

Bainbridge Township, Ohio  
Board of Zoning Appeals  
September 15, 2022

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:00 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.

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.

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

Application 2022-37 by Premier Custom Homes/Brad Camoso for Joel and Jenelle Wolfe for property at 17960 Geauga Lake Road

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

Mr. Cash Scott, builder and Mr. Joel Wolfe, property owner were present to represent this application.

Mr. Lamanna swore in Mr. Cash Scott and he let the record reflect that Mr. Scott was duly sworn.

Mr. Scott testified that he is here on behalf of Mr. Brad Camoso.

Mr. Lamanna swore in Mr. Joel Wolfe and he let the record reflect that Mr. Wolfe was duly sworn.

Mr. Scott said we are here for two separate variances, one is a 39-1/2' side yard setback requirement and the other is a 3-1/2' overall height variance, both are obviously for the same structure. He said the reason being they placed the proposed detached garage in the area shown, the main reason being there are plans for a future pool as you can see drawn in there and there is also the current septic location that is back beyond the proposed location for the pool so we kind of looked at it and played around with it a little bit, the desired location is really the only spot they could see fit to propose the garage without really pushing that pool into that septic location. He said for the height, the height was an easy one, if you look at the current structure of the home that is there, as well as needing the storage on the second floor of that proposed garage so having headroom, being able to move around in there without any obstruction that is what brought us to the height that we are at.

Mr. Joel Wolfe distributed pamphlets to the board members pertaining to his variance requests. He testified that he is trying to show through this pamphlet that what wouldn't necessarily be seen on those blueprints is, he knows they are pushing up against the distance to the property line and also the distance between the structure and the existing home as you can see is lined with thick trees so the existing homeowner won't be able to see the structure through the trees so he shows that with the first slide and the second two slides was him standing in his driveway taking a picture where the garage was going to be built and then the other two, he went to his neighbor's yard and took a picture from his property showing the trees in between them. He said also he contacted the homeowner and he has a written statement which is notarized at the end saying that he has seen everything and he doesn't see a problem, he wanted to make it but he is unfortunately in California attending to a sick loved one, she is pretty badly ill but he has his name with his email and phone number on there if you want to reach out to him for anything. He said they also contacted a global realtor, Kathleen McDowell from McDowell Homes located out of Solon and she reviewed everything as well, he understands you would like him to take more considerations than just one homeowner and in her opinion she felt like this wasn't going to hinder anybody's property value or anybody's property in a negative way and she has a written statement in there as well that was notarized.

Mr. Lamanna said unfortunately a written statement from a realtor, we could not accept.

Mr. Wolfe said he wasn't sure.

Mr. Lamanna said we can't obviously question the person and find out how that was done and tested.

Mr. Wolfe said he gets it.

Mr. Lamanna said the statement by the adjacent property owner that they don't have any objections, we can accept that because in that case there is really nothing, sometimes people come in and they want to introduce statements, facts beyond their own personal, but in this case just the fact that they are saying they don't object, there is nothing to question there, nothing further, that we could take into consideration, the other we really can't.

Mr. Wolfe said his main argument, as you can see on the first slide, you can see what he tried to show was the backyard, the green outline is the location of his leach field so he can't put anything on his leach fields. He said also those arrows were put in to demonstrate that the backyard slopes downward and the only area that is fairly flat and it doesn't slope unfortunately would be the only other area the garage would technically be okay to build on but if he did that then he is taking away the kids' playset and wouldn't be able to go there anymore and that is the area they utilize for birthday parties, putting up bounce houses and outdoor activities, that is the area that they put the kids' tent out to go camping in their backyard and because of the slope going down the hill they really can't utilize that yard for that stuff, it has to be the last part that is up close to the house so that is also an issue with building the garage right there.

Mr. Wolfe continued by saying and then also they talked about the swimming pool, that is something that is not currently in their budget but that is something that they are looking into saving for so that is something that is down the road and they also want to keep that spot available to be able to utilize it for maybe something more along that line if they desire but if they have to put a garage there it totally doesn't allow them to do that anymore.

Mr. Soryal asked if he has spoken to anybody about the swimming pool.

Mr. Wolfe said no they haven't, like he said, that is a future budget but with the leach fields being there.

Mr. Soryal asked if the swimming pool could go that way.

Mr. Wolfe said it probably could but that is where the garage would be so the only other spot for the garage would be right there and that is the only other flat area that they would have.

