

Bainbridge Township, Ohio
Board of Zoning Appeals
September 21, 2023

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:05 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Brent Barr, Alternate; Mr. Joseph Gutoskey; Mr. Todd Lewis; Ms. Lori O'Neill, Alternate and Mr. Emeil Soryal. Mr. Ted DeWater was absent. 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. Brent Barr, Alternate joined the board for consideration of the following applications in Mr. DeWater's absence.

Mr. Lamanna swore in Mr. Steven Averill, Zoning Inspector.

Application 2023-17 by Caleb Chou for the Church In Solon for property at 7765 Country Lane

The applicant is requesting a review and renewal of an existing conditional use permit. The property is located in a R-5A District.

Dr. Caleb Chou was present to represent the Church In Solon.

Mr. Lamanna swore in Dr. Caleb Chou and he let the record reflect that Dr. Chou was duly sworn.

Dr. Caleb Chou testified that nothing has changed, it is the same as usual.

Mr. Lamanna asked if there are any issues or complaints.

Mr. Steven Averill testified by saying none.

Mr. Lamanna swore in Mr. John Dawson and Mrs. Kathy Dawson of 7753 Country Lane and he let the record reflect that Mr. and Mrs. Dawson were duly sworn.

Mr. John Dawson testified that he and his wife are neighbors to the west and they are great neighbors but the one issue he does have is, there is a big parking lot on their property and when it rains, there is a retention system but something is wrong because water ends up on him and he already contacted Geauga Soil and Water and they said they would come out but they haven't yet but that is the only issue he has, excessive water coming off the property. He said the retention pond doesn't get any water, if it rains 2" and you look at the retention pond there is nothing in it.

Mr. Gutoskey said what it means is the water is bypassing the pond versus making it to the pond.

Mr. Dawson said right, it is not getting there.

Mr. Gutoskey said Soil and Water may have one employee that has since graduated and moved on so they are short an employee right now.

Mr. Dawson said that makes sense but that is all he has to say.

Mr. Gutoskey said as part of the board's original approval on this that was one of the items. He said it was item #13 under the 2013 approval, "The applicant will prepare a plan for stormwater and implement a plan for a stormwater retention basin for the parking lot to be located in the area to the west of the barn. The plan will be prepared by a professional engineer licensed in Ohio. The plan will be submitted to the zoning inspector for approval as part of the final revised plans." He said that was part of the original approval when that parking lot and storm water retention was installed and he thinks that was one of the questions the zoning inspector has. He said when the board renewed it in April of 2016 that was one of two items that we asked about and one was confirming the septic system was properly functioning and that Soil and Water would verify that the retention pond is also operating properly so those were additional conditions we made in the 2016 renewal.

Mr. Lamanna said the question is did that ever happen.

Mr. Gutoskey said he doesn't know, that is the question and he thinks that is the question Mr. Averill had too.

Mr. Soryal asked isn't that retention pond in a different direction altogether than the water.

Mr. Dawson said it is to the west of the barn, you can see where they had built up a berm to direct the water but it is going around the berm.

Mr. Gutoskey said from what he remembers that property drained towards Canyon Lakes to the rear when we originally did that approval.

Mr. Dawson said initially the size of the parking lot when it rains it just goes right out hitting that berm and going into the retention and leaching in, running into the woods which there isn't much left because it is too wet.

Mr. Barr said he is not too familiar with the property so he is looking at it on his phone so there is a building with a circle in the front and is that building the church itself.

Dr. Chou replied yes.

Mr. Barr said okay and then there is a barn in the back.

Dr. Chou said yes.

Mr. Barr said okay.

Mr. Gutoskey said he remembers the general topography fell to the south towards Canyon Lakes.

Mr. Lewis said two of the conditions of your last approval were to have the EPA confirm that your septic system is working properly within six months of that approval going back to 2016 when we approved the conditional use and then at the same time Geauga Soil and Water was required to come out and have a visit just to verify that the system is going so he is thinking let's get both of those scheduled as conditions.

