

Bainbridge Township, Ohio
Board of Zoning Appeals
June 15, 2023

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:02 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. Lamanna welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals, explained the public hearing process and stated that individuals will be sworn in when the application is started.

Application 2023-11 by Randall and Amy Greene for property at 17570 Snyder Road - Continuance

The applicants are requesting area variance(s) for the purpose of installing an in-ground swimming pool. The property is located in a R-5A District.

Mr. Gutoskey recused himself from this application.

Ms. Lori O'Neill, Alternate joined the board for consideration of the following application in Mr. Gutoskey's absence.

Mr. Randall Greene, Mrs. Amy Greene and Mr. Steve Roth were present to represent this application.

Mr. Greene stated that Mr. Steve Roth is here, he is the former building inspector for Geauga County. He said he wrote up a "Letter of Intent to Relocate" stating what happened prior to now and what is happening in the future.

Mr. Lamanna swore in Mr. Randall Greene, Mrs. Amy Greene and Mr. Steve Roth and he let the record reflect that Mr. and Mrs. Greene and Mr. Roth were duly sworn.

Mr. Lamanna asked Mr. Greene to summarize what is in the letter so that it can be put into the record.

Mr. Randall Greene testified that they bought the industrial property on Queens Way in 2021 and they did an environmental assessment with Partners Environmental Consulting, they got the driveway permit, C.U.E. Excavating put in the culvert and the road ditch preparation, Dash Tree Service cleared the property, C.U.E. Excavating came back and grubbed out the debris. He said Gutoskey and Associates did a boundary and topographical and location survey and after talking to Ms. Carmella Shale of Geauga Soil and Water she determined that we do not need a retention pond if we are under one acre of development and suggested Gutoskey and Associates do an abbreviated site plan which is currently underway.

Mr. Greene continued by saying they are meeting and he talked to Ann Dunning, Architect of Chardon, Ohio who will be doing the building plans and they are presently talking to three builders so far, MQS Structures, Bulldog Construction and Pole Barn Direct. He said all of them have provided estimates for our structure and after the business has been relocated they plan on combining the parcels and will continue to keep you apprised of their progress.

Mr. Lamanna said so you have had discussions with the zoning inspector since our last meeting.

Mr. Greene said no, he was given a list of our expenses, I personally didn't but he was given all of that information.

Mr. Lamanna asked Mr. Greene if his counsel talked to him.

Mr. Greene said yes, a friend of mine who is counsel went in.

Mr. Lamanna said you said a friend of yours, was he there as your friend or was he there as your legal representative.

Mr. Greene said he was there as his legal representative.

Mr. Lamanna said okay.

Mr. Greene said he gave Mr. Averill that information about what they have done and their intentions of moving forward, he just wanted to put it in a document for him and for your purpose. He said he doesn't know whether or not Mr. Averill gave you that information.

Mr. Lamanna said he had a brief discussion with him. He said he had some issues with reconciling.

Ms. O'Neill asked Mr. Greene if he had a target date that he would like to be into his new building, does he have any timeline.

Mr. Greene said it is about three months away for most of the packages from the builders, three or four months depending on the supply chain issues so at this time next year he plans on having the building up and then probably storing his vehicles there next winter and then next year he wants to do all of the mechanicals and the remaining stuff and hopefully by the end of next year.

Ms. O'Neill asked the end of 2024.

Mr. Greene said yes, but next year is an election year and God knows what is going to happen with that situation but those are his plans.

Mr. Lewis said just so he kind of understands that your current plan is to have the new site ready for move in and relocation into it by the end of 2024.

Mr. Greene said by the end of 2024 or the beginning of 2025.

Mr. Lewis said okay so that is a year and a half or more out from today.

Mr. Greene replied yes.

Mr. Lewis asked Mr. Greene when he is planning to lot join.

Mr. Greene said after he moves out.

Mr. Lewis said okay, you realize that once you join the two parcels there is no need for a setback variance on your pool.

Mr. Greene said yes, he realizes that.

Mr. Lewis said okay because there is no longer a property boundary line where it is now.

Mr. Greene said yes.

Mr. Lewis said okay.

Mr. Lamanna said he has a real problem with Mr. Averill not being here right now because he had a brief discussion with him and this is not what he recollects him telling me what is going to happen here tonight because number one this isn't nearly detailed enough. (He referred to the Letter of Intent to Relocate). He said he is not sure where we are going with this thing because he thought it would go in a different way and he thought this was going down the road that you were going to join the lots together.

Mr. Greene said he never said that.

Mr. Lamanna said your lawyer said that but he wasn't part of the conversation.

Mr. Greene said what he had told Mr. Averill initially is another contiguous lot may want to buy that parcel and so he is saying that once he moves out if it is not sold he plans on dividing it which he anticipates that would be what would happen.

