna asked where it then goes from the detention pond.

Mr. Miller said the neighbor has a retention pond as well, some of it may be diverted to that, as he understands, he is not the engineer, but he knows that it is controlled, we have a drain right in the middle of that, it will be sloped down so it will be, he can't tell you with all accuracy where that water goes after that, it is going to be discharged in a controlled fashion. He said they have received approval from the Geauga Soil & Water Conservation District.

Mr. Lamanna said it looks like it is going to be on down this way, the lower left.

Mr. Miller said yes.

Mr. Lamanna said just looking at the slope it has to go where the land is going.

Mr. Miller said as they have done measures in the past as he says with trench drains and trying to expand the drains it has helped somewhat but again they are anxious that they don't try to stop all of these events.

Mr. Lamanna said there are more than a few areas around the township that have some issues.

Mr. Lewis referred to the parking space sizes and the requirement for double striping. He asked Mr. Miller if they are going to re-layout the whole parking lot.

Mr. Miller said yes.

Mr. Lewis said and move the lampposts, put in some more floor drains and capture what you can before it hits the detention basin.

Mr. Miller said he actually doesn't believe the lampposts are part of it, the restriping thing, they will be moved to more comfortable locations.

Mrs. Janet Kennedy, adjacent property owner, asked if they are putting more drains in the parking lot or are they are just putting in the retention.

Mr. Miller said the drains in the parking lot or underground pipes are being expanded so that the existing drains have additional capacity for the water that comes in to capture it and slow it down so we are expanding that.

Mr. Lamanna said you have added to the pipe size.

Mr. Miller said yes we are dramatically increasing the pipe size.

Mr. Lamanna said that makes a big difference.

Mr. DeWater said there is an 18" CMP pipe from the drainage from Washington Street and it says you are going to abandon that pipe, you go to your main base and then your parking lot by your driveway.

Mr. Joe Gutoskey testified that when they redid Washington Street they abandoned that.

Mr. DeWater said okay so it is just sitting their void.

Mr. Gutoskey replied yes.

Mr. Lewis asked if there is a new site plan for the parking and he thinks in one of the footnotes that Ms. Endres said one of the spaces is 7' by 18'.

Ms. Karen Endres, Zoning Inspector testified that that one spot is smaller.

Mr. Miller said they will not have a battery station there.

Mr. Lewis said it is a bike space.

Mr. Lewis said the request was for 124 parking spaces and he thinks Mr. Miller testified that he was expecting 30 to 35 as the typical staff.

Mr. Miller said those are probably maximum numbers and that varies but that has got to be maximum because they have had other services in there that have since vacated, the number used to be higher but it is not and they don't anticipate it to grow back and that leaves a lot of room for many patients to come and go and as he said, the patient volume is more evenly spread.

Mr. Lewis said it is not like having a sale and everybody arrives at the same time. He said it looks like our provision wants double-striping if you have more than 100 spaces.

Ms. Endres said that is correct but she expects that to be changed.

Mr. Lewis said in this particular case it just doesn't seem to be practical anyway as long as the parking spaces are the proper minimum size.

Mr. Miller said which is 9' x 20'.

Ms. Endres said this plan has 9' x 18' and 9' x 18' is the size they are at currently she believes and when she talked to the engineer they redid the plans based on the parking spaces being the same size as they are right now because the parking lot is being renovated and redone, she as the zoning inspector is looking for the new parking lot with the current standards.

Mr. Lamanna said he doesn't know if they will be able to do that because they are taking out such a big chunk of the width of the parking lot.

Ms. Endres said also if you enlarge the spaces then the parking aisles no longer comply with zoning.

Mr. Lamanna said right, yes.

Mr. Lewis said he doesn't want to lose sight of what the primary issue is to mitigate the water problem to the neighbor.

Mr. Lamanna said parking is way down the list on what is important here. He said he thinks having slightly shorter parking spaces and fewer parking spaces, he can't say he ever drives by there and sees cars spilling out onto the street.

Mr. Miller said their parking has never been a challenge even when they had double the amount of employees.

Ms. Endres said she is not opposed to the size they are proposing it is just that she can't approve something that doesn't comply with zoning.

Mr. Lewis said we've got the one parking spot that is 7' x 14' or whatever, do we just reduce this and approve it at 120 and dump that spot.

Mr. Miller said that was one of the last spaces to be used.

Mr. and Mrs. Kennedy asked how fast it will be done and testified that they love it and they (University Hospital) have been great.

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

Motion BZA 2019-22 – 8185 East Washington Street (University Hospitals Healthcare Enterprise, Inc.

Mr. Lamanna moved to grant the applicant the following variances to enable the applicant to remove parking area on the property and install a retention pond and additional piping into that pond in order to improve the storm water management in this area of the township.

1. In order to accommodate the requested modifications the board grants the applicant a variance from the number of parking space requirements to 122 spaces from that which might otherwise be required with respect to the size of this building.
2. The board also grants a variance to the parking space size from the required 9' x 20' to 9' x 18'.
3. In addition the board will establish a variance with respect to the minimum front yard on the north and east side with respect to parking to 37' on the north side and 55' on the east side in order to reflect the long existing location of the parking on this property.
4. The board will also grant a variance to the requirements for double striping and this is in the course of changing anyway.

Based on the following findings of fact:

1. The board also notes that the property, although it will still exceed the 40% maximum lot coverage it will actually become less non-conforming by removal of the row of parking spaces so this project will actually improve the overall conformance of the lot.

Motion BZA 2019-22 – 8185 East Washington Street (University Hospitals Healthcare Enterprise, Inc. - Continued

2. The parking space size adjustment is made because of the practical difficulty of the size of the lot. Once this area is removed, in order to fit the existing number of parking spaces in, it is necessary to retain the existing parking space size which is 9' x 18'.
3. The board also notes that there appears to be ample evidence that the number of parking spaces that the board has required is more than enough to accommodate the current use of this building as well as even some expansion from that current use within the available spaces that will still remain.

Mr. Lewis seconded the motion.

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

Mr. Gutoskey returned to the meeting at 8:54 P.M.

Since there was no further testimony, the public hearing was closed at 8:54 P.M.

Respectfully submitted,

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: August 15, 2019

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
July 18, 2019

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:54 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Mark Murphy. Ms. Karen Endres, Zoning Inspector was present.

MINUTES

Mr. Lewis moved to adopt the minutes of the June 20, 2019 meeting as written.

Mr. Gutoskey seconded the motion.

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

PRESENTATION

The board presented Mr. Murphy with a certificate of appreciation, thanked him for his years of service and wished him well in his future endeavors.

APPLICATIONS FOR NEXT MONTH

Application 2019-26 by Scott Weaver for the Geauga County Public Library for property at 17222 Snyder Road

The applicant is requesting a conditional use permit with area variance(s) for the purpose of constructing a new public library. The property is located in a R-5A District.

Application 2019-27 by Maria Savransky for Kids Club Property, Inc. for property at 16700 Hilltop Park Place

The applicant is requesting a substitution of a non-conforming use with area variance(s) for the purpose of constructing an addition to the daycare facility. The property is located in a LIR District.

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for August 15, 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 9:15 P.M.

Respectfully submitted,

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: August 15, 2019