

Bainbridge Township, Ohio
Board of Zoning Appeals
December 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. Ted DeWater; Mr. Joseph Gutoskey; Mr. Todd Lewis; Ms. Lori O'Neill, Alternate and Mr. Emeil Soryal. Mr. Steven Averill, 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 Mr. Steven Averill, Zoning Inspector and he let the record reflect that Mr. Averill was duly sworn.

Application 2022-50 by Stephen Ciciretto for Matthew Creech/8198 Washington Street LLC and Kimberly Gibson for property at 8200 Washington Street

The applicant is requesting a conditional use permit for the purpose of operating a commercial party center. The property is located in a CB District.

Mr. Joe Gutoskey recused himself from this application.

Ms. Lori O'Neill, Alternate joined the board for consideration of this application.

Mr. James Gibson, Mrs. Kimberly McCune Gibson, Mr. Steve Ciciretto and Mr. Matthew Creech were present to represent this application.

Mr. Lamanna swore in Mr. James Gibson, Mrs. Kimberly McCune Gibson, Mr. Steve Ciciretto and Mr. Matthew Creech and he let the record reflect that Mr. and Mrs. Gibson, Mr. Ciciretto and Mr. Creech were duly sworn.

Mr. Steve Ciciretto testified that tonight we are coming in front of you for a conditional use permit approval. He said Kim and Jimmy Gibson are planning on opening an event center, the cinema will close and an event center will be going in there called Timberfire like the old one that burned down. He said Timberfire is a multi-use building that encompasses a restaurant, Hungry Bee, that is their current company, a Hungry Bee Bistro which is a dine-in area for the Hungry Bee and retaining the theater. He said the new restaurant, Timberfire is a 10,000 sq. ft. building, use of the building, the entire building is about 50,000 sq. ft. and those are all permitted uses, no real footprint change to the building but there will be front elevations and some work done that will be in line with what we want it to be. He said we are coming in front of you for what we call the eastern annex, the five theaters and the east section of the building will be an event center, party center and under the zoning ordinance that requires a conditional use permit so it is the only portion of the building that is part of the conditional use.

Mr. Ciciretto continued by saying he doesn't think these were actually included in the packets and submitted to the board and the audience copies of the aerial photo of the property and it was also displayed on the large screen. He said the aerial view takes it out a little bit farther, to the north is the Woods of Wembley and to the east is the condos. He said there is no real variance, what is going to happen is to meet lot coverage and setback requirements instead of individual parcels the entire campus is going to be turned into a condominium so basically there will be two owners of the condominium and one will encompass the current cinema building, the greenspace immediately around it is limited common space for that and then Mr. Matt Creech's group will be the other partner and they have the dome and the remaining greenspace. He said some of the greenspace is held in common ownership so it is determined common so that eliminated all of the issues relative to zoning variances that might be required. He said the new building, there will be some modifications of course the elevations and maybe we can take a walk through it, the plans and again there is no real physical change to the building except that round section in the front that you are familiar with, that will be torn off and eliminated and we can take a look at what the plans are. He said he thinks it helps to see the buildings in its entire context so that you understand where it is so he kind of hatched in, of course north is now to the left on this page. He said that hatched area indicates the area that is dedicated to the Timberfire and the elements he told you about before, that section where Mr. Averill has the arrow is the part that we will be talking about for the event center. He said the inspiring thing about this is because the current building was all designed in assemblies for assembly uses the amount of occupants that could be in the building and the amount of parking required is much greater than where we are going because he has kitchens and storage areas and different things like that that limits it so their parking calculations are given but basically we have dedicated about, you can see here there are 295 spaces that are required, some 325 or 330 of them will be dedicated to the event center use and Mr. Creech will retain the remainder so the ones in the front and along the eastern which is the top of the page, those are primarily dedicated to the restaurant and the Timberfire and the rest of them will be dedicated to Mr. Creech's use or future use or whatever. He said both of the cross-hatched areas, the drive and some of the common greenspace areas around the front of the building as you access so the drive will be a common element and this way each property again, each user doesn't have to have their own driveway so really in essence you won't visually know that there is a difference, the parking, the drive, all of that access is all exactly the same as it has been, lighting, nothing in the parking lot will really change from what it is today so if we can go down a slide. He referred to the displayed site plan and said north is up so the main entrance is down at the bottom and you can see as you come in there will be a component of retail, home goods and things that pertain to that, he doesn't know furnishings really but more or less local products so the focus of what they are involved in, the Hungry Bee is the same thing, local grown, support the local so you can see there will be some demolition of the things that you might be familiar with in the building and of course the interior will totally be redone, it will be sprinklered which it is not now so Mr. Lovell at the fire department is very excited. He said most of the exits and entrances will stay with a few changes, especially with the grading because as you know all of the theaters have a sloped floor for stadium seating and for us to make the building work all of the floors have to become level again which is a good way for us to run our piping and plumbing and everything under those floors because they will get raised.