Mr. Lewis asked how are you going to sell it, it is landlocked and there is no access to it other than borrowing the driveway on your parcel.

Mr. Greene said there are two other contiguous lots.

Mr. Lamanna said a contiguous property could conceivably buy it.

Ms. O'Neill said she thinks the problem is it seems that the time is very fungible so there are a lot of factors that seem to come into play for the decision making that you are undergoing about moving your property, building a new building. She asked how many square feet is the new building.

Mr. Greene said it is going to be about 120 x 60 (7,200).

Ms. O'Neill said it should easily be able to be constructed well within the timeframe you are talking about.

Mr. Greene said the shell yes, and then the mechanicals afterwards. He said he just wants to point out, he plans on continuing forward with this regardless of your decision about putting in the pool.

Ms. O'Neill said you mean relocating your business.

Mr. Greene said yes.

Ms. O'Neill said right because you had previously stated that you had purchased that lot for that purpose a couple of years ago.

Mrs. Greene testified that they have two sons that are in our business and a daughter-in-law and this is for their future, we are 68 years old and we are giving them a place to have and he started the company and struggled and now we are able to do this and that is our plan, it has been, regardless of this whole zoning thing.

Mr. Soryal asked if they approached their neighbors to see if they had any interest in buying that property.

Mr. Greene said he had approached the Bauers with interest in buying their property and he noticed that there are flags up all over, he thinks they are putting up a fence.

Mr. Soryal said when you approached them what did they say.

Mr. Greene said they weren't interested.

Mr. Soryal said in selling.

Mr. Greene said yes, in selling their property, they have two parcels there, they've got a five acre and then the Hamilton house is on 2-1/2 acres, something like that.

Mr. Soryal said so there is one additional property that might benefit from some other neighbor that could potentially be.

Mr. Greene said yes, the Pfouts', Dave Pfouts just passed away this last winter but his son Mark and Mark's mom Sherry so we would deal with her.

Mrs. Greene said the other landlock parcel they bought.

Mr. Lamanna said he hates to say this but without the zoning inspector here tonight it leaves us in kind of an untenable position to go forward with trying to make a decision on this application. He said he thinks for one thing this is a little skimpy on what the board would be looking for in terms of what is the progress going to be and what are the milestones for that progress if we were going to address such a thing and there are some procedural issues that we need to have him for.

Mr. Greene said he understands.

Mr. Roth asked what the procedural issues are.

Mr. Lamanna said how we are going to handle this thing. He said he has to talk with him and how he is going to handle as the zoning inspector, how he is going to handle this whole thing, we need to have him on board to discuss it. He said we don't physically go out and do anything, he is the person that has got to make all of the stuff happen, we make a decision but he has got to administer it and if he is not here we can't discuss things with him and we could go off and do something that would make his life very difficult or your life very difficult so he thinks we are just in that situation now.

Mr. Greene said he understands but the window of opportunity that we have to put in the pool is now.

Mrs. Greene said you guys have stalled us since February.

Mr. Greene said we started this process, not with Mr. Averill, but with the pool company last year and there is a waiting list for a year and that is fine and so we are at the end, he thinks they are losing their patience and he understands but it is either now or maybe in a couple of years whatever but he plans on moving forward with the relocation.

Mr. Lamanna said alright, we will just continue this application to the next regularly scheduled meeting unless you want to withdraw.

Mr. Greene said a month from now he doesn't think its close.

Mr. Lamanna asked Mr. and Mrs. Greene if they want to withdraw it then.

Mrs. Greene said they will withdraw it and they are really disappointed.

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

Motion BZA 2023-11 – 17570 Snyder Road

Mr. Lamanna moved that it is the applicant's decision that further consideration of this application will terminate and it will be treated as withdrawn by the applicant without prejudice for any application on a similar matter.

Mr. Lewis seconded the motion.

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

Mr. Greene thanked the board for its time.

Mr. Gutoskey returned to the meeting.

Application 2023-12 by V & V Lakeshore Ltd. (Shops at Marketplace) for property at 7080 Aurora Road

The applicant is requesting area variance(s) for the purpose of adding a second wall sign for Chase Bank. The property is located in the MUP District.

Mr. Vincent Fond, III, Mr. Vincent Fond, Jr. and Ms. Tracey Pichierri of Ruff Neon & Lighting Maintenance were present to represent this application.

Mr. Lamanna swore in Mr. Vincent Fond, III; Mr. Vincent Fond, Jr. and Ms. Tracey Pichierri and he let the record reflect that Mr. Vincent Fond, III; Mr. Vincent Fond, Jr. and Ms. Pichierri were duly sworn.

