

Bainbridge Township, Ohio
Board of Zoning Appeals
September 21, 2006

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:34 P.M. by Mr. Todd Lewis, Vice Chairman. Members present were Mr. Mark Murphy, Mr. Mark Olivier and Mr. Donald Takacs. Mr. Michael Lamanna was absent. The following matters were then heard:

Mr. Lewis 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 2006-26 by Janet Switzer for property at 7147 Rocker Avenue

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

The zoning inspector's letter dated August 24, 2006 was read and photos of the site were submitted.

Ms. Janet Switzer was present to represent this application.

Mr. Lewis asked Ms. Switzer if she is asking for a three car garage.

Ms. Switzer replied yes and one of them is attached.

Mr. Lewis asked Ms. Switzer which are the lots that she owns.

Ms. Switzer explained the location of her lots per the site plan.

Mr. Olivier asked if the garage will face Rocker or E. Broadway.

Ms. Switzer said it will face Rocker.

Mr. Lewis asked if they will be adding one garage to this house.

Ms. Switzer said that is the first one and they have two others.

Mr. Lewis asked if the board is looking at multiple plans and if he is looking at three different versions.

Ms. Switzer said she was told to submit more than one plan.

Mr. Lewis referred to the site plan and said the board will call it plan A and that is the one that will be 2' from the property line in the front and 4' in the rear and it is the addition.

Ms. Switzer said yes it is 24' x 24'.

Mr. Takacs said the one foot over is the 12" overhang and the base looks like it is 2' and they had the other two plans for the house and then they inlaid the second one on the survey of the garage.

The board reviewed the application.

Mr. Takacs said when this came in initially for the house he does not know why it is a little bit of an angle on the lot. He said the one is 16' x 24' and that is pretty much the standard and it could be reduced to 15' and it would help them.

Mr. Lewis said he was looking at an alternate location and would almost rather see a continuation of the main structure.

Mr. Takacs asked where the front is and where the drive is.

Ms. Switzer said the drive is off of Rocker.

Mr. Takacs asked if the garage could be off-set and moved forward about 5'.

Ms. Switzer said that was one of the three plans that she brought in.

Mr. Takacs said he does not have that here and asked if it would be a hardship to move the garage up because the board would like to see more than 1' off the back and it is very close right now.

Mr. Olivier asked about the neighbors to the rear and where that driveway is.

Mrs. Rose Motley, neighbor testified that her driveway is off of Findlay.

Mr. Olivier asked how much will be picked up by moving the garage forward.

Mr. Takacs said they may be able to pick up a foot because it looks like it was 2' but from the side, he can only assume 12".

Mr. Olivier said it is 2' at the base but it has a 12" overhang.

Mr. Takacs asked if the board is okay with 2' from the base to the property line.

Mr. Olivier asked Mrs. Motley how many lots she owns and if she has any plans for her lots.

Mrs. Motley explained that she owns five lots on Rocker and all of the lots in back of it.

The board discussed the proposed garage and the setbacks requested.

Mr. Lewis said that 2' is probably more manageable because it is an addition to the existing structure as opposed to putting in an accessory building.

Mr. Takacs said they are not doing an over-kill with a one car garage, they would like a two car garage but they are really restricted and if they pull it forward how much would it increase the rear yard.

The board reviewed the site plans that were submitted.

Mr. Takacs asked if the applicant is still interested in a two-car garage or just one.

Ms. Switzer said she would like a two-car garage, 24' x 24' and not attached.

Mr. Takacs said they would be 5' off the property line in the front and referred to two plans, one 20' x 20' and one 24' x 24'.

Mr. Lewis asked where the front of the house is.

Ms. Switzer showed the board on the site plan and said it is on Rocker.

Mr. Takacs said the garage will be in the front yard if it isn't attached and a variance would be needed for building in the front yard.

Mr. Lewis said he would be more inclined to use the original one-car garage and pull it forward so it follows the front line of the house and it will give them somewhere between 1' and 3' and it won't break the front plane of the house aesthetically and for the continuity because looking at this home, and with a 24' x 24' garage in the front yard, he is concerned about the impact on the five parcels next to it.

Mr. Takacs said it would over-take the house.

Mr. Lewis said he would be more inclined to offer relief on the side yard.

