

Bainbridge Township, Ohio
Board of Zoning Appeals
July 21, 2022

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:04 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joseph Gutoskey; Ms. Lori O'Neill, Alternate and Mr. Emeil Soryal. Mr. Ted DeWater and Mr. Todd Lewis were absent. Ms. Karen Endres, Zoning Inspector was present.

Ms. Lori O'Neill, Alternate joined the board for consideration of these applications.

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.

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

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, property owner and Mr. Daniel Quinlan of Valley Solar Energy were present to represent this application.

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

Mr. Lamanna stated that the board continued this to review the exact location of the solar panels and the board asked the applicant for information with regards to the shading and the performance of the panels so the board can evaluate the positioning and how that is impacted and what would be an appropriate balance between the requirements of zoning and the efficacy of what the applicant is planning so maybe if he can just give a summary quickly of what he did and what the results of that were.

Mr. Daniel Quinlan testified that currently he would say some of the property dimensions are probably within a few inches, 93 something feet for that top property line but this is the, he thinks, the array location if we have a single array, he referred to the aerial photo, at the 35' setback and you can see that it is kind of not practical as we are essentially over the top of the driveway with that portion of the array and he thinks the previous suggestion was to have a split array so we do have some of those models here so this array, what they did essentially, each one of these array locations, they also modeled the output production based on the tree and shading profile from that position of that map so these little site diagrams with the shading profile of that location of those arrays, those specific locations of those arrays so he thinks this array location, we can look at that 35' setback and it is clearly just not going to be practical so we could probably skip to the second, so this array location, it is not practical.

Mr. Quinlan continued by saying this is our preferred application, it would be that full array with a 15' side lot line, that nests into the best location in that open area of the property so there is a heat map on the third or fourth page that shows kind of where, probably the last, a red and orange colored drawing. He said this right here is kind of a heat map where you can see the shading starts to encroach on that lower southwest corner and so that upper northeast corner is kind of a highest of radiance location of the property and this preserves the amount of open space as well in front of the array without splitting the array and kind of using up more of the land area essentially or consuming more of the land area essentially where you would obstruct any other activities in that area so he just wants to try to get a sense of why we are trying to move that array to that far back corner as you can see that shading profile, the heat map kind of shows where that lands, he knows there were questions about that.

Mr. Soryal said so the total square here, that is all the same amount of heat.

Mr. Quinlan said no if you can see that light/dark area as it drifts in, it is hard to see.

Mr. Soryal said at the very bottom left corner that is where the shading is.

Mr. Quinlan said that is where you start the shading, that green, that grading of shading kind of shifts all the way through that, that location.

Mr. Soryal said but there is not a drawing here that shows your panels into this drawing to show where you have it at the upper right corner there. He asked about the square there.

Mr. Quinlan said those are the panels.

Mr. Soryal said so as long as they get moved within that you are saying that is the output.

Mr. Quinlan said that upper corner of that rectangle is the ideal location, that front corner is where all of that shading, they are trying to avoid that location.

Mr. Lamanna said so you have these other diagrams, what does this TSF mean.

Mr. Quinlan said if you go back up to the second. He said the TSF is total annual shading so that is basically the total shading profile of that location so that is at 90% annual and then in the winter months is where we are seeing the most disarray, this is a 35' array so this is showing of course the winter months you lose almost 15% from the array so actually if you go down two pages this is the ideal location and so if we can pick up.

Mr. Lamanna said so basically this is looking at it and saying we are going to lose 10% of our output due to shading, that is what the calculation is here or 11% or 12%.

Mr. Quinlan said right.

Mr. Lamanna said that is up to maybe 15% so it seems to him that if you are at 90% versus 89% that is really not significant, is it.

Mr. Quinlan said annually it can be significant to the overall financial outcomes of the project but it may not seem significant to you.

Mr. Lamanna said when somebody starts talking about this it is like a 1% or 2% difference in what he is able to generate.

Mr. Gutoskey said versus the percentage of the variance.

Mr. Lamanna said it is hard to believe that this thing isn't scaling up on a multi-megawatt basis where what is 2%, if you are on a million kilowatts or so, it is a real gigantic significant thing, on something like this one or two percent is lost in the margins if the guy who put the array in had it cocked a quarter of a degree or half of a degree from where it should have been or that dust has collected on the panels and hasn't been washed off by the rain and we are down to the noise levels with the difference.

Mr. Ramsey testified that we are also talking about the shading when you get shading on one end of the panel that is part of the 89% if you block the whole thing so actually the output could be a dramatical difference but he understands what you are saying and he agrees with it but in electricity it is different, it is not like decibels, we are producing electricity.

Mr. Gutoskey said the question he has is it looks like you have five different scenarios here.

Mr. Ramsey said yes.

Mr. Gutoskey asked which one is the preferred out of the five.

Mr. Quinlan said this is the preferred location.

Mr. Gutoskey asked which one is that.

Mr. Quinlan said if you go up on that page, that is a single array with a 15' setback on the side property line, side lot line.

Mr. Lamanna said so that one has an 89%.

Mr. Gutoskey said he was going to compare that to the other and this is the preferred 15' and 23'6".

Mr. Soryal asked from the lowest input to the highest input how much is the variation.

Mr. Quinlan said he believes that the split array is probably 5%, 10%.

Mr. Soryal said help him understand this better, are these two orange squares here the roof of the buildings.

Mr. Quinlan and Mr. Ramsey replied yes.

