

Bainbridge Township, Ohio
Board of Zoning Appeals
November 18, 2021

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:06 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ian Friedman, Alternate; Mr. Joseph Gutoskey and Mr. Todd Lewis. Mr. Ted DeWater was absent. Ms. Karen Endres, Zoning Inspector was absent. Mr. Steven Averill, Assistant 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 stated that anyone who wishes to testify will be sworn in.

Mr. Lamanna swore in Mr. Steven Averill, Assistant Zoning Inspector and he let the record reflect that Mr. Averill was duly sworn.

Mr. Lamanna swore in all of those interested in testifying and he let the record reflect that all of the people intending to testify have been duly sworn.

Application 2021-27 by Blaine McKelvey and Daniel Villani of Payne & Payne Renovations and Design on behalf of Brian and Beth Gallagher for property at 8320 Devon Court

The applicants are requesting area variance(s) for the purpose of constructing a residential accessory building. The property is located in a R-5A District.

Mr. Blaine McKelvey, applicant and Mr. Brian Gallagher, property owner were present to represent this application.

Mr. Blaine McKelvey testified that he is with Payne and Payne Renovations and Design of 10680 Mayfield Road, Chardon, Ohio 44024.

Mr. Brian Gallagher testified that he is the homeowner at 8320 Devon Court, Chagrin Falls, 44023.

Mr. McKelvey stated that they are proposing a pool house, the pool will also be built but they are here tonight to talk about the pool house. He said it will be detached and is intended to match the exterior materials on the existing house in terms of the stone and the roofing material, shingles, windows and the design is intended to be commensurate with the prevailing architectural style of the house and kind of in keeping with the neighborhood. He said the total square footage is approximately 1,476 sq. ft. and that is one of the variances they are seeking is a size variance, square footage variance, seeking a variance of about 576 sq. ft. and the second variance they are seeking is a height variance of 21', he thinks this structure is 23.8' or 24' so the variance is about 3' total. He added that the cupola is not included in that calculation. He said in the pool house we have a kitchen with an island, we have a living area with a fireplace, we have a full bath on the first floor, a mechanical room that will also house a washer and dryer and then an outdoor kitchen with a butler's pantry off of both the inside kitchen and the exterior kitchen with a small room with pool equipment. He said upstairs some informal gathering space with some area for storage for seat cushions and seasonal items like that. He said he touched on the intended use and the space and asked the board if they had any additional questions for him.

Mr. Lewis said he has a few questions, the first thing was it appears that the front setback on this is actually in front of the house by two feet.

Mr. Brian Gallagher said they actually made a modification for that, originally there was a balcony but when it was two feet over they decided to take out the balcony so there is no setback issue.

Mr. Lewis asked if that is on what we have.

Mr. Gutoskey said the plan they have shows a little bump-out. He said so this is gone right here, this little section here is gone, right.

Mr. McKelvey said they reduced it so you can't really stand on it, so currently they meet all of the setbacks.

Mr. Gallagher said the square footage, according to the code, we can have two buildings of 900 sq. ft. each so this is one building.

Mr. Gutoskey asked Mr. Lamanna how you interpret that 900 sq. ft., is it footprint or is it adding the first and second floor together because usually when we are looking at the 900 sq. ft, it is an outbuilding, storage building, shed, garage.

Mr. Lewis said single floor.

Mr. Gutoskey said yes.

Mr. Lamanna said like all accessory structures are, yes.

Mr. Gutoskey asked is this building, the first floor a footprint of 1,400 and change.

Mr. Lamanna said he thinks that whole thing was based upon the footprint because there is a height limitation already.

Mr. Gutoskey said right, that is what we are trying to get.

Mr. Lamanna said between the height limitation and the footprint, it is not going to go three stories.

Mr. Gutoskey said are we looking at more this 1,476.3 versus the 1,812.

Mr. Lewis said there are two numbers.

Mr. Gutoskey said there are 336 sq. ft. on the second floor.

Mr. Lamanna said he thinks that number is for what the footprint of the building is because there are separate height limitations.

Mr. Gutoskey said that is the way he looks at it.

Mr. Lamanna said that controls the bulk of the building, you can't build a 900 sq. ft. building three stories high.

Mr. Gutoskey said it says right here in the code, "using the footprint of the building, not the second floor" that is why he was wondering.

Mr. Lewis asked is that foundation or does that include roof overhangs and balconies.

Mr. Gutoskey said he always looked at it as the foundation.

Mr. Lamanna said the same thing would apply to a regular house.

Mr. Gutoskey asked what is the first floor footprint when you have taken out that little 2' area, does it go down at all, the first floor footprint.

