

Bainbridge Township, Ohio  
Board of Zoning Appeals  
April 15, 2010

Pursuant to notice by publication and certified mail, the public hearing was called to order at 7:06 P.M. by Mr. Michael Lamanna, Chairman. Members present were Ms. Joyce Hannum, Alternate, Mr. Christopher Horn, Mr. Todd Lewis and Mr. Mark Olivier. Mr. Mark Murphy was absent.

Mr. Lamanna noted that this meeting had been cancelled but an application was received (BZA 2010-5) from Highland Construction so the board decided to accommodate it.

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 2010-5 by Highland Construction for Carlo Marino for property at 7625 Cottonwood Trail

The applicant is requesting area variances for the purpose of installing an in-ground swimming pool and fence. The property is located in a R-5A District.

The zoning inspector's letter dated April 15, 2010 was read.

Dr. Carlo Marino, applicant and Mr. Al Smith of Highland Construction were present to represent this application.

Dr. Marino testified by thanking the board for making an exception and coming out tonight and not making him wait until next month and he really appreciates the board hearing his application so he can stay on board with this. He said the idea is to build a pool to the rear of their house on two parcels that they presently own and referred to the location on the GIS aerial map.

Mr. Horn asked if the area that is encircled in red are both lots or just one lot.

Dr. Marino said it is one parcel and explained that the other red line also includes the second parcel.

Mr. Lewis said currently there is a rear yard setback issue but the adjacent lot was purchased and asked Dr. Marino if he plans to join these two lots as one parcel.

Dr. Marino said if the board requires them to do so, they are more than willing to do that.

Mr. Lewis said the minute they are joined, there is no longer a variance required.

Mr. Lamanna said the board generally would prefer that to happen because then the board does not run into issues with people coming back and wanting to build or sell the other lot and that sort of thing because if people come to the board and represent that they are going to be using two lots as one, the board prefers that they end up being joined.

Dr. Marino said he has been in contact with Mr. Holcomb and he thought that this might be a possibility so he has already done the posting in the Star Beacon and he has the affidavits with him and the contract where he paid for the service to have the legal description of the two parcels consolidated which he has copies for the board today along with the affidavits and so if the variance is not an option, then joining the lots is all done. He said he talked to Mr. Holcomb and all he needs is the affidavit and it is already on file at the board.

Mr. Lamanna said it is relatively routine, it is just a matter of cranking it through the system.

Dr. Marino said he has all of the copies of everything that has already been taken care of, he has already paid the fees but he did not know which way the association would like them to go but since he has already done his due diligence and this is a project he tried to get together for the last two years, they have a schedule with Highland Construction that they are trying to stay on if the board will accept it.

Mr. Lamanna said if that is the only issue the board will go ahead and grant the variance on the condition that the applicant will follow ahead and consolidate the lots within the next six months but will be able to go ahead with the project.

Mr. Olivier asked if the homeowner's association has any issues with the consolidation.

Dr. Marino said he brought a letter from the homeowner's association and added that they prefer that we own the lot behind us so that is why we bought it and they have done their due diligence.

Mr. Horn asked if that is the entrance on Bainbridge Road.

Dr. Marino said yes and that is the only entrance.

Mr. Horn said the other lot that was purchased fronts on Bainbridge Road.

Dr. Marino said correct and they have developed quite a landscape proposal so the pool actually will not even be visible and the existing home won't even be visible from the road as it is right now.

Mr. Wayne Gedeon of 7619 Bainbridge Road asked if it is a buildable lot and if a house will be built on it eventually even though it is joined together.

Dr. Marino said he does not believe it will be.

Mr. Lamanna said once they are consolidated they would have to come back to this board to get them unconsolidated.

Mr. Gedeon asked if all of the homes in that development can put a pool in.

Mr. Lamanna said there are some people who have put pools in, it depends on the lot size and what the conditions are and the board has had one or two variances for pools, decks or patios but it depends on the lot and all of the lots in there are different and how the houses are located on them are different.

Mr. Horn said if the house was located differently on the lot, the pool could be placed within 50' of the side lot line and he wouldn't even need a variance.

Mr. Lamanna said it is a bit of an odd shaped lot so you could not make any extrapolation of what might happen anywhere else in the development because the lots are all different regarding size and shape and where the houses are positioned.

Mr. Gedeon asked if there will be houses along there.

