

Bainbridge Township, Ohio
Board of Zoning Appeals
September 18, 2014

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:04 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey; Mr. Todd Lewis; Mr. Mark Murphy and Mr. Mark Olivier. Ms. Karen Endres, Zoning Inspector was present.

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

Application 2014-24 by The Wembley Club (David Barr) for property at 8345 Woodberry Boulevard

The applicant is requesting a conditional use permit for the purpose of constructing an addition including indoor tennis courts. The property is located in a R-3A District.

Motion BZA 2014-24 – 8345 Woodberry Boulevard (The Wembley Club)

Mr. Lamanna made a motion to continue this application to the next regularly scheduled meeting to be held October 16, 2014 at the request of the applicant.

Mr. Lewis seconded the motion.

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

Application 2014-25 by Lord of Life Lutheran Church for property at 17989 Chillicothe Road

The applicant is requesting a review and renewal of an existing conditional use permit for the purpose of continuing a preschool. The property is located in a R-3A District.

Ms. Pam Reisinger, Director of the Preschool and Mr. Rob Henderson, Pastor were present to represent this application.

Ms. Reisinger testified that she believes it is just a renewal and there is no change.

Mr. Lamanna asked Ms. Endres if there any complaints or outstanding violations and if they are in compliance with the use.

Ms. Karen Endres, Zoning Inspector testified that to the best of her knowledge they are in compliance with the conditional use permit and when the Lord of Life Church came in for review she found that there was also a daycare center operating and their permit had expired.

Mr. Murphy asked if this is a church preschool and a not for profit private school.

Ms. Reisinger said no, it is a mission of the church.

Mr. Gutoskey asked how many students are in the preschool.

Ms. Reisinger said they have morning and afternoon classes and they have approximately 90 children.

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

Motion BZA 2014-25 – 17989 Chillicothe Road (Lord of Life Lutheran Church)

Mr. Lamanna made a motion to renew the existing conditional use permit for the purposes of operating a preschool for an additional period of five years from the date the board's decision becomes final.

With the following conditions:

1. All of the conditions previously applicable will continue in full force and effect for the renewal period.

Based on the following findings of fact:

1. This conditional use is renewed because it is consistent with the permitted conditional use at this location.
2. The applicant has operated in conformance with the requirements of the conditional use.
3. The preschool does not have any outstanding complaints or non-compliances.

Mr. Lewis seconded the motion.

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

Application 2014-27 by David A. Jackson & Michael T. Skolaris as JackAris, LLC for property at 8327 E. Washington Street

The applicant is requesting a review and renewal of a conditional use permit for the purpose of establishing new ownership of a car wash (express or full service) and oil change facility. The property is located in a CB District.

Mr. David A. Jackson was present to represent this application.

Mr. Jackson testified that he is part owner of the facility and his partner Mr. Skolaris had to go back to North Carolina.

Mr. Lamanna asked if there is anything different being done than was done there before.

Mr. Jackson said it is just going to be a lot nicer, it will be a much nicer experience, he is not sure if the board members have had a chance to see the activity. He said they are putting in new equipment, it is going to be a real nice experience and they want it to be a community kind of business.

Mr. Lamanna asked if the layout of the facility is going to stay pretty much the same.

Mr. Jackson said they are not changing anything but they are putting in a new driveway because it needs it.

Mr. Lamanna said when you say new, you mean replace.

Mr. Jackson said right, nothing structurally will be changing.

Mr. Lamanna said you are not adding additional driveways.

Mr. Jackson replied no, it will be all the same.

Mr. Lamanna asked if there are any open issues or complaints on this facility.

Ms. Karen Endres, Zoning Inspector testified not that she is aware of. She said she stopped in and left her business card in the door and she was contacted promptly. She said there used to be an oil change business there at one time and they are planning on adding that oil change back.

Mr. Lamanna asked if that was part of the original carwash.

Ms. Endres said it was there several years ago but she did not think Regal Carwash was doing oil changes but when she looked in the history there was one at one time.

Mr. Lamanna asked if that was part of the original conditional use.

Ms. Endres said yes she believes it is.

Mr. Lamanna said it is not like a non-conforming use, if you have a conditional use and you stop using it.

Mr. Jackson said Regal was doing it just for a couple of years because we saw it on the tax returns just as an FYI.

Ms. Endres said she just wants to be sure that all of the uses that were planned for on the property were approved.

Mr. Gutoskey said a year or so ago somebody came in to put U-Hauls there.

Mr. Jackson said not remotely.

Ms. Endres said it was discussed but there was no decision.

Mr. Lamanna asked if the board allowed them to do the U-Haul business.

Mr. Jackson said you did not because we hired the manager and he would know.

Ms. Endres said it was discussed in the hearing but it was not actually permitted.

Mr. Gutoskey said because they had a U-Haul sign on the side of the building for a while.

