

Township, Ohio
Board of Zoning Appeals
May 19, 2022

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:05 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey; Mr. Todd Lewis; Ms. Lori O'Neill, Alternate and Mr. Emeil Soryal. Mr. Ted DeWater was absent. Ms. Karen Endres, Zoning Inspector was present.

Ms. Lori O'Neill, Alternate joined the board for consideration of these applications in Mr. DeWater's absence.

Mr. Lamanna welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals, explained the public hearing process and stated that individuals will be sworn in when the application is started.

Executive Session

Mr. Lamanna moved to go into Executive Session at 7:08 P.M. for the purpose of discussing personnel matters of the board.

Mr. Lewis seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Ms. O'Neill, aye; Mr. Soryal, aye.

The board returned from Executive Session for the purpose of discussing personnel matters of the board and reconvened the public hearing at 7:12 P.M.

Application 2022-19 by Church of the Holy Angels for property at 18205 Chillicothe Road

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

Mr. Lamanna recused himself from this application so Mr. Lewis, Vice Chairman conducted the public hearing for this application.

Mr. Lewis swore in Ms. Karen Endres, Zoning Inspector and he let the record reflect that Ms. Endres was duly sworn.

Mr. Lewis stated that if there are other interested parties in this room about this, all that is before us with the church right now with this application is a renewal of what was pre-existing, there are no new projects as part of this application so none of that has been presented to the township at this point. He said should it come back into this room at a later date neighbors will be notified and if you would like to weigh in at that point that would be fine so we are going to stay pretty focused on just what is specifically in front of us tonight which is the renewal so if he could begin please with our Zoning Inspector are there any outstanding complaints or compliance issues.

Ms. Karen Endres, Zoning Inspector testified that there are no issues.

Mr. Lewis said thank you.

Fr. Max Cole was present to represent this application.

Mr. Lewis swore in Fr. Max Cole and he let the record reflect that Fr. Cole was duly sworn.

Mr. Lewis asked if there are any questions from the board on this to our applicant.

Mr. Gutoskey asked if there is anyone in the audience who would like to comment on this.

Mr. Paul Rautenberg said he would.

Mr. Lewis swore in Mr. Paul Rautenberg and he let the record reflect that Mr. Rautenberg was duly sworn.

Mr. Paul Rautenberg testified that he goes by Matt but he lives at 8610 Taylor May Road, toward the lot immediately adjacent to the east of the church driveway off of Taylor May. He said he loves having the church as a neighbor, it is a wonderful thing, all considered. He said he has three areas of questions or concerns so he just wanted to understand what the current situation is going to be. He said number one is that the fence that was originally agreed to be put in place when the original agreement was made some 20 odd years ago, it is a 20 year old fence that is not the best of situation. He said he heard that the church is planning on replacing it but he doesn't know that officially and he would like to know that officially.

Fr. Cole testified that officially it is going to be replaced, he signed a contract probably about four weeks ago and they are getting the materials and will install the fence. He said he thinks that they have already copied Ms. Endres about where the fence needs to be located.

Mr. Rautenberg said okay, so all of that will be replaced.

Ms. Karen Endres, Zoning Inspector testified that she issued the permit for the fence.

Mr. Rautenberg said great, that was his biggest concern. He said the second one is probably more of his concern but the weeds on the east side of that driveway are getting very high and in fact at the front of the property where it abuts his property it has become a hazard to turn onto Taylor May, our lawn guy actually took care of it yesterday.

Fr. Cole said he already talked to him today to take care of it.

Mr. Rautenberg said it looks very different on the east side than it does on the west side on that driveway. He said the third question and this is probably more of a historical reference when he read the meeting minutes back from 20 odd years ago there was a number of discussions about a lighting plan and some 6' lighting and that was going to then be discussed later and he never found anything else about it so he just wanted to know if there is any plan changes in the lighting that are going to be discussed as part of this renewal as opposed to a different project.

Mr. Lewis said he thinks he can answer that, there is nothing before the board with a submitted new lighting plan or fixtures by the applicant so the procedure on that would be should they desire to make a change they would bring their plan and their specs to our zoning inspector for preliminary review. He said if it conforms to township code it would get an administrative approval, if it needed additional consideration it would end up in this room but either way between the board of zoning appeals looking for everybody's best interest and our zoning code as a benchmark that we look as standard and all of the parties are represented.

Mr. Gutoskey asked are you asking because you are looking to see if they are going to put lighting in or the lighting that is there is too bright.

Mr. Rautenberg said they are honestly not a huge fan of the existing huge street light at the front of the place there but he also considers that that is there and they are probably not going to change it.

Mr. Gutoskey asked if there is any lighting going up the driveway now.

Mr. Rautenberg said no, there is none.

Mr. Gutoskey said your concern is adding more lights.

Mr. Rautenberg said right except that the discussion from 20 years ago indicated there was something about lights at 6' high that were going to be along the roadway and we prefer not to see anymore lights. He said he thinks the fence will actually go a long way to helping things, the existing fence is a board on board fence but it is not well made so there are huge gaps in the boards so there have been cars driving southbound in the evening and it shines right into our bedroom so he thinks a well made board on board fence or just even a side by side fence will go a long way.