Mr. Vincent Fond, III testified that he will start with some of the basics. He said just an overview, a quick refresher, we are the Shops at Marketplace so we are in basically the southeast quadrant which is pretty much exposed on three or four sides from outside the shopping center so signs and visibility is a concern here for our tenants and if we go to the next slide he can show at least since PNC acquired National City Bank in 2009 he recalls this property has had two building signs. He said he worked with Mr. Averill and there was no historical variance granted, checking the internet archive he didn't see where there should have been one necessitated but we can find no record of it but there were two signs and so perhaps Mr. Averill did reach out to Ms. Endres and the zoning at the time may have allowed two signs being a corner lot.

Mr. Lamanna said yes he thinks things were different then.

Mr. Fond, III said so that being the case they are basically looking to replicate the same condition we had since from 2009 to 2020 with PNC Bank with Chase Bank and that is to have signs on two elevations on the building so one facing Aurora Road and then another basically facing our private roads North Marketplace Drive and Giles from inside the center so if we skip to slide 4 here is Chase's proposed signage and again we are really replacing the PNC signs in the identical areas so due to the change in zoning we are requesting a variance for the second wall sign.

Mr. Soryal asked if it is also the same size as the old sign.

Mr. Fond, III said he doesn't have the detailed drawings.

Mr. Soryal asked if it specified how many square feet of signage they had.

Mr. Fond, III said he doesn't have that information.

Mr. Gutoskey said reading through the zoning inspector's report if you look at what is allowed for signage our code wants the sign to be on the façade which faces the principal street or contains the main entrance, on this particular building the main street is Aurora Road and that is where the entrance is but the people are coming here off the interior drive so to him it makes sense to have a sign there. He said it is kind of the same thing we did at BW3 for their signage so they had interior signage within the shopping center.

Mr. Fond, III said if you are Target for example, all of those buildings, the ingress and egress is from the private drive, you can't see the Aurora Road signage actually from the center.

Mr. Gutoskey said and then the other thing is the maximum allowable signage is 76.8 sq. ft., then if you add the two together it is only like 41.2 sq. ft. which is about half of what is allowable so he sees no issues with it, like he said it is similar to what we did for BW3 over there.

Mr. Lamanna said we are well within the total allowable wall signs. He said that is the only thing we are dealing with, no ground sign issues.

Mr. Fond, III said we are dealing with the two signs.

Mr. Lamanna said the two wall signs.

Mr. Gutoskey said if you remember the old sign code allowed it, if you wanted, a corner lot to have two signs.

Mr. Lamanna said right.

Mr. Gutoskey said this is a special situation because it has two frontages.

Mr. Lamanna said this really has two frontages.

Mr. Gutoskey said it actually has three.

Mr. Lewis said he has no issues at all with this, this is perfect, it is less than allowable.

Mr. Lamanna said if there is ever a justification for having two signs, this property has it with the fact that you do have traffic coming from both directions and it could be confusing for people coming from the inside. He said the biggest problem you usually have with people is they want two signs but they want them both to be the full maximum size that they can have.

Mr. Fond, III said they have been around too long.

Mr. Lamanna said it is easily visible, the size letters you have are going to be easily visible.

Mr. Fond, III said they are going to look great.

Mr. Lamanna said it is not going to be a problem.

Mr. Gutoskey said the question would be from the interior of the shopping center, if Chick-Fil-A ever builds next door, you may want to move that sign to the other wall or the wall that the drive-thru is on.

Mr. Lamanna said that is a big if.

Mr. Lewis said Chick-Fil-A has been coming for 20 years so we will see what happens.

Mr. Fond, Jr. testified at least since 2007.

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

Motion BZA 2023-12 – 7080 Aurora Road (Shops at Marketplace) – Chase Bank

Mr. Lamanna moved to grant the applicant a variance to allow two wall signs in accordance with the plans that were submitted.

1. The south wall sign of 20.645 sq. ft.
2. The west wall sign of 20.645 sq. ft.

Based on the following findings of fact.

1. The applicant does actually have two streets that his business fronts on and both could be equally used for access to the building.

Motion BZA 2023-12 – 7080 Aurora Road (Shops at Marketplace) – Chase Bank- Continued

2. The total signage is actually less than the total amount of wall signs allowed so this is within the intent of the signage ordinance to have a reasonable size and they will provide reasonable notice to the people who are trying to use this business from either of the two prominent accesses to it.

Mr. DeWater seconded the motion.

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

Application 2023-13 by Sean Latona for property at 17098 Sunset Drive

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

Mr. Sean Latona and Mrs. Carly Latona were present to represent this application.

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

Mr. Sean Latona testified that the plan they have is they are going out 6' from the existing garage on the lot so the rest of the structure is just going above the existing garage so there is nothing structurally changing to the footprint of the property aside from the 6' that we are coming out for the front of the garage.