Mr. Ciciretto continued by saying to the left there will be a separate entrance or through the common entrance will be the Hungry Bee and it will be sort of the same as it is now, it is a grab and go set up for dinners and desserts and treats and things like that. He said the plans interior have changed for this location and what you are looking at is the general thing, the Hungry Bee Bistro is just a place where, you can't eat in at the Hungry Bee now, but there is an opportunity to do that there, grab a dinner if you just want to eat something fast. He said one of the theaters to the north is being reclaimed, Kim and Jimmy will offer cooking classes and it even shows that she will be involved with productions so it will be an interesting way for her to communicate with the community and people interested in their cooking style. He said to the north of that is the three theaters will be combined into the restaurant and to the left it is a bar so that is an interior room with the bar and a novel concept is you go out to the west to the left and that is going to be a beer garden so there will be an outdoor patio that is kind of shielded, it is an ideal location because it is shielded from all of the neighbors and anyone that could hear any noise. He said to the north the nearest property as you see on that aerial, the nearest home from the Woods of Wembley is over 1,000' away separated by woods and also by the golf dome and the other entities that are there, the putt-putt course and all. He said there is a restaurant, the common area to the right of the restaurant, dining area and the next two theaters are combined into a kitchen and a catering kitchen so all of the food will be prepped and cooked as if it is part of the restaurant in that kitchen but there will be the ability to cater out of that, the theater to the right of that and then those are basically all permitted uses that are allowed in this district, it is a commercial business in a CB District so it is commercial and it is zoned commercial. He said then you go to the annex and you can see in theory here there will be a little outdoor area where that hatch pattern is, it is an outdoor greenspace right now and that will be used for cocktail hour if you are having a wedding or something like that you might be able to go outside and enjoy a drink and then to the right of that, those five theaters, three to the north and two to the south are basically flex space, they will be able to seat ultimately up to 400 people in there which is one of the needs of the community, there isn't a large area or a large event center that anybody can go to for those kind of events and they are in the catering business of course so they are constantly approached with how quick, how can we do this, how can we have a wedding for that size so they are anticipating that could happen but as you see here half of it could be used for weddings, maybe 250 people or a dance floor bar kind of setup is in there and the ceremony could actually be there so we have some landscaped areas to the north of it and you see we punched some windows in back there and that will be a fenced in courtyard that is also good for wedding photographs or just the outdoor cocktail hour so basically if you go down there is a second floor that they really don't have immediate plans for we know some of it gets demoed over by the event center so that will be taken away when they are done and you can kind of see so what happens to the cinema, it is called Timberfire, we are introducing some elements that should make it more warmer and friendly so where that stone heavy timber silo is that we put in there as kind of a landmark and you can see that the circle that he drew there is around the main entrance and that will be a little covered porch with rockers, we want this to be not only for serving this community but also a draw and it has a potential because of all of the elements that get added in, the retail, the restaurant, the catering and all of that stuff that is in there as well as obviously the event center but they believe it has the ability to draw from a much larger area bringing people to the site.

Mr. Ciciretto continued by saying then to the right of the big silo that has the nice Timberfire sign on it would be the constructed new entrance to that timber structure for the event center so if you come to the event center you would, of course you could go through the main entrance and wander your way over but if it is specific you can go through that entrance and get to the event center. He said most of the building on that side stays exactly as it is, it is pre-capped panels although we had grander plans originally, as budgets do get in the way sometimes, we concentrated on the needs. He said the Hungry Bee entrance is to the left, we are going to decorate that corner of the building before the Chagrin Cinema sign down below so we think it is a significant change to the aesthetics of the building and will create a warm and friendly environment for people that come. He said if you look at the side elevation where he told you about the beer garden, Hungry Bee is up front there but this section here, because there is a grade difference back here there will be sort of a deck with glass ratchet doors that will open up in nice weather from the bar to the outside, much like any restaurant would so that is part of the restaurant component, it is not really part of the event center and there will be an outdoor fireplace and you can kind of see the area, it is there kind of in the middle so they will screen that on the back side, it is hidden, and this is kind of a back side view, it is a little hard to read but you can tell there is a screened area back there where all of their dumpsters and the trash compactors will be hidden. He said in terms of lot coverage and those issues he has kind of done a bit of a study on that and where we stand is we kind of projected that the full area around from the curbs in could be a hard surface, we know it is not, it is a landscaped element so the gardens and things that we talked about but as it gets developed with that and because over the years part of the property has been sold off so the part they had there the original Timberfire restaurant, that has been sold off and developed as an office building so the lot coverage has changed a bit but all of this new lot coverage we are looking at will also be under 40% or less so there is no variance for lot coverage so they will be able to limit that and in terms of operations and hours and things like that of the event center and of the restaurant, he is going to let Mrs. Kim Gibson talk a little bit about how she sees it playing out.

