

Bainbridge Township, Ohio
Board of Zoning Appeals
March 21, 2024

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:00 P.M. by Mr. Todd Lewis, Vice Chair. Members present were Mr. Brent Barr, Alternate; Mr. Joseph Gutoskey; Mr. Todd Lewis; Ms. Lori O'Neil, Alternate and Mr. Emeil Soryal. Mr. Ted DeWater and Mr. Michael Lamanna were absent. Mr. Steven Averill, Zoning Inspector was present.

Mr. Brent Barr, Alternate and Ms. Lori O'Neill, Alternate joined the board for consideration of the following applications in Mr. DeWater's and Mr. Lamanna's absence.

Mr. Lewis welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals and explained the public hearing process.

Mr. Lewis swore in Mr. Steven Averill, Zoning Inspector and he let the record reflect that Mr. Averill was duly sworn.

Mr. Lewis swore in everyone who intended to testify and he let the record reflect that everyone was duly sworn.

Mr. Lewis stated that the applications will not be taken in order of the agenda tonight.

Application 2024-2 by Well PM Properties (Arden Courts) for property at 8100 E. Washington Street

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

Ms. Bridey Matheney of Thrasher, Dinsmore and Dolan and the Attorney for the applicant and Ms. Erin Pfenning of Arden Courts were present to represent this application.

Ms. Bridey Matheney, who was previously duly sworn, testified by saying Well PM Properties LLC is actually a Delaware Limited Liability Company and is actually the owner of the property at 8100 E. Washington Street and is the same entity as HCR ManorCare Properties, LLC. She said what happened was, HCR ManorCare Properties, LLC converted at one point to a Delaware Limited Partnership first then converted to a Delaware LLC and did that actually in April, sometime in 2018.

Mr. Gutoskey said probably just shortly after we had our public hearing.

Ms. Matheney said she thinks so, she thinks that is correct and she apologizes, she knows they already did it and she can find out. She said when they converted to the Delaware LLC, it was converted to Well PM Properties LLC but for intents and purposes HCR ManorCare Properties, LLC is the exact same real entity as Well PM Properties, LLC and is now a Delaware LLC.

Mr. Soryal said just a change of name.

Ms. Matheney said yes, technically for purposes of the conditional use, it really is the exact same company. She said they are here requesting a renewal of the existing conditional use permit and this was renewed in April of 2018 and at that time it had a five year renewal and the renewal and the review was at that time and they want to renew it actually in the name of Well PM Properties, LLC so that was in April of 2018, they received a conditional use permit, that was a renewal already and part of the conditions were that the review be in five years. She said five years would have been April 2023 unfortunately we did not receive notice because there was an old address on file here in the township but once we received notice on the fact that the permit was expiring and we had to renew it they immediately acquired Thrasher, Dinsmore and Dolan and we are here on their behalf and we submitted the application she thinks fairly timely from when we actually received it. She said the Well PM Properties LLC, the tenant ProMedica operates the Arden Courts facility and they have been operating the exact same way they have since they received their conditional use permit, they are following the same conditions that always existed so what we are really asking is for A. a renewal but also that it be issued in the name of Well PM Properties, LLC and Ms. Erin Pfenning is here on behalf of Arden Courts if you have any questions as far as the operations of the facility but that is what our request is tonight for the BZA.

Mr. Gutoskey asked Mr. Averill if he had any issues, problems or concerns.

Mr. Steve Averill, Zoning Inspector testified by saying no.

Mr. Gutoskey said there are a couple of storage pods in the front and asked if those are temporary.

Ms. Erin Pfenning, who was previously duly sworn, testified that they plan on getting them out but during COVID they had to remove all of the seating, no couches and so they are slowly making their way back to it so, Spring break is coming up so the volunteer high school students will come and empty them out.

Mr. Lewis asked if there is a timeline on that.

Ms. Pfenning said she would like to have it done in 30 days.