Mr. Takacs said the board will stay with the original plan of a single car garage but move it about 4' forward so there will be a little more space from the lot line in the back corner.

Ms. Switzer asked if it will be attached.

Mr. Takacs said yes, it will still be attached but it will be moved a little bit forward to give relief on the rear yard and explained it to the applicants and added that it will be 16' x 24' and the back will be pulled in 4'.

Mr. Murphy said if it is extended 4' in the front, it will add to the cost of construction because the roof lines won't meet anymore etc.

Mr. Lewis said it could be 16' wide and the same depth as the house and framed with the same roof and ridgeline but unfortunately it will not give any additional relief in the back, but the aesthetics and the way the structure is going to look as a continuous ranch looking house is better.

Mr. Takacs said that is probably right because the house is 24' wide.

Mr. Lewis said it would be the same depth as the house and the same roof pitch and 16' wide.

Mr. Takacs said that is what they proposed so as submitted is what the board is proposing with a variance on the side lot line.

The board discussed the footprint of the existing house and the overhang that is 2' and the closest point to the lot line.

Mrs. Rose Motley testified that the property that she owns, the five lots adjacent to Ms. Switzer's property, was purchased four years ago and there was a house on the property and the house was torn down and what they propose is that the property be surveyed first. She said she had a meeting with Mr. Gutoskey, the surveyor, and at that point he agreed that he would survey their property (Motley's) and he is going to try to do it this next week so she is asking that the variance not be granted until after the survey, otherwise they have no problem with the garage being built as long as they know where the property boundary is.

Mr. Lewis said the 16' maybe should be 15' so we want to make sure this structure does not accidentally get built on the Motley property.

Mrs. Motley said right.

Mr. Takacs said that is a valid concern.

Mr. Lewis said because we are dealing with 1', it makes sense to be prudent about this as long as Mr. and Mrs. Motley are incurring the expense for the survey.

The board discussed the survey that was submitted with the variance and noted that it is a 2006 survey.

Mr. Orłowski, Assistant Zoning Inspector testified that bank surveys are not the same, they go out and check for encroachments, in an actual survey, the surveyor will check for pins and the placement of them so an actual survey is more accurate.

Mr. Lewis said this is more like a deed survey.

Mr. Takacs asked Ms. Switzer how soon she wants to build.

Ms. Switzer said before the snow.

The board discussed applying a condition that would require the adjacent property survey to be completed before this addition can be started.

Mr. Murphy said the board could give a conditional approval.

Mr. Takacs said the condition should be that the structure must be at least 1' off the property line and if the survey shows a different result, it could be revised next month.

Mr. Olivier said Mr. Orłowski could run a tape off the side of the house, once the property line is staked out.

The board discussed not signing a waiver for this application until the minutes are approved next month and the survey is completed.

Mr. Lewis said he was going to suggest some screening but since it will be only 1' off, there is no practical way to put any in.

Mr. Takacs said this application has a practical difficulty because of the house size and the way it is positioned and that would be one of the findings in the motion and stated again that the proposed addition has to be at least 1' off of the property line and if it is not, they will have to come back. He said a freestanding structure in the front would require another variance and would be difficult.

Mr. Murphy suggested to Mrs. Motley that she ask Mr. Gutoskey to flag the property line from point A to point B on the side of the property that Ms. Switzer owns.

Mr. Lewis suggested that after the survey is completed, the applicant could measure out to the property line 16' and put a stake there.

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

Motion BZA 2006-26 – 7147 Rocker Avenue

Mr. Lewis made a motion to grant the applicant the following variances for the addition of a garage that is 16' x 24-1/2' along the easterly side as an addition to the existing main structure (home).

1. A variance from the minimum side yard setback of 50' to 1', inclusive of the over-hang still being at 1' from the eave of the structure, for a variance of 49'.
2. A variance from the maximum permitted lot coverage of 10% (previously increased to 25%) to 32% for a variance of 22% (increase of 7%).

With the following conditions:

1. The addition, the structure and appearance of it, will be consistent with the same appearance of the house with the same roof pitch as a continuation of the existing structure.
2. The board will request and honor a survey that will be a condition for final approval that will be presented to the zoning inspector prior to the next regularly scheduled meeting.
3. As a condition to finalize this variance, these dimensions will fall appropriately on the property and will not intrude onto the adjacent property.