Mr. Soryal asked if the fence is the same kind or is it different.

Fr. Cole said he doesn't remember specifically.

Mr. Soryal asked if it is the same height.

Fr. Cole said yes, 6'.

Mr. Rautenberg said again, if it is well made and the same footprint he thinks that goes a long way to remediating most of their concerns.

Mr. Lewis asked if there were any other comments out there or anything from the board on the recent conversations from this gentleman.

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

Motion BZA 2022-19 – 18205 Chillicothe Road (Holy Angels Church)

Mr. Lewis moved to renew the Holy Angels conditional use permit for a period of five years commencing on the date the board's decision becomes final.

With the following findings of fact:

1. There has been no changes since the original approval of this application.
2. There are no outstanding issues or non-compliances.
3. The board did have some comments from the public with regards to the fence being replaced, a little bit more care on the groundskeeping at the entrance and at this particular juncture there is no lighting plan updates or revisions on the agenda or submitted by the applicant.
4. All of the previously established conditions and restrictions and features on the property will carry forward into this renewal.

Mr. Soryal seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lewis, aye; Ms. O'Neill, aye; Mr. Soryal, aye.

Mr. Lamanna, Chairman returned to the meeting to conduct the rest of the public hearing.

Application 2022-20 by Constance Hecker for property at 16615 Wren Road and 8300 – 8326 East Washington Street

The applicant is requesting a review and renewal of an existing conditional use permit. The property is located in a CB District.

Ms. Lisa Biondolillo was present to represent this application.

Mr. Lamanna swore in Ms. Lisa Biondolillo and he let the record reflect that Ms. Biondolillo was duly sworn.

Mr. Lamanna asked Ms. Biondolillo if she is the authorized representative of the owner.

Ms. Biondolillo testified by saying yes.

Mr. Lewis asked if the board has the authorization letter from the property owner.

Ms. Karen Endres, Zoning Inspector testified that Ms. Hecker is going to conference in also, she is out of state.

Mr. Lewis said we are probably going to have to verify that because we don't have anything in writing so what we may want you to do at that point is to get Ms. Hecker on the phone, put it on speaker and set it up by our microphone and then our chair can go ahead and procedurally enter her into the meeting and get authority for your involvement.

Ms. Biondolillo said she will call Ms. Hecker right now.

Mr. Lewis said thank you.

Ms. Endres said she can vouch too that Ms. Biondolillo has been the property manager for a lot of years and she has represented Ms. Hecker before.

Ms. Constance Hecker was present via telephone.

Mr. Lamanna asked Ms. Hecker if she can hear the board.

Ms. Hecker said yes she can.

Mr. Lamanna identified himself and asked Ms. Hecker to verify for the record that Ms. Lisa Biondolillo is here acting as her authorized agent.

Ms. Hecker said yes she is.

Mr. Lamanna told Ms. Hecker that she can listen in if we need her to add anything we will go ahead and do that.

Ms. Hecker said okay, thank you.

Mr. Lamanna asked Ms. Endres where we are on compliance on this.

Ms. Endres said since she drafted the staff letter she has been in communication with the tenants with their signs and they are in the process of cooperating to get the signs in compliance with zoning and with Alter'd Core she is working with the property owner and she has indicated that she will cooperate and put a banding around the base of the sign as required by the zoning resolution and actually we have an application on the desk right now that needs to be processed for the Hungry Bee and we can approve what they asked for administratively, that is for the wall sign.

Mr. Gutoskey asked about the donut shop going in in the back building, is it just going in the existing building.

Ms. Biondolillo said yes.

Mr. Gutoskey said so there are no changes to that structure.

Ms. Biondolillo said no.

Mr. Gutoskey said it is hard to tell from the plan.

Ms. Endres said the footprint has not changed and she already issued permits for the interior renovations, it was a mechanics garage into a restaurant.

Mr. Lamanna said back in 2018 he noticed there were two issues that caused there to be a limited extension, one had to do with unauthorized tenants, tenants with businesses that were not authorized in CB and asked has there been any further issue with that.

Ms. Endres said no, now that the donut shop is going in she thinks that is going to be self-resolved.

Mr. Lamanna said okay and he thinks there were some parking lot issues as well.

Ms. Biondolillo said that was at the Hungry Bee and it was all taken care of.

Mr. Gutoskey said it is adequately striped.

Ms. Endres said now that there is an actual legitimate permitted business going in we actually required that the parking lot be striped and there was cooperation there too so the parking lot around the donut shop will be properly striped.

Mr. Gutoskey said and black out any spaces that don't make sense because you are reconfiguring the parking lot because you've got parking spaces coming off like this, he referred to the site plan. He asked Ms. Endres if that was the current photo.

Ms. Endres said it is from 2021.

Mr. Gutoskey said he doesn't know what date this is but you look at how the parking spaces come out from that other building, like he said, some of them might have to be reconfigured to make it work with the new parking in front of the building.

Ms. Biondolillo said the paving is going to go up to that building so it is really not going to be affected by what is striped now in the back of Alter'd Core.