Mr. Scott explained the location of the proposed garage.

Mr. Wolfe said the other thing that they wanted to do is it is also cosmetic for them, if they can avoid it they don't want the garage door to be facing down the driveway, the kids play in there a lot, the doors are always open and we really don't want people to come driving down looking straight into their garage with all of our stuff stored in there.

Mr. Gutoskey asked Mr. Wolfe if that is where the concrete pad is now.

Mr. Wolfe said correct, that is where their concrete pad is now.

Mr. Gutoskey said because he was looking at the drawing here and he assumed that you are putting the garage here to utilize the existing driveway that is already there.

Mr. Wolfe said yes so the garage (he referred to the displayed aerial). He said this is the existing concrete pad and here is his existing driveway, the garage they wanted to start right here, they want to extend this out just like a foot or two to give them more room to turn the cars around and if the two garages are right there it would be a very tight squeeze to turn a car around.

Mr. Gutoskey said be he is looking at the drawing here, something is out of whack because he doesn't know if it is the way the property line is.

Mr. Wolfe said it is a weird property line how it is.

Mr. Gutoskey said he doesn't know if it is right in there when you look at it.

Mr. Lewis said the extended pad, that is not a foot, it is looking like it is 45' from garage door to garage door.

Mr. Gutoskey said because the way he is looking at it is the house is about 80' off the property line per your survey and that pad is maybe 30' give or take because 30' is kind of the minimum you want to have to be able to turn around when you are backing out.

Mr. Wolfe said even right now backing out, there are sometimes his back bumper goes over the driveway pad into the grass line.

Mr. Gutoskey said sure.

Mr. Wolfe said he always thinks ahead he is sure his three kids will be excellent drivers but.

Mr. Gutoskey said he was wondering, instead of 45' maybe go 40' because that gives you the 30' plus an extra 10'.

Mr. Wolfe said so move it closer so that means it would be 15' away from the property line instead of 10' because they talked about that and again they were worried about the tightness between the two, he is a tax accountant so it is hard for him to conceptualize.

Mr. Gutoskey said he has a Suburban and a side entry and he has about 28' so he can make it.

Mr. Wolfe said they have a mini-van and like an SUV so our cars are a little longer and we were worried about being too close and then 12 years down the road.

Mr. Gutoskey said he doesn't see a problem with 40.

Mr. Lamanna asked if the existing garage is staying or is it going to be converted to something else.

Mr. Wolfe said they would like for it to be, it is a single garage, so the second floor, they want it to be temperature controlled for storage, right now their basement is full of stuff, they would like to finish the basement of the house so they wanted to use that second floor storage for that but then also his wife is big into working out so he thinks at some point down the road if they convert anything on the second floor they will just make it a little nicer of a workout room as well.

Mr. Gutoskey said you are saying of the proposed.

Mr. Wolfe said of the proposed yes so that is what they plan on utilizing the second floor for but yes.

Mr. Gutoskey asked about the existing garage.

Mr. Wolfe said the existing garage is staying a garage.

Mr. Lamanna said you are not converting that to living space.

Mr. Wolfe said no they have enough living space, no, he doesn't have enough room for their toys which is the problem.

Mr. Soryal asked which will be the main garage then for you and your family.

Mr. Wolfe said right now they have a three-car garage but the single bay garage is not wide enough for a truck to go in so the side-view mirrors on the truck would actually hit the side of the garage and with the mini-van he thinks it might fit but if it does we are talking half an inch on both sides to where she could squeeze it in and squeeze it out so they would be utilizing both of them as the main garage, he would be utilizing the new addition for his vehicle so he can utilize the two-bay garage and be able to pull straight in and pull straight out and she would utilize also the garage attached to the house for the same purpose that way they don't have to worry about damaging the structure.

Mr. Soryal said you will go in and out, the both of them.

Mr. Wolfe said yes.

Mr. Lewis said when the car is 20' long it is kind of like right on the border.

Mr. Wolfe said they wanted the structure to start right there.

Mr. Gutoskey said the standard is 9' x 18' or 9 x 20'.

Ms. Karen Endres, Zoning Inspector testified that she is getting 30' on the aerial.

Mr. Lewis said 30' and you want it to be 45' so it is not another foot or two it is a 15' extension of your pad.

Mr. Wolfe said okay, it is my fault.