Mrs. Kimberly Gibson testified that she and Jimmy thank you for allowing them to come up in front of the board this evening and she thinks before she gets started she noticed her Mom and Dad showed up and she is here because they have always showed up as well as our community has always showed up for us and our small local independent business. She said there are a few members of the Rotary here as well, they have always showed up. She said Mr. Matt Creech and his group, we began this dialogue about what our intentions were about 14 months ago and she is very grateful that at a young age she knew exactly what she wanted to do and the community she wanted to do it in. She said her first cooking job, her first day setting foot in a kitchen was opening day of Timberfire, she was the salad girl and the one thing on that opening night, they did about 796 covers if anyone was there on that opening night which had never been done in this town before, it had something for everyone, you could go on a date night and have a great time, take your family and not break the bank. She said something that really stood out to her was the owners of that restaurant greeted everyone and shook their hand and thanked them when they walked in that door and you felt appreciated when you went to that establishment, it left a lasting impression for her.

Mrs. Gibson continued by saying with this building growing up in this community, the theater meant obviously a lot to her too and that is why she and Jimmy are working with Mr. Ciciretto and trying to figure out if there is a way that they can retain the cinema and what those licenses look like, how that would work with our brand and with the building and the community. She said she knows cinemas have seen bad days through Covid and what we can do to maybe lessen the blow a little bit, we are going to try, that is their intention. She said she and Jimmy actually went down to Waco, Texas to see the Magnolia, Chip and Joanna Gaines' place and their operation. She said they were blown away by their family friendly community oriented vision that they brought to life, very similar to what we would like to do here. She said she and Jimmy have been a part of other projects in the area which were great and beautiful and amazing for our community but we are in a place with three young daughters right now where we want something family friendly, community focused that is going to leave a lasting impression to the members of our community. She said they are going to call the establishment The Hive on Honey Hill and that is going to encompass Timberfire, Hungry Bee, the Bistro and a large banquet and catering facility. She said growing up here, memories she has going to The Gathering with brunch with the bunny, we don't have anything like that right now, we don't have many establishments like that in the area and Jimmy and I have big visions for what we would like to bring here. She said there are a lot of rumors going around right now, she thinks this is the first time they have come to a public forum to really say what their intentions are so they would like to clear up a few things. She said they heard the other day that a big brewery is going in, we want to make it very clear that this is not going to be a place to whoop it up, this isn't going to be a wedding factory, there is no where in town where they can host a rehearsal dinner in a small room, a bereavement, we have so many funeral homes within a ten mile radius and we get so many calls if we know a place where people can hold an after bereavement luncheon, a bereavement, a shower and then it breaks my heart when she sees things like Kenston Schools going for their football banquet out of the community because we don't have a place to hold that number. She said that is what we would like to bring to the community and we want to do right, we want to do it the right way so like she said before this isn't going to be a crazy place, this is a family friendly community focused venue and we hope that we do it right and we know we are going to do it right, we have been working hard on this for a long time, we don't see any crazy 2 or 3 AM, nothing crazy, we have learned from past experience you have to do right by your neighbors. She said as we said with the lighting, we are not putting any additional lighting outside, we have no intentions of doing any crazy outdoor music that is going to upset anyone, we want to do it the right way and care about our neighbors that we are around. She said they see this being possibly a Tuesday through Sunday, close at 10:00, maybe Fridays and Saturdays 11:00. She said if they have weddings, again she reiterates, this will not be a wedding factory, some later nights but we're at a place in our lives where we have young children and this is a young community as well and they want to do right by them.

Mr. Ciciretto said with that he thinks that we can point out that Mr. Creech's investment in the dome and the putt-putt course and all of things he is doing, they all kind of work together. He said the whole thing is a family centered event place that we are pretty excited about so with that he thinks that is all we really have for you and if you have any questions that is fine.

Mr. Lamanna said there is a notation on here on the east side of the building, a photo garden, what exactly is that going to be.

Mrs. Gibson said when there are weddings just so people might not need to leave the property.

Mr. Lamanna said so it is just a place for pictures.

Mrs. Gibson said absolutely.

Mr. Lamanna said it is not a place for serving food.

Mr. Ciciretto said no.

Mr. Lamanna said he doesn't know how big it is, it is not quite clear.

Mr. Ciciretto said it is 25 sq. ft.

Mr. Lamanna said and the garden in the back, how do you anticipate using that, it is called the Event Center Garden.

Mr. Ciciretto said part of that is he pictures that will be like a board-on-board fence because one thing we didn't really want the views of all of that stuff going on and to obscure all of the activities inside so it would be just a garden setting, kind of a pretty place to look out which will bring some lighting into the space something like that.

Mr. Lamanna said so it is really not going to be a use area, like serving drinks out there.

Mr. Jim Gibson testified by saying no dance floor or anything out there, it is just to step out and get a fresh breath.