Mr. Gutoskey said okay, just make sure that it all makes sense.

Ms. Biondolillo said yes. She said the stripes are only going to be on the front of the building.

Mr. Gutoskey asked if the loading dock is going to be paved too.

Ms. Biondolillo said the same gravel.

Ms. Endres said the zoning determination was that there was adequate area for the loading area, there is probably not going to be an 18 wheeler truck going in for the donut shop.

Mr. Gutoskey said he had a question for Ms. Biondolillo. He referred to the site plan and said it looks like part of this is asphalt now and this is all gravel here so how are you going to break the asphalt in here, are you just going to come like this.

Ms. Biondolillo referred to the site plan and said this is all going to be asphalted and match up to the existing and go straight out to Wren Road, it is already paved here so this is going to be paved here.

Mr. Gutoskey said so this section is going to be paved but all of this here is going to be gravel.

Ms. Biondolillo said all gravel, yes but this will all be striped and this is really nowhere near this entranceway.

Mr. Gutoskey said okay and he thinks it would look better if this were just paved right across the front.

Ms. Biondolillo said they can't have parking there because that is where the turn is.

Mr. Gutoskey said understood but if zoning is okay he is good.

Mr. Lewis asked if there will be a reciprocal delivery service between George's and the Crooked Pecker, you got to have beer and donuts, right.

Mr. Gutoskey asked Ms. Endres, the Alter'd Core fitness, if they are a permitted use there and if they have all of their permits.

Ms. Endres said Alter'd Core has their use permit but over the years they had businesses going in and out.

Mr. Gutoskey said right, we had that discussion when they were back here in 2018.

Ms. Endres said the donut shop has a permit.

Mr. Gutoskey said the building on Wren and the one on Washington will not be connected by parking.

Ms. Biondolillo said no.

Mr. Gutoskey said he didn't want people driving across the grass.

Mr. Lamanna asked if there is anyone else here interested in this application and are there any questions by the board.

The board replied no.

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

Motion BZA 2022-20 – 16615 Wren Road and 8300 – 8326 East Washington Street

Mr. Lamanna moved to renew the current conditional use zoning certificate for the shopping strip center, last approved and renewed in 2018-60 for a period of five years from the date that this decision becomes final.

1. The board notes that all of the previously applied conditions will continue in effect as well as the general condition applicable to all conditional uses.
2. The board notes that certain issues with respect to businesses that were not permitted in the CB district have been eliminated with the new tenant coming into the back building but the board also notes that going forward in the future to make sure that the tenants have businesses that conform to those that are permitted in the CB district and/or obtain any conditional uses that might be required in the applicable situation.
3. This approval includes making the parking modifications that have been shown upon the drawing submitted with the application with respect to the Wren Road building and the new tenant there with additional paving and striping for the appropriate parking for that business.
4. With respect to signage issues there have been some sign issue questions with respect to the tenants, the zoning inspector advised the board that these are currently being resolved and as a condition the board is going to provide that these sign issues be resolved by the tenants within three months from the date this decision becomes effective.

Mr. Gutoskey seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Ms. O'Neill, aye; Mr. Soryal, aye.

Application 2022-21 by CF Golf Dome LLC for property at 8198 Washington Street

The applicant is requesting a transfer of a conditional use permit to a new owner. The property is located in a CB District.

Mr. Matthew Creech and Mr. Kyle Blumenthal were present to represent this application.

Mr. Lamanna swore in Mr. Matthew Creech and Mr. Kyle Blumenthal and he let the record reflect that Mr. Creech and Mr. Blumenthal were duly sworn.

Mr. Lamanna said we are here for a transfer of this permit, the permit was just recently renewed and he also understands that as part of this transfer the applicant is also requesting a very small modification to the lot coverage for the addition of an air conditioning pad.

Mr. Matthew Creech testified by saying yes.

Mr. Lamanna said since this was renewed recently there are no issues at the time so tell us what this little air conditioning pad is going to be.

Mr. Creech said it is going to be for the Golf Dome. He said in the summertime with the air dome, the structure, it kind of traps heat, it is sweltering hot in there in the summertime, he would like to have people enjoying the Golf Dome year round so we are putting in an air conditioning unit. He referred to the displayed aerial and said it is going to be right about there.

Mr. Kyle Blumenthal testified by saying correct.

Mr. Creech said it is 22 x 11.

Mr. Blumenthal said 27 by 11.

Mr. Creech said it will be 27' x 11' and it will allow them to then have activity throughout the year even in the hot summer months, we want it to be inviting.

Mr. Lamanna said so there was never an air conditioning unit here before.

Mr. Creech said there never was so we are putting one in.

Mr. Lamanna said it is a typical outdoor unit on a pad with electric.

Mr. Creech said correct, yes. He said it is a larger commercial AC unit.

Mr. Lewis asked is it going to pump cold air in off of that or is there internal ductwork.

Mr. Blumenthal said it will pump it, it will be attached to the side of the dome, it will be ducted into the dome and you are aware we recently replaced the dome itself so as part of that there were shrouds built into it so it will just attach right to the side of the dome, it will be an airtight seal and will be pumped directly in and also have a return, that will be all internal, you won't even see that from the inside of the building.