Motion BZA 2006-26 – 7147 Rocker Avenue - Continued

Based on the following findings of fact:

1. A practical difficulty associated with this particular property is an unusually shaped series of small lots joined together.
2. This is an existing home that has a non-typical orientation to it that it is not parallel to either one of the roads which creates a rear type dimension on this addition on the rear lot line.
3. The addition is consistent with the other properties in the area based on the lot sizes and also with the setbacks the board has been granting in this subdivision.
4. There is no adverse impact affecting the adjacent property. Those lots are not inhabited or developed at this point in time but there are five adjacent lots so the board can realize that when another home is put up there that it can be located in such a manner that this variance will not intrude on it.
5. The board notes that if the survey shows different from what the board has already seen here, the board will have to revisit this application and revise it at the next regularly scheduled meeting.

Mr. Takacs seconded the motion.

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

Application 2006-27 by David M. Berry for property at 7416 Pettibone Road

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

The zoning inspector's letter dated August 24, 2006 was read and photos of the site were submitted.

Mr. David Berry was present to represent this application.

Mr. Berry submitted a site plan to the board that shows the elevations. He testified by saying it shows the existing house that he is remodeling right now and the reason for the variance for the garage is so that they can build it and start remodeling because they need a space for their things and they would like to get it back far enough so that it won't interfere with the addition that is going up next year and also he wants to have space in case they want to expand their septic system either in the back or in the front. He said he spoke with both of the neighbors and the gentleman who owns the kennel. He showed the board per the site plan, and said what is nice about this proposed garage is that it will block some of the noise and we talked about it and agreed upon a 15' setback. He said he asked his neighbor what he would mind and his neighbor said he really does not care and that 15' is more than enough. He said it is mostly woods so the garage will not be noticed and he will try to keep as much of the woods as possible so it will not interfere with what the neighbor is looking at.

Mr. Berry continued by saying the distance back from the house is determined to get access out of the proposed garage that is going up next year, but also far enough away so we can not only have a garage back there but give both properties privacy and what he would like to do is vary this distance depending on how he can move a car in and out because it is hard to do on a drawing but when you are in a car it is more difficult so he may vary the distance by 10' – 15' forward or backward.

Mr. Olivier asked if that is on the side line.

Mr. Berry said no, he would not go closer than 15' to the side line.

Mr. Takacs said he could not go any further back if the garage is at 90' from the rear line.

Mr. Berry said he has 1,300' to the rear property line.

Mr. Takacs said initially when he builds the building he is going to use the garage for storing his things but after that is done asked what the garage is going to be used for.

Mr. Berry said he has a lot of equipment and tools.

Mr. Takacs asked if this garage will be used for a home occupation or hobbies or what.

Mr. Berry said as a hobby he builds stuff and remodels, but he is an engineer so it is not his business and he has a lot of tools. He said he has rototillers, a Skidster and he does not want it in his garage next to the house and where is moving from, he had a nice size garage and never had cars in it and it was a bigger garage than this so he wants to get a garage for cars and a garage for stuff.

Mr. Takacs asked if this will be used for his business.

Mr. Berry said no, they will have an office in their house so they won't have to work out here. He added that this elevation will match so you will see similar roof lines and similar looks.

Mr. Lewis said it looks like it is around 24' tall with a 12/12 pitch.

Mr. Takacs said it is 48' x 28' so it is a fairly large building.

Mr. Berry said he asked for a variance for 48' x 28' but he wants to make it as small as possible. He said the print shows actually 24' x 40' but if he can get a variance for 28' x 48' then he will decrease it as much as he can.

Mr. Takacs asked Mr. Berry what that means to get a variance for 28' x 48' and then decrease it.

Mr. Berry said when you layout the building, you want to be okayed for the largest building you can but for cost and for aesthetics, he wants to make it as small as he possibly can and he is caught between his budget and he does not want to be second guessing himself two years from now when he really wishes he would have made this thing 4' deeper so for right now, all he is doing is remodeling the house so they can move in and he has not put much thought into this, but he needs to start that right after the remodel and needs to get this done before winter.

Mr. Takacs asked if he is going to live in the house during the remodel.

Mr. Berry said they are moving into the house in about three weeks.

Mr. Olivier asked which of the two buildings is the neighbor's kennel.

