

Bainbridge Township, Ohio
Board of Zoning Appeals
November 18, 2004

Pursuant to notice by publication and certified mail, a public hearing was called to order at 7:35 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Todd Lewis, Mr. Mark Olivier, Mrs. Ellen Stanton and Mr. Donald Takacs. The following matters were then heard:

Mr. Lamanna swore in all persons who intended to testify.

Application 2004-46 by Daniel M. Fine for property at 9519 Taylor May Road - Continuance

The applicant is requesting a conditional use permit with area variances for the purpose of establishing a cluster housing development. The property is located in a R-5A District.

Mr. Andrew Brickman requested that this hearing be postponed until the December 16, 2004 meeting in a letter he submitted dated November 10, 2004.

The board was in agreement to postpone this application to the next regularly scheduled meeting to be held December 16, 2004 at the request of the applicant.

Application 2004-49 by David Petrie for property at 8814 Apple Hill Road

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

The zoning inspector's letter dated October 29, 2004 was read and photos of the site were submitted.

Mr. David Petrie was present to represent this application.

Mr. Petrie testified by saying that the Pilgrim Village board approved his application and he submitted a letter from the president of that board. He continued by saying that he wants to build a 16' x 16' yard shed to store lawn equipment, shovels, snow blower, seasonal items etc. and there are mature pine trees around the area so he would like the shed to be 10' from the property line so the trees will not be disrupted.

The board reviewed the application, photos and letter from the Pilgrim Village board.

Mr. Lamanna asked how close the house is to the property line.

Mr. Petrie said it is 27' plus or minus, but he is not sure because he is a new resident there.

Mr. Olivier asked what is between the pine trees.

Mr. Petrie explained that the wind took out pines in three of four sides and the president of the Pilgrim Village board asked him to make the siding of the shed a natural color such as green or tan.

Mr. Lamanna asked where the proposed location is relative to the little trailer.

Mr. Petrie explained the proposed location per the photos.

Mr. Lamanna asked about the size of the property.

Mr. Takacs said it is 173' x 289'.

Mr. Petrie said Pilgrim Village does not want to see it from the road.

Mrs. Stanton said the board's concern is 10' from the property line.

Mr. Petrie said his house is on Birch Hill with an Apple Hill address.

The board discussed placing the shed behind the house.

Mr. Petrie said there is a deck and landscaping behind the house.

The board felt the shed should be at least 21' 7" off the property line, the same as the house.

The board looked at the GIS aerial and looked at the existing pine trees.

Mr. Petrie said he does not want to cut the horse-chestnut tree down and added that Pilgrim Village's first concern is they do not want to see the shed from the road.

Mr. Takacs said the board could give a variance no closer than 21' 7" to the property line.

Mr. Petrie said he would be willing to look into it but did not want to cut down trees.

Mr. Takacs said there is plenty of room.

Mr. Lamanna explained that two or three evergreens could be planted in front of it.

Mr. Takacs said this is not a 10' x 12' shed it is 16' x 16' which is getting to be a bigger shed.

Mr. Lamanna said the board will grant a variance up to 21' 7" from the property line and prefers it go in another area.

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

Motion BZA 2004-49 – 8814 Apple Hill Road

Mr. Lamanna made a motion to grant the applicant the following variance for the purpose of constructing a 16' x 16' shed:

1. A variance from the minimum required side yard setback of 50' to 21' 7" which represents the existing setback of the corner of the residence. This variance is also based on the ultimate location of the structure being somewhere in reasonable proximity to the existing asphalt drive.

Based on the following findings of fact:

1. This maintains the existing setback on this property.
2. Due to the plantings in between the two properties it would not adversely affect the neighboring property.

Mr. Takacs seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye, Mr. Takacs, aye.

Application 2004-50 by George H. Richards for property at 17144 Park Drive

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

The zoning inspector's letter dated October 29, 2004 was read and photos of the site were submitted.

Mr. George Richards was present to represent this application.

Mr. Richards testified that the former garage on the site was totaled by a tree falling on it and he wants to build a new garage on the existing footprint. He submitted a letter from the neighbors.

Mr. Lewis asked Mr. Richards if he had anything from the Lake Lucerne ARB.

Mr. Richards said no, but he had a verbal okay and explained that it was a single car garage that was leveled and taken away.

The board reviewed the photos submitted.

Mr. Takacs asked how the garage will be accessed in the back.

Mr. Richards said it will be a normal driveway behind the house.

Mr. Takacs asked if it will be on the same footprint.

Mr. Richards said the new garage will be 22' x 20'.

Mr. Takacs asked which part was the old garage.

Mr. Richards said the new size of the garage includes the old carport and will be close to 22' x 20'.

Mr. Stephen Crowther, next door neighbor, testified that it will be a two car structure with one car in and one out.

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

Motion BZA 2004-50 – 17144 Park Drive

Mr. Lamanna made a motion to grant the applicant the following variances for the purposes of constructing a detached garage according to the plans that were submitted:

1. A variance from the maximum lot coverage of 10% to 23.21% for a variance of 13.21%.
2. A variance from the minimum required side yard setback of 50' to 34' for a variance of 16' on one side.
3. A variance from the minimum required side yard setback of 50' to 17' for a variance of 33' on the other side.
4. A variance from the minimum required rear yard setback of 90' to 61' for a variance of 29'.

