

Bainbridge Township, Ohio
Board of Zoning Appeals
February 16, 2023

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:19 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Brent Barr, Alternate; Mr. Ted DeWater; Mr. Todd Lewis; Mr. Emeil Soryal and Ms. Lori O'Neill, Alternate. Mr. Joseph Gutoskey was absent.

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. Brent Barr, Alternate joined the board for consideration of the following application in Mr. Gutoskey's absence.

Application 2023-2 by Gregory Raines for property at 18750 Chillicothe Road

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

Mr. Greg Rains and Mrs. Lisa Rains were present to represent this application.

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

Mr. Greg Rains testified that when they purchased the property a little over a year ago there was a 25' x 40' storage building on there and in the course of closing a tree fell on it.

Mrs. Lisa Rains testified that it took it out, it couldn't take the house out though.

Mr. Rains said a lot depends on what happens here but they are probably going to end up tearing the house down and rebuilding. He said they were going to put an addition on it but the cost and everything just seems to make a little more sense just to tear it down and start over.

Mr. Lewis said so let's talk about this accessory structure just to kind of review some stuff on that, it appears that the existing structure is going to be if it isn't already demolished and removed because it collapsed with the tree.

Mr. Rains said right, yes, it is gone, there is a concrete pad.

Mr. Lewis said the structure you are talking about building is on that same footprint, that same slab.

Mr. Rains said yes, what was there was kind of a make-shift pole building and we are looking to do a more conventional one with footers and conventional framing,

Mr. Lewis said okay, it is definitely down. He asked if that is a porch area, is that on the existing slab.

Mr. Rains said no, he doesn't know if that will have concrete under it, it is just going to be a little overhang for walking in.

Mr. Soryal asked what this is going to be used for.

Mr. Rains said primarily storage.

Mr. Soryal said so you are going to build that before you build your house.

Mr. Rains said there is a house there and the thought was to put whatever we need to save from the house and for putting materials in while we are building the house.

Mr. Soryal said okay that makes sense.

Mr. Lamanna said as long as you build the accessory structure before you tear down the house otherwise it creates other issues if you don't have a primary structure.

Mr. Rains said okay.

Mr. Lewis asked if this building will have gutters and downspouts.

Mr. Rains said yes.

Mr. Lewis said you have another shed existing further, deeper on the property, two smaller ones.

Mr. Rains said there is one that sits immediately next to it that is still there. He said they are all there, the one behind it has pretty much caved in on itself.

Mr. Barr said it looks like an old sugar shack.

Mr. Rains said yes.

Mr. Soryal said the one that is next to the riparian, it has to come down anyway.

Mr. Rains said yes, once it gets built.

Mr. Lewis asked if you are going to end up with two sheds, the new and one of these other.

Mr. Rains said the one to the north on the other side of the riparian zone, there is one there.

Mr. Lewis said you are talking about hanging on to this one.

Mr. Rains yes.

Mr. Lewis said so you are going to end up with the replacement one on the slab.

Mr. Rains said that one may eventually be going too, that one, it is not real accessible from the house because on the other side of the riparian zone is woods and shrubbery and overgrown stuff in between there so to get to it you have to kind of go around.

Mr. Lamanna said it is only 19' from the side line too.

Mr. Rains said the one is caved in already.

Mr. Lamanna said we would like to get rid of this other one too because that is sitting really close to the property line, this would not be allowed now, he doesn't know when they built it or if they built it properly.

Mr. Rains said this one and this one appear to be built the same way, he doesn't know if they were built at the same time or not.

Mr. Lamanna said this is a nice really good sized storage shed so get rid of the rest of those and he thinks that would help the cause here.

Mr. Lewis said if you end up down the road wanting to add another smaller shed, a little 10 x 12 lawn mower or whatever.

Mr. Lamanna said out in the center here somewhere.

Mr. Rains said yes, that is fine.

Mr. Lamanna said again we will let you leave it up until this is done and you have a chance to move anything out that might be in there now. He said size wise there is certainly no issue here, they have four acres and they are non-conforming because of the lot width, right.

Mr. Lewis said that is the only reason and the roof pitch is really modest.

Mr. Lamanna said it is well back from the road and pretty much in the middle of the property.

Mr. Soryal asked what the finishes are for this building, vinyl and metal, have you picked a color.