Mr. Gutoskey said so the side yard variance in the back is to the existing structure.

Mr. Latona said correct so nothing changes there, the front porch area and you look at where the existing garage and where the front door is it is a straight across shot to where the garage ends and then the 6' comes from there, it is about a 1,900 sq. ft. addition going above the existing garage, two bedrooms, a bathroom and a loft space.

Mr. Soryal asked if they are relocating the kitchen within the first floor, is that what is going on.

Mrs. Carly Latona testified by saying yes.

Mr. Latona said slightly yes.

Mrs. Latona said there is a room off the back of the house.

Mr. Soryal said but it is a room.

Mr. Latona said it is a room, an existing structure already. He said it is a step down off of our kitchen right now so it is going to be raised up to the same level and then obviously the roof will slightly go up and a second story above that.

Mr. Lamanna said you are making the garage a little deeper.

Mr. Latona said yes, 6', it is really to give them a little bit of a mudroom area and washer and dryer on the first floor, a landing when you come in, a little extra room in the garage for storage and things like that. He said Lake Lucerne is tough.

Mr. Gutoskey said a year or two ago we did the house directly south of here.

Mr. Latona said the Heimans and they talked to them and spoke to the neighbors across the street.

Mr. Lamanna asked if the side yard is existing.

Mr. Gutoskey said the side yard is existing, it is going on the same foundation.

Mr. Latona said exactly. He said the only change is coming off the front for the garage extension.

Mr. Lamanna said so you already were closer on the front too.

Mr. Gutoskey said he thinks the front is okay.

The board discussed the front yard setback.

Mr. Lamanna said so Lake Lucerne is okay with it.

Mr. Gutoskey said we have the Lake Lucerne approval.

Mr. Lamanna asked if there is anyone else here interested in this application and if there are any issues here.

Mr. Gutoskey said he doesn't have any issues.

Mr. Lewis said it is a little bump on the front otherwise everything is on the same footprint.

Mrs. Latona said they are actually not going to be out as far as the neighbor's.

Mr. Lamanna said and the house farther up there too, that house is sticking out pretty good too.

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

Motion BZA 2023-13 – 17098 Sunset Drive

Mr. Lamanna moved to grant the applicant the following two variances for the purposes of constructing a house addition in accordance with the plans that have been submitted with the application.

1. A variance to the front yard setback from 75' to 55' for a variance of 20'.
2. A variance from the minimum side yard on the north side from 10' to 9' 2" for a variance of 10".

Based on the following findings of fact.

1. This is being granted with respect to an existing position of the house which is not changing with the addition and this is to rectify that non-conformity.
2. The house already exists and the 10" variance is minimal and will not adversely affect the neighboring property or be inconsistent with the character of the neighborhood because the houses are very close together here.
3. With respect to the front yard setback this actually represents only a 6' extension and variance as the house already is closer than 75'.
4. The variance is necessary because using the existing garage area and some additional depth would be allowed for the house to be constructed in a way that is comparable to the other houses in this area.
5. Also, again, even with the variance this house distance from the road right-of-way will not be less than some of the existing houses already on the street so it will neither adversely affect the neighboring properties nor will it adversely affect the character of the neighborhood.

Mr. Lewis seconded the motion.

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

Application 2023-14 by Lord of Life Church for property a 17989 Chillicothe Road

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

Application 2023-15 by Lord of Life Church for property at 17989 Chillicothe Road

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

Mr. Lamanna stated that these two applications will be heard together with separate motions for each of them.

Mr. Kirk Henline was present to represent this application.

Mr. Lamanna swore in Mr. Kirk Henline and he let the record reflect that Mr. Henline was duly sworn.

Mr. Kirk Henline testified that he represents Lord of Life Church and what they are looking to do.

Mr. Lamanna asked Mr. Henline if he has an official position.

Mr. Henline stated that he is the Vice President of the church council and what they are looking to do here is install an outdoor pavilion on the back side of the church there, in the grass area behind the church to continue their worship, their ministry, their outreach into the community.

Mr. Gutoskey said he thinks there are drawings in the packet.

Mr. Henline said he wanted to give a general overview of the location.

Mr. Gutoskey said right now it shows the house to the side and then there is a barn that is part of that but there is also kind of a substantial clothes collection area there too that doesn't show up on this and then on the lot directly north of this, which he thinks the church owns, there is a rather large shed there that is probably on the property line, he doesn't know, it doesn't show up on the aerials and those aerials are 2021 and asked was that permitted.

Mr. Henline asked if it is the shed, yes that was done in the Fall of 2021, Ms. Endres did that for us and it is a storage site for the lawnmower and tools for that property there.