Mr. Berry explained per the site plan, the location of his neighbor's house and kennel.

Mr. Takacs said this is a five acre lot and asked about the neighbor on the other side and said he has a fairly big structure back there.

Mr. Berry said he wants to get that ripped down so before the addition goes on he will have to come through my property to get to his building.

Mr. Takacs referred to the neighbor's larger building and asked if that is the one to be torn down.

Mr. Berry said he thinks that is a barn and thought he was talking about another building.

Mr. Takacs said no.

Mr. Berry said he is going to start in the springtime.

Mr. Lewis said because of the other things having not yet been built, only proposed, from there, there is no real view because it is not your living area, he is still personally struggling going from 50' to 15' and does not see any reason why this cannot be more like 25' off the property line.

Mr. Berry said he would have trouble with the driveways.

Mr. Takacs said if it is shifted more to the center, he could go in from the wide side.

Mr. Lewis said he could work his pad the way he wants and other than the applicant's preference, he is challenged with a practical difficulty with this particular lot to put the garage 15' off the side yard, there is no ravine or a septic tank with leach fields in the way, there is just a preference by the applicant.

Mr. Berry said if he puts the septic system in the back, he will have to tear out a lot of woods.

Mr. Takacs explained per the site plan that the garage could be moved and the cars would come in from the side.

Mr. Lewis said it could be inverted or shifted 10' further off the side line.

Mr. Berry explained where he wants to put the garage door for aesthetics purposes so from the street, you won't see the garage doors.

Mr. Lewis said he likes the side entry, it is a nice feature.

Mr. Berry said he is worried because he needs a certain square footage of leach field.

Mr. Takacs asked if a survey was done.

Mr. Berry said he had a guy come out to do soil samples and he said it does not look good for the front so he went into the back and started marking it off and it is all woods back there and it is a lot of area.

Mr. Murphy asked what would prevent the garage from being built without a variance at all and no views would be lost.

Mr. Berry said the neighbor would see the garage door and for security, he would not be looking at his garage door and he would have to tear down all the woods.

Mr. Takacs said the woods have already been cleared for the drive.

Mr. Berry showed on the map where the wooded area starts.

Mr. Takacs asked what if the drive is moved over and said the lighter shade on the map is the driveway.

Mr. Berry explained how the drive will be located and said he will landscape the area with a mound with bushes but to make the bend and come around to make this thing work so he can use the common driveway, he needs to push it back as far as he can. He showed the board on the site plan the location of the neighbor's dog kennel.

Mr. Takacs said it is still 15' from the property line.

Mr. Berry said he understands but it is conducive for both neighbors and he talked to his neighbor a number of times. He said his neighbor gets a lot of complaints from the other neighbors and the garage will give a noise barrier.

Mr. Lewis said he would rather see it further off.

Mr. Berry said it will cause a problem because he walked this and 10' means a lot.

Mr. Lewis said with a structure that is going to be 24' tall, he is struggling with a permanent full season buffer and 15' as well.

Mr. Berry said with 15' he could plant some trees there.

Mr. Takacs said it is still on a five acre lot and there is plenty of space in the back so it can be shifted over even though the applicant does not want to cut trees.

Mr. Berry said it is a bowling alley and only 160' wide.

Mr. Takacs said it could be moved further back and into the center.

Mr. Berry said it is all wooded and a swamp. He explained where the wetlands are on the site plan and said to back-fill this and get a driveway back there it will be an enormous amount of costs and right now it is going to cost a lot of money to get the drive back there for right now. He said to do the turn-around, what is going to happen to add 10' more feet, it is going to start to get into the view and he tried to keep it at 50'.

Mr. Takacs said it could be flipped 90° and have the driveway and doors facing the house and just have it behind the house.

Mr. Berry asked if that is the best aesthetics.

Mr. Takacs said maybe from Mr. Berry's perspective no, but from the neighbors and from the side lot line, which the board has to be consistent with what it grants, the trees are the only limitation on the five acre lot and added that other people have the same arguments.

Mr. Berry said maybe it would be best for the board to go out there and see the kennel because it will help the neighborhood and contain the noise. He said he talked to everyone in the neighborhood and they think this is the best thing and added that he has a letter from one of the individuals.

Mr. Takacs said there is no one here at the meeting.