Mr. Soryal asked if they considered putting it on the roof of the building.

Mr. Quinlan said those are just almost completely shaded. He said if he had the software they could curse over that and you can actually see the individual array in each location.

Mr. Soryal said okay, he understands.

Mr. Quinlan said that was kind of just to give you a sense of why they were trying to push to that back corner.

Mr. Lamanna said when you look at these there is not very much difference if you are looking at purely shadings. He said for some reason 10% in one place is different from 10% on another place.

Mr. Quinlan said he knows the actual setback is 50' and then that 35' he doesn't know how we determined that number to begin with because that was the previous one agreed to but he doesn't know what the determination is or the criteria.

Mr. Ramsey said where we started was 15' then zoning said they would like it if he incorporated his lots and that is what screwed him over so 15' was legal and acceptable until he did what the zoning would like him to do and that put him into six months of all this to here.

The board discussed the proposed arrays and setbacks.

Mr. Lamanna said we have two arrays 20' off and those come out to be 89%.

Mr. Quinlan said to clarify, that array is within 5' of that drive so this array actually is set almost edge to edge between that drive and basically that 15' mark on that side lot property line so that is not a lot of room to move it either way and overall it is still going to look better on the property as a single array into the back where you don't have this kind of tier affect there and he thinks that is going to be the most aesthetically pleasing option.

Mr. Lamanna said he thinks we could probably live with this, the 20' side setback, a single array, 20' side setback.

Mr. Quinlan said 20' though will put, like he said, that puts the side of that array right on, literally on the drive and if we went 15' he could tell you it is going to sit there, you are not going to know the difference from the neighbors whether it is 20' or 15', it will look much better. He said he doesn't think we want it right up there and it kind of also covers, shields some of the back area of the property.

Mr. Gutoskey asked he sees you did a double, a two-panel array of 15 what would that be at 20.

Mr. Quinlan said probably very similar.

Mr. Gutoskey said because that is like 90%. He said at 15 it is 90%, it gets it away from the drive.

Mr. Quinlan said yes, he can tell you that the double array doesn't look as good but if you think the neighbors would rather see that.

Mr. Lamanna asked a span of 20.

Mr. Gutoskey said a double array of 20 you would probably in that area still be because you are still up against that property line.

Mr. Quinlan said right but he thinks for the ease of everybody if we just went 5' and kept the array as a single piece. He said he has a lot of experience, he is telling you it would look better.

Mr. Soryal asked if the performance is the same, whether there is one or two, the same output.

Mr. Quinlan said as long as we keep that second array, they have to be 30' apart because of the shading from the that second one. He said the performance will be, if they are kind of close to that property line, the performance will be similar.

Mr. Soryal asked if it costs more.

Mr. Quinlan said yes, it costs more for two arrays because they will have extra columns etc.

Mr. Lamanna asked how wide is that driveway.

Mr. Quinlan said 8' maybe and its right to the building so he did this because you guys asked to do that, he doesn't know if being right there.

Mr. Lamanna asked what is the actual dimension from the building to where the road would be.

Mr. Quinlan said 35' maybe, there is a turn-around there. He said it can't be more than, you are saying to be able to get in and out of it, that is where the garage door actually is, it is not very far, he would say 30 some feet.

Mr. Lamanna said 30 some feet is a lot.

Mr. Gutoskey said he is getting 38' not 20'.

The board discussed the setbacks and viewed the aerial of the property.

Mr. Gutoskey said that one lot there that is the corner lot of Carnes in the culdesac to the right and asked Ms. Endres if that is off of Carnes, the culdesac.

Ms. Endres said yes.

Mr. Gutoskey asked what did the board approve the rear for.

Mr. Quinlan said actually it is 40' off the rear, that little rear line.

Mr. Gutoskey said we were at 23.5', 23'6".

Mr. Quinlan said he thinks in front of that building it is actually 40'.

Mr. Gutoskey asked if they are good at 23.5' on that little jog.

Mr. Quinlan said yes.

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

Motion BZA 2022-22 – 8654 Taylor May Road

Mr. Lamanna moved to modify the board's previous decision to reflect a single array, arrays of two in a straight line.

1. With respect to these two arrays a variance to a side yard setback for the arrays of 15' from the east side property line and 23-1/2' from the east to west jog in that property line along the northeast corner on this lot, the 34.26' jog is what the board is referring to, the property line on the east side, from east to west.

Motion BZA 2022-22 – 8654 Taylor May Road - Continued

Based on the following findings of fact:

1. The same findings of fact apply.
2. The board modified this to reflect some further information submitted by the applicant regarding shading of the array and how that affects the efficiency and output of the array and to avoid a significant drop in the output is the reason for making this relocation.

Mr. Gutoskey seconded the motion.

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

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.

Mr. Justin Henry, property owner was present to represent this application.

Mr. Lamanna swore in Mr. Justin Henry and he let the record reflect that Mr. Henry was duly sworn.

Mr. Justin Henry testified that he and his wife moved into this house in October 2020 not knowing that this was going to be an issue, there are two separate stairs, about four steps, going off the back of the house, one off the dining room and one off the kitchen and it is just waiting for a deck in his opinion and apparently it is a little bit too close to the road, it is a quiet street and it would not inhibit any of the neighbors' view whatsoever and yes, he is trying to get that built. He said so obviously that is the issue there in the northwest corner being a little too close to Kenston Lake Drive there.

Mr. Lamanna said it is about the worst of possible, a corner lot.