Mr. Gutoskey asked what the other little shed is for.

Mr. Henline said that is the shed that the Boy Scouts use.

Mr. Gutoskey said okay and then again we have that clothing shed that is kind of substantial too.

Mr. Henline said that is the third party shed that is there for clothing. He said the rest of the community can donate clothes, shoes, whatever.

Mr. Gutoskey said this is a motion from 2014, it is in the second package for the conditional use and this was from June 19, 2014 but a motion was made to grant the applicant the following variances and conditional use permit. He said “a variance for the purposes of placing an 8’ x 12’ shed which will be approximately 48’ from the north side lot of the church which is probably the Boy Scout shed. He said then it said a variance to place as well in that same location, of 48’ from the side lot, if they choose there, a “recycling collection dumpster” but that is not where it ended up, that is why he is asking because the board made a motion to do that but they are not side by side so he is just throwing it out there. He said this motion right here, it is in the second packet. He said that is the one that was permitted, the one shed at the top and then it allowed them another which he is assuming that was the clothing recycling container.

Mr. Lamanna said it is the little building.

Mr. Gutoskey said but we are running into the two accessory structures on a parcel.

Mr. Lamanna said he doesn’t think we have ever considered that issue on a conditional use.

Mr. Lewis said however it is residentially zoned.

Mr. Lamanna said you can have multiple principal buildings so the whole concept of there is a fixed limit of two accessory structures.

Mr. Gutoskey said it is based on the conditional use.

Mr. Lamanna said it is a conditional use and is this part of the conditional use, does it fit the conditional use, it is not whether or not there are one, two, five or twenty-five because there could be multiple principal buildings, we’ve got multiple principal buildings and he thinks the whole concept is if you can have this use you can have whatever goes in accordance with the use but obviously we are not going to let there be 35 little shanty huts around because that is not consistent with the neighborhood. He said he understands that there is that section in there but when you talk about a conditional use we set the terms on the conditional use.

Mr. Gutoskey said we are looking at the setbacks and the square footage of the pavilion.

Mr. Lamanna said it is still a conditional use, examination of that provision.

Mr. Lewis said the big shed, the Boy Scout shed and the clothing drop-off.

Mr. Henline said the big shed is on the other parcel, the storage shed, is that what you are talking about.

Mr. Lewis said you own that if it is on the other parcel so currently on this property you have the Boy Scout shed and the clothing drop-off thing which is as close to permanent, he has seen it and it has been there a long time so you have two up there now so we would be talking about adding a third.

Mr. Gutoskey said a fourth.

Mr. Lamanna asked if the second parcel is not combined with the other one.

Mr. Henline said the one on the north is our property but it is a different parcel number.

Mr. Lewis said so that shed is on another parcel, it just happens to be the same owner.

Mr. Henline said correct.

Mr. Lewis said we can't consider that with what we are dealing with now or do we.

Mr. Lamanna said this is the issue, does the conditional use cover that parcel.

Mr. Gutoskey said no because this parcel here is just a residential parcel.

Mr. Lamanna said then it can't have an accessory structure all by itself, it has got to have a principal structure before it can have an accessory structure.

Mr. Henline showed the board the location of the house by referring to the displayed aerial photo and said the shed sits right about there.

Mr. Lamanna asked what that house is used for.

Mr. Henline said it is a parsonage for our pastor.

Mr. Lamanna said okay.

Mr. Lewis said it is on that parcel and there is a residence there.

Mr. Henline referred to the displayed aerial and said the property line is right there so that shed is there.

The board discussed the location of the sheds.

Mr. Lamanna asked if the shed behind the house is an accessory structure for the house.

Mr. Henline replied yes.

Mr. Lewis said if we talk about the pavilion it brings into things of consideration because it is open sided, hours of operation, lighting, sound, he notices that you have a fireplace, how late into the evening things will go because it is adjacent to Pilgrim Village out the back side of it. He said he is trying to get an idea of what you see with activities there. He said he did read that there is no plumbing so restrooms, they will go into the church or the building and use the facilities there.

Mr. Henline said correct.

Mr. Lewis said share with us a little bit about how you see using this.

Mr. Henline said the intent would be like a worship space on Sunday morning, a potluck, luncheons right after service or be used during the week, we have the preschool there that they could be outside so rather than kids riding their tricycles in the back parking lot like they do now they could do it in there so it is a little more secure and safe there so the school could use that as well. He said it would be additional space for meetings so where the Boy Scouts come for example, right now they are in the building but this would give them another opportunity so rather than coming into the building they could use that for their one hour meeting during the evening from 6:00 to 7:00 so that is kind of what they are looking at with regards to use.

Mr. Soryal said it is not a party center for weddings or anything like that.