Mr. Lewis said he had the opportunity to get in touch with the Bainbridge Township Fire Chief just to kind of get a review, as they were invited to be here and they could not so he ended up being a little bit of an unofficial spokesperson but the feedback was that you are a very extraordinary great member of the community, very cooperative, very receptive to when the fire inspections occurred and that your use intensity of fire and rescue was really quite minimal so that was kind of some cheerful news to pass on.

Mr. Gutoskey asked if they see any changes they are going to be making that we need to address.

Ms. Pfenning replied no, we still run the same model that we have in the last almost 25 years, the model hasn't changed, the staffing ratios are still the same, memory care is what we do and all we do.

Mr. Gutoskey asked no changes to the programs.

Ms. Pfenning said no.

Mr. Soryal asked if they are planning on any changes to the building or anything like that they are planning on doing.

Ms. Pfenning said no.

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

Motion BZA 2024-2 – 8100 E. Washington Street (Arden Courts)

Mr. Gutoskey moved to renew their Conditional Use Permit for a period of five (5) years commencing with the date this decision becomes final.

With the following conditions.

1. Any special conditions that currently apply to this Conditional Use will continue in effect as will all conditions generally applicable to conditional uses as set forth in the zoning ordinance.
2. The board notes that the current Conditional Use Permit expired May 22, 2023 due to the fact that the township zoning department did not have a current point of contact for the applicant.
3. Once contact was established with the applicant, the applicant immediately applied for the renewal of their Conditional Use Permit.
4. In addition, the applicant has submitted documentation that the past CUP holder HCR ManorCare Properties LLC is now known as Well PM Properties LLC and that this Conditional Use Permit renewal will be renewed in the name of Well PM Properties, LLC.

Mr. Lewis seconded the motion.

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

Application 2024-5 by Daniel Szczepinski for property at 16960 Snyder Road

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

Mr. Daniel Szczepinski was present to represent this application.

Mr. Daniel Szczepinski was previously duly sworn.

Mr. Szczepinski testified that he and his wife would like to put up a garage to the north of the house, right there. He referred to the displayed aerial view and said he is just working through the laws of township zoning and in working through he realized that his property is just over that three acre mark so it is 3.03 acres so that put him into that 50' property line border so he is just a little bit over but he did get the survey done so they are to the exact measurement there and so his north property line is 38.8' off of where the furthest wall would be to that property line with that 10' of the current house so if he was just at .03 less he wouldn't be here but he totally understands and he does appreciate the time. He said in looking at the property he kind of understands why not put it somewhere else and so if it were to go on the other side of the house to put that building there, it is a little difficult to see but he actually has a geothermal unit that does the heating and cooling of the house and the loops are buried in the ground on that side and additionally the property line on that side is a lot shorter so actually they have less room over there and then where the wood is at the back of the house, his main septic line is in a pretty inconvenient spot, it kind of goes diagonally to the tank lids and then it goes back to, that is the entire leach field there. He said there is really not many other places he would be able to put this. He said he actually had Geauga Soil and Water come out a couple of years ago because he was having floods in the backyard and he actually has two watersheds kind of converging in the corner of his property so if he were to put it in what he would think is a pretty awkward spot, even for like a resale value, in that corner, it would kind of fit there, again with the leach field you would be looking at flood damage to this building so that is kind of where they landed on where we wanted to put this and realistically it would be to avoid any kind of water damage and also the idea of it would be to match the current house and siding, shingles etc. He said additionally he has a young family, he has two small boys and so he does do a lot with power sports like dirt biking, snowmobiling, we have all of that stuff in the garage and unfortunately just the way they built the house the garage is extremely small, we can barely get our vehicles in there to begin with so it leaves him no room to do any of that stuff and he does like to do some projects around the house, some woodworking things and if he even has room in his current garage it is a little bit noisy for the little guys so hence the idea here.

Mr. Gutoskey said it looks like you have a pad in front of where you are going to build your garage, correct.