Mr. Henry said if only the driveway was on the other side.

Mr. Lamanna asked what the house is at currently.

Mr. Gutoskey asked Ms. Endres if she knows where the house is at from a survey.

Ms. Endres said she is not sure.

Mr. Henry said it should be about 35' or so from the road.

Mr. Lamanna said so it is just following the sideline projection of the house, it is not going beyond the house, it will be getting closer to the road it looks like.

Mr. Gutoskey said the house is parallel to the property line.

The board discussed the location of the house in relation to the road.

Mr. Lamanna said it is the pie lot problem.

Mr. Gutoskey said a reverse pie lot problem.

Mr. Lamanna said the front is wide and the back is narrower but there is nothing on the other side.

Mr. Gutoskey said across the street you've got a house.

Mr. Henry said actually there are some already existing trees already planted where the deck would be as if someone was planning on doing this before.

Mr. Lamanna said there is really nothing else you can do it is just the way the lot was created, he doesn't see any way you can get around the fact that the road curves in like that.

Mr. Gutoskey said the question is if they would have originally built this at the required setbacks would you have even been able to get the driveway on the other side. He said if you slid the house over to meet the required setbacks he doesn't know if there would be enough room for a drive, for the side entry.

Ms. Endres said they would have had to put the garage on the other side of the house.

The board discussed the lot.

Mr. Lamanna said they could have divided that property a little better, they could have turned that line some to make it a lot easier. He said basically the only thing is the minimum fronts and 20' is good.

Mr. Gutoskey said he doesn't know where the dimensions came from, that is the only thing, we don't have a mortgage survey or anything like that.

Mr. Lamanna asked Mr. Henry if he has anything that gives us a good distance from the corner of your house to the road right-of-way.

Mr. Henry asked can we use the measuring tool on here.

Mr. Lamanna said that is not necessarily accurate.

Ms. Endres said she agrees with that.

Mr. Lamanna said the problem is if the board gives you 20' and it turns out it is 18'.

Mr. Gutoskey asked Mr. Henry how long he has lived there, a couple of years.

Mr. Henry said from October 2020.

Mr. Gutoskey asked if he got in his deed a package from the title company that has a survey of where the house was on the lot.

Mr. Henry replied no.

Mr. Gutoskey said because typically you will get from the title company a deed and a copy of all of the paperwork and survey work.

Mr. Henry said he did have to go back and get the deed out in Chardon for this.

Mr. Gutoskey said it is so close.

Mr. Soryal said you hand wrote this drawing and asked did you get this somewhere because it is handwritten here, 20'.

Mr. Henry said yes, he and Mr. Steve Averill actually used this program here for that.

Mr. Gutoskey said the problem is, you can see the centerline where the right-of-way is versus where the pavement is.

Mr. Lamanna said yes.

Mr. Gutoskey said the pavement shifted to the east.

Mr. Lamanna said see what our problem is, our problem is we need to give you a specific number and we just can't pull it out of the air.

Ms. Endres said if this is correct it comes out to 11'.

Mr. Lamanna said the line is not the center of the road.

Ms. Endres said right, the actual center of the road, the concrete is close to 50'. She asked if you base it on a setback from the pavement.

Mr. Gutoskey said he didn't think so.

Mr. Lamanna said the problem with that is the pavement today is one spot.

Ms. Endres said right, it could have changed.

Mr. Lamanna said it is very tough for us to grant a variance without having an accurate idea of where the house is and what the distance is

Mr. Gutoskey said that is why he is asking if you have a mortgage survey.

Mr. Lamanna said if you have a survey it is going to tell us if this corner of the house is this far from the property line because that is probably the closest point to the property line. He said if we know what that is then we could extrapolate, then we have enough information to extrapolate close enough to where it is going to be 20' away because the road is not curving that fast at that point. He said if we can figure out where it is.

Mr. Gutoskey said the other thing is since it is curved, it could be pushed that way too so it looks worse than it is.

Mr. Lamanna said so you don't think you have a location survey.

Mr. Gutoskey said if you got a mortgage.

Mr. Henry said he is sure he can find one. He asked if he should go get that and come back or what.

Mr. Lamanna said what the board could do is, we could approve the concept subject to you getting a location on the corner of your house and a calculation of what the actual setback would be and whatever that is calculated to be will become the variance assuming that it doesn't go below 15' because if it goes below 15' then we need to think about maybe you are going to have to push the deck away, move it away, jog it or something at an angle so we keep at least that amount.

Mr. Henry said so it is not all the way to the corner of the house.

Mr. Lamanna said yes, it might have to be in a little bit there so if it turns out to be 16' you are okay, if it comes out to be 18' you might turn out to be 22' so that way we have a number, now somebody can look at this and say okay, it is 16', they can go check that and he did what he is supposed to do, we want to have a directive so that somebody can come along and look at it and say there is not a problem here and the same thing for you in the future if you sell this house and the title company comes and looks at it you may want to say you have a variance to be 20' off the property line but you are actually 16', now you've got a problem with the title company. He said we are not doing this to be difficult or a pain, we are doing this to have a legal record that somebody can track back and make sure there is not an encroachment and is to everybody's benefit.

Mr. Henry said he understands.

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

Motion BZA 2022-23 – 17896 Kingswood Drive

Mr. Lamanna moved to approve the following variance.