Mr. Lamanna said a place to step outside so when you look outside you see something better than just a parking lot.

Mr. Lewis said the smoking section.

Mr. Ciciretto said that is kind of the idea, there may be a pond or something back there to dress it up.

Mr. Lewis said you addressed some of his early on questions which were pertaining to the impact on the community by which you are going to use it for and the surrounding properties so you did a good job of covering the hours of operation, talking about no outdoor music, not changing your lighting. He said he realizes that if you have the beer garden you have to put in some ambient lighting so they are not standing in the dark but it seems to be more of a social gathering area as opposed to encouraging a raucous crowd until 2:00 AM outside.

Mr. Gibson replied yes.

Mr. Lewis said there is Wembley around and some residential neighbors and we want to make sure we keep them in mind. He said it looks like other than some minor outdoor activity that just about everything in what your service is which is food and drink and a place to assemble is all being handled indoors and it looks like you have enough parking for just about anything. He asked if they are condoing this, slicing this into components.

Mr. Ciciretto said yes that is correct.

Mr. Lewis said okay and asked if there are chunks of parking that go with each condo.

Mr. Ciciretto said there is sort of a mix, it is open but there is a dedicated amount that is agreed to that are about 330 spaces, basically the front lot, that lot that she is on and the one to the east, basically those are theoretically dedicated to Kim's space and he thinks that they both agree and understand that some may spill over. He said if somebody goes to the drive-in, Golf Dome we are not going to make them change their car space.

Mr. Lewis said on paper each condo is proportioned with designated parking spots, you have a shared driveway but the way you will be doing this as condo and good neighbors is the use of the parking will be kind of on a flex basis but on paper there will be spots assigned to each condo, does he gather that right.

Ms. O'Neill asked if there are by-laws already drawn up that you can submit.

Mr. Creech said they have a draft of them, they are not ready to be submitted though.

Mr. Lamanna said one of the interesting problems here is you create a condo situation and he doesn't know if there are any other commercial condos, there is really nothing in the commercial zoning that talks about condos, maybe they should have but they didn't so it creates kind of an interesting problem as to how you apply a zoning ordinance that is built on lots and somebody says they want to come in and do a condo, we don't say wait, there is nothing that allows condos specifically, well then you can't have condos. He said somebody could take that position based on the way our zoning code is, if it is not specifically allowed, it is not permitted so we have to figure out now how we morph an ordinance that is built on lots to deal with a condo and make sure that we end up with the same situation with a condo that we would have ended up with with the lots.

Mr. Lamanna continued by saying one of the things since we do have all of these shared arrangements he thinks one of the requirements like the shared driveways and things like that that we have, effectively the condo agreement becomes the sharing agreement.

Mr. Gutoskey stated that basically the condo document is going to show the three units because there is also a building in the front and then as part of that drawing there is limited common area that is part of the Hungry Bee and Timberfire that encompasses the parking and then the balance of the parking spaces are limited common area for the dome.

Mr. Lamanna said it is a pretty big piece of property and asked if there are any issues that come up by virtue of the condo with respect to setbacks or anything like that.

Mr. Steven Averill, Zoning Inspector testified that it is his understanding that a condo unit, the unit where the condo is going, is not a lot of record, the actual lot of record is overall commercial so when you create a condo unit it is an amendment, correct me if I am wrong, it is an amendment to the lot of record.

Mr. Gutoskey said with the typical condominium your ownership is the inside walls and the homeowners association owns the rest of anything outside, he is sure there is going to be something in there, deed restrictions or documents that go with it that address all of these things as far as maintenance and sharing the drive, lighting and maintaining the common areas that are for both units.

Mr. Averill said the lot of record stays the same so the setbacks he would apply would be relevant to the parcel lines of the overall lot, he wouldn't be looking at the outside walls of the building as a lot line.

Mr. Lamanna said right and in this case it is pretty easy because it is like one big building.

Mr. Averill said there is common space for parking.

Mr. Gutoskey said each building will have their limited common area assigned to each unit.

Mr. Lamanna said when you run into a problem with something like this is you start scattering buildings all around the perimeter and then you might start running into questions about now we've got this person's section and that person's section and how do we parcel it all out and he thinks in this case it is easier because we have an overall lot and then we have a building in it.

Mr. Ciciretto said he sees it as a lot of record and it is just a form of ownership, they could have been partners and owned it jointly.

Mr. Lamanna said we have strip centers and buildings with eight different businesses in it, it is just a concern because you decide to be a condo ownership then use that to try to gerrymander around it and get closer to the setbacks than you would in other ways able to obtain if you have individual lots.

Ms. O'Neill stated that it appears that what you purchased is just the building, that is what is described here, it doesn't have a lot description so she would presume then that everything else, all the land surrounding it is part of what you intend to be common area owned by the condo association.