Mr. Lewis said we are just trying to clarify, he was just trying to understand because your side yard variance is pretty substantial.

Mr. Wolfe said they were just worried about the turn-around, they were trying to get some extra room for that. He said so that is 51' and 10.5' that is 41'.

Mr. Lewis said so your proposal is to extend that pad by 15' taking it from 30' to 45'.

Mr. Wolfe said it is hard because when he is thinking 15' he is thinking about a basketball hoop and he has stakes in the ground already put in there, you might be able to see them on this picture, there is a stake there and you can see the distance and when he stands in his yard that never looked like 15' to him so that is why when you say 15' that is even a lot bigger.

Mr. Lewis said looking at your existing pad and the dimensions on your drawings it said 45' from garage door to garage door so it looked like on paper it was plus 15, he is just trying to understand.

Ms. Endres said seeing this other measurement it looks like it is closer by 36' or so.

Mr. Lewis said he wonders if any of the other three members of the audience would like to speak to this application.

Mr. Wolfe said looking at it here he thinks 40' would be good.

Mr. Scott said he doesn't know if he has done one that was less than 30', usually they will go 30' to 35'.

Mr. Lewis said so you've got gutters and downspouts.

Mr. Scott said correct.

Mr. Lewis asked if it is just coming out or are you directing them to the rear of the building because the lot slowly slopes down to the riparian.

Mr. Scott asked are you saying on the proposed.

Mr. Lewis said yes.

Mr. Scott said the same location as the house.

Mr. Gutoskey said it will go out to the back.

Mr. Wolfe said his ultimate goal or what he would love to do is to put some rain barrels up because they have a garden that is way down here and he would love to not have to carry buckets of water to the garden anymore so he was hoping that once everything is up and ready to put rain barrels up and then run underground pipes down to the garden if that were possible so he can have water coming to the garden that way and utilizing the rainwater.

Mr. Lewis said it is actually just a confirmation that you are managing the water and it is not just flowing out.

Mr. Wolfe said they would also be hooked up with the house which makes it nice.

Mr. Lewis said that helps. He said he is not seeing anything overwhelming, there is a distance between the two homes, they are handling the rainwater and they reduced the pad from 45 to 40.

Mr. Wolfe asked if there are a lot of zoning differences in Bainbridge.

Mr. Soryal said there is a homeowner's association if you live in a development, you have to follow those rules.

Mr. Wolfe said he never thought about looking into it until this, there are a lot of different zones.

Mr. Lewis said the only thing he didn't think he saw on the cover sheet was the actual dimensions of the building, the square footage.

Mr. Lamanna said it is 22 x 34.

Mr. Lewis said the limit is 900 sq. ft. and this is 780 sq. ft. so they don't even need a variance for the size of the building. He asked if power will be run to the building, electricity.

Mr. Wolfe said correct.

Mr. Lewis asked water.

Mr. Wolfe said yes and he wants a spigot on the inside of the garage and then they also will run, if they do put a gym upstairs he would like to have something up there for water purposes.

Mr. Lewis said our Chair will probably bake some language in the motion that it cannot be used as a residence or a guest house.

Mr. Wolfe said as soon as we said we were going to build this they did think about going down that route of maybe we could ask to be able to put another room up there but he doesn't think their septic will support that, it is a four bedroom septic so they would have to redo that.

Mr. Lewis said our zoning only permits one livable structure on a property.

Mr. Wolfe said okay, it takes care of all of that too.

Mr. Lewis said Ms. Endres and Mr. Averill can coach you on that.

Mr. Wolfe said that is what they decided, the most finish they would make it would be the gym.

Mr. Gutoskey said and no business in there and Mr. Lamanna will put that in the motion.

Mr. Soryal asked Mr. Wolfe how long he has been there.

Mr. Wolfe said since 2016, six years old. He said his wife works for Eaton Corporation and they were living on the west side and that was an hour plus drive so we found this property, it was perfect, his wife wanted a bunch of land and he wanted to be next to Solon, that is where they both grew up and you couldn't ask for a better location. He said one thing too they thought about was planning for the future, if they are going to spend the money it is always cheaper to do it today, granted he doesn't know today the way things are going.

Mr. Lamanna asked if there are any other questions or issues by the board here.

The board replied no.

Mr. Gutoskey asked if we are going to go to 15' on the side.

Mr. Lamanna replied yes. He said so the variance will be 35'.