1. A variance to the minimum front yard setback on the Kenston Lake Drive side of this property to an amount that will be determined based on the applicant submitting something that shows where the actual corner of the house is and projecting parallel to that side of the house back the depth of 16' and upon a calculation of that number it will be inserted in this decision as the setback for that side of the house provided that it shall not be less than 15' in any event.
2. The applicant will submit the required paperwork to the zoning inspector to confirm and or make the calculation of that number.

Based on the following findings of fact.

1. A practical difficulty exists because this is a corner lot that tapers from the front to the back so that as you go back from the house it becomes even closer to the side yard.
2. The existing house is set back considerably less than the requirement.
3. This deck will be within the shoulders of the house.
4. The adjacent property is already looking into the backyard so this is not going to adversely affect that neighboring property or the other neighboring properties and certainly will not affect the character of the neighborhood.
5. The board will also note that this minimum setback will resolve an existing discrepancy between the original site plan and the actual building of the house so that the house as built will be within the side setback as granted by this variance.

Mr. Gutoskey seconded the motion.

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

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

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

Mr. Steve Ciciretto, architect and Mr. and Mrs. Lockhart, property owners were present to represent this application.

Mr. Lamanna swore in Mr. Steve Ciciretto, Mr. Chris Lockhart and Mrs. Jackie Lockhart and he let the record reflect that Mr. Ciciretto and Mr. and Mrs. Lockhart were duly sworn.

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

Mr. Ciciretto testified that he is the architect for the project and they were actually originally thinking of converting the garage into the master bedroom and then adding a new garage so the application still says that we're looking for a garage addition but in reality what we are looking for is just a master bedroom, keeping the garage where it is. He said this is similar to that last project, we had Rich Kole do a survey and he superimposed on this drawing. He said the house is on the corner of Cats Den and Country Lane and so this is looking at Country Lane and this is the gazebo on the north side that we would be tearing down to put the addition in so you can see in red where the proposed addition is. He said this is an unusual property because it is a corner lot and they require 75' setbacks on both sides. He said measuring across you can see the current dimensions to the right-of-way is superimposed where it actually plays out. He said the right-of-way is 55' from Cats Den and technically the front of the house faces Country Lane but the address is Cats Den so we now call Cats Den the front of the house so we are only 55' off in the current and he is not 100% sure, this house was built in 1985, Ms. Endres has no reference or records for any appeals or variances granted and you can tell from the west side here, that is only about 10' off the existing property line so Ms. Endres wanted it as a matter of record, he believes she wants us to clean that up. He said the house was built in 1985 with no real records and it is way far from Country Lane, it is about 200' away. He said the distance from here to the right-of-way is 55' and it is little hard to see, there is a gazebo structure right here, (he referred to the displayed aerial).

Mr. Lamanna said the property narrows, it is a pretty narrow piece of property.

Mr. Ciciretto said you can see this jog here and the lake decided to be on this property so the gazebo is here and we were first looking at coming in with a garage but it got so close to the road when we actually had the survey done and we have riparian setback issues as well so we kind of snuggled it right into this little area but it is projecting out about 11' to make it all fit in there which is kind of in line with a little bit beyond where the gazebo is right now. He said now you see the stream, it is a small stream, it really starts here and feeds this pond so this red line here indicates where the riparian setback is and you can see this gazebo shape, that is to be demoed out so right in the corner of the gazebo is the riparian. He said since this is technically the front door of the house but as you can tell everybody that comes cuts through the garage so we are going to do a little work to make the front entrance and a little porch on this side to give it curb appeal and create a front entry so the main box is 70 plus feet and doesn't need a variance from this side but we are only 44.5' off the right-of-way from the 75' required. He said technically we couldn't put it back here because we start getting into the riparian setback and it doesn't change the visual from Country Lane. He said the lot coverage is okay.

Mr. Lamanna said so the existing garage is remaining where it is.

Mr. Ciciretto said yes and this is the garage over here, he referred to the site plan.

Mr. Chris Lockhart testified that this is what it actually looks like, from that angle if you are looking right at it with the addition, you are looking at two garage doors facing Cats Den today and the wall behind the garage.

Mr. Ciciretto said we are going to put this little porch on and this little master bedroom so here is the elevation right now.

Mr. Lockhart said what is in the middle is the current.

Mr. Ciciretto said we will attach this porch and this gazebo goes away.

Mr. Lockhart said we are trying to beautify the neighborhood and make it look better.

Mr. Ciciretto said we did look at going to the south at one point but as we said this is sort of the main front door to the street so this is sticking out from the house 11'.

Mr. Gutoskey said it is 55' to the house corner and how much is it sticking out.

Mr. Ciciretto said 11' and 75' is required but the house itself is encroaching.

Mr. Gutoskey said it is not as close as the last one.

Mr. Ciciretto asked Mr. and Mrs. Lockhart if they talked to the neighbors.

Mrs. Lockhart said yes they have.

Mr. Gutoskey asked if there is anybody here who wants to speak on this.

There was no response.

Ms. Endres said she wanted to point out the survey.

Mr. Gutoskey said that is what he is looking at.

Ms. Endres said she scaled it and came up with a 41' setback and that is what you are seeing on the staff letter too.

Mr. Ciciretto said the survey shows 55' to the right-of-way and you can see that, so 55' shows up here and he thinks he had the riparian marked.

Mr. Gutoskey said you are good with the riparian, the only thing is you've got to set it up because you are not allowed to grade into the riparian either.

Mr. Ciciretto said right.

Mr. Gutoskey said you are probably going to have to step your footer and grade on that side of the house.