Mr. Olivier asked if they still have a cistern system for the water.

Mr. Jackson said all of the equipment for it was taken away so it would be quite expensive and they heard that recycled water does not clean cars all that well so he thinks that is why it was pulled out a few years back.

Mr. Olivier asked if they are on city water.

Mr. Jackson said they are.

Mr. Murphy asked if the signs are being approved tonight also, is that part of this.

Ms. Endres said she doesn't think they are going to need sign variances and she doesn't issue sign permits until the business application is approved.

Mr. Lamanna asked what the signage was originally and if they had a previous variance.

Ms. Endres said she doesn't recall any variances for signs but there was a variance for the lube station for the distance between service stations.

Mr. Lamanna said that variance would still be valid.

Mr. Murphy asked if the oil changes will be recyclable oil, is there any reason why Bainbridge should worry about a business that does oil changes.

Mr. Gutoskey asked where the waste oil will be stored and if it is above ground.

Mr. Jackson said that is phase two of their project so they haven't delved into too much of the oil change part of it, they want to get the carwash up and running. He said Valvoline has what is called Valvoline Express, it is like a partnership, it is not a franchise but it is a partnership where you can partner with them and they will sort of brand you and do the training so we are looking into it. He said he thinks the presumption would be the oil would be stored in the basement, there is a large basement there and there is sort of like a retaining, catch basin so it should be fine and the oil will be recycled.

Mr. Gutoskey said that is all city water there now and city water was brought in because there were problems with the aquifer such as benzene in that area.

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

Motion BZA 2014-27 – 8327 E. Washington Street (Carwash)

Mr. Lamanna made a motion to grant a transfer of the existing carwash conditional use permit including an oil change facility or if it is not clear that it is part of the current conditional use to add that on as a conditional use.

With the following conditions:

1. With respect to the oil change facility, the applicant will properly store the used oil in an environmentally proper manner preferably not in a buried underground tank.
2. All of the existing conditions applicable to the conditional use permit will continue in effect.
3. This conditional use will be granted for a period of five years from the date the board's decision becomes final on this matter.

Mr. Lewis seconded the motion.

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

Application 2014-28 by Timothy Alder for property at 18849 Riverview Drive

The applicant is requesting a variance for the purpose of amending a previously approved area variance for the construction of an addition to a pole barn. The property is located in a R-3A District.

Mr. Timothy Alder was present to represent this application.

Mr. Lamanna asked if this is to amend the previously granted variance.

Mr. Alder testified that the approved 5' width wasn't going to be enough to enclose the motorhome so what he would like to do is put a concrete pad there, a 14' x 40' concrete pad, and just extend the building to the east so it would maintain the same roofline, it would just be deeper instead of wider. He said right now the camper sits on limestone which is of a corrosive nature and asphalt over time would cause dips in the asphalt so he would rather put in a concrete pad. He said the motorhome would be moved to the north farther right up against the pole barn.

Mr. Lamanna asked how this is different.

Ms. Endres said originally the building was going to be taller and go out closer to the lot line but what he is doing now is he is going to propose to build it straight back with a driveway next to the building to park the RV on.

Mr. Alder said that Mr. Jeff Hutton is his next door neighbor on that side and he is here.

Mr. Lamanna said so the building is smaller and not as tall with an added driveway and asked what the lot coverage is. He asked if the total coverage will be any different than what was approved before.

Ms. Endres said the total coverage should be a little bit less.

Mr. Lamanna said the total footprint of the barn and the driveway will actually be less than what was approved.

Ms. Endres replied yes and she will double check it.

Mr. Alder said it was 54' x 40' and they are going for 40' x 40'.

Mr. Lamanna said it will be 40' x 40' and a pad of what.

Mr. Alder said 12' x 40' and added that the camper is 8-1/2'.

Mr. Lamanna said that is 52' versus 54'.

Mr. Murphy asked Mr. Alder if he has a concrete driveway now.

Mr. Alder replied asphalt.

Mr. Murphy said so there will be some additional concrete or asphalt to lead to the pad.

Mr. Alder said probably not. He said you can't really tell because they are on a hill as it slopes down from the left to the right and at the edge of the pole barn now it drops down about 2-1/2'. He explained per a photo that it drops down 2-1/2' and it kind of ramps that way, it is lower here.

Mr. Murphy said so part of your concrete would be to attach to the driveway.

Mr. Alder said he did not think so, it will go straight here because the whole point is to protect the underneath and he puts down a sheet of plastic before he parks it for the winter and this way he won't have to do that with the concrete.

Mr. Lewis said you are pouring the pad only, you are not going to run the connection to connect it to your driveway.

Mr. Alder replied correct, it is gravel.

Ms. Endres said she would have approved the scaled down version but there were conditions placed on the last variance for the installation of windows and screening.