Mr. Henline said it could be used for small weddings. He said there is no plumbing or anything like that, the only utility they are putting out there is electric, plenty of plugs for electric outlets.

Mr. Gutoskey said a question the zoning inspector had, how did you come up with the setback 52'4".

Mr. Henline said he understands it had to be at least 50' so they wanted to make sure they gave themselves a buffer. He said it is no different than we were supposed to be 10' off the building so we went 12' so we are trying to give ourselves a buffer there to make sure we are within that.

Mr. Gutoskey asked Mr. Henline if he knows how far that building is off the property line.

Mr. Henline referred to the displayed aerial and said from here, from this corner here.

Mr. Gutoskey said yes.

Mr. Henline said from this corner here to here it is like 91.67 something like that.

Mr. Gutoskey asked if that is from the construction drawings that you had when you did the site or you had it surveyed.

Mr. Henline said it was from the drawings and he also double checked it and tried also to do it on the Geauga ReaLink measurement tool.

Mr. Soryal said so the property is not marked, there are no flags or anything.

Mr. Lewis said there is a storm channel back there that you really cannot go into and it looks like one of the corners of the building is actually plotted to be in that area.

Mr. Gutoskey said he looked at that drawing and that just shows the area that was getting cleared to build the building. He said there is a big ditch that comes through here that drains Pilgrim Village Lake.

Mr. Henline said we are showing where we are going to tie in for the downspouts.

Mr. Lewis said we were going to get into what happens to the water off the roof and where does it go.

Mr. Gutoskey said getting back to speakers, no speakers, right.

Mr. Henline said in the future there could be speakers for the pastor up there talking but not like a concert type.

Mr. Lamanna said if you are using anything like that it has to be maintained at a level that it is intended only to serve the people in the pavilion not to be able to be listened to over in Pilgrim Village Lake because this is an issue we have with restaurants and things like that with outdoor patios when people want to have music out there, and obviously it is more sensitive the later it gets into the evening and probably things should be wrapped up by 10:00 P.M. He said generally it is very unlikely you are not going to be going beyond that.

Mr. Henline said common courtesy.

Mr. Gutoskey said that was the other question, hours of operation, that is another thing we may have to bake into the motion.

Mr. Lewis said also the start time because it is an outdoor activity and for worship services we want health and safety and the attributes for the children and your congregation, you also need to be sensitive that you are adjacent to Pilgrim Village and we have residents there.

Mr. Lamanna swore in Mr. Wally Foster and he let the record reflect that Mr. Foster was duly sworn.

Mr. Wally Foster testified that he is the Council President. He said talking about speakers and sound, one thing at the end of the pavilion towards Pilgrim Village is storage.

Mr. Lewis said so your speaker would speak from the fireplace facing the building.

Mr. Foster said exactly.

Mr. Lamanna said it would come out the side if it came out anywhere, really nobody is going to be too much affected

Mr. Foster said correct.

Mr. Lamanna said technically the board could allow no speakers at all so we are just trying to say okay, if you are going to use them we want you to use them so they are for that space and not being run so that they can be heard 500' away or something like that, the volume so that people can hear and not more than that and he is sure you are not going to be interested in cranking it up and bothering the neighbors.

Mr. Lewis said you have got parking lot lighting so what is your plan for lighting within the pavilion.

Mr. Henline said he didn't know if it was in there or not but they do have a plan that has lights.

Mr. Gutoskey said no exterior lighting, just interior lighting.

Mr. Henline said it will be recessed in the ceiling.

Mr. Lewis said okay.

Mr. Gutoskey asked about the fireplace, if it is woodburning or gas, he doesn't know if it makes a difference.

Mr. Henline said it is woodburning.

Mr. Lamanna said so the issue is really the setback.

Mr. Henline said yes.

Mr. Soryal said and the size.

Mr. Lamanna said that, again, technically this would be a principal building. He said if the building is being used for a principal activity on the site and that is what he is saying, when you are talking about what is an accessory structure and not an accessory structure, when you are talking about a conditional use it is a little different because there is a use there that may involve, depending on how big the property is, a whole lot of buildings. He said obviously the smaller your property the more controlling this thing from looking at what actually are they doing, how big is their property, is this starting to encroach on the residential district because of the intensity of it.

Mr. Gutoskey said their pavilion is going here, this used to be the treatment plant for Pilgrim Village but it is now a pump station so this parcel here is owned by the county.

Mr. Lamanna said so there is no residential back there, they own the whole parcel.

Mr. Gutoskey said yes.

Mr. Lamanna asked what will the total lot coverage be when we are done here.

Mr. Gutoskey said they are under with what is proposed, allowable is 84,506 sq. ft. and they are at 81, 074 sq. ft., they are under the 40% lot coverage.