Mr. Lewis said yes, 35' and then the 3-1/2' for the height. He said they are sending the drainage and handling their water, no biz and no live.

Mr. Lamanna said and the front of this is going to be the same setback as the existing front part of the garage, it is going to line up with the existing garage along the front.

Ms. O'Neill said actually it looks like it protrudes a little further.

Mr. Wolfe said because of that second floor you can see how it comes in, there is the driveway pad, it will come beyond it just a tad because of the need to put the stairs that come up.

Mr. Lamanna said in the front.

Mr. Lewis said the front setback is going to be consistent with the garage.

Mr. Wolfe said yes.

Mr. Lamanna said not with the other part of the house that jogs out, it is going to be equal to this side of the house here.

Mr. Wolfe said yes.

Mr. Lewis said and we've got a patio.

Mr. Lamanna said that has been taken care of.



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

Motion BZA 2022-37 – 17960 Geauga Lake Road

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

1. A variance to the east side yard setback from the required 50' to 15' for a variance of 35'.
2. A variance to the maximum height of an accessory building from 21' to 24.5' for a variance of 3.5'.

Based on the following findings of fact.

1. The reason for granting the first variance is a practical difficulty exists because of the existing location of the house and the existing leach field. The only place left to place the garage is on the east side of the existing driveway and there is not sufficient room there to meet these side yard setback requirements.
2. With respect to this location it is a substantial distance from the adjacent property owner and there is also a substantial number of natural trees in between so it will not be very noticeable to the adjacent property.
3. It will match the existing house so it will be consistent with that.
4. With respect to the height it is a minimal variance since the existing structure has a high pitched roof and to match that roof line requires the height to be slightly in excess of the permitted maximum and this small increase will not have any adverse effect on the adjacent properties nor will it adversely impact the delivery of services by the township.
5. The property is going to be only used for a garage and storage and possible other recreational use by the owner and will not be used for any residence purposes or for the conduct of any business.

Mr. Gutoskey seconded the motion.

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

Application 2022-38 by Dominic M. and Emily M. DePompei for property at 17230 Corban Drive

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

Mr. Dominic DePompei, property owner was present to represent this application.

Mr. Lamanna swore in Mr. Dominic DePompei and he let the record reflect that Mr. DePompei was duly sworn.

Mr. DePompei testified that they want to build a utility building at the back of the property, garage, storage, recreational, same purposes, not intended to be a living or business, just we have a two-car garage now and they are pretty tight in that two-car garage especially with the kid's stuff spillover and lawn equipment etc. so they would like to build a bigger building. He said they would like to park another vehicle. He asked Ms. Endres if this is the place to discuss the retroactive pool and patio.

Ms. Karen Endres, Zoning Inspector testified that we got all of that taken care of.

Mr. Lamanna asked if this still is in a condo form here.

Mr. DePompei said yes, it is in it but we don't have any governing body, we don't pay any dues, he thinks the original charter had it under a condo association.

Mr. Lamanna asked if it is still condo.

Mr. Gutoskey said it is still condo.

Mr. Lamanna said the reason he says that is can you build on this piece of property because condos have rules about the property you can build on.

Mr. Gutoskey said basically the way it is set up is that each parcel that the houses are on in there, it is all limited common property.

Mr. Lamanna asked if it is all limited common property.

Mr. Gutoskey said yes, there is no common property except for the drive and the acreage in the back.

Mr. Lamanna said he has seen people with condos run into problems when they build extending into the common area and getting approval for that can require the entire condo association if it doesn't say otherwise.

Mr. Gutoskey said yes.

Ms. Endres said she does have an application for the pool here and we are going to process it pending the approval tonight.

Mr. Gutoskey said you've got this common area and then you've got this access that touches all the lots along the south line.

Mr. Lamanna said right.

Mr. Gutoskey said and then you've got the driveway that is common area. He referred to the HOA approval and said he sees that it says as long as the siding matches the siding of your house and the roof material matches the house shingles or is a metal roof. He asked if part of this is just overhang.

Mr. DePompei said yes it is just a little porch area about 8'.

Mr. Lewis said he has these plans and they are really faint.

Mr. Gutoskey asked Ms. Endres if the overhang is included in the square footage.

Ms. Endres said yes.

Mr. Lewis said he is trying to get an idea and understand what was going on.

Mr. Soryal asked if there is septic there.