Mr. Alder said for security reasons he would rather not put in windows, not that there has been a problem there.

Mr. Lamanna said the motorhome will be parked there most of the time.

Mr. Alder said correct.

Mr. Lamanna asked if there is any problem putting in screening.

Mr. Alder said he wouldn't have a problem with that but Mr. Hutton didn't really care for that.

Mr. Lewis said the motorhome will be parked adjacent to the sidewall of the existing building.

Mr. Lamanna asked how long the motorhome is.

Mr. Alder said it is 34'.

Mr. Lamanna said he was thinking about some plants, not trees, but more like bushes that grow 5' or 6' tall.

Mr. Alder replied okay.

Ms. Endres said that she and Mr. Alder were talking about the possibility of putting the screening on the neighbor's property.

Mr. Alder said it is open, he could go either way.

Mr. Lamanna said generally the board prefers it on the applicant's property. He said if you plant the root ball just over the line it would be on the applicant's property.

Mr. Olivier said putting the screening on the neighbor's property could bother a future owner at some point.

Ms. Endres said he is not increasing the lot coverage so actually it is 16%.

Mr. Lamanna said it is going to go to 40' x 40' by extending the existing garage and it will be no closer to the side yard.

Mr. Alder said correct.

Mr. Lamanna asked what the setback is now.

Mr. Alder said 25'.

Mr. Lamanna said the board will modify this to be 40' x 40' at 25' with a 12' x 40' concrete pad adjacent to it with some shrubbery or screening along the property line.

Mr. Alder added that the building will not be higher.

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

Motion BZA 2014-28 – 18849 Riverview Drive

Mr. Lamanna made a motion to modify the variance previously granted for an accessory building at the property.

Based on the following findings of fact:

1. The building size has changed to 40' x 40'.
2. The alteration will be accomplished by adding to the length of the building going toward the rear property line to reach 40' and variances granted as necessary for that extension to the side yard setback as long as it matches the existing setback of approximately 25'.
3. The applicant will also be allowed to add a 12' x 40' concrete pad on the south side of the garage for parking a motorhome.
4. The previous lot coverage adjustment that was granted should be sufficient to not change the existing lot coverage permitted.
5. The height is not increasing so there is no need for a variance with respect to the height requirement of the addition.
6. Because the motorhome will be parked on the outside the board will eliminate the window requirement on the south side of the structure.

Motion BZA 2014-28 – 18849 Riverview Drive - Continued

With the following condition:

1. A condition to ameliorate the impact on the neighboring properties is to plant some reasonable size shrubs along the property line for 40' to screen the pad.

Mr. Lewis seconded the motion.

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

Application 2014-29 by Todd Linville for property at 7043 Pine Street

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

Mr. Todd Linville was present to represent this application.

Mr. Linville testified that his old shed that he had up there was up there when his parents owned the house and has dilapidated and is falling down and he wants to put up a new shed in the area that is marked off in the fence where the pool was that he had. He said the pool is already gone and he is in the process of tearing down the fence because it is no longer needed and he wants a shed there instead.

Mr. Lamanna asked if he had two sheds.

Mr. Linville said the one in the back, that is the old shed that is falling down.

Mr. Lamanna asked about the other shed.

Mr. Linville said that is the new one he wants to put up.

Mr. Lamanna said you are getting rid of the one in the back and moving it up here.

Mr. Linville said yes.

Mr. Olivier asked if that is the pool fence.

Mr. Linville said that is where the new one is going to go.

Mr. Gutoskey asked Mr. Linville if he has a garage.

Mr. Linville said no, he does not unfortunately and if he did this wouldn't be a problem.

Ms. Endres said he has an interior lot line with two lots and the house is built over one of the lot lines.

Mr. Olivier said so the third sliver or parcel is not his.

Mr. Linville said that is Perrino, the neighbor. He said where the existing shed is now is a wetland back there so he can't put the new one there.

Mr. Lamanna suggested that Mr. Linville execute an affidavit so it can get cleaned up.

Ms. Endres said that is a good idea.

Mr. Lamanna explained that the board would like an affidavit executed stating that you are using the two lots as one and will be treated as one. He said it used to be that there was a provision for contiguous lots to be treated as a single lot but they ran into some problems with abuse so that is no longer in effect. He said rather than having people resurvey it, we are just having people execute an affidavit to say the lots are treated as one and they cannot be separated or divide them up and sell them separately.

Mr. Linville said he understands.

Mr. Gutoskey asked if the shed will be behind the house.

Mr. Linville said he wanted it instead of angled like that he wanted it facing the house because he has windows in the shed.

Mr. Murphy asked if it is going to sit on the property like this.

Mr. Linville said it is because his yard has a hill in the back and in order to actually have it sit straight he would have to dig out too much of the hill which is actually a leach bed and he doesn't want to go through all of that so he is just going to angle it and have it sit like it is on the drawing.