Mr. Gutoskey said condominium has two things, a limited common area which goes with the particular unit that it is dedicated for and then there is common area which is shared by all of these different unit owners so it is like the lots that we had on Corban Drive that we just went through, those were condos but the limited common area was the whole lot so while each unit was its own unit the house was the condo unit and the limited common area was the lot.

Mr. Lamanna said that is when you start getting into some questions on whether or not you use a condo to circumvent.

Mr. Gutoskey said what happened on that one though is they couldn't legally get a road out onto the main road.

Mr. Lamanna said you don't want somebody to say this is a condo and here is your limited common area and then people can end up building in a way that they couldn't have built if those things had the effect of individual lots but then try to argue that now they don't have to comply with setbacks, he doesn't see that as an issue here.

Mr. Gutoskey said we had the guy in that particular development that came here a couple meetings ago for that outbuilding for a variance on that.

Mr. Averill said the bigger question for him would be the condo unit itself, the building, you have the overall building, the overall condo unit is a conditional use, now it doesn't mean that they can't have separate uses in there that are permitted but ultimately any change in that overall common unit would have to come back for a review of the conditional use because you would be altering that conditional use inside the building, any licensing, any modification, any expansion of the actual party center, he wouldn't question you, your thoughts on Timberfire or let's say Hungry Bee wants to expand into the theater, is that an expansion of the conditional use.

Mr. Lamanna said he would say not because it isn't anymore than if they had a strip center with units in it and one unit had a conditional use in it if somebody at the other end was doing something that is not a conditional use, he would limit it to where the conditional uses are authorized, that states the boundaries to where we authorize a conditional use beyond that.

Mr. Averill said he wanted to make sure that the applicant knows that when they go through the process of applying for their uses, if they apply the conditional use for the party center to the overall unit, the building, their permit can be issued, technically they are getting it from you (Board of Zoning Appeals), but if they separate those uses they would have to define them in the site plan showing him where the units are that require a conditional use so that they could apply separate for those units.

Mr. Lamanna said one thing we would like to have you guys submit as part of the record here is a drawing that delineates the limits of the party center, what is the party center.

Mr. Ciciretto said he thought they did that.

Mr. Lamanna said that is what we want to see, we want to see a drawing that has a line on it.

Mr. Ciciretto referred to the site plan and said this is the event center from here to here.

Mr. Lamanna said he thinks we all understand what it is but he wanted something for the record that shows here is the limit of what constitutes the party center including some portion of the parking lot, we are not being real fussy on the parking lot but if you must make a reasonable section of the parking lot to associate or somewhat what the parking requirement would be that alone.

Mr. Averill said we should have one as well for the common area designated parking for this use so that would be part of the legal description he assumes.

Mr. Ciciretto said they have that on part of the site plan.

Mr. Lamanna said the purpose of that is to delineate where the conditional use is occupying so that is the only part that is subject to the conditional use and subject to the requirements of coming back in and getting approval so that is for his sake.

Mr. Averill said if they wanted to do it that way they could.

Mr. Lamanna said let's not extend it beyond where it needs to be extended, that just adds to the administrative burden on everybody, on the township and on the applicant so again that is something we would need submitted would be that and he thinks we do need the condo agreement and at least maybe not in final, final form but at least in a form that addresses these things like shared driveways and that aspect of it because that is a requirement that is there for example if it wasn't condoized, it was lotted or sharing those things.

Mr. Ciciretto said it is covered.

Mr. Lamanna said you are dealing with it but we need that for the record.

Mr. Ciciretto said he understands and we assumed that one of the conditions of your conditional approval is the things that were presented here are factual.

Mr. Lewis said the heavily redacted draft version.

Ms. O'Neill said so you already closed on the property.

Mrs. Gibson said they have not, not until the condo documents are completed.

Mr. Ciciretto said she wanted to know about the zoning first.

Mr. Lewis said he thinks if they take the site plan and basically redline draw what goes with it and create different quadrants, that puts definition of what parking goes with what condo within the building with a hardline through the building going this is what is associated with this and then we can address the use in those quadrants as is appropriate. He said and that will then take into consideration the common area and the limited common area, the limited common area that follows each condo.

Mr. Lamanna asked what the water situation is here.

Mr. Ciciretto said it is city water and city sewer.

Mr. Lamanna said okay and asked if they are changing the exterior lighting on this at all.

Mr. Ciciretto replied no, the site lighting, the cosmetic lighting, but not the parking lot lights.

Mr. DeWater said to make sure you take in account with all of these patios, gardens, the drainage, the additional way the drainage comes off the building and across that lot, you might want to have your engineer look at that.

Mr. Lewis said if people walk out into the beer garden or that other courtyard with the cocktails, do those have to be enclosed compounds, can people come and go.

Mr. Ciciretto said yes.

Mr. Gibson said there needs to be a visible barrier.

Mr. Ciciretto said you can see the beer garden is sort of a landscaped bed with a fence around it.

Mr. DeWater said it looks like stairs.