Mr. Ciciretto said he thinks it is going to be a little tricky, they don't have the construction drawings yet.

Mr. Gutoskey said and you missed your septic tanks and all of that and the leach field.

Mr. Ciciretto said yes, exactly. He said that was another reason why they decided not to try to extend further.

Mr. Gutoskey said you would have to drive over the tanks.

Mr. Ciciretto said yes, right, exactly. He said it is unique because it is non-conforming as it is and if we have a 75' setback and the rear setback off-hand is 35' or something like that so when Cats Den became the front and the rear lot, it just doesn't work.

Mr. Gutoskey asked Ms. Endres what we are considering our setbacks, which is the rear and which is the side.

Ms. Endres said on this property she is considering they have two front setbacks, one off of Country Lane and one off of Cats Den so those are setbacks from the road right-of-way.

Mr. Gutoskey said right but because of the shape of the lot, the north lot line is the rear.

Ms. Endres said she would consider this lot line here to be the rear.

Mr. Gutoskey said that is the rear because when he looks at a corner lot the long dimension is the rear and this would be a side. He said you don't need a variance on the rear because you only need to have 90' right.

Ms. Endres said no, it doesn't need to be 90.

Mr. Gutoskey said you would need a side variance to clean that up based on what do we need for a side.

Ms. Endres said the side yard on a non-conforming lot is 15' or 20' for an addition.

Mr. Ciciretto said the main door of the house faces Country Lane.

Mr. Gutoskey said typically when he looks at a lot like this that is the long dimension so he looks at that as the rear.

Mr. Lamanna said the side is going to be 20' so they would need a 14' variance on the side. He said we are okay on the rear then.

Mr. Gutoskey said we are okay on the rear. He said he is getting this deck as only about 5' off the line, 5.5'.

Mr. Ciciretto said yes he believes that is correct.

Mr. Gutoskey said because it looks like they set the house at maybe 11.5'. He said he would say this is 5' on the side.

Mr. Lamanna asked which did we decide this was the 41' or the 44.5'.

Mr. Gutoskey said he thinks we said 44'.

Mr. Lamanna said 44' will be the final setback from Cats Den.

Mr. Gutoskey said so this will be a 15' variance here on the side.

Ms. Endres said the side line on the north has normally been 20' and she thinks they are okay on the north lot line.

Mr. Gutoskey said yes but we are calling that the rear, we are interpreting that as the rear.

Ms. Endres said okay.

Mr. Gutoskey said the long line parallel to Cats Den we are calling the side.

Ms. Endres said this one right here you are calling the rear.

Mr. Gutoskey said no, that whole line.

Mr. Lamanna said including the jog.

Ms. Endres said you are saying this whole thing is the rear line.

Mr. Gutoskey said no the side.

Mr. Ciciretto said this is the front, that is the side and that is the rear.

The board discussed the dimensions for the front, side and rear yards.

Mr. Lamanna said there are two front yards so we will make a determination for the purposes of this application.

Mr. Gutoskey said we had the same discussion off of Rt. 306, we've had this discussion before.

Mr. Lamanna said technically we have two rear lot lines. He said we want to get it absolutely correct so somebody doesn't come back later.

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

Motion BZA 2022-26 – 17172 Cats Den Road

Mr. Lamanna moved to grant the applicant the following variances for constructing an addition as shown in the plans submitted by the applicant.

1. A variance to 44' on the front yard setback from Cats Den Road from the required 75'.
2. A variance with respect to the minimum rear yard from Cats Den Road of 30' to 5' to accommodate the as-built of the existing house.
3. A variance with respect to 168.08 for the addition as an extension to a non-conforming structure.

Based on the following findings of fact.

1. This is a corner lot so there are two front yards and two rear yards.
2. It is an extremely narrow lot and there is no way to actually build a house on this lot within the setback requirements for front and rear so for that reason the board is granting the variance based on a practical difficulty.
3. The only possible place that the house could be reasonably extended would require a reduction or an increase in the variance on the setback from Cats Den Road.
4. The original construction 5' from the property line given the narrowness of the lot is reasonable.
5. The expansion will not affect the character of the neighborhood, the house will still be reasonably consistent with houses in the area.
6. With respect to adjacent property owners there is actually still a very good separation because there is actually a lake/pond behind this house and is part of the reason it appears that this lot is so narrow so it should not adversely affect any of the adjacent property owners.

Mr. Gutoskey seconded the motion.

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

Application 2022-28 by Geneva McKinley for property at 18865 Giles Road (Buffalo Wild Wings)

The applicant is requesting area variance(s) for the purpose of installing signage for Buffalo Wild Wings. The property is located in the MUP District.

Application 2022-29 by Geneva McKinley for property at 18865 Giles Road (Buffalo Wild Wings)

The applicant is requesting area variance(s) for the purpose of installing signage for Buffalo Wild Wings. The property is located in the MUP District.

Mr. Lamanna stated that the board will hear applications 2022-28 and 2022-29 together.

Mr. Tom Armstrong and Mr. Billy Guhl were present to represent this application.

Mr. Lamanna swore in Mr. Tom Armstrong and Mr. Billy Guhl and he let the record reflect that Mr. Armstrong and Mr. Guhl were duly sworn.

Mr. Gutoskey asked if we have a form for who is speaking for this.

Ms. Karen Endres, Zoning Inspector testified that when she talked to Geneva McKinley she thought that Mr. Armstrong was going to bring something.