Mr. DePompei said yes.

Mr. Soryal asked where the septic is, is it in the back of the house.

Mr. DePompei said yes and showed the board the displayed aerial.

Mr. Gutoskey asked about the replacement area, where is that at. He said you are supposed to have a replacement area if your primary system goes bad you have the equivalent area to replace it on the lot.

Mr. DePompei said he doesn't know where it is at.

Mr. Soryal said it would be in the plans from the septic permit years ago when the house was built. He asked how old the house is.

Mr. DePompei said they bought it in 2018, it was built in 2009. He said he knows it comes out here.

The board discussed the size of the proposed building.

Mr. Soryal said obviously this is so far from the main house this isn't going to be your main garage.

Mr. DePompei said no, we currently have a two-car it is just that he has a truck too and he can get it in there but it is a tight squeeze. He said the main garage will remain a garage the same and the new utility garage will probably house his larger vehicle which is his truck, lawn mower, probably her fleet vehicle that his wife has and then, they don't have it yet but they should get just a regular car that will go in the main garage with the toys and stuff.

Mr. Lewis said you probably heard on the previous application.

Mr. DePompei said yes.

Mr. Lewis said with these accessory structures you cannot run a business out of them and you can't live in them.

Mr. DePompei said no intention and he would actually put that in writing.

Mr. Lewis said he doesn't know the business you are in or what your vehicles entail.

Mr. DePompei said he works downtown Cleveland and then his wife is a regional rep out of Indianapolis so they provide her with a vehicle so she can call on customers.

Mr. Lewis said it is a really big building.

Mr. DePompei said it is.

Mr. Lewis said it is more than double what our code permits.

Ms. O'Neill said 900 sq. ft. is what is permitted.

Mr. Lewis said and you are asking for 1,900 sq. ft.

Mr. DePompei said including the patio.

Mr. Lewis said it is the footprint, not so much the internal square footage, it is the footprint that we look at.

Mr. Lamanna said it is 38' x 50' with an 8' overhang.

Mr. Lewis said it is like a porch.

Mr. Lamanna said the overhang is just a protected area. He asked if there is a second floor.

Mr. DePompei said yes a loft, the back half of it.

Mr. Lewis said it looks like this area is a loft because the bay is coming this way.

Mr. Lamanna asked if they are planning a finished room there or just storage.

Mr. DePompei said storage for now, like the previous applicant, maybe a workout area but it will most likely end up as storage, the basement will end up in the garage and everything in the garage will be in the building.

Mr. Gutoskey asked if horses are going in there, the way it is designed it looks like a stable.

Mr. DePompei said it has a stable look to it, it will look kind of nice.

Mr. Lamanna said that is good because it is going to make it look less like a gigantic thing just sitting there. He said at least with a porch on it it is not going to look like a pole barn sitting out in the middle of the backyard.

Mr. Lewis said it is a long way from the house, it is a long way from the neighbor's house, you've got common area behind your lot.

Mr. Gutoskey said and there are no neighbors here complaining.

Mr. DePompei said no, the only neighbor that would really see it would be next door.

Mr. Gutoskey asked where the replacement septic area is, that is the only question he had, could this building be moved over.

Mr. Lewis said with your primary leach fields, they always assign another parcel or part of your land to put a secondary field if the primary ever fails and we are not really supposed to be building over it and he thinks that is what Mr. Gutoskey and Mr. Lamanna were eluding to.

Mr. DePompei said okay.

Ms. O'Neill asked if he could contact the Geauga County Health Department and find out if there is a designated area.

Mr. Gutoskey said you have to show the replacement area.

Mr. Lewis said we can bake that into the motion as a condition that you've got to get that to our zoning department to make sure there is not a conflict on its location.

Mr. Gutoskey said on the gravel drive it has to be 2' off the property line.

Mr. DePompei asked 2' off the property line.

Mr. Gutoskey said it can't go closer to the property line.

Mr. DePompei said it will start here.

Mr. Gutoskey asked Ms. Endres if she included the driveway in the lot coverage, the proposed gravel.

Ms. Endres said yes.

Mr. Lamanna asked where the logical spot would be for the replacement field.

Mr. Gutoskey said usually they stack.

Mr. DePompei said it would be east of the current septic tank.

Mr. Gutoskey asked where his lines are now.

Mr. DePompei said right here and referred to the site plan.