Mr. Lamanna said there won't be now because that lot is gone and he does not know if there is a lot on the other side.

Dr. Marino said there is one on the other side but the apron would have to be off of Fossil Drive so that would be the only buildable lot that would have the possibility of facing Bainbridge Road.

Mrs. Gedeon testified that her concern has nothing to do with the building and if you own the property you can do with it whatever is allowable but in reality their house is a lot closer and her concern is the noise level and what she is going to say she is not sure if it came from this property but in January or February there was a warm Sunday afternoon and someone across the street had their sound system out and playing and it wasn't a matter of her hearing something in the background, you couldn't miss a word, a beat, they were vibrating with the sound of it and her concern is having a pool and a lot of outside activity and asked if there is going to be a sound system with it.

Dr. Marino said there are no plans for a sound system other than what is already there and he thinks that even the concern that was raised before about seeing the home, you will not see any of that once the landscaping is developed and there will be an architectural mound to shield that area from the road for privacy so he is sure they will do something for sound as well and added that they only have three children.

Mrs. Gedeon said there will be a lot of entertaining going on if there is a pool.

Mr. Horn said there will probably be less noise than if they built a house on that lot.

Dr. Marino said you get noise from the road and the traffic right around that curve because there is a 15' grade just to the east of that and the people are picking up speed and the cars are just racing by.

Mrs. Gedeon said they have lived out here since 1971 and they have experienced the road and the noise.

Dr. Marino said the same way you got used to the noise from the road you will get used to the pool.

Mrs. Gedeon said as long as they are considerate of the community.

Dr. Marino said there is always consideration.

Mr. Lamanna said unfortunately the board can't regulate that.

Mr. Horn told Mrs. Gedeon to take a look at the landscaping plans and it will address some of her concerns with the mounding etc.

Mr. Lamanna said this is a perfectly reasonable residential use, if it was something unusual then the board might have some opportunity to regulate it but it is not something that by its nature inherently is going to cause problems so the fact that somebody else in the neighborhood is inconsiderate, we can't reflect that on the applicant here.

Dr. Marino said he does not think they will even notice it and in that neighborhood already there is probably around a dozen children and they are between the ages of one to fourteen and they are hardly noticeable right now and again the architecture being the way that it is with the landscaping he thinks that it will be an addition to the community.

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

#### Motion BZA 2010-5 – 7625 Cottonwood Trail

Mr. Lamanna made a motion to grant the applicant the following variance for the purposes of installing a swimming pool:

1. A variance from the minimum required rear yard setback of 50' to 12' for a variance of 38'.

Motion BZA 2010-5 – 7625 Cottonwood Trail - Continued

Based on the following findings of fact:

1. The applicant has indicated and agreed to merge his existing lot with the lot behind at which point in time this variance will be moot as there will be more than sufficient setback.

With the following condition:

1. The applicant will complete the merging of the lots within six months of today's date.

Mr. Lewis seconded the motion.

Vote: Ms. Hannum, aye; Mr. Horn, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye.

Since there was no further testimony, the public hearing was closed at 7:20 P.M.

Respectfully submitted,

Joyce Hannum, Alternate  
Christopher Horn  
Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman  
Mark Olivier

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

Date: May 20, 2010

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio  
Board of Zoning Appeals  
April 15, 2010

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 7:20 P.M. by Mr. Michael Lamanna, Chairman. Members present were Ms. Joyce Hannum, Alternate, Mr. Christopher Horn, Mr. Todd Lewis and Mr. Mark Olivier. Mr. Mark Murphy was absent.

Minutes

Mr. Lamanna made a motion to adopt the minutes of the March 18, 2010 meeting as written.

Mr. Horn seconded the motion.

Vote: Ms. Hannum, aye; Mr. Horn, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Olivier, aye.

Applications for Next Month

Application 2010-6 by Robert D. Etling for property at 18672 Snyder Road

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

Application 2010-7 by Alan Tatro for Pilgrim Village Lake Colony for property at Pilgrim Village Common Area/Beach Area

The applicant is requesting an area variance(s) for the purpose of constructing a cover over the grill area. The property is located in a R-3A District.

Since there was no further business, the meeting was adjourned at 7:50 P.M.

Respectfully submitted,

Joyce Hannum, Alternate  
Christopher Horn  
Michael Lamanna, Chairman  
Todd Lewis, Vice Chairman  
Mark Olivier

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

Date: May 20, 2010