Mr. Szczepinski said yes, what he did was he had some concrete work done about a couple of years ago and interestingly enough the cost to bring the trucks out, you may as well find somewhere to put this and so he figured he would put a little bit more of a turn-around in there.

Mr. Soryal asked would this gravel fix the water.

Mr. Szczepinski said a little bit, not really, there is not much that can be done just because of the fall of the land unfortunately so luckily it has never gotten up to a point where it is going to flood into the house but as you can see from the picture it is concerning at times. He said when he had the water department out they said it is like the 25 or 50 year rains that that happens but he doesn't know if it is just the luck of the draw or the odds but when we get snow and it melts and just again we have had a lot of rainy seasons the past few years that it seems like those 25 year rains are happening a little more frequently.

Mr. Gutoskey said it looks like you showed the riparian going across the lot where that watershed comes in.

Mr. Steve Averill, Zoning Inspector said it looks like it is a little out of place actually.

Mr. Gutoskey said but there is a riparian basically where the stream comes through.

Mr. Averill said yes, the water is back here though.

Mr. Lewis said he noticed that your rendering did not show gutters or downspouts on the building and asked the applicant what he is planning to do to direct that water.

Mr. Szczepinski said that is interesting, he would actually plan to put gutters on there, he will have to work with the guy who did drawings for him but he would absolutely like to have that run off properly.

Mr. Lewis asked if there is a natural grade where you plan to send the water as you collect it.

Mr. Szczepinski said yes.

Mr. Gutoskey said it would go back to that pond.

Mr. Lewis said as you were talking about a side yard variance, he asked Mr. Averill to show the adjacent property on the screen to get an idea.

Mr. Barr said it is a horse farm.

Mr. Averill said the property to the north is an agricultural use and it is an all five acre district, he is surrounded by larger lots.

Mr. Szczepinski said they do have a nice tree line too that they probably have 15' or so where the end of the building would be to the actual tree line.

Mr. Gutoskey said these are all sublots in the Washington Post subdivision.

Mr. Szczepinski said sure.

Mr. Gutoskey said those are frontage lots along Snyder and Washington. He said where they are showing that riparian is probably where it was before it got relocated.

Mr. Soryal asked if the driveway is going to be made bigger or is it going to be just about where the concrete is.

Mr. Szczepinski said yes it will be just about where the concrete is, the idea would be able to come in where that current new pad is, it wouldn't be any bigger just a different shape of where they would have the garage door.

Mr. Soryal said there is not going to be any living space in this shed, is there.

Mr. Szczepinski said no, the idea is really matching the length of the house this way, 24' because that seems to be about the minimum, anything smaller was then going to be like too small for the garage doors and he didn't want to do anything bigger near the property line.

Mr. Barr asked how far back this is going to sit on the house, he can't quite tell from the drawings.

Mr. Szczepinski said it would just match the house.

Mr. Barr asked if it was going to be at the same level of the house.

Mr. Szczepinski said yes.

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

Motion BZA 2024-5 – 16960 Snyder Road

Mr. Lewis moved to grant the applicant the following variance.

1. An area variance for a side yard setback from 50' to 38.8'.

Based on the following findings of fact.

1. The applicant and the property has displayed numerous practical difficulties on where to place the structure.
2. In the rear yard there is an area that floods, there is also a riparian and also septic leach fields.
3. On the other side of the house there are outdoor mechanicals that support the house so it is not a practical place to put it.
4. Additionally, the property next door is a large acreage agricultural farm and there is no housing or structure adjacent where this would be in the setback.
5. The purpose of this structure is a garage/storage which means that no business can be run out of there nor does this mean anybody could ever live within that structure.

Mr. Gutoskey seconded the motion.

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

Application 2024-3 by Perrino Custom Builders, LLC for Robert and Carmen Austin for property at PPN 02-359300 (Lot A) Snyder Road

The applicant is requesting area variance(s) for the purpose of installing a driveway. The property is located in a R-5A District.

Mr. Robert Austin, property owner; Mr. Stan Loch of Aztec Engineering and Surveying and Mr. Pat Perrino of Cleveland Builders were present to represent this application.