Mr. Gutoskey said they parallel the contours so it is going to be either right next to it or on another part of the lot.

Mr. Lamanna said it is either right there or it is going to be right over where you want to put this building. He said the next thing down is that little tree line there towards the edge of the property so the next thing might be just in that area.

Mr. Gutoskey said there is a drawing on file, it got approval dependent on the replacement.

Mr. Lewis said if he needs to move it a little bit.

Mr. Lamanna said he has got a lot of room to maneuver his building so you are going to have to get a confirmation of where your replacement field is for the zoning inspector so we can make sure.

Mr. Gutoskey said you may be able to call the Health Department and have them email it to you. He said considering that 1,500 sq. ft. of actual building.

Mr. Lamanna said the 400 sq. ft. is patio.

Ms. Endres said there were structures with no permits and the current property owner has been cooperating and getting permitting in order and one of the structures is a gazebo and it is only about 5' from the house so it is less than 10' so it is a housekeeping thing.

Mr. Gutoskey said we have been getting a lot of those.

Mr. Lamanna said it is an interesting problem.

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

Motion BZA 2022-38 – 17230 Corban Drive

Mr. Lamanna moved to grant the applicant the following variances with respect to building an accessory structure as shown in the plans submitted by the applicant.

1. A variance from the maximum accessory building size from 900 sq. ft. to 1,900 sq. ft. for a variance of 1,000 sq. ft. noting that of that 400 sq. ft. it is actually a covered patio along the side of the building and actually gives the building a less intrusive look.
2. A variance from the maximum height of 21' to 24' for a variance of 3'.
3. In addition with respect to an existing gazebo that was previously built the board will grant a variance from the minimum distance between the accessory building and the house from 10' to the existing 5.3' for a variance of 4.7'.

Based on the following findings of fact.

1. With respect to the height this is a small variance and given the size of the structure and the roof pitch it is reasonable and although this is a large structure it is located on a three acre lot.
2. All of the adjacent property owners are a substantial distance away and the particular structure proposed will not adversely affect the adjacent property owners.
3. There seems to be no adverse impact from this pavilion like structure being located slightly closer to the house and it does not appear that it will impede access of emergency vehicles to the property if that were required nor will it adversely affect any of the neighboring property owners.
4. In addition the board does note that the driveway to this building must be at least 2' off of the property line.
5. The board does not have confirmation at this point in time of where the replacement leach field is located so the applicant will obtain from the Geauga County Health Department a copy of the location of that field and submit it to the Zoning Inspector so that we know that it is not going to be located on that and it appears that there is plenty of extra space around that this can be relocated within the existing setbacks to avoid encroaching on that area.
6. This large accessory structure is built for the personal use of the owner and is not to be used for any residential purposes nor shall it be used to operate a business unless a separate application is submitted and granted in the future.

Mr. Lewis seconded the motion.

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

Application 2022-39 by Tim Scarl for property at 7025 Cedar Street

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

Mr. Tim Scarl, property owner was present to represent this application.

Mr. Lamanna swore in Mr. Tim Scarl and he let the record reflect that Mr. Scarl was duly sworn.

Mr. Tim Scarl testified that he is looking for a variance from the side yard setback on the east side of the property, they are asking for a 3' side yard setback and the reason why they need the setback is for garage space, it would be a tight garage so they need an extra 3' for the width of the garage.

Mr. Lewis said on Cedar Street the lots are kind of narrow are they not.

Mr. Scarl said yes they are a bit narrow.

Mr. Lewis said you are looking for 3' versus the 10' requirement on one side of the property only.

Mr. Scarl said correct and there is an existing structure that is on the property currently, that actually had about a 2.5' side yard setback on the same side so it would actually be improving the side yard setback.

Ms. Karen Endres, Zoning Inspector testified that the structure that is there now has been kind of a problem for zoning, we had a number of complaints about the condition of the property over the years so we would be looking forward to having this.

Mr. Scarl said it is old and neglected.

Mr. Lewis said you are going to demolish the existing garage.

Mr. Scarl said the existing house, there isn't a garage.

Mr. Gutoskey said it shows a garage on the back.

Mr. Scarl said everything is going away, that is more of a shed.

Mr. Gutoskey said yes looking at the size.

Ms. Endres said they call it a garage but it is really a shed.



Mr. Scarl said it is all in the eyes of the beholder to some degree.