Mr. Lewis said sounds good, he doesn't see any walkways, he doesn't know exactly what is adjacent and whether this should be fenced in, he doesn't mean chain link but more of a board over board.

Mr. Gutoskey asked how loud are these air conditioners.

Mr. Lewis said you've got blowers and you have your condenser fans running for the AC unit.

Mr. Creech said yes and you can see 30' or so at the left of the pad it is wooded for quite awhile so it will never be in view. He said as far as how loud it is we will see when it goes in but it is a commercial AC unit so it is going to be a little louder than a residential but he would not expect it to be very loud.

Mr. Soryal asked how far it is to the house.

Ms. Endres said it is about 480' to that house.

Mr. Creech said this is really only going to run in the summer months from Memorial Day to Labor Day for those 13 weeks it will be used to control the heat.

Mr. Soryal said you are not going to want to run it anymore than you have to.

Mr. Lewis said the woods with the leaves on during that time you also have an additional natural buffer to suppress any sound travel.

Mr. Lamanna asked if these are all upward blowers.

Mr. Blumenthal said it will blow into the side of the dome.

Mr. Lamanna said it is a side discharge.

Mr. Blumenthal said correct. He said it would also be running during normal operating hours, it is not something we would run all night long, nobody wants to pay that electric bill so he thinks noise shouldn't be much of an issue if any.

Mr. Lamanna said it is a brand new unit too.

Mr. Gutoskey asked if the batting cages and the miniature golf are operational.

Mr. Blumenthal said that is correct.

Mr. Gutoskey said he has another question, we discussed this. He asked Mr. Lamanna if he remembers back in 2016 that soccer field back in the corner, remember we had that as one of the issues.

Mr. Lamanna asked if it is still there.

Mr. Gutoskey asked if they are still using that for soccer.

Mr. Blumenthal said we do still use that, mostly for our summer camps in the summertime and he believes he was at that meeting in 2016, he was the previous general manager and he continues in the same capacity under the new ownership and it was brought up then.

Mr. Gutoskey said the board had to make some changes to the conditional use when we did that so his question was that is still active.

Mr. Lewis said we will bring all of that forward because it applies still.

Mr. Lamanna said yes, it still applies. He said so you understand, we will transfer this over, it comes over as it is, all of the conditions continue to apply as long as there are specific conditions in the decision and there are general conditions that are applicable to all conditional uses, they are in the zoning regulations as well so that is what covers it. He asked if there are any other issues.

Mr. Gutoskey said no.

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

Motion BZA 2022-21 – 8198 Washington Street (CF Golf Dome LLC)

Mr. Lamanna moved to transfer the ownership of the conditional use zoning certificate for the remainder of its term to the new owners.

1. With all of the conditions previously in effect continuing as well as the application of the statutory provided conditions generally applicable in the zoning code.
2. A modification to the permitted structures on the property to add an approximately 27' x 11' concrete pad and AC unit for the golf dome as shown on the drawings submitted with the application.

Mr. Lewis seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Ms. O'Neill, aye; Mr. Soryal, aye.

Application 2022-22 by Rod Ramsey for property at 8654 Taylor May Road

The applicant is requesting area variance(s) for the purpose of installing ground mounted solar panels. The property is located in a R-3A District.

Mr. Rod Ramsey and Mrs. Lisa Ramsey, property owners were present to represent this application.

Mr. Lamanna swore in Mr. and Mrs. Ramsey and he let the record reflect that Mr. and Mrs. Ramsey were duly sworn.

Mr. and Mrs. Seth Burkholder, adjacent property owners were present on Mr. and Mrs. Ramsey's behalf.

Mr. Lamanna asked Mr. and Mrs. Ramsey to describe for the board what they would like to do here.

Mr. Rod Ramsey testified that he purchased the property next to him which is between his house and their house to put the solar array in and actually when he bought the property it was agriculture property, he has a garden there and he sells tomatoes and stuff like that in the summertime because it is a larger area but the main purpose of buying the lot was for the solar panels and he went for a complete whole emergency power backup so when the grid goes down later on next year he is going to be able to take care of himself. He said he has got some medical things he keeps with the legs and his diabetes and stuff and food so he wanted to be able to run in the middle of the wintertime, also he enlarged the array so that it will work full-time year round and it is 70' long and what he needs was an area that has open sun and where his house is located, it is all trees. He showed the board a picture and said as you can see it is all trees.

Mr. Lewis said we are waiting for our zoning inspector to return so we can change the images on the screen.

Mr. Ramsey said due to the way the lots were put together he had to consolidate the lots so they had to be so many feet off the lot lines, even though one lot line is his, he had to be 50' away from it so they had to get the lots consolidated and surveyed.

Mr. Lamanna said we've had problems in the past with people with multiple lots and then they want to treat them as contiguous lots and what happened is it was being abused by some people so we had to go to having people actually consolidate the lots.

Mrs. Lisa Ramsey testified that the three parcels they had before is one parcel.