Mr. Pat Perrino who was previously duly sworn, testified that Mr. Robert Austin and his son are building two houses there and there is a current driveway out of gravel and it goes to the back over a culvert and it is a big piece of property. He said what they want to do is, instead of putting two driveways in, is to put one and once you get back to the back where it opens up so that is basically what they want to do and instead of paying for two driveways it is one and it makes more sense, there is a wetland that it goes over so it makes a lot of sense.

Mr. Stan Loch, who was previously duly sworn, testified that the owner would like to keep the property natural so what we are trying to do is little disturbance as we can coming up to the property. He said right now where the property splits there is a 40' culvert, about 41', and we want to keep the driveway kind of in place where there is a hard-packed dirt gravel driveway there now so they are trying to follow that so that the driveway going through the property, keep it with the least amount of disturbance as possible, keep it natural, that is homeowner's intent.

Mr. Soryal asked how long is that driveway before it splits.

Mr. Gutoskey said 594.73'.

Mr. Lewis said let's talk about this property a little bit first. He said you have two side-by-side parcels, when you bought it, it was one parcel, you recently did a lot split, give me some history.

Mr. Robert Austin, property owner, who was previously duly sworn, testified that he can give the board some clarification on that. He said they looked at several properties in Bainbridge Township and Aurora and they came across this property and it is unique they believe because of the contour of it, it is a little over 29 acres. He said what they purchased were two parcels, the parcel on the corner of Bainbridge Road and Snyder Road and then the remaining acreage all the way to 422 there. He said they since then have split the property into three parcels, an eleven, an eleven and then the corner of Bainbridge and Snyder remains the same as it was before so there are three parcels there. He said of the three parcels he and his wife own parcel A along the freeway, eleven acres and they own the corner lot, approximately 6.7 acres or so. He said his son owns the middle parcel, right there, he referred to the displayed aerial photo, and their intentions or their enthusiasm was the beauty of the property and the isolation of the property. He said their intentions are to build two homes there, he and his wife who are both retired, and his son, his daughter-in-law and his granddaughter on the middle parcel, their own property, their own house but we choose not to, we believe it is in the best interest of the property to keep it in its natural state and not mess with any of that frontage on Snyder Road so hence the existing driveway going back on the property line would open up to the old cornfield back there and have two homes on that property. He said he hopes he didn't confuse anything.

Mr. Lewis said this pseudo access road was in there before you did the lot split.

Mr. Austin said yes and we were told by the neighbors there that that access road was utilized to retrieve crops that were grown at one point, corn or something on that acreage.

Mr. Gutoskey asked what size the culvert is.

Mr. Loch asked you mean what the culvert size is.

Mr. Gutoskey said yes.

Mr. Loch said it is 41', the culvert that is there now so basically the property line between the two parcels splits that culvert with 21' on one side.

Mr. Gutoskey asked what size it is.

Mr. Loch said he thinks it was a 16" culvert and it is in good shape.

Mr. Gutoskey said there is a lot of flow that comes through there because there are times that that section of Snyder is flooded which you probably know and Bainbridge Road also.

Mr. Loch said the culvert basically splits them, the driveway.

Mr. Gutoskey said if you were doing just one house, what would your standard be for the width of a driveway.

Mr. Perrino said they did one at 16' for two cars.

Mr. Gutoskey said understood but typically he would say you would probably do 12' because what he is getting at is the problem that we have or the problem he sees, he doesn't know how everybody else feels it is fine that you and your son are going to be there but down the road what happens when some non-family member lives there and has to share this drive because the county won't record a driveway easement so how do you make this work down the road if you have two fighting neighbors.