Mr. Gutoskey asked about the drainage, gutters, downspouts.

Mr. Scarl said he is told that they are going to be installing a storm sewer along Cedar so he plans on tying his house into the storm sewer.

Mr. Gutoskey advised Mr. Scarl to contact Mr. Jim Stanek at the Service Department.

Mr. Scarl said that is who he spoke to about it.

Mr. Gutoskey said just let him know because when they design it they can leave a connection in the main that you can tie into.

Mr. Scarl said he was the one who told him that they were going to be installing it next summer.

Mr. Lewis said so you are going to tie into the storm sewer.

Mr. Scarl said yes.

Mr. Gutoskey said the township is going to install a storm sewer down Cedar to help with the drainage down there.

Mr. Scarl said there is one on South Franklin already so he thinks they are going to tie right into that storm sewer.

Mr. Lewis said so this reconstruction is actually an improvement, it appears that the existing house is 2' 9" off the 10' side and the new house will be 7' as proposed so it is actually improving the position on that.

Mr. Lamanna said it certainly is not inconsistent with the character of the neighborhood.

Mr. Lewis said so it is 3'.

Mr. Scarl said 3' yes.

Ms. Endres said ReaLink shows this house being built in 1900 so it is a century home.

Mr. Scarl said most of the garages along S. Franklin encroach and are pretty much on the property line.

Mr. Lamanna said he thinks typically what they did along there was build right up on the property line which means undoubtedly people ended up building over the property lines because they probably didn't survey it and just did it.

Mr. Gutoskey asked if that house to the left is the one we just approved recently, at S. Franklin and Cedar.

Ms. Endres said it was this one up here.

Mr. Lewis said where the house faced one street but the garage face was on another street because the parcel went all the way through, they bought a double.

Mr. Gutoskey said he thought they did another corner too because the garage came in the back.

Ms. Endres said there have been a number of variances on Cedar over the years.

Mr. Lamanna said it is going to be kind of centered on the lot when you get done pretty much.

Mr. Scarl said yes.

Mr. Gutoskey said he has no questions.

Mr. Lewis said he has no questions at all, he saw it as an improvement across the board.

Mr. Gutoskey said we have seen a lot of stuff in that neighborhood.

Mr. Lewis said terrific, revitalized.

Mr. Scarl said it is a nice area of town, there are no places to build and still walk into Chagrin.

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

Motion BZA 2022-39 – 7025 Cedar Street

Mr. Lamanna moved to grant the applicant the following variance for the purposes of constructing a new house on this existing lot after demolishing the existing house and shed.

1. A variance from the minimum side yard setback on the east from 10' to 7' for a variance of 3' in accordance with the plans that have been submitted by the applicant.

Based on the following findings of fact.

1. The board notes that the existing house is only 2.9' from the property line so this will be actually an improvement over the situation that exists.
2. This is a very narrow lot.
3. The applicant is building a reasonable size house with a reasonable width.
4. The house is reasonably centered on the property so it is necessary to have this variance in order to allow the house to fit on this lot.
5. The board notes that given the existing conditions in this area this variance will neither adversely affect the neighboring properties nor will it change the character of this neighborhood where there are many buildings close to the property line.

Mr. Soryal 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 8:18 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: October 20, 2022

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio  
Board of Zoning Appeals  
September 15, 2022

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:18 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 minutes of the August 18, 2022 meeting as written.

Mr. Gutoskey 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 2022-40 by Brian Wheatall for property at 17073 Snyder Road

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

Application 2022-41 by Michael Goldman, Waterway Gas & Wash for property at 7010 Aurora Road

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

Application 2022-42 by Jennifer Sigh for Chagrin Falls Daycare and Preschool at 7205 Chagrin Road

The applicant is requesting a review and renewal (new ownership) of an existing conditional use. The property is located in a LIR District.

Application 2022-43 by Jiffy Lube - Frank Malawski for property at PP #02-421496 Aurora Road

The applicant is requesting a new conditional use for the purpose of establishing a garage, service station (Jiffy Lube Multi Care Facility). The property is located in the MUP District.

Application 2022-44 by Frank Malawski for property at PP #02-421496 Aurora Road

The applicant is requesting area variance(s) for the purposing of constructing a garage, service station (Jiffy Lube Multi Care Facility). The property is located in the MUP District.

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above applications for October 20, 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 8:52 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: October 20, 2022