Mr. Lamanna said you've done that.

Mr. Lewis said you are a step ahead of the game on that.

Mr. Ramsey said he wanted to do everything Ms. Endres told him to do.

Mrs. Ramsey said Ms. Endres told us to do that ahead of time so we just worked on that.

Mr. Lewis said he is going to ask her when she returns if she's got the documentation that that has been done and completed.

Ms. O'Neill said it is in the board's packet, recently consolidated three non-conforming lots.

Mr. Ramsey said it has been filed with the Geauga County Recorder.

Mr. Lewis said so you've got a driveway going right down the middle of the lot.

Mrs. Ramsey said yes.

Mr. Lewis said it kind of cuts your backyard into two halves, side by side.

Mr. Ramsey said the lot you see on the right is the one he bought.

Mr. Lewis said the one apparently already has a structure on it that the driveway goes to so that kind of omits putting anything on that side of the driveway.

Mrs. Ramsey said and it is wooded.

Mr. Lewis said so you selected the other side of the driveway because of the availability of space, the bonus of being able to get sunlight is secondary.

Mrs. Ramsey said that is primary.

Mr. Lewis said that is not what we consider, for you it is important for us it is okay, well, if you've got trees in the way and you want it bad, make the trees go away but you don't need to because he was trying to figure out where you can put it.

Mr. Lamanna asked if there is a shed there.

Mr. Ramsey said it is just a little shed.

Mrs. Ramsey said it is like for a lawnmower.

Mr. Lamanna said if that shed wasn't there you could move that array back.

Mr. Ramsey said then he would be too close to the lot line, you have to be 50' off the lot line.

Mr. Lamanna said no, if you increase it from the lot line so you would move it to the north.

Mr. Ramsey said then he would be on the neighbor's property.

Mrs. Burkholder said they don't care where it is.

Mrs. Ramsey asked why would you move it to the north.

Mr. Lewis said so that it is not going to be 5" off the property line.

Mr. Gutoskey said it looks like it could go west.

Mr. Ramsey said these are going to be ground mounted panels, they are 6' wide, 380 watt panels.

Mr. Soryal asked how high they are above the ground.

Mr. Ramsey said he wants the bottom of the panels to be at least 6' off the ground because he has watched other places do it and as you guys all know the snow load we can get and the snow comes off of the panels and piles up and piles up and the next thing you know now you've got to go out there and in his condition he wants it so it will work all year and have less maintenance.

Mr. Soryal said 6' to what.

Mr. Ramsey said 6' to 9' and it is going to be on an angle and it is going to be a permanent mount, it is not going to be an adjustable mount. He said the panels now have gotten so cheap and now they also have what they call microinverters so if you have shading on one panel it will let it go through that panel without stopping it, it used to be if you had a panel that got shaded it was like a weak link on a tree so it would only let so much electricity through which would back up everything so now they've got electronics that can help minimize that. He referred to the displayed aerial and said it is going to be right here and even these trees are going to have to be removed because of the shading from those trees, 4:00 sunlight.

Mr. Gutoskey asked if you push it up against the driveway, the panels, where you started, how far would they be off the property line then.

Mr. Ramsey said it is 71' long.

Mr. Gutoskey said this is actually to scale so if the driveway is actually located on here it is like 100' from the property line to the edge of the driveway and the panels are 70'.

Mr. Ramsey said about 71'.

Mr. Lamanna asked Ms. Endres to zoom in on where these are going to go.

The board discussed repositioning the arrays.

Mr. Gutoskey said the driveway is located on this drawing and he scaled it and it is 100' from the property line to the edge of the driveway.

The board viewed the aerial photo.

Mr. Ramsey said if it moves this way that blocks his access to the property over here and every once in awhile if he is going to get something out of the garage.

Mr. Lamanna said we are just trying to say if you move this you have your access road there, if the panel started at the access road and then moved forward.

Mrs. Ramsey said the only thing she is concerned about is when they plow the snow on the drive, she doesn't want it too close to the driveway when they plow it.

Mr. Lewis said in summary, your driveway rounding the numbers from the edge of your driveway to the lot line is 100', your array is 70' he is rounding the numbers, that gives 30' to play with, we are trying to reduce how close it is to your property line and get it off that 10-1/2', you've got 30' to play with so if you want 3' or something off the edge of the driveway so you've got someplace when you plow the snow can go somewhere, we are down to 27', that is a whole lot better than 10-1/2' and you have the room to do it so that is kind of where the board is tracking right now because it will fit because right now your variance is fairly substantial and in board terms there is not a lot of practical difficulty, you don't have a well, you don't have a ravine, you don't have a riparian setback, all this is is your preference which doesn't necessarily carry a lot of weight so if we can shift it it reduces the variance that you are looking for, gives you overflow so when you are plowing the driveway there is a little something on the side before you touch the frames of the unit and it takes it further away from the adjacent property owner. He said even if they are your friends properties change hands so we need to follow and protect that property indefinitely as well.

Mr. Gutoskey said there is another thing that happens here too by sliding it over, the setback, because this property line is 34.26' you will overlap it by 7' versus 20 some feet.