Mr. Gutoskey said so it will pretty much end up where the pool was. He asked if the house is still on septic now.

Mr. Linville said no they are on sewer.

Mr. Lewis said so the small shed at the back of the lot is coming down.

Mr. Linville replied yes.

Mr. Lewis asked if the lot coverage ends up smaller if it is coming down.

Ms. Endres said she calculated it both ways with and without the shed.

Mr. Lamanna asked if it is 30' the other way now roughly.

Ms. Endres explained that this lot is 30' wide and this lot is 40' wide. She said in the original envelope the house is more than 20' and the reason for the variance is the new structure will be closer to the lot line than the house is.

Mr. Murphy asked why the building is going to be on a diagonal sitting in the back yard so you will see a side and a front.

Mr. Olivier asked if the neighbor has a structure on their (Linville) property.

Mr. Linville said that is his garage and if you look at it it is very close to the lot line.

Mr. Murphy said so in fact he uses your driveway to get to that back garage.

Mr. Linville said for the longest time he put some of his power equipment in the neighbor's garage and for the use of the garage he took care of the grass, the leaves and the snow removal in the wintertime for free, he did that on his own. He said the new owner now is renting out four of the efficiency apartments and they want the use of the garage so he hasn't cut the grass in a month and a half and neither has he.

Ms. Endres asked if the neighbor has apartments in that house.

Mr. Linville said yes, four.

Ms. Endres said that is not allowed. She said she will research it to see what was permitted and what is not permitted and this is a single family residential zoning district and there are not supposed to be apartments.

Mr. Linville said they have lived there since 1963 and there have been apartments there that long. He explained that there is a garage in front of his house and then down in the back there is another garage where the other two tenants park. He said they are good neighbors and he doesn't want to get them in trouble but they took away the garage they were using.

Mr. Gutoskey asked if the reason he is spinning the shed is because of the topography.

Mr. Linville replied yes.

Mr. Murphy asked if they are coming closer to the house than the neighbor's garage.

Mr. Linville said no, the edge will not be any closer to his garage than it is.

Mr. Murphy said it will be about as far back as his garage.

Mr. Linville said yes.

Ms. Endres explained where the 30' is set on a diagonal. She said there will be 30' from this point to the lot line and the shed is coming down and it will be 20' from the west line.

Mr. Linville replied yes.

Mr. Murphy asked if this is going to be a garage.

Mr. Linville said no and showed the board a picture of the actual shed that he would like to build.

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

Motion BZA – 2014-29 – 7043 Pine Street

Mr. Lamanna made a motion to grant the applicant the following variances for the purposes of constructing a shed according to the location as shown on the application.

1. A variance from the maximum lot coverage of 10% to 28.89%.
2. A variance from the minimum required side yard setback of 50' to 20' on the west and 30' on the east.
3. A variance from the minimum rear yard setback requirement of 90' to 30' for a variance of 60'.

Based on the following findings of fact:

1. There is a practical difficulty because this is a pre-existing lot of record on Pine Street.
2. The acreage is only .16 acres so the size of the lot is such that it would be impossible to put up a shed within the required zoning.
3. The size of the shed is certainly consistent with the size of other outbuildings in the neighborhood.
4. It would not adversely affect either of the neighbors nor affect the character of the neighborhood and therefore it is consistent with the spirit and intent of the zoning.
5. Since the board is not considering the old shed in the lot coverage it will give the applicant two months from the completion of the new shed to remove the old shed.

Mr. Lewis seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 7:53 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: October 16, 2014

AUDIO RECORDING ON FILE

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Bainbridge Township, Ohio
Board of Zoning Appeals
September 18, 2014

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 7:53 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey; Mr. Todd Lewis; Mr. Mark Murphy and Mr. Mark Olivier. Ms. Karen Endres, Zoning Inspector was present.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the August 21, 2014 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 October 16, 2014

Application 2014-24 by The Wembley Club (David Barr) for property at 8345 Woodberry Boulevard - Continuance

The applicant is requesting a conditional use permit for the purpose of constructing an addition including indoor tennis courts. The property is located in a R-3A District.

Application 2014-30 by Robert Henderson for Chris Petrovic for property at 18900 Geauga Lake Road

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

Application 2014-31 by Jim "JP" Ptacek, Project Manager, Larsen Architects – Acting on Behalf of McDonald's Ohio Regional Office - Mary Dolby, Development Manager for property at 17638 Chillicothe Road

The applicant is requesting a conditional use permit with variances for the purpose of a modification to the site for ADA improvements and dual lane drive-thru. The property is located in a CB District.

Application 2014-32 by Matt England for property at 18690 Snyder 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 October 16, 2014 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 8:10 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: October 16, 2014