Mr. Lewis said the county is not going to approve shared easements on anything, these are two separate lots of record, each lot and he appreciates family members may be the current owners but these two individual lots of record 100% stand on their own and some day they will be transferring ownership. He said the county is not going to approve an easement on a shared access driveway or your cutover, kind of at the top of it. He said regardless of what the township wants to do because what is before us is you have two properties, they are going to have to each have their own driveway and really what is before us singularly is to have a zero setback on the property line so the two driveways abut one another all the way. He said there are substantial issues with the county hurdle on any kind of an easement here, also access to each residence has got to be that 12' to 16' stand alone on their own for safety access reasons, that is police, fire, rescue, anything with that related to all of these things, if you are familiar with the Duncan Factors, he is pretty much walking through them.

Mr. Gutoskey referred to the old City of Cleveland driveways where you had your pad for the tire and some grass and asked could you do a foot between them, grass, or whatever.

Mr. Soryal asked or even pavers.

Mr. Gutoskey said the problem is that is still pavement.

Mr. Lewis said you can't put a hard surface abutting them, our code is 2' off the property line.

Mr. Gutoskey said if we did 1' or 18" between them and when you drive through you could straddle them and somewhere down the line if the houses get transferred and the neighbors fight they are going to have to go for their permit and fix it with a culvert.

Mr. Barr stated that he works at the school and he has driven from, coming off the highway and then going down there and when the snow melts and when it rains there Bainbridge Road floods and all of that water just comes downhill to you and it comes across and then Snyder Road also which is why that land sat for sale for a good decade, he almost thought it was a billboard and then he realized it was a for sale sign so you understand the difficulty with this but again we are looking at what can happen next, your son or daughter could get transferred for a job two years from now and then you aren't going to stay because you want to be with them and then we are looking at the next people that buy it. We had one where a gentleman built a compound with a three million dollar house and houses for the kids and there is a train track that goes around all of these, he passed and one of the kids moved away and now you've got people moving into this compound and with high tension wires. He said the board understands what you want to do and we understand that this isn't the most convenient but we also have to look out for the next two people that purchase this because it is probably not going to be a family like yours.

Ms. Lori O'Neill said it actually creates a hardship for you and your family when you go to resell so it is not only for what comes next but also in consideration of what may happen when you go to sell because you are going to inadvertently create a situation which makes it more difficult for you to sell the property which someday someone will want to do.

Mr. Lewis said that is a good point so in lieu of the fact that the shared driveway is not a likely solution and each property as its own is going to need their own driveway and that is fine that they are running parallel. He said each driveway will end up being 12' to 16' whatever engineering would be for safety and all of that kind of access thing, our code is 2' off the property line but they are not going to abut because we are going to want separation so whether that separation is 1' on each driveway off which would be a total gap of 2' or if we hold the code at 2' and he thinks you probably still have to talk to Army Corps if you've got wetlands.

Mr. Perrino said they are working on that.

Mr. Lewis said we understand some of the steps you have to do and added he is having a real tough time going through the Duncan Factors and coming up with a practical difficulty here to reduce the setback on this in lieu of the fact that they are two completely different properties and there cannot be a shared easement on those. He said there are five of us sitting up here so please everybody take an opportunity to weigh in.

Mr. Barr said with a 1' setback on each property they could fill that with dirt or grass.

Mr. Perrino asked if it could be gravel.

Mr. Gutoskey said it can't be gravel.

Mr. Perrino asked no pea gravel or something like that.

Mr. Gutoskey said no it can't because that is like pavement.

Mr. Barr said it would count as lot coverage.

Mr. Gutoskey said to ask Mr. Averill but the way he interpreted it is, it is part of the driveway so if it is grass, just like an old City of Cleveland driveway where grass is in the middle.

Ms. O'Neill said it actually says modular, porous and solid or impervious pavement aggregate.

Mr. Gutoskey said it shows a 16' drive up to the houses, maybe narrow that down to 12' and kind of swap some of that cost of the driveway going up to the houses for coming off of Snyder.

Ms. Devon Gamble of 17791 Snyder Road, who was previously duly sworn, testified by saying she is across the street.

Mr. Lewis said we had your house a couple of years ago.