Mr. Lamanna asked about the height again.

Mr. Lewis said 6' off the ground so the snow will go underneath the frame rather than pressuring and bending the frame, it is somewhere in the middle, it is a good point though because it is an open frame.

Mr. Ramsey said he didn't know it when he bought the property but there is an aquifer in the back and it runs where you are talking, he referred to the aerial and said it comes through here and goes back to the edge and there are trees right here so getting to that access and sometimes like right now he has a trailer with some stuff on it, he uses it as a turn-around area and the panels would totally be in the way of that and that is why he went as far as.

Mr. Lewis asked up closer to the house the panels would be in the way.

Mr. Ramsey said no you are talking about moving this here, is he correct.

Mr. Lewis said move it upward, move it up 3' to 4' off the driveway, that way you've got room when you are plowing snow you've got someplace to let it load off your driveway.

Mr. Ramsey said but with the trees out here and this wet area, he uses this as a turn-around to get stuff out of the drive so it would make it a hardship and difficulty for access to the building now, it would make it very much hard. He said he agrees with what you are saying but he does use that area a lot.

Mr. Lamanna asked to go back to the aerial view again. He asked to zoom down there to see that corner up there, he wants to see what is right there.

Ms. Endres said this program does not have the updated lot lines.

Mrs. Ramsey said the yellow on the right is the back parcel.

Mr. Lamanna asked what is in the corner there of the purple.

Mrs. Ramsey said that is the shed.

Mr. Ramsey said and these are the trailers that he is parking there temporarily.

Mr. Lamanna asked parking where.

Mr. Ramsey referred to the aerial and said right here and the Y shape in here and this gets really soft so it kind of gets through here and if the panels were over here.

Mr. Gutoskey said in the grass you can kind of see where there is a swale but usually on aerial photos when it is wet you will see the darkness on the ground.

Mr. Lamanna asked what is all of this stuff here.

Mr. Ramsey said this right now it is workout equipment covered up and this is a trailer, it is a storage area now.

Mr. Gutoskey said it is going to be pulled up from there, if you look at the drawing those panels are probably going to be more in line with that lower shed on the left there.

Mr. Ramsey said actually it would be in line with right here.

Mr. Lamanna said they will be lined up with the line between the two sheds.

Mr. Lewis said you still have the gap then between the existing shed and the new panel array in that purple area.

Mr. Lamanna asked what is that brown area there.

Mr. Ramsey said that is a flatbed trailer and this is gravel.

Mr. Lamanna said he guesses he can still see why that trailer can't be moved out of there and the whole array shifted down, you can find another area to park it.

Mr. Lewis said or shorten the length of your array.

Mr. Ramsey said right now there is a piece of equipment there, he backs it over here to turn it around, people like to turn their trailers around.

Mr. Gutoskey said you can pull forward, back up and turn around, you have that gravel drive.

Mr. Lamanna said there is a lot of room there.

Mr. Gutoskey said plus you have all of that acreage in the back.

Mr. Ramsey said there is a tree right here, to turn around in here is really, as you can see.

Mr. Gutoskey asked Mr. Ramsey what he uses that building in the back for.

Mr. Ramsey asked this one here.

Mr. Gutoskey said yes.

Mr. Ramsey said it is his shop, if something breaks for the neighbor, they all call him and he fixes it.

Mrs. Burkholder said he helps everybody in the neighborhood fix lawnmowers, everything.

Mr. Ramsey said that is why some of that stuff is there.

Mr. Gutoskey said you are not running a business out of there are you.

Mr. Ramsey said no, no.

Mrs. Burkholder said they don't pay him anything, he does it out of the kindness of his heart.

Mrs. Ramsey said it is not a shop.

Mr. Ramsey said if something goes wrong the neighbors, they all call him, water heaters, generators.

Mr. Gutoskey said from the end of the drive to the building is about 38' give or take.

Mr. Soryal asked if you go down far from your trailer and start it here would that be okay.

Mr. Ramsey said he would have to take out these trees then because these trees are shading the light out here.

Mr. Lamanna said it is not out there by this drawing. He said right now it is on the centerline of the smaller building.

Mr. Gutoskey said and that is about 40 some feet, that building is about 40' off when you come off that property line.

Mr. Lamanna said right now if you look at this drawing this trailer and things are right here.

Mr. Gutoskey said yes right, it lines up with the split between the two buildings.

Mr. Ramsey said it is going to be straight right up in here.

Mr. Lamanna referred to the aerial and said you are going to be in here.

Mr. Ramsey said yes and there are trees right here also. He said he can move it back this way a little bit. He said the panels are going up here and he was told he had to be 40' off of this guy's lot.

Mr. Gutoskey said you need to be 50'.

Ms. Endres said he had three non-conforming lots and now he has one conforming lot.

The board discussed the setbacks.

Mr. Lewis said you might just have to rearrange some of your outdoor storage of stuff, miscellaneous stuff, it definitely will fit.

Mr. Lamanna said 25 and 40 from the back line.

Mrs. Ramsey asked 40 away from the north side here.

Mr. Lamanna said right 40 away and 25 that way.