Based on the following findings of fact:

1. A practical difficulty exists because the house is situated on a .35 acre lot.
2. The applicant is essentially replacing a formerly existing structure that was destroyed.
3. This replacement structure is not significantly greater in size.
4. The structure will also be located within the existing setback projections of the main dwelling structure on the property and is also a reasonable consistent size given the nature of the neighborhood and other detached garages in the area.
5. The rear yard setback amount is reasonable and far enough away, it should not adversely affect the rear neighbors.
6. The structure is overall consistent with the neighborhood and will not adversely affect the other properties in that area.

Mr. Takacs seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye, Mr. Takacs, aye.

Application 2004-51 by Farmington Woods Estates, LLC (Rep. John Scimone) for Richard P. and Dorothy Rogel for property at 16533 Chillicothe Road

The applicant is requesting area variances for the purpose of constructing a second single family dwelling. The property is located in a R-5A District.

The zoning inspector's letter dated October 29, 2004 was read and photos of the site were submitted.

Mr. John Scimone was present to represent this application.

Mr. Scimone testified that there are two dwellings on the property and the owner wants to tear down the small house in the back and build another one. He said it is across from Lowe's Greenhouse and they would like to keep the house that is located up in the front by Chillicothe Road. He added that there are people living in that house and they cannot add onto the farmhouse and the Rogels will live in the new house in the back.

Mr. Lamanna asked Mr. Scimone what reason there is for this variance because they are both non-conforming structures now.

Mr. Scimone asked if they would have to tear both houses down.

Mr. Lamanna replied yes, they both would have to come down.

Mr. Scimone said the farmhouse up front adds character.

Mr. Lamanna said it is non-conforming now and the board does not want to create a rental district.

Mr. Scimone asked if they can keep the first house and not rent it.

Mr. McIntyre testified that 10% lot coverage must be considered.

Mr. Scimone said the proposed new \$300,000 house will generate more taxes, will beautify the street and will comply with all setbacks.

Mr. Lamanna said it is the board's job to make things conforming and it wants to get properties to conform and the house up front could be kept as an outbuilding.

Mr. Scimone asked if they can add onto it.

Mr. Lamanna said no because it is already non-conforming.

Mr. Olivier said either house could be added onto if the other house is torn down.

Mrs. Stanton asked if more land could be purchased and a lot split done.

The board reviewed the application and the site plan.

Mr. Takacs said the existing house is 2,192 sq. ft. and the proposed house is 3,656 sq. ft.

Mr. Scimone said the setbacks are over 200' from the property line.

Mr. Lamanna said the front house setback is already out of compliance.

Mr. Scimone said the neighboring house is in bad shape.

Mr. Lamanna said the existing house is non-conforming and the board tries to get things away from the right-of-way. He added that Mr. Rogel can build himself a nice house but he will have to make a decision.

The board discussed ruling on the application or tabling it until next month.

Mr. Takacs said if the existing house is torn down, there would be no need for a variance.

Mr. Lamanna said the board wants to try to make structures conform.

The board was in agreement to table the application to next month's meeting.

Mr. Scimone said Mr. Rogel will either do that or leave it as it is.

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

Motion BZA 2004-51 – 16533 Chillicothe Road

Mr. Lamanna made a motion to table this application until the next regularly scheduled meeting to be held December 16, 2004.

Mr. Takacs seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye, Mr. Takacs, aye.

Since there was no further testimony, the public hearing was closed at 8:17 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Olivier
Ellen Stanton
Donald Takacs

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

Date: December 16, 2004

Bainbridge Township, Ohio
Board of Zoning Appeals
November 18, 2004

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:17 P.M. by Mr. Michael Lamanna, Chairman. Members present were: Mr. Todd Lewis, Mr. Mark Olivier, Mrs. Ellen Stanton and Mr. Donald Takacs.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the October 21, 2004 meeting as written.

Mr. Takacs seconded the motion.

Vote: Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye; Mrs. Stanton, aye, Mr. Takacs, aye.

Applications for next meeting

Application 2004-46 by Daniel M. Fine for property at 9519 Taylor May Road – Continuance

The applicant is requesting a conditional use permit with area variances for the purpose of establishing a cluster housing development. The property is located in a R-5A District.

Application 2004-51 by Farmington Woods Estates, LLC (Rep. John Scimone) for Richard P. and Dorothy Rogel for property at 16533 Chillicothe Road - Continuance

The applicant is requesting area variances for the purpose of constructing a second single family dwelling. The property is located in a R-5A District.

Application 2004-52 by McMillon Construction Inc. for Bruce and Jackie Akins for property at 16665 S. Franklin Street

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

Since there was no further business, the meeting was adjourned at 8:20 P.M.

Respectfully submitted,

Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Mark Olivier
Ellen Stanton
Donald Takacs

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

Date: December 16, 2004