Mr. Lamanna said they are getting there.

Mr. Lewis asked do we do housekeeping on the 91'.

Mr. Gutoskey said that setback may have been approved.

Mr. Lamanna said that may have been approved as part of the site approval and they have forgotten about the fact that it is a 100' setback because it is a conditional use and it met the 90' and that is why maybe it didn't get flagged. He said for a conditional use it is 100' but obviously here there is not anyplace else to put it.

Mr. Gutoskey said he is reading in one of the motions here from 1999 and it says "In terms of granting the variance, with respect to the setbacks, the board finds that the particular location where this construction will take place, although it is within the 100' boundary, is along the side of the property that is currently owned by Geauga County and is used for a pumping station in connection with sewage treatment." He said plus there is a ravine there and this is the fourth page from the back in the packet.

Mr. Lamanna said 100' from the property line, loud speakers are technically not permitted. He asked if they are going to have any light shining out from this pavilion that is going to get to the adjacent properties.

Mr. Gutoskey referred to the conditional use criteria.

Mr. Lamanna said “All outside work conducted in connection with such use shall be done between the hours of 7:30 a.m. and 5:00 p.m.” so he hates the fact that they used the word “work” there because it is not 100% clear whether that means construction or whether that means use of it and he doesn’t know why you necessarily say you can’t use something after 5:00 p.m. for uses outside.

Mr. Gutoskey said that is a condition in there that needs to be cleaned up by the zoning commission.

Mr. Lamanna said he would say it sounds like construction although we can obviously since it is a conditional use address the hours of operation since this is an outdoor facility. He asked what it is going to look like again.

The board reviewed the elevations of the proposed pavilion.

Mr. Lamanna asked about the columns.

Mr. Henline said they will be brick.

Mr. Lamanna asked if they are going to match the existing building.

Mr. Henline referred to the elevations displayed on the screen and said it will match the existing building.

Mr. Lamanna said the access to the storage is from the east side.

Mr. Henline said it would be from the patio and showed where the doors would be and the same wall as the fireplace.

Mr. Lewis said your tables and chairs and pavilion stuff.

Mr. Henline said yes.

Mr. Lamanna said and the other side is just flat, the side walls are open.

Mr. Henline said exactly, yes.

Mr. Lamanna asked if anybody had any issues here. He said he thinks it is a good location.

Mr. Lewis said he was trying to look and see when the existing conditional use expires.

Mr. Henline said the current one they have expires in 2026.

Mr. Gutoskey said November 18, 2026.

Mr. Lewis said so that in a couple of years we are doing a bulk renewal on everything at one time.

Mr. Lamanna said he thinks what we will do is we will just add this in and extend it for another five years.

Mr. Gutoskey asked 2028.

Mr. Lamanna said yes.

Mr. Lamanna said there are no issues that he can see here on the existing one that we need to address.

Mr. Lewis asked if they are still running a daycare program of sorts.

Mr. Henline said they still have a preschool, yes.

Mr. Lewis asked what time the kids arrive.

Mr. Henline said he would say they arrive at 8:00 but some parents and teachers get there early.

Mr. Lewis asked are we looking at 7:30.

Mr. Henline said he would say 7:30. He said 7:30 there is a morning class and there is also an afternoon class.

Mr. Lewis said and then if you are going to have any after five programs there.

Mr. Lamanna asked when they think they are going to wrap up anything out there in the evening.

Mr. Henline said he would say probably council meetings are the latest things that he is aware that runs there and they are usually done by 9:00, the meetings they currently have but he would say they may enjoy the weather and sit around and talk for a little bit longer.

Mr. Lamanna said he is not talking about people sitting around and talking he is just talking about if you've got some kind of outdoor party going on for some event, he imagines 10:00 would be good.

Mr. Lewis said he is good with 10:00 and it is seasonal.

Mr. Gutoskey said they would probably go longer depending on what is going on.

Mr. Lewis said he isn't seeing it as an event center, he is seeing it as an extension of worship and activities for the organization.

Mr. DeWater asked about the concrete sidewalk, he doesn't see anything like that in the drawing.

Mr. Henline said they have a walk that goes from the church, the existing walkway to there. He explained the locations of the walkways per the displayed photo.

Mr. DeWater asked if that was included in the plans

Mr. Henline said yes.

Mr. Lamanna asked if it is in the drawings.

Mr. Henline said that is in the total square footage.

Mr. Lamanna said it is just additional, it is not part of the actual building structure.

Mr. Lewis said so the 81,074 sq. ft. is the total lot coverage including all structures, the parking lot, the extra sidewalks, all baked in.

Mr. Henline said yes.

Mr. Gutoskey said 192 sq. ft. for sidewalks.