Mr. McKelvey said the first floor, inside the foundation of 1,095 sq. ft.

Mr. Gutoskey said but that doesn't include the patio.

Mr. McKelvey said correct.

Mr. Gutoskey asked if that is a covered patio.

Mr. McKelvey said correct.

Mr. Steven Averill, Assistant Zoning Inspector testified that the resolution says 900 sq. ft. of the first floor of the building so it is not the second floor.

Mr. Gutoskey said that is why he was wondering why that was in there.

Mr. Averill said he thinks she was just trying to show what the total gross floor area was.

Mr. Gutoskey said so it is 1,095 sq. ft. and then the patio is 356 sq. ft. and asked if that is a two-sided open patio.

Mr. McKelvey said three-sided.

Mr. Gutoskey asked if you count the open patio as footprint.

Mr. Lewis said it is lot coverage but it is under roof.

Mr. Lamanna said it is part of the building.

Mr. Gutoskey said it actually has posts which are part of the foundation.

Mr. Lamanna said right.

Mr. Gutoskey said so really the number is the 1,095 plus the 356, that is 1,451.

Mr. Lewis said that is really close to what we've got here.

Mr. Gutoskey said yes and he thinks that takes off a little bit from that little bump-out before.

Mr. Lewis said he thinks where we looked at the eaves and the overhang wasn't so much the footprint, it had to do with the setbacks where we measured off the gutter to the side yard and we were using that measurement and applying it there.

Mr. Lamanna said it is showing here a pool equipment room.

Mr. Gallagher said yes.

Mr. Lamanna asked what is going to be in that, the filter and pump and all of that stuff.

Mr. Gallagher said if they can fit it all in there but there is also going to be automatic covers for the pool and the hot tub so those pumps will be in there but he doesn't know if it is big enough to get all of it in there with the spacing requirements they needed so there may be some on the side outside of that room, like the filters.

Mr. Lamanna asked what kind of doors are going to be on the outside of this.

Mr. Gallagher asked the entire space.

Mr. Lamanna said there are two doors that are shown here that open to the outside and his only question about this is that this is where all of the noise is going to be generated and that faces towards the neighbor's house.

Mr. McKelvey said they will make sure the exterior doors are insulated.

Mr. Lamanna said that would be his concern and he assumes these doors are not going to be flat steel doors, they are going to be raised panels looking like the rest of the house.

Mr. McKelvey said right absolutely.

Mr. Lamanna said that is what your neighbor has to look at so he just wanted to make sure that the neighbor isn't yelling and screaming about the noise coming out because this could be relatively easy in the total scheme of things a little sound proofing on that wall and some good solid doors in there.

Mr. Gallagher said that is his garage right there on the side and his air conditioning units are right behind his garage.

Mr. Gutoskey said and it looks pretty landscaped there too.

Mr. Gallagher said there is no separation.

Mr. Gutoskey said it looks like with your grade you are pretty much going to the property line on that side of the house.

Mr. McKelvey said there is the 15' setback.

Mr. Gutoskey said he was saying to build your building because of the grade you are basically sloping from that construction and pull that pretty much to the property line so you are probably going to need to some vegetation down through here (he referred to the site plan).

Mr. Gallagher said actually there is some there.

Mr. Gutoskey said he knows but it is going to be pretty much gone with the grading because you are pretty much grading to the property line.

Mr. Gallagher said the property line is over there, they are not going to touch any of the shrubs so it is going to be here and the pool starts in this space so the grading will go up to the existing trees.

Mr. Gutoskey said the reason he asked is because the plans show grading all the way to the property line.

Mr. McKelvey said that may not be entirely necessary because we don't plan on getting that close.

Mr. Gutoskey said you will probably have to build a retaining wall then to break grade.

Mr. Lewis asked how do you get access to this structure, is that through the house or walkways around.

Mr. Gallagher said there is this walkway right here that leads to the driveway and then the back of our garage there is a door and then the back of the house there is a staircase you can come down and then up here and follow this walkway so there are ways to get access to it.

Mr. Lewis said so there is not going to be a driveway to it.

Mr. Gallagher said no driveway.

Mr. Lewis said it is not for cars.

Mr. Gallagher said it is not for cars, no.

Mr. McKelvey said he thinks the intention that the side entrance is kind of the primary entrance right.

Mr. Gallagher said this area here would be the entrance so no cars.

Mr. Gutoskey said you are basically saying either through the patio or this door on the side here, here and here.

Mr. McKelvey said right.

Mr. Lamanna asked if they are going to have some kind of concrete pad in front of the side door on the house side where the pool equipment room is, he doesn't see any and asked if they intend to have one there because it is not showing one at the moment.