Mr. Armstrong testified that he is the sign contractor and Ms. McKinley works for him in the firm.

Mr. Gutoskey said he was referring to the owner of Buffalo Wild Wings.

Ms. Endres said we have permission from Mr. Vince Fond who owns the property and he has approved the signage.

Mr. Gutoskey said he is saying as far as the sheet for them to speak to be able to represent the owner.

Ms. Endres said it has changed a little bit, Ms. McKinley was originally going to come and then that changed.

Mr. Gutoskey said he is saying the owner of the property, who owns the property.

Ms. Endres said she believes Mr. Vince Fond does.

Mr. Lamanna said if he authorized somebody who works for him, we have an authorization for somebody at the sign company and now we have a different person.

Ms. O'Neill said we have emails that were provided to us but it is related to Ms. McKinley only she thinks so she guesses you (Mr. Armstrong) are okay if she works for you.

Mr. Armstrong said Ms. McKinley is fairly new and it should probably have had his name on it from day one. He said she filled out all of the applications and sent in the paperwork.

Ms. Endres said the developer of that shopping center, Mr. Vince Fond, is okay with the whole project.

Mr. Gutoskey said the form is in the packet, that is all he was asking about, yes they are authorized, we are good.

Mr. Armstrong said the actual store is kind of at an angle, there is a Home Depot on one side and there is major traffic on the other side and if you look at what was there, the old signage on what he is going to call the traffic side, not the Home Depot side has been removed. He said they have permission to put a Take Out, also Take Out letters and they are asking for the 4' logo on the tower because there is no identification on that side of the building other than the word Take Out. He said on the other side of the building, the Home Depot side, they are asking for another 4' sign because there is no signage on that side identifying this is Buffalo Wild Wings. He said the take out side since Covid, fortunately for some of the local Wild Wing operators they really went to the mat and continued to be open for the take out portions. He said there is a sign that you will see up there, that flag sign, that is coming down, there are Take Out letters that were approved going onto the tower section and he has a picture right here, if you don't have it handy in your packet, that shows the two elevations that he is referring to.

Mr. Gutoskey said he went out and looked at it so he is good with it. He said if you look at Chipotle they have a sign here in the front and they have a sign towards Aurora Road and they are like a corner lot so he doesn't see a problem doing two little circles on that front.

Mr. Lamanna said they are going to be on these two sides.

Mr. Gutoskey said one will face Chipotle, you may see a little bit from Aurora Road and then the other one will face this side.

Mr. Lamanna said the two long sides of the building.

Mr. Gutoskey said yes on either side of this, this is the front of the building so it would be here and here.

Mr. Lamanna said it will be on the side facing Aurora Road.

Mr. Gutoskey said and then the other side facing North Market Place Drive.

Mr. Lamanna said the intersection of the shopping center basically.

Mr. Armstrong said and that is pretty heavily traveled, Home Depot really draws a lot of traffic.

Mr. Lamanna said the main traffic pattern runs through that intersection right there, it probably makes more sense because he doesn't know how well you can see that sign at all from Aurora Road. He said you would almost be better off even having the sign facing Waterway so when people came in they could actually see it given the way this is set in behind.

Mr. Gutoskey said the other thing too, back in the day it was 50 sq. ft. and they got a 50% increase on signage, correct.

Ms. Endres said she found the variance that also allows for two wall signs so they have four wall signs, the Take Out, the one she already approved on the front and then the two small logos. She said the two small logos are circles so the actual sign is smaller.

Mr. Gutoskey said another thing is they are asking for 104 sq. ft. and they are allowed 75 now so it would have been even the 50% increase that they had before.

Mr. Armstrong said there was a large set of letters that they removed for the Take Out sign.

Mr. Gutoskey said and then the height which they already had a variance for the height.

Ms. Endres said they had a height variance already.

Mr. Armstrong said that is 24, correct.

Ms. Endres said she believes so. She said at the bottom of her staff letter she detailed that out.

Mr. Gutoskey asked if there is anybody in the audience that is here for this application besides the applicant.

There was no response.

Mr. Gutoskey said as far as the scale of the sign versus what is there and then all of the different big commercial buildings out there he doesn't think it creates a problem. He asked Ms. Endres if 104 considers the 16 sq. ft.

Ms. Endres said yes.

Mr. Gutoskey said so that will actually come down right.

Ms. Endres said yes.

Mr. Lamanna asked if there is currently a sign.

Ms. Endres said there is not a maximum size for wall signs and they would be allowed 1.25 sq. ft. per each lineal foot of store frontage. She said she is using the current regulations.

Mr. Lamanna asked which we are considering the front.

Ms. Endres said the main entrance is the front.

Mr. Lamanna said the shorter side of the building.

Ms. Endres said correct, that is the main entrance.

Mr. Lamanna said the other dimension is bigger, right.

Ms. Endres said the other wall is longer but she didn't pull that information because the second wall is much longer than the other two walls.

Mr. Lamanna said given where this business is located here is not as much of a clear definition of what the front is. He said with most of the buildings it is very clear what the front is.

Mr. Armstrong said like a floating subplot or out lot he should say.

Mr. Lamanna said it is an angle to the road and the long part of the building is facing that way. He said from a variance standpoint looking at it once you say given the size of this building it could have very easily been permitted.

Mr. Gutoskey said the one sign that is already permitted it looks like it is 62.3 sq. ft., that is the logo and the Buffalo Wild Wings and then the two Buffalo circled are 12.6 sq. ft. and then the Take Out sign is 9.7 sq. ft. so he gets 97.2 sq. ft.