Mr. Soryal asked at the event garden center, when people walk out will these doors ever be left open allowing any of that noise to come out.

Mrs. Gibson said that is not connected.

Mr. Soryal said okay so the only way to come out is through.

Mrs. Gibson said the courtyard.

Mr. Soryal said okay.

Mr. Ciciretto said there is a fire escape there but they will go through the courtyard.

Mr. Lewis said if they redline the boundaries of that.

Mr. Lamanna asked if anybody else on the board has anything.

Mr. Glenn Knific of 8460 Woodberry Boulevard was present on behalf of the Woods of Wembley Subdivision.

Mr. Lamanna swore in Mr. Glenn Knific and he let the record reflect that Mr. Knific was duly sworn.

Mr. Knific testified that he is representing the Woods of Wembley Homeowners Association and the issues that concern him and certain members of the association, he thinks have been largely addressed on the periphery at least. He said he wants to first recognize that in addition to the chef's extraordinary, culinary skills that she has and a responsible member of this community and we wish her every success. He said the beer garden, west side of the property.

Mr. Lamanna said just as a point of reference, that is not before us tonight.

Mr. Knific asked it is not before you.

Mr. Lamanna said it is not before us tonight so rather than go off on a.

Mr. Knific said noise and lighting is a point correct.

Mr. Lamanna said from the party center which is not conducting any activities outside.

Mr. Knific said those issues were discussed today, a reference was made.

Mr. Lamanna said well they were referenced but what is before us is the party center, the rest of it is not before us, we are making no rulings on it, there is no case open before us, all we are addressing is the party center so the beer garden is off the table.

Mr. Knific said if he understands it correctly then whether there is noise or lighting coming from the beer garden after the fact there is nothing we can do about it.

Mr. Lamanna said not in this proceeding.

Mr. Knific asked on what proceeding might that be then.

Mr. Averill said there wouldn't be one, it is a permitted use.

Mr. Lamanna said it is a permitted use.

Mr. Averill said if they wanted to open up a restaurant and put a beer garden in he would have to issue a permit for that because it is permitted.

Mr. Knific said we have visions of Sapphire Creek versus Knolls Way, we have visions of the Trees Condos versus Crooked Pecker.

Mr. Averill said that was his clarification just ten minutes ago about the units inside the building, the party center is separate from those other uses, the Hungry Bee and Timberfire are separate uses permitted.

Mr. Knific said understand but what you are schooling him on is that if we have those kinds of issues which we don't expect.

Mr. Lamanna referred to the Crooked Pecker.

Mr. Knific asked if we have those kinds of issues we have no recourse.

Mr. Lamanna said it is a permitted use.

Mr. Knific said we have no recourse.

Mr. Lamanna said you don't have any recourse against them in this proceeding, you potentially have other recourses against them if they create a problem.

Mr. Knific said he needs to report back to certain homeowners.

Mrs. Gibson said it is very important for us when we were designing the layout of this building that if you did happen to go outside to protect our neighbors, the golf dome would be a barrier that is why that beer garden is there, if you are sitting at the beer garden you are looking right at the golf dome so in our opinion it is hiding any lighting that may be remotely coming close to those residents.

Mr. Knific said thank you and he knows we are not supposed to talk about this but since you raised the question, it is four properties that are within 640' not 1,000' of the corner of the beer garden since it is right in the line of site, so those are the properties.

Mr. Lamanna said unfortunately given the way the zoning is, there is no noise ordinance, it could still possibly be a legal nuisance but there is no noise ordinance and there is no restriction on outside dining, if people are up in arms enough they can go to the Zoning Commission and have them make all outside dining a conditional use.

Mr. Knific said no issues with the beer garden, no issues with outdoor dining, we have issues, certain landowners that are 640' away have issues with lighting and noise so he recognizes it is not part of this.

Mr. Lamanna asked lighting and noise from.

Mr. Knific the beer garden.

Mr. Lamanna said if you are saying lighting from the parking lot then maybe there might be something we can do.

Mr. Knific said the lighting from the parking lot wasn't going to change but the noise since 11:00 hours on weekends certain residents are concerned and he needs to report that to all of them in the Woods of Wembley.

Mrs. Gibson said they understand that.

Mr. Lamanna said we understand that we just have no control over it, we have no jurisdiction over it and no control over it.

Mr. Knific asked who has jurisdiction over that.

Mr. Lamanna said it is a permitted use.

Mr. Knific asked so nobody has jurisdiction over it.

Mr. Lamanna said no, the township doesn't have a noise ordinance.

Mr. Ciciretto said there is no noise ordinance in the township.

Mrs. Gibson said on a personal level, Jimmy and I live near Crystal Brook Farms and can hear the noise.

Mr. Lamanna said zoning can be changed, there is nothing we can do about it, we are just wasting everybody's time. He said we are not going to get anywhere, he thinks you just have to go back and report that this is not before the board, it is a permitted use and the only recourse is to take it up with the trustees.