Ms. Gamble replied yes. She said as far as like the shared driveway, there are other properties within the township like on Bainbridge Road across from Canyon Lakes, there are some properties over there that have a shared driveway so how was that constructed if you are saying that the county won't allow any type of easement.

Mr. Lewis said great question, we need to deal with this application under the current standards that exist today regardless of things that may have been approved or happened even without approval or with conflicts years ago, but a great question.

Ms. Gamble said okay.

Mr. Lewis asked how the board feels about reducing for example the side yard setback on these driveways from 2' to 1'.

Mr. Gutoskey said or 18" between.

Mr. Lewis said that means 9" per drive.

Mr. Gutoskey said the only reason he is looking at it is if for some reason someone wants to put a fence up down the road there is enough room to put a fence in.

Mr. Lewis said when you are plowing snow you have enough room to throw it without throwing it in another guy's driveway, you have to think about these things down the road when properties change ownership in which they will at some point.

Mr. Barr said his fear is with our winters and you come in there and it is wet snow like now and you can't see the driveway and if it is too wide and your car gets down in that muck where if it is a foot and you do go down in you are going to get back out.

Mr. Lewis said so you need a foot on each property, not 6".

Mr. Soryal said it makes sense what he is saying but he also understands the situation of possibly putting in a fence, with one foot you can drive down and the grass becomes grass.

Ms. O'Neill said to address the size of the setback or lot line if you will without the benefit of knowing what alternate plan you may come up with so she thinks in a way it is premature because she doesn't think we can really decide until they go back and take a fresh look so you can't approve the application.

Mr. Gutoskey said we can.

Mr. Soryal said the idea of having a zero setback now the driveway totals 16', if we have a foot or 2' between they've got to do 12 and 12.

Mr. Gutoskey said or 10 and 10.

Mr. Lewis said it is kind of like treating each property on its own.

Mr. Soryal said if that driveway going back, to your point of that, if that driveway is going to be each 12' there is no reason to go off the driveway, if it is 12' each so it is really not going to make that much difference, they are forced to make that driveway wide now if there is a separation.

Mr. Lewis said he is comfortable in knocking it from 2' to 1' because we still want a defined separation.

Mr. Soryal asked with 1' between.

Mr. Gutoskey asked 1' setback each or 1'.

Mr. Lewis said 1' setback each, 2' total, which allows some wiggle room on both properties and if they want to fence it or do whatever they want to do as things change hands and then the connecting yoke, up closer to the residences, he referred to the site plan, that sort of self remedies because they won't connect, it will just be a continuation of each driveway working itself up.

Mr. Perrino asked could you have kind of an island in between and instead of having four flares, have two flares.

Mr. Gutoskey said in the right-of-way, he thinks they can combine the aprons together, he thinks you would have to.

Mr. Lewis said there is an expense there with culverting and doing that and once again, you are going to be working with the county as far as setting those culverts in anyway in your final stuff on working with them, they are there to help and it is easier to make friends if you speak with people in advance.

Mr. Soryal asked if they are doing anything with that corner lot on Snyder and Bainbridge, that is just going to sit there for now.

Mr. Austin said they want to be good stewards of the property, they recognize that McFarland Creek is important, they recognize that, they recognize that the wetlands are important, they want to be good land stewards and thought the minimal impact would be to use the present access and not disturb the remaining property but he appreciates the dialogue.

Mr. Soryal said it seems like we are trying to protect you and the family in the future, it seems like right now it is not the answer you are looking for but you will be thankful in the future.

Mr. Gutoskey asked if they are having a delineation done.

Mr. Loch said yes.

Mr. Gutoskey said you will have to work with Soil and Water.

Mr. Perrino said yes, we will work with Colleen Sharp.

Mr. Gutoskey said if you need to do a delineation and verify and/or you need to get any kind of permits from the Army Corps you can coordinate that with Colleen Sharp.

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

Motion BZA 2024-3 – PPN 02-359300 (Lot A) Snyder Road

Mr. Lewis moved to grant the following variance with regards to the driveway.

1