Mr. Lamanna asked total.

Mr. Gutoskey said yes and you are only talking a variance of 22 sq. ft. He said we gave them a height variance.

Mr. Lamanna said the same thing with the height it is going to be 24'.

Mr. Armstrong said it is the same height as the logo in the front.

Mr. Lamanna said the two signs will be at 24', we went to 73 before and now we are going to go up to about 97 or 98 sq. ft. He said from two to four and the increase in the total and the height variance.

Ms. Endres said you guys already clarified that, she didn't consider the height variance you granted already.

Mr. Lamanna said the board is going to combine the action on these two applications.

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

Motion BZA 2022-28 and 2022-29 – 18865 Giles Road (Buffalo Wild Wings)

Mr. Lamanna moved to grant the following variances with respect to the signs being proposed by the applicant.

1. A variance for two logo signs going on the west wall elevation and the east wall elevation and the addition of a Take Out sign.
2. This is amending a previous decision with respect to 2007-37 that the board will increase the maximum permitted wall signage from 73 sq. ft. to 98 sq. ft.
3. The variance is with respect to the new additional logo signs on the height and will both be 24' replacing items 2 and 3 with respect to the maximum height.
4. The board will also grant a variance from the permitted number of wall signs to four wall signs versus the two previously granted.

Based on the following findings of fact:

1. This building is located in a particularly unusual orientation with respect to the traffic flow which makes it difficult for the current signage to be observed by people going by.
2. This revised signage will give appropriate visibility for this business location which is consistent with other businesses in this area.
3. Additionally the increased signage is a relatively small increase in the amount permitted and if you considered the front of the building differently as the other dimensions it would probably not exceed the amount that would be allowed for that so the increase in signage is reasonable and not inconsistent with other signage in the area.
4. Again, the granting of the additional wall signs to address the unusual orientation of this property and the fact that one of the signs is merely a Take Out sign which is more of a directional information sign rather than primarily for advertising.

Mr. Soryal seconded the motion.

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

Mr. Gutoskey recused himself from the following applications.

Application 2022-31 by Apex Pinnacle Services LLC for property at PP# 02-292850, PP# 02-292860, PP# 02-111880 Washington Street

The applicant is requesting area variance(s) for the purpose of installing signage for the proposed Aldi grocery store. The property is located in a CB District.

Application 2022-32 by Apex Pinnacle Services LLC for property at PP# 02-292850, PP# 02-292860, PP# 02-111880 Washington Street

The applicant is requesting area variance(s) for the purpose of installing signage for the proposed Aldi grocery store. The property is located in a CB District.

Mr. Jeffrey Deeds representing VOH Bainbridge Township, LLC; Mr. Sam Zingale and Mr. Michael Holsman of Apex Pinnacle Sign Company were present to represent this application.

Mr. Lamanna swore in Mr. Jeffrey Deeds, Mr. Sam Zingale and Mr. Michael Holsman and he let the record reflect that Mr. Deeds, Mr. Zingale and Mr. Holsman were duly sworn.

Mr. Jeffrey Deeds testified that there are two variances they are asking for today, one is for the height of the signs and the other one is for the number of building signs, they are allowed one building sign and they are asking for two. He said first off he would like to say he knows that the board doesn't typically allow sign cases to be heard for variances if you don't own both parcels and you gave us special exception for that and he greatly appreciates it. He said Visconsi Company owns the right half of that property, the left half of that property is owned by Cheryl Lombardo and Mr. Zingale represents Cheryl Lombardo and then Michael Holsman is with Apex Pinnacle Sign Company and Mr. Holsman is technically the applicant, the sign company, technically they are the applicant on this. He referred to the site plan and said they were first talking about sign number two and the height variance so the top of our sign is allowed to be 22' high and when we get to the building signs we are asking for a sign height to be 25'11" to the top of the sign. He said the reason for that is to here, the front of that building where it says sign number two is approximately 255' off of the street so obviously the higher the sign is the easier it is to see within reason of course and it is safer for people pulling in because they know where to turn. He said in addition to that he doesn't think that the additional height of 3'11" changes the character of the buildings in the area, in fact the property owner just adjacent to the west wrote a letter on behalf of Aldi in favor of the signage so he is fine with that. He said it doesn't change anything, it doesn't change the character, it doesn't adversely affect government services.

Mr. Lamanna said he can see it is kind of positioned on the building.

Mr. Deeds said this top elevation and the other thing that is unique to Aldi is almost every retail in America their signage is horizontal, Aldi's is vertical so just the sheer shape of their sign makes it a little bit more difficult for them to come into the required signage but Mr. Lamanna did mention that it is just the space right and we are allowed per code to have an approximately 149 sq. ft. of sign there, we are asking for a 75 sq. ft. sign. He said in truthfulness we are asking for a second sign but we are really saying okay we've got approximately 150 sq. ft. of signage and we are sharing it on two walls so if you look at the east wall that is all we are going to do.