Mrs. Ramsey said 25 from this and 40 from there.

Mr. Lamanna said that will still leave you 5' to push the snow off.

The board discussed the trees.

Mr. Lewis asked if this unit has a control box.

Mr. Lamanna said if this thing is long and skinny this way, why can't it be a square.

Mr. Lewis said make two rows rather than one long row.

Mr. Lamanna asked if there is something about the panels themselves because right now you've got a long row, you could take that same area of arrays and make it into a square.

Mr. Lewis said the submittals from the manufacturer it is like the frame is a giant erector set.

Mr. Lamanna said they make the panels a standard size. He asked how wide the panels are.

Mr. Ramsey said they are 4' x 6', and it is a 21 kilowatt array.

Mr. Lamanna said he assumes the array doesn't care how it is connected.

Mr. Ramsey said no.

Mr. Lamanna said you have so many panels, they can make the rows wider and fewer rows.

Mr. Gutoskey said two rows of 35'.

Mr. Lewis said there is the detail on the layout of the array.

Mr. Ramsey said he thinks what you are saying is you do one here and then the other one would have to be here and it would be shaded by the trees.

Mr. Gutoskey said you could pull it back.

Mr. Lewis said pull it back to 40'.

Mr. Ramsey said it is a shame the trees are killing him.

Mr. Gutoskey said you could pull it back if you get two rows.

Mr. Lamanna said the board is probably less concerned with the distance this way than the distance this way. He said forget this one, you are already looking at this point right here so technically you would have to be 50' away from this point if he draws a circle around it but if you moved it over this seems like a more ideal area because it is all out in the open, if you did a square and move it over here you are probably going to be 40' off of the property line.

Mrs. Ramsey asked how many feet is this from where that corner is.

Mr. Gutoskey said 59.7'.

Mr. Lamanna asked what is the actual size of the solar array.

Mr. Ramsey said he thinks it is 15 x 70.

Mr. Lamanna said it is 1,050 sq. ft. the space is occupying which would be.

Mr. Gutoskey said 32.4.

Mr. Ramsey said one-half of 70' is 35'.

Mr. Lamanna said it would be about 36' x 30'.

Mr. Ramsey said the only concern he has is coming too close to this lot line here is these trees that could fall.

Mr. Lamanna said stay 30' off of that lot line, go south. He asked how far is 60' from that property line or 66' from that property line.

Mr. Ramsey said from here, 37.

Mr. Lamanna said that is about down where you were before.

Mr. Ramsey said these trees are quite tall.

Mr. Lewis said if you are worried about one of those coming down no matter where you put this array they are still going to be in the line of fire if one of them drops.

Mr. Lamanna said if you make it shorter there is overlap.

Mr. Gutoskey said the other question is, does it have to be a perfect square, is there a way to configure it.

Mr. Lamanna said you could make it a different box.

Mr. Ramsey said he is hearing the board saying two arrays, 36' long is what you are saying.

Mr. Lewis said two rows all facing south towards the sun.

Mr. Ramsey said and the distance would probably be another 21' or so because of the shading so it wouldn't be a perfect square, it would be he is guessing.

Mrs. Ramsey said it would be a rectangle.

Mr. Ramsey said it is the shading.

Mr. Lamanna said that is the main issue, if it were a square formation, you would be somewhere, to get the same area, somewhere like 32 by 32 and that gives you an idea but you are probably going to have to be on a multiple of four or six, is it the width. He asked how wide they are.

Mr. Ramsey asked the panels.

Mr. Lewis said the panels.

Mr. Ramsey said they are in a landscape orientation so they are going to be 6' wide and 4' tall and it depends on what kind of grade but you still get into the problem with the shade from the trees, coming south because that was one of his problems.

Ms. O'Neill said and the array has to be a certain size to achieve the level of electricity.

Mr. Lamanna said if you make it less deep that moves it off the line and frankly he would rather see it farther from this line even if it got closer to that point there.

Mr. Lewis asked to the back line.

Mr. Lamanna said yes so if you turn this thing just for simplicity sake and you turn it into a square and have it 20' from the rear property line, that internal line there, go 20' to your left and you have your array in there, he referred to the aerial photo.

Mr. Lewis said his take is that either layout works so he is thinking that the applicant needs to pick whether they want the long version or they want the square version and then the board can go ahead and set some setback perimeters on this and then that gives you guys a working area to place it because we could probably debate the layout for hours.

Mr. Lamanna referred to the aerial photo and said he thinks we already said okay, come here 30' and come here 20'.

Mr. Ramsey asked 30' on this one.

Mr. Lamanna said 30' off this one.

Mr. Ramsey asked why are we worried about the 30' there.

Mr. Lamanna said because it is the back of somebody's property.

Mr. Lewis said we still have to protect their side yard setbacks without encroaching, we've got two good options for you to place it in whatever array config you would like it to be so that the board can go ahead and get you situated.

Mr. Lamanna said right now you are 41' away from that line.

Mr. Lewis said the rear lot line.

Mrs. Ramsey asked do you want one 70' long and pushed closer to the driveway or do you want two arrays in the middle of the sunshine.