Mr. Knific said the trustees at the township have no power, you are telling us that we are impotent.

Mr. Lamanna said they don't have totally no power, they could deal with it in zoning if they want to some extent. He asked if anybody else has any comments.

Mrs. Gibson said it is important to them to be good neighbors.

Mr. Lamanna said ultimately you don't do your business any good.

Mr. Gibson said for what it is worth, we have three little kids and we live down the street on Snyder from the event party space that we hear stuff from, we get it, we are in bed by 8:30 - 9:00 and get our kids up at 6:30 - 6:45 every morning, not everybody does that and we also understand that but we want to be a community driven place that welcomes everyone, we don't want to be a place that is blasting music until 11:00, 12:00 or 1:00 in the morning on a Tuesday or Wednesday night, we want to be responsible about it, we owe it to our current staff and future staff by having limitations on how late we are staying open, how late we are keeping the patio open outside, how many people were sitting out on the patio whether or not there is music or anything that is out there, those are all things that we deeply consider and look to our neighbors and we want their input so anything from Wembley as well as any other surrounding area.

Mr. Richard Seif of 8245 Woodberry Boulevard was present to testify.

Mr. Lamanna swore in Mr. Richard Seif and he let the record reflect that Mr. Seif was duly sworn.

Mr. Seif testified that he lives about a football field and one-half from the baseball area and he can hear the batting cages but he thinks what Mr. Knific was trying to point out here is it is a case of, he guesses there was no case then with Sapphire Creek and Knolls Way, they are in a world of hurt with noise because they have that outdoor garden so if there is no ordinance then there is a lot of disturbance there so that is all we are concerned about is if there was noise, lighting and so on and the same thing with the Crooked Pecker, the Trees, the noise is right in their kitchen so he doesn't get why you are not either concerned or there is no recourse.

Mr. Lamanna said it is not that we are not concerned, he is sorry the gentleman walked out of here so angry, he doesn't understand, he must not have been listening very carefully but we have no jurisdiction over that.

Mr. Seif said noise pollution.

Mr. Lamanna said over noise pollution, well we do have some jurisdiction in this case because it is a conditional use, that is not a conditional use. He said if somebody wants to go to the Zoning Commission and trustees and pass an ordinance that says any outside dining is a conditional use and these are the standards that go with it then we would have a way to deal with it but we don't have the legislative authority giving us that power, that lies with the trustees so that is why he said you need to go talk to the trustees because essentially they are the only ones who can really do something about it because you can't deal with the things that have already come but somebody could pass an ordinance that makes outside dining and outside music a conditional use and then they would have to come before us and get a conditional use permit and there are things in the conditional use permit that deal with noise and other things.

Mr. Seif said not that we don't believe it won't be a problem it is just that we want to put this up front because if it did become a problem then we want to get ahead of the issue so that is why they are trying to bring it up now rather than have to deal with it if it arose, that is all.

Mr. Lamanna said in the case of the party center we can deal with it easily because we just say as a condition, no outside music so we can deal with it very easily, they can come back and ask for that condition to be taken away because maybe they want to do something and do it in a way that it is not going to be a problem because of the time of day or the nature of the entertainment, additional screening and that sort of thing but as of this point we can deal with that but that other part is not present before us, we can make no ruling on the rest of that building. He said we have no jurisdiction over it.

Ms. O'Neill said it doesn't look like you have plans in the beer garden area, it doesn't look like a lot of square footage number one, it looks like these are four tops so at any given time you are talking about twenty people on that particular area.

Mrs. Gibson said right.

Mr. Lewis said either way it is permitted.

Ms. O'Neill said yes she knows, she was trying to just reassure him a little bit.

Mrs. Gibson said there is no room for live music out there.

Ms. O'Neill said right and if you look at the plan you can also see it is limited.

Mr. Lamanna said we don't want to get into this.

Mr. Lewis said it is not before us.

Mr. Lamanna said nobody is coming back later and saying what did the board of zoning appeals do to allow this to happen, it is no, we did not allow it to happen, it was not before us in this application and we don't have any jurisdiction over that permitted use so there is nothing that we can do, it is not within our scope of responsibility or authority. He said we would love to help everybody out, we do our best where we can but we have a line that we cannot cross over because we just don't have any jurisdiction there.

Mr. Lamanna asked if anybody else has anything otherwise he is going to close the public hearing part. He asked if anybody has any comments on this. He said he looked through the general standards and the criteria and there are 15 specific criteria and it looks like everything is copasetic there.

Mr. Lewis said that two items the board was going to request from the applicant was the condo agreement.

Mr. Gibson said correct.

Mr. Lewis said and also redlining the drawings showing the exact party center parking spaces, redline the perimeter of it so we can talk about that condo specifically because that will follow the party center, it has nothing to do with the rest of your building as far as this group is addressing this evening.