Mr. Deeds continued by saying they are not asking for a variance for the free-standing sign, the free-standing sign itself is less than what is allowed by code, the code allows 50 sq. ft. and they are asking for 30 sq. ft. so it is much smaller so overall he thinks it is in keeping with the rest of the neighborhood and it is the sign itself being a little bit higher makes it safer for people pulling in and out. He said you can see by our overall signs it is less than what is required and what is allowed by the signage code, it is not unreasonable as far as what we are asking, he thinks this is the minimum amount. He said he gives a lot of credit to staff because he had several meetings with not only Ms. Endres but with Mr. Steve Averill and they persuaded us and Aldi to really limit the amount of signage and what we ask for here and he thinks they came in with the absolute minimum that seems to work well. He asked Ms. Endres to display the east elevation. He said he just wanted to mention one other thing, the east elevation sign he thinks as you are driving east to west on Washington Street and he did this actually a couple of times today, there are a lot of buildings that are close to the street, there is the Kitchen and Bath, there is a used car lot, now the new Citizens Bank building and he thinks by having that east facing sign when you are driving west just past the Kitchen and Bath and the fact that it is a little bit higher he thinks it also makes it a little bit safer having that second sign because drivers can pick up where Aldi is right away. He said and with that we are here for questions.

Mr. Lamanna said we have two identical signs basically, the total square footage is smaller than the maximum that would be allowed.

Mr. Deeds said the building signage is just a hair over by a couple of square feet.

Mr. Lamanna said a couple of square is de minimis so two versus one and the height basically. He said it architecturally fits on the building where it belongs, it is not being used to try to get the thing up higher than it would normally be under these circumstances, he doesn't think the two signs are a problem given the total signage, it is not really unreasonable and certainly not going to cause anybody any difficulty and he thinks the total signage is fine. He asked if there are any other questions or issues. He asked Ms. Endres if further signs have to be separately approved, the monument.

Ms. Endres said typically they would have instructional signage but she has no rendering for those.

Mr. Lamanna said he is assuming instructional signage generally fall into the directional signs category.

Ms. Endres said they are 3 sq. ft. or smaller, if they are 3 sq. ft. or smaller she can approve them administratively, she considers them instructional or directional, but when they turn into advertising.

Mr. Soryal asked if you will see that sign #1 now with the bank now as you are driving west on Washington.

Mr. Deeds said sure, there is enough of a gap there.

Mr. Soryal said with the height of the building there, it kind of almost hides it in some spots when you are driving.

Mr. Deeds said he thinks you will see it just before you see the bank and then after.

Mr. Lamanna said Washington Street creates some tricky problems especially for something that is set back because sometimes if you have to get up perpendicular to the building or near perpendicular to the building you are not going to get a very long window of opportunity to see it if it is set back so in this case you will have another sign over there if somebody is heading towards the village you have a chance to see the sign from this angle because if you have to wait to see it from this angle you are going to be by it.

Mr. Deeds said it might be too late.

Mr. Lamanna said it might be too late because of the building being back substantially farther from the road than almost anybody else is along there.

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

Motion BZA 2022-31 and BZA 2022-32 – PP# 02-292850, 02-292860, 02-111880 (Aldi Signage)

Mr. Lamanna moved to grant the applicant the following variances with respect to the proposed signs as shown in the package submitted by the applicant.

1. A variance to allow multiple signs so there will be two signs, basically identical signs, located at identical heights on the two sides of the structure as shown.
2. A variance for those two signs in number.
3. A variance to the maximum height from 22' to 25'11".

Based on the following findings of fact.

1. The building is set a substantial distance from E. Washington Street, farther than most of the businesses along E. Washington Street so a slight increase in height is not unreasonable.
2. Also the amount of the increase in height is only 4' and the placement of the sign actually on the building is in an architecturally appropriate place so it will not appear to be a sign that is sticking out exaggerating its height.
3. The board is allowing two signs to increase the visibility because of the distance from the street and the board notes that the total maximum wall signs of these two signs will exceed the permitted size by only two lineal feet so the board will grant the variance for that additional 2 sq. ft.

Motion BZA 2022-31 and BZA 2022-32 – PP# 02-292850, 02-292860, 02-111880 (Aldi Signage)
- Continued

4. The variances are granted on the basis that the consolidation and lot splits previously approved are actually completed in accordance with that approval otherwise this action will have a no force and effect and just so these don't hang on forever it has got to be completed within one year of the date this decision becomes final.

Mr. Soryal seconded the motion.

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

Mr. Gutoskey returned to the meeting.

Since there was no further testimony, the public hearing was closed at 8:57 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: August 18, 2022

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
July 21, 2022

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:57 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Joe Gutoskey; Ms. Lori O'Neill, Alternate and Mr. Emeil Soryal. Mr. Ted DeWater and Mr. Todd Lewis were absent. Ms. Karen Endres, Zoning Inspector was present.

MINUTES

Mr. Gutoskey moved to adopt the minutes of the June 16, 2022 meeting as written.

Mr. Soryal seconded the motion.

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

APPLICATIONS FOR NEXT MONTH

Application 2022-33 by Bogart L. McBride for property at 7823 S. Riverside Drive

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

Application 2022-34 by Church of the Holy Angels for property at 18205 Chillicothe Road

The applicant is requesting area variance(s) for the purpose of installing a changeable copy/digital ground sign. The property is located in a R-3A District.

Application 2022-35 by Michael, Monica and Hanna Krasowski for property at PP# 02-419779, Lot 7, Tract 3 Kingsley Drive

The applicants are requesting area variance(s) for the purpose of constructing a new single family dwelling. The property is located in a R-5A District.

Application 2022-36 by Pearce Properties LLC for Brian and Tara Long for property at 17142 Sunset Drive

The applicant is requesting area variances for the purpose of constructing a front porch addition and patio. 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 August 18, 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 9:40 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: August 18, 2022