Mr. Lewis said the board needs to hear the testimony so they must be present.

Mr. Berry said he can have his neighbor, Mr. Vaughn, come here because he is the guy who takes care of the animals and he is the dog warden.

Mr. Olivier asked if he is the kennel owner.

Mr. Berry said yes and he asked his neighbor to come and Mr. Vaughn said it is fine and this is going to work, he does not like public appearances, but will see if he would write a letter.

Mr. Lewis said the board would want to speak to him.

Mr. Takacs asked Mr. Berry if this will be his primary residence.

Mr. Berry said yes.

Mr. Takacs said he sees a fairly big office with an entrance off of it (19' x 27') and asked Mr. Berry if he is going to run his business from the home.

Mr. Berry replied no and said he and his family have to move into this place, the house is in bad shape and they are used to building the very minimal and his architect said this is the only plan they could come up with to make the whole house work so right now they have an office that will probably be a bedroom or part of a bedroom or for the kids doing their homework, the master bedroom will eventually, maybe, be in the in-law suite and he and his wife will eventually move into the house and it looks big but when you look at the plans, there is not much we could have done.

Mr. Takacs asked where they will move once they move out of the master bedroom.

Mr. Murphy said there is an upstairs to this house and asked if he is looking at this right and asked if there was a shed in the back.

Mr. Berry said yes they had a little shed roof and tore it down because it was rotten and they are going to tear down the little extension (he explained the location per the site plan). He said he does not want to make a big deal over 10' but for the swing of the cars and for using it, he is looking at a lot of concrete for that little bit of 15' and he is trying to use common spaces for the driveway for accessing both garages and he does not want to have a yard that is half concrete. He said he actually wants to minimize the concrete and make it mostly green.

Mr. Takacs said in the presentation there are a lot of unknowns, Mr. Berry is not sure, so he would like him to come back with some more definitive points rather than, if the board grants this, he might build something less, there is surveying but he does not know where the septic is so the board would like that information.

Mr. Berry said 24' x 40' is big enough for him and that is all he needs a variance for right now and he will stick with that and make it happen, he will go smaller.

Mr. Lewis said it is still his preference to shift it to more than 15' off so he would like to see where the county locates the septic system.

Mr. Berry said he called the county and the county said he had to call a contractor to do that and he did do that and he would love to have the septic in the front yard but this guy won't even look at it, he said it has to be in the back.

Mr. Takacs said when you call the health department they will give you a couple of individual's names and they will come out and do a soil test and tell you where you can put it and they will even flag the boundaries.

Mr. Berry said they did all that.

Mr. Takacs said if that was put on the site plan, it would be helpful.

Mr. Berry said they tagged all these areas and it is going back into the woods.

Mr. Takacs said all of the trees will have to be cut down.

Mr. Berry said he is going to try calling a couple of more contractors when he has time to see if he can get it in the front because it is more conducive for him.

Mr. Takacs said if the soil geologist picked that spot, that is where the health department is going to want you to put it and added that he has recently gone through this process.

Mr. Berry said they are going to want it in the back and he said he was counting on going back a little bit further because the soil back there was the Mahoning silt and added that he does not want concrete and it is going to be a lot of concrete.

Mr. Takacs said he would like to see it on the site plan so the board has a better idea.

Mr. Berry asked what he should show.

Mr. Takacs said he should show the boundaries where it is going to be then the board could see what the relationship between the house and garage is going to be.

Mr. Berry said he has no problem doing drawings.

Mr. Takacs asked if an installer was out and what he said.

Mr. Berry said yes and he did not get much out of him, he paid \$250 for a soil sample and he did not even talk to him about going in the front, he just started tagging and going in the back and this is going to be real expensive to start tearing down trees, and if he makes this more narrow, his leach field will go out farther.

Mr. Takacs said it is so many feet for each bedroom.

Mr. Berry said he will have to tear down half of the woods and explained the location of a dry lake that becomes a lake when it rains so he is fighting against that.

Mr. Takacs asked about the bare spot in the center of the map and said it looks like a green field.

Mr. Berry said that is a grassy field, but he is going past that, he is going north of that and that is based on the full width of his lot and showed the board, per the map, the location of the dry lake and added that it is wet back there.

Mr. Takacs said the board is going to need more information.