Mr. Rains said it will depend on what is available when it happens.

Mr. Soryal said no particular color you have in mind or anything.

Mr. Rains said grays or browns.

Mrs. Rains said no pink or yellow.

Mr. Rains said the house and building will match.

Mr. Lewis said the structure is not that big, he has four acres to dissipate the run-off.

Mr. Lamanna said in some places accessory structures are a big issue because of the higher density in parts of the township and we've got to be careful to make sure it works adequately and accounted for the run-off but here we've got a lot of room and it is not that big of a structure compared to the amount of acreage.

Mr. Lewis said he doesn't have any issues with it, his concern was the removal of the existing ones, it gets it down to two but one intrudes into a side yard setback rather dramatically.

Mr. Lamanna said if you remove that you will still be able to add a second building.

Mr. Rains said we will get rid of the three and then if we want to add one down the road we can.

Mr. Lewis said absolutely, stop in and show your site plan to the zoning department and chances are you won't even need variances if it is a modest structure.

Mr. Lamanna said it is far enough back and he is sure people will be happy to have to have all of the falling down structures gone too.

Mrs. Rains said there is no one behind them.

Mr. DeWater said to make sure you get the sediment plan.

Mr. Rains said they have already gotten that.

Mr. Lewis said good.

Mr. Lamanna said you have to understand that whenever we are looking at an accessory structure this size that it is purely for accessory uses that are allowed, storage of materials and things like that, it can't be used for any business unless you get a separate home occupation permit for that nor can it be used for any kind of living space or other residence so we note this with everybody because we've had some people who over the years try to convert some of these things into secondary residences on their property so we just want the record to be clear that that is the case. He asked if there are any plans for lighting.

Mr. Rains said down the road when we do the house we may end up running power back to it but we will address that.

Mr. Lamanna said just remember if you do lighting that there are certain lighting requirements that apply as well so we are trying to keep down the amount of light intrusion so that we are not illuminating the sky, downlighting just illuminates the ground and it is not illuminating everybody else or shining into the neighbor's windows and that sort of thing. He said these days it is easy to get some pretty strong lights and sometimes people aren't careful with how they place them.

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

Motion BZA 2023-2 – 18750 Chillicothe Road

Mr. Lamanna moved to grant the applicant the following variances with respect to the construction of an accessory building at the location and in the style as shown in the application.

1. A variance from the maximum permitted size on a nonconforming lot from 300 sq. ft. to 1,212 sq. ft. for a variance of 912 sq. ft.
2. A variance from the maximum building height from 15' to 20' for a variance of 5'.
3. There currently exists three accessory buildings on the property and once the construction of this building is completed the applicant will remove those three accessory buildings mainly due to the fact that two of them are in total disrepair and the third one is located in the side yard setback so that we will then have a single permitted building noting however that the applicant will still have the ability to add a second accessory building in conformance and permitted by the zoning ordinance.

Based on the following findings of fact.

1. The nonconformity on this lot has to do with a small nonconforming lot width.
2. The lot is over four acres.
3. The size of this building is certainly reasonable for the size of the lot.
4. It is also consistent with the neighborhood and will not adversely affect the character of the neighborhood.
5. It is also located so far back that it will not adversely impact the other houses adjoining this property.
6. The board does note that this is an accessory storage building and it cannot be used for the conduct of any business or as a residence.

Mr. Lewis seconded the motion.

Vote: Mr. Barr, Alternate, aye; Mr. DeWater, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Soryal, aye.

Since there was no further testimony, the public hearing was closed at 7:35 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: March 16, 2023

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
February 16, 2023

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 7:35 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Brent Barr, Alternate; Mr. Ted DeWater; Mr. Todd Lewis, Mr. Emeil Soryal and Ms. Lori O'Neill, Alternate. Mr. Joseph Gutoskey was absent.

MINUTES

Mr. Lamanna moved to adopt the minutes of the January 19, 2023 meeting as written.

Mr. DeWater seconded the motion.

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

APPLICATIONS FOR NEXT MONTH

Application 2023-3 by Igor & Alla Narodovich for property at 17410 Sugar Hill Trail

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

Application 2023-4 by Shannon McIvor Bowser for property at 7125 Cedar Street

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

The Bainbridge Township Board of Zoning Appeals set a public hearing on the above application for March 16, 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 7:50 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
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