Mr. Lamanna asked if that was ever done. He asked Dr. Chou if he ever did anything with those two conditions.

Dr. Chou said they got approval.

Mr. Lamanna said we don't have anything in our records to show that.

Dr. Chou said anything they can do.

Mr. Lamanna said what we will do is we have got to reiterate those same two conditions.

Mr. Gutoskey asked what kind of timeframe do you want to have on it, three months.

Mr. Lamanna said three months and just to be clear so within three months we want you to have the septic system reviewed by the EPA to confirm it is operating properly and when they do that then you (Dr. Chou) will submit to the Zoning Inspector a copy of a letter from them and the second thing we want you to do is to have a review of the retention pond system by Geauga Soil and Water to determine whether it is operating properly and if they determine that it is not working properly and it is not doing its job then you are going to have to make modifications.

Mr. Gutoskey said or repairs or whatever it requires to direct the water to the pond.

Mr. Lamanna asked how long it will take for Soil and Water to come out.

Mr. Averill said they can get it verified and it is going to get continued here and give them three months to get it taken care of because he thinks you can only give them between two and five years to renew the conditional use.

Mr. Lamanna said this would be a condition that they have to satisfy otherwise they would be in violation.

Mr. Averill said have them come back in three months.

Mr. Lamanna said that is probably the best thing just in case it comes up that there is a problem here.

Mr. Averill said he would say that he thinks three months is fair and then if he needs more time he can let him know.

Mr. Lamanna said he thinks three months is more than enough time.

Mr. Gutoskey said what has happened is Geauga County didn't used to take care of low flows less than 1,000 gallons a day but with Lake County being involved taking over our Health Department or operating it they now do the 1,000 gallons per day or less systems so this may be able to go through the Geauga County Health board versus having to go to the EPA for the septic.

Mr. Averill asked what the EPA would think about that though.

Mr. Gutoskey said if it is less than 1,000 gallons per day which it probably is then it would go through the Health Department now so it would be an inquiry with the Geauga Health Department.

Mr. Averill said when it comes to the retention, that would have to be done before winter.

Mr. Gutoskey said that would have to be done pretty quick so he doesn't know if you (Mr. Averill) could help call Carmella Shale to see if you could get her or Colleen Sharp out there.

Mr. Lamanna said he thinks this is a better proposal and what the board will do is we will continue this hearing to the December 2023 meeting and between now and that meeting we want you to have the septic reviewed either by the EPA or the Geauga County Health Department, whoever is going to take jurisdiction over it and get a letter from them saying it is okay but if you talk to the Zoning Inspector he will help you out with who to talk to and the same with the Soil and Water people.

Mr. Averill told Dr. Chou that he will give him the information of who to contact. He said he needs to talk to the Health Department for his septic and Geauga Soil and Water for the retention and he said he would try to call Soil and Water and expedite the inspection.

Mr. Gutoskey asked if there is anyone else in the audience that has any comments.

Mr. Lamanna said we are going to continue this until December, you are going to talk to these people and find out what they think of your systems, it does seem that there is probably going to have to be some work done on the stormwater retention so work with them and the Zoning Inspector to figure out what that is and we would like to get that done by December also.

Dr. Chou asked at the end of December or the beginning of December.

Mr. Lamanna said it would be the middle of December.

Mr. Lewis said our regular scheduled meeting is the third Thursday of the month and we would like to get the information and your documentation before that.

Mr. Lamanna said we understand if it turns out there is work that has to be done that can't be done because of the weather then we will work out some kind of a plan to actually get it done but by that point in time we want to at least know what has to be done, even if it can't be done we would like to have it done but if it turns out it is too big a job to get done before winter comes on then we will set a schedule to get it completed.

Mr. Peter Alves stated that he would like to speak.