Mr. Lamanna said he thinks that it is better for your sun by moving it closer to your back lot line there where the jog is by moving it farther that direction, you are better off for the sun, you get farther away from the trees.

Mr. Ramsey said let's see what happens.

Mrs. Ramsey asked you want two lines.

Mr. Ramsey said that is what they are telling us.

Mr. Lewis said you have got to decide what your trade-offs are going to be.

Mrs. Ramsey said one or the other.

Mr. Ramsey said we are going to have to put two 35' arrays, one here and one here.

Mr. Lamanna said he doesn't think you are married to a 35' array.

Mrs. Ramsey said tell us how many feet you want them.

Mr. Lewis said the rear line setback and the side yard setback, you set those distances, you can plug it in anywhere you want back there in any way you want it to be.

Mr. Gutoskey said we will give you some parameters to work within.

Mr. Soryal said you can end up with one, two, three, you can play with it.

Mr. Lamanna said 35' on the side and 20' in the back. He said if you take the point there where the property makes the bend it will be 20' from that and then 35' from the sideline so it will be just about if you drew that line down there.

Mr. Lewis said that is your corner index point.

Mr. Ramsey said 20' x 30'.

Mr. Lewis said 20' and 35' and you will have this in writing.

Mrs. Ramsey said she just wants to see what it looks like.

Mr. Lewis asked if this is another structure so we have to go for a third accessory.

Mr. Lamanna said it is not a building. He asked when this picture was taken.

Ms. Endres said October 2020.

Mr. Lamanna said we are actually moving it somewhat north and away from the trees for you.

Mr. Ramsey said there is 1,000' of nothing on that side.

Mr. Lamanna said 35' and 20'.

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

Motion BZA 2022-22 – 8654 Taylor May Road

Mr. Lamanna moved to grant the applicant the following variances for putting in a solar panel array of the total area shown on his application as follows.

1. A variance from the minimum side yard setback on the east side of the property from 50' to 35'.
2. A variance to that portion of the east line that is 34.26' that is running east/west at that point so from that setback it will be 20' from that line which is part of the east side property line where it turns and runs east to west for 34.26' before it again turns.

Based on the following findings of fact:

1. A practical difficulty exists because the applicant is trying to find a location where he can obtain maximum sunlight with the minimum reduction of existing trees and there is also an existing road access and buildings which confines the area in which he has available to place this.
2. The variances are not significant.
3. The variance is at the back end of the neighbor's property, and to the very back corner of the other neighbor's property on the 20' setback so neither of those property owners will be adversely affected by these variances nor will they adversely affect or change the character of the neighborhood.

Mr. Lewis seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Ms. O'Neill, aye; Mr. Soryal, aye.

Secretary's note: The aforementioned motion regarding BZA 2022-22 was not adopted at the regular meeting on June 16, 2022 since this case was effectively reopened for further hearings.

Application 2022-23 by Justin Henry for property at 17896 Kingswood Drive

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

Mr. Lamanna moved to postpone this application, at the request of the applicant, to the next regularly scheduled meeting to be held June 16, 2022.

Mr. Gutoskey seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Ms. O'Neill, aye; Mr. Soryal, aye.

Application 2022-24 by Tim McCaskey for Stephen and Cynthia Charles for property at 17310 Wood Acre Trail

The applicant is requesting area variance(s) for the purpose of constructing a pool, patios and hardscaping. The property is located in a R-5A District.

Ms. Karen Endres, Zoning Inspector stated that the applicants decided to cancel the project so they are withdrawing their application but they want the ability to reapply in the future.

Mr. Lamanna moved that this application will be withdrawn without prejudice and will be resubmitted at a later time.

Mr. Gutoskey seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Ms. O'Neill, aye; Mr. Soryal, aye.

Since there was no further testimony, the public hearing was closed at 8:44 P.M.

Respectfully submitted,

Brent Barr, Alternate
Ted DeWater
Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Lori O'Neill, Alternate
Emeil Soryal

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

Date: June 16, 2022

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
May 19, 2022

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:44 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joe Gutoskey; Mr. Todd Lewis; Ms. Lori O'Neill, Alternate and Mr. Emeil Soryal. Mr. Ted DeWater was absent. Ms. Karen Endres, Zoning Inspector was present.

MINUTES

Mr. Lamanna moved to adopt the meeting minutes of April 21, 2022 as written.

Ms. O'Neill seconded the motion.

Vote: Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Ms. O'Neill, aye; Mr. Soryal, aye.

APPLICATIONS FOR NEXT MONTH

Application 2022-23 by Justin Henry for property at 17896 Kingswood Drive-
Continuance

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

Application 2022-25 by Maria E. Chelbezan for property at 8968 Taylor May Road

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

Application 2022-26 by Jackie Lockhart for property at 17172 Cats Den Road

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

Application 2022-27 by Douglas W. Mason for property at 17803 Lost Trail

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

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for June 16, 2022 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 9:23 P.M.

Respectfully submitted,

Brent Barr, Alternate
Ted DeWater
Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Lori O'Neill, Alternate
Emeil Soryal

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

Date: June 16, 2022