Mr. Lamanna said this is going to pretty much put you at your limit other than if somebody needs a little sidewalk section or something like that.

Mr. Gutoskey said they've got 3,000 sq. ft.

Mr. Lamanna said he thinks other than some minor little thing, he thinks for this lot here we are reaching the level of density of development, it is about a five acre lot here.

Since there was no further testimony, these applications were concluded.

Motion BZA 2023-14 – 17989 Chillicothe Road (Lord of Life Church - Pavilion)

Mr. Lamanna moved to amend the conditional use permit to allow the construction and operation of a pavilion of 2,000 sq. ft in size located 12' behind the church as shown and constructed on the plans that have been submitted by the applicant with this application. In connection with this modification of a conditional use the board approves the following variances.

1. A variance to the minimum required rear yard setback of 100' to 52' 4" for a variance of 47' 8".
2. With respect to the size this is probably technically an additional principal building on the property with the conditional uses permitted and with the effect of a total number of buildings the board is approving this additional structure as part of the conditional use as well even though there are other existing buildings on the property.

With the following conditions.

1. The board also notes that as part of the approval the outside lighting will be limited to the interior of the structure and there will not be lighting projecting away from the structure and any outside lighting must meet the lighting standards of the zoning ordinance.
2. With respect to this pavilion since it is an outdoor use and it is by a residential neighborhood in order to prevent any adverse impact upon the residential neighborhood the hours of use will be limited from 7:30 A.M. to 10:00 P.M.
3. With respect to any speakers or other amplifications they will be permitted with the limitation that they are only being used as would be appropriate to enable people within the actual pavilion to hear what is being presented and will not be of such loudness and strength that they will be readily audible to adjacent properties because of their volume.
4. All of the conditions of Section 117.13 of the zoning ordinance apply as well.

Based on the following findings of fact.

1. This is consistent with the conditional use.
2. With respect to the general standards, it appears to be an appropriate conditional use, it is certainly allowed.
3. It is a continuation and a small expansion of the existing conditional use.
4. It certainly is being designed and constructed so that it matches in with the existing building and will be harmonious to that.
5. It will not create any additional demands upon public facilities and services except for those already being used at the site.
6. None of the activities should be detrimental to anyone else.
7. The board already knows that there is plenty of vehicular access and parking and this will not significantly increase that and will not cause a destruction of any natural sense of or historic area.

Motion BZA 2023-14 – 17989 Chillicothe Road (Lord of Life Church - Pavilion) - Continued

8. With respect to the rear yard setback the board has already granted one rear yard setback for the one variance for the existing building and in this case the adjacent property on that side of the church is a county owned property with the use for the purposes of a sewage pumping station so since it is not actual real residential property and no one is going to be disturbed by this being a little bit closer to it than is permitted, it will not cause a problem.
9. The board also notes that the side facing that property is closed so it will reduce the potential impact even more and there is also a natural buffering as well on the adjacent property and this property buffers it from the Pilgrim Village Lake area.
10. The board determined the number of buildings is reasonable and consistent with the conditional use and any variances that would be required as well and also finds that this is actually like a principal building on the property which is allowed.
11. Just a note on the size of this, the board is considering this as not an accessory building but a principal building and also approving it under the conditional use provisions in any event.

Mr. Gutoskey seconded the motion.

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

Motion BZA 2023-15 – 17989 Chillicothe Road (Lord of Life Church - Conditional Use)

Mr. Lamanna moved to extend the conditional use for Lord of Life Church and Preschool including the modifications that were made in BZA 2023-14 and all of the previous modifications that have been made for a period of five years from the date this application becomes final so that would be July 2028.

Based on the following findings of fact.

1. The board reviewed the conditional use building plans in the previous application and approved the modifications described therein and the board has found that there are no other issues or complaints have been raised regarding the operation of the church and preschool and therefore the conditional use permit should be extended for the maximum permitted period.
2. The board does note that unless otherwise specifically a variance has been granted to the provisions in the zoning ordinance with respect to conditional uses set forth in Section 117.13 do apply as do any other specific conditions that have previously been imposed with respect to any of the particular decisions with respect to the conditional use or its expansion in the past so all of that remains in effect.

Mr. Lewis seconded the motion,

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

Since there was no further testimony, the public hearing was closed at 8:28 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: July 20, 2023

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
June 15, 2023

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:28 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.

MINUTES

Mr. Gutoskey moved to adopt the minutes of the May 18, 2023 meeting as written.

Mr. Lamanna seconded the motion.

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

APPLICATIONS FOR NEXT MONTH

Secretary's note: No applications were submitted for the July 20, 2023 meeting.

Since there was no further business, the meeting was adjourned at 8:58 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: July 20, 2023