Mr. Gallagher said they can do a little apron or something.

Mr. Lamanna said it is more of a question of we are right up close to the line here and it is not that he would say you want one there but his point is we don't want one showing up there if it wasn't on the plans and then it shows up.

Mr. McKelvey said and it encroaches.

Mr. Lamanna said and it encroaches on the setback.

Mr. Gallagher said understood.

Mr. Lewis said he will take that a little bit further on that train of thought. He said presumably you will be using a pool service company.

Mr. Gallagher said yes.

Mr. Lewis said for chemistry and routine maintenance.

Mr. Gallagher said right.

Mr. Lewis said it is an outdoor pool so your real season in northeast Ohio is Memorial Day to Labor Day, maybe you get a few extra weeks here and there so that service point, that mechanical room for where the pool service company will go, your chlorine, your bromine, your filters, all of that junk they have got to do so. He asked if not just a pad is going to be provided but a walkway or are these guys going to be cutting across the yard.

Mr. Gallagher said they will just come through the walk and then walk around to it.

Mr. Lewis said so you are okay with them cutting through the yard not on a sidewalk.

Mr. Gallagher said yes and they do that today on the left of the house, they have already an outdoor hot tub on that side of the house and they come around the grass currently.

Mr. Lewis said he was just kind of thinking out loud and it is easier to talk about the stuff now.

Mr. Gallagher said absolutely.

Mr. Lewis said if there is something that makes sense with a modification it is easier to address tonight. He said he has to get something baked into the record that Bainbridge Township Zoning permits one residence on a property and that would mean with people residing in there whether it is an overnight, family or not, our zoning code on short-term rentals has a minimum of 30 days and the way this space is equipped, kitchen, bathroom, laundry to support a pool that maybe that may be open three or four months out of the year, yes there is an upstairs loft, this cannot have overnights in it.

Mr. Gallagher said they have no intentions of doing that, they have a full in-law suite.

Mr. Lewis said he was just required to say, we had to have the talk.

Mr. Gallagher said no problem.

Mr. Lewis said just so there wouldn't be any future misunderstandings on it.

Mr. Gallagher said understood.

Mr. Lewis said so we covered the bump-out and the two foot thing and covered making sure the mechanical room was reasonably well soundproofed, it does not appear that there is going to be a pad in front of those doors or additional sidewalks for service companies to get to the mechanical room. He said it is nice how you have that set up that the service company does not need to go into the building itself, it is like a service entrance.

Mr. Gallagher said exactly.

Mr. Gutoskey asked if we have the homeowners approval.

Mr. Gallagher said yes and part of the reason that it was designed this way is the homeowner's association would like it to truly look like our existing homes and really maintain the architectural standards of the neighborhood and the intent.

Mr. Lamanna said it looks like it fits, that is the biggest thing.

Mr. Gallagher said and they also like to make sure that from the road that you couldn't see the pool so that the structure actually is large enough to block it because they didn't want people from the street to see the pool.

Mr. Lewis said that is nice, it gives your family privacy as well.

Mr. Gallagher said exactly, absolutely.

Mr. Lamanna asked what the height of the current house is.

Mr. Gallagher said he doesn't know from the top of his head but this will be set down so it will be lower.

Mr. Lamanna said it drops down but he was just trying to get an idea, if he is standing on Lot 36 and he looks at it.

Mr. Gutoskey said the garage floor of the house is 21.83 and the first floor on the pool house is 16.33 so it is 5-1/2' lower than the garage.

Mr. Lamanna said the main home is two stories with steep pitched roofs on the second floor so it is up in the 30s probably or close to 30 at least.

Mr. Gallagher said most likely.

Mr. Lamanna said he was trying to get the scale because it is going to look better if it sits down and you have the house here and this sits down then the people down here when they look up he doesn't see this, he sees this actually, the one closer is actually down below the one behind and it would be kind of disconcerting if that was bigger than what he is looking at behind it so he thinks it looks like it will fit in and it works out well the way their garage and everything is situated on the other side.

Mr. Gutoskey said their garage to the right is 10' lower than the floor but it is because the driveway falls 8' down from the road.

Mr. Lamanna said it is all falling rapidly there towards Rt. 306. He said we don't have the front yard setback.

Mr. Gutoskey said we have the floor building size.

Mr. Lamanna asked what did we decide the building size was.

Mr. Gutoskey said 1,451 sq. ft., 1,095 plus the 356.

Mr. Gallagher said he thinks they requested 1,500 sq. ft.

Mr. Lamanna said all of the houses are tall.