Mr. Berry asked what kind of information the board is looking for.

Mr. Takacs said the board needs the area where the leach field is going because it is laid out in the back even though it is going to be long and narrow, it may impact where the garage is going to go.

Mr. Berry said exactly and explained the location of the proposed leach field.

Mr. Takacs asked if there will be a pump station.

Mr. Berry said he does not want a pump station so he is going to build it up.

Mr. Takacs asked where the leach field and septic system is now.

Mr. Berry explained the location of the tank and said there is no documentation of where the leach field is but he believes it is in the front yard. He said 10' does not seem like a lot but when you start adding up the concrete and start playing around with the backyard, it is.

Mr. Lewis said he does not see a tremendous change in the concrete and explained his thoughts regarding the depth of the leach field.

Mr. Berry said his lot is 160' wide.

Mr. Takacs asked how many installers he has had come out.

Mr. Berry said just one because they charge every time they come out for an inspection.

Mr. Takacs said no, you had the soil sample done and have his report, you can bring an installer out to find out what it will cost for him to put a septic system in, you show him the report and he will stake it out and give you an estimate, you don't have to pay each time, all he is doing is giving you a quote, you are competitively shopping.

Mr. Berry said the neighbor is commercial, it is not as if he is encroaching on somebody who has a real problem with this, the neighbor has a business there and it works for all of us and it may cut down on the noise. He said he does not have a problem with the noise, his boys go over and help him with the dogs everyday but 10' makes a lot of difference and if you do the layout, it does make a lot of difference and this garage will start to encroach on the other garage he is building.

Mr. Murphy said 4' of the 24' was already given up so now it is at 19' so the applicant is looking at six more feet to get to 25' which is still a 25' variance when this is a five acre lot.

Mr. Takacs said the garage could be put in the center and a variance would not be needed.

Mr. Berry said he just heard someone get a variance for 1'.

Mr. Murphy explained that they are small lots in that area and it is a different world.

Mr. Lewis said this is still a residential area and the board wants to sustain the residential character of the R-5A zoning. He said a variance from 50' to 25' is substantial and down to 15' is hugely substantial. He said the applicant said he was willing to reduce the footprint.

Mr. Berry said yes, to 24' x 40'.

Mr. Lewis said it means we have 6' to go and we can probably be done with this application this evening with 25' because the applicant already conceded 4'.

Mr. Berry asked if they could do 20'.

Mr. Lewis said he is back to 50' and told Mr. Berry if he would like to bring in some leach field information, the board would be happy to take a look at that and he would like to hear and see some testimony in person from the neighbor so the board can table this and revisit it next month.

Mr. Berry asked if he brings his neighbor in and he talks about it and agrees, would 15' be okay.

Mr. Takacs said the board will listen and consider but can't say yea or nay.

Mr. Berry asked if 15' would be considered or is it totally out.

Mr. Lewis told Mr. Berry that he has gotten some of the feelings of the board and 15' may be an unrealistic expectation particularly when the real physical attributes of this property do not mandate that it has got to be put there. There is no riparian, no canyon and no river and yes when a structure is put up on a wooded lot there is deforestation, that is a given, and if the deforestation exceeds the applicant's limit, then sometimes it makes sense to consider scaling down the size of the structure. He added that the board is not trying to steer the applicant and is not trying to mislead him either.

Mr. Berry said he has to get the building up and asked if 25' is the narrowest the board can go.

Mr. Takacs said with a five acre lot and there are no unusual conditions, it is still a substantial variance, if it was an acre or less, then the board would listen and we have listened and referred to the Chagrin Falls Park area. He said this is a five acre, big wooded lot with other options and it could be put in the center and not even be here, but the applicant does not want to do that and that is his call but from the board's perspective with this size lot and what is there, it is a substantial variance.

Mr. Berry said okay.

Mr. Takacs told Mr. Berry that he can come back next month.

Mr. Berry said he does not have a choice and he is looking to the board to make a decision.

Mr. Takacs asked Mr. Berry if he is saying 25' is okay.

Mr. Berry said he will take whatever the board gives him.

Mr. Lewis said the building is rescaled to 24' x 40'.

Mr. Berry replied yes.

The board discussed this application, existing screening and the neighbor's house.