Mr. Lamanna swore in Mr. Peter Alves and he let the record reflect that Mr. Alves was duly sworn.

Mr. Peter Alves testified that he lives at 17291 Red Fox Trail in Canyon Lakes and they are great neighbors and as Mr. Dawson said the same way they are wonderful neighbors he has no problems. He said he knows at some of the earlier meetings we talked about they were going to upkeep the fence at the back of their property and he talked to Dr. Chou and the fence is just all coming down.

Mr. Gutoskey said that is one of the conditions.

Mr. Alves said yes exactly and it is funny about the water because when this happened five, six or seven years ago the water was aiming at our property and there is a pipe there and it was coming across and the last couple of years he hasn't seen it so now we know where it is, it is going to your place. He said they are wonderful neighbors and thanked the board for their time.

Mr. Gutoskey said that is another thing, to look at fixing the fence in the back because that is one of the original conditions.

Mr. Lamanna said that will continue on as a condition to keep that fence maintained.

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

Motion BZA 2023-17 – 7765 Country Lane (The Church In Solon)

Mr. Lamanna moved to continue this application to the regularly scheduled meeting to be held December 21, 2023.

Mr. Barr seconded the motion.

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

Application 2023-18 by Small Hands Big Dreams for property at 8505 Tanglewood Square

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

Mr. Brian Sprafka of Small Hands Big Dreams was present to represent this application.

Mr. Lamanna swore in Mr. Brian Sprafka and he let the record reflect that Mr. Sprafka was duly sworn.

Mr. Lamanna asked if the encroachment issue was fixed from the last time.

Mr. Steven Averill, Zoning Inspector testified by saying yes.

Mr. Lamanna said we've got the playground area taken care of and asked if there are any complaints or issues here.

Mr. Averill said no complaints and he confirmed that the playground area is on the property and there are no issues.

Mr. Lamanna asked if there is anyone here that has any issues with this application.

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

Motion BZA 2023-18 – 8505 Tanglewood Square (Small Hands Big Dreams)

Mr. Lamanna moved to renew the existing Conditional Use Permit for a period of five years commencing with the date this decision becomes effective.

1. All of the conditions existing on this Conditional Use as well as all of the general conditions for a Conditional Use will remain in effect for the period of this renewal.

Mr. Gutoskey seconded the motion.

Vote: Mr. Barr, 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 7:28 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: October 19, 2023

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
September 21, 2023

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 7:28 P.M. by Mr. Michael Lamanna, Chairman. Members present were Mr. Brent Barr, Alternate; Mr. Joseph Gutoskey; Mr. Todd Lewis; Ms. Lori O'Neill, Alternate and Mr. Emeil Soryal. Mr. Ted DeWater was absent. Mr. Steven Averill, Zoning Inspector was present.

MINUTES

Mr. Gutoskey moved to adopt the minutes of the July 20, 2023 meeting as written.

Mr. Lewis seconded the motion.

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

APPLICATIONS FOR NEXT MONTH

Application 2023-19 by Rev. John Wahl for the Valley Presbyterian Church for property at 17560 Chillicothe Road

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

Application 2023-20 by Eliza Jennings, Inc. (The Weils) for property at 16695 Chillicothe Road

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

Application 2023-21 by Parkside Church for property at 7100 Pettibone Road

The applicant is requesting a review and renewal of an existing conditional use permit. The property is located in a R-5A District.

Application 2023-22 by Dan DiCillo for property at 8757 Lake Forest 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 2023-23 by James A. Alesci for property at 8144 Chagrin 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.

Since there was no further business, the meeting was adjourned at 7:30 P.M.

Respectfully submitted,

Brent Barr, Alternate
Ted DeWater
Joseph Gutoskey
Michael Lamanna, Chairman
Todd Lewis, Vice Chairman
Lori O'Neill, Alternate
Emeil Soryal

Attested to by: Linda L. Zimmerman, Secretary
Board of Zoning Appeals

Date: October 19, 2023