Mr. Gutoskey asked if there is anyone else interested in this application.

Mr. Lamanna asked if there is anything else from the Zoning Inspector to be added.

Mr. Averill replied no.

Mr. Lamanna said the original approval of this was condominiums and they subsequently came back and created a subdivision plat.

Mr. Gallagher said this was originally two lots combined into one.

Mr. Lamanna said reference was made to the subdivision plats so he is assuming it was the one that was subsequently, he doesn't remember the dates when that happened but they converted it over and he told Mr. Petersen when he first came in here that this is a bad idea because it is so much more trouble to buy and sell condos.

Mr. McKelvey said Mr. Petersen is happy now, all of the lots are sold so he is out of it now.

Mr. Lewis said and the HOA has all of the authority.

Mr. Gallagher said exactly.

Mr. Lamanna said they came in originally and got approval in the condo form and then they came back and created lot lines.

Mr. Lewis said and that was also tied to the long term lease of the ten acres where the nursery is which is actually he thinks the lease is owned by the HOA.

Mr. Gallagher said he thinks that is right.

Mr. Lamanna said it is weird history on that.

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

Motion BZA 2021-27 – 8320 Devon Court

Mr. Lamanna moved to grant the applicant the following variances for the purposes of constructing a pool house as shown on the plans submitted by the applicant.

1. A variance to provisions Chapter 135.03 with respect to the maximum accessory building size from 900 sq. ft. to 1,451 sq. ft.
2. A variance to the maximum accessory building height from 21' to 24'.
3. The applicant has adjusted the building so that it no longer requires the variance requested from the front yard.
4. The board also notes that the applicant has agreed and understands that there is only one residence allowed on the property and this building will not under any circumstances be used for residential purposes under any arrangement.

Based on the following findings of fact:

1. Given the nature of the size of the buildings on this property this accessory building is not unreasonably sized.
2. It is being constructed to match the existing structure so that its small increase in size will not adversely affect the neighborhood.
3. The applicant is also going to take some steps with respect to the pool equipment room to reduce any sound coming out of there that would adversely affect the neighbors.
4. Because of the drop-off and the landscaping and the fact that the adjacent property owner's garage is on the side of his house facing this proposed construction it will not adversely affect that neighboring property either.
5. If the grading required has to remove the landscaping that currently exists along approximately 15' to the property line that that landscaping will be replaced in similar kind after completion of the grading.

Mr. Gutoskey seconded the motion.

Vote: Mr. Friedman, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

Application 2020-35 by Dangelo, Ltd. for property at 16965 Park Circle Drive -
Continuance

The applicant is requesting area variance(s) for the purpose of maintaining a pavilion. The property is located in a LIR District.

Motion BZA 2020-35 – 16965 Park Circle Drive (Sapphire Creek)

Mr. Lamanna moved to continue this application to the next regularly scheduled meeting to be held December 16, 2021 at the request of the applicant.

Mr. Lewis seconded the motion.

Vote: Mr. Friedman, aye; Mr. Gutoskey, abstain; Mr. Lamanna, aye; Mr. Lewis, aye.

Since there was no further testimony, the public hearing was closed at 7:40 P.M.

Respectfully submitted,

Brent Barr, Alternate
Ted DeWater
Ian Friedman, Alternate
Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman

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

Date: December 16, 2021

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
November 18, 2021

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 7:40 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ian Friedman, Alternate; Mr. Joseph Gutoskey and Mr. Todd Lewis. Mr. Ted DeWater was absent. Ms. Karen Endres, Zoning Inspector was absent. Mr. Steven Averill, Assistant Zoning Inspector was present.

MINUTES

Mr. Gutoskey moved to adopt the meeting minutes of October 21, 2021 as written.

Mr. Lewis seconded the motion.

Vote: Mr. Friedman, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye, Mr. Lewis, aye.

APPLICATIONS FOR NEXT MONTH

Application 2020-35 by Dangelo, Ltd. for property at 16965 Park Circle Drive -
Continuance

The applicant is requesting area variance(s) for the purpose of maintaining a pavilion. The property is located in a LIR District.

Application 2021-28 by Craig and Noel Hairston for property at 17365 Lookout Drive

The applicants are requesting area variance(s) for the purpose of maintaining pool equipment. The property is located in a R-5A District.

Application 2021-29 by Joyce Taylor for property at 9125 Taylor May Road

The applicant is requesting area variance(s) for the purpose of constructing a pole barn. 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 December 16, 2021 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 8:20 P.M.

Respectfully submitted,

Brent Barr, Alternate
Ted DeWater
Ian Friedman, Alternate
Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman

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

Date: December 16, 2021