Mr. Orłowski explained the location of the neighbor's kennel and house to the board.

Mr. Murphy told Mr. Berry that he can understand what he is doing and aesthetically and everything about it seems very nice.

Mr. Lewis said probably no additional screening will be needed because it is back far enough.

Mr. Takacs said that Mr. Berry has already indicated that he was going to put in some bushes and landscaping.

Mr. Olivier said it looks like there are trees on the neighbor's property.

Mr. Berry said he will talk to the neighbor about planting more trees together.

Mr. Murphy asked if the kennels are a commercial operation.

Mr. Berry replied yes.

Mr. Olivier said kennels are permitted in a residential area under agriculture or animal husbandry.

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

Motion BZA 2006-27 – 7416 Pettibone Road

Mr. Lewis made a motion to grant the applicant the following variance for the construction of a stand alone garage with the dimensions of 24' x 40' located on the east side of the property behind the structure of the house and the proposed addition.

1. A variance from the minimum required side yard setback of 50' to 25' for a variance of 25'.

Based on the following findings of fact:

1. A practical difficulty exists on this particular lot which is 163' wide with somewhat of a bowling alley presentation to it.
2. In locating the structure where the board has given this variance, it will still allow adequate space for leach fields and the construction of a new septic system in the rear of the property.
3. Also because it is 25' off of the property line, it will provide adequate distance from the adjacent property which is a residence also, with a kennel.
4. This garage is being set back beyond the front and most of the primary living quarters of the adjacent property so there will be minimal or no adverse effect on the adjacent property owner.
5. The applicant has indicated that he will clear minimally in the wooded portion of the lot to situate this new structure, leaving in place all natural screening and sound and noise deterrent from the adjacent property and kennel as well.
6. The structure appears to be a two story 12/12 pitch, not exceeding 24' in overall height.

Motion BZA 2006-27 – 7416 Pettibone Road - Continued

7. The applicant has also indicated that the construction aesthetics for this will be in harmony with the general aesthetic appearances and architectural flavor of the home.
8. The applicant has also indicated that the structure is not for a home business, it is for personal or hobby storage use only, whether equipment or automobiles.

Mr. Takacs seconded the motion.

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

Application 2006-28 by Noreen Bordonaro (Kaseda) for property at 7025 Pine Street

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

Secretary's Note: This application was withdrawn by the applicant.

Since there was no further testimony, the public hearing was closed at 8:58 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier
Donald Takacs

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

Date: October 19, 2006

AUDIO RECORDING ON FILE

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Bainbridge Township, Ohio
Board of Zoning Appeals
September 21, 2006

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:58 P.M. by Mr. Todd Lewis, Vice Chairman. Members present were Mr. Mark Murphy, Mr. Mark Olivier and Mr. Donald Takacs. Mr. Michael Lamanna was absent.

Minutes

Mr. Takacs made a motion to adopt the minutes of the August 17, 2006 meeting as written.

Mr. Olivier seconded the motion.

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

Applications for October 19, 2006

Application 2006-26 by Janet Switzer for property at 7147 Rocker Avenue – continuance if needed

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

Application 2006-29 by The Montefiore Housing Corporation for property at 16695 Chillicothe Road

The applicant is requesting a conditional use permit for the purpose of adding a 21 bed skilled nursing facility. The property is located in a R-3A District.

Application 2006-30 by ROCA Properties, LLC for property at 16760 Park Circle Drive

The applicant is requesting area variances for the purpose of maintaining two portions of a previously installed concrete pad. The property is located in a LIR District.

Application 2006-31 by Jon Manke for property at 8451 Summit Drive

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

Application 2006-32 by Bradford Remington for Anthony Massara for property at 8155 Woodberry Boulevard

The applicant is requesting an area variance for the purpose of constructing a new single family dwelling. The property is located in a R-3A District.

Application 2006-33 by Voproco Properties Limited for property at 16941 Savage Road

The applicant is requesting a conditional use permit with variances for the purpose of constructing 49 single family cluster homes. The property is located in a R-3A District.

The Bainbridge Township Board of Zoning Appeals set the public hearing on the above applications for October 19, 2006 at 7:30 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,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Murphy
Mark Olivier
Donald Takacs

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

Date: October 19, 2006

AUDIO RECORDING ON FILE

BZA R 9/21/2006

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