Mr. Averill said just to confirm for Mr. Creech's golf dome and the conditional use he is operating under right now with these changes and with these condo units being specified he is in good standing still with his conditional use correct.

Mr. Lamanna said yes he thinks you can just administratively handle that change.

Mr. Averill said okay, thank you.

Mr. Lamanna said that would be his thought.

Mr. Creech said real quick since you brought my name up he did just want to add one thing that along the whole process, the Gibson family has been excellent to work with, everything you hear about character of the family is certainly true and the other item he wanted to add is the hours they suggested as far as operating hours match the golf dome's summer hours as well so the time they suggested as being open for business does match what we are already doing on the property.

Mr. Soryal said so the weddings will have an expiration time.

Mrs. Gibson said according to the liquor license, absolutely, yes.

Mr. Lamanna said we have no outdoor music, anything else as a condition we need to address. He asked Mr. Averill if there is anything he sees as a condition the board needs to address. He said he doesn't see anything in the operation here but the board would note though there is in Chapter 117.13(b), specific criteria that apply to all conditional uses so they will apply to this as well so you should familiarize yourself with what is in that section because it is part of the conditional use.

Mr. Averill asked if the board wants to address the timeframe for the permit itself, one year to start and two years to finish because it may take them longer to get this finished than what time they would have for the permit itself, two years.

Mr. Lamanna asked you mean in terms of completion of construction.

Mr. Averill said correct, the use itself, if the construction is not complete then the use isn't technically started.

Mr. Lamanna said you are talking about the two year period on the conditional use.

Mr. Averill said yes.

Mr. Lamanna said he would say it would start when the construction is completed, does it have a CO on it or not.

Mr. Ciciretto said yes.

Mr. Lamanna said a CO that has to be issued.

Mr. Ciciretto said yes.

Mr. Averill said he would hate to see them have to come back if they are not even done.

Mr. Lamanna said but you don't have any problem with that, it starts when they issue the CO and then we have a definitive time.

Mr. Averill said as long as you specify that.

Mr. Lamanna said we will specify that because he just wants something in your (Mr. Averill) hands so that we have a specific thing, a document that has a date on it and then you've got something, or when construction is finished, when exactly so when the CO is issued you've got a date, a document, you know when it starts and you know when it ends so that is what we want to have, nice and easy for you.

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

Application 2022-50 by Stephen Ciciretto for Matthew Creech/8198 Washington Street LLC and Kimberly Gibson for property at 8200 Washington Street

Mr. Lamanna moved to grant the applicant the requested conditional use for the purposes of operating a commercial party center. With respect to this conditional use it will be for a period of two years, that period to commence upon the issuance of the Certificate of Occupancy for the party center.

With the following conditions.

1. The board notes that the conditions set forth in Section 117.13(b) – Specific Criteria are generally applicable to all conditional uses and are incorporated by reference herein as conditions.
2. There is a condition that there will be no outside music at this facility.
3. With respect to administrative matters the issuance of the conditional use will be subject to submission of the condo agreement showing the relationship between the parties with respect to allocation of parking spaces, maintenance of any shared parking spaces and maintenance and use of any shared drives.
4. The applicant will submit a drawing to the zoning inspector which will delineate the limits of the party center and its associated parking so that the board has clear definition of the area on the property that is subject to this conditional use and also delineates it from other areas in this property/condominium that is not part of the conditional use and therefore not subject to the conditions established on this use.

Based on the following findings of fact:

1. In looking at the general standards of Section 117.13 it does not appear that the plans of the applicant and the development of this area of the party center is in derogation of the requirements therein.
2. The board does not see that the activities here will change in any way.
3. The general impact on the community and the like, there are no unusual productions of noise or smells or other deleterious emissions.
4. Certainly it is harmonious with the area as they are already making use primarily of an existing building so it will not result in the destruction, loss or damage of natural or historic features.
5. It will not create an increase on the police and fire.
6. It appears to be harmonious with the Bainbridge Township Guide Plan for land development.

Mr. Lewis seconded the motion.

Vote: Mr. DeWater, 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 8:14 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: January 19, 2023

AUDIO RECORDING ON FILE

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

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:14 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Ted DeWater; Mr. Joe Gutoskey; Mr. Todd Lewis; Ms. Lori O'Neill, Alternate and Mr. Emeil Soryal. Mr. Steven Averill, Zoning Inspector was present.

MINUTES

Mr. Lamanna moved to adopt the minutes of the November 17, 2022 meeting with the changes made by Mr. Gutoskey and Mr. Soryal.

Mr. Gutoskey seconded the motion.

Vote: Mr. DeWater, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Soryal, aye.

APPLICATIONS FOR NEXT MONTH

Application 2023-1 by Matthew Boehnlein for property at 8325 Tulip Lane

The applicant is requesting area variance(s) for the purpose of constructing an accessory building. 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 January 19, 2023 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 8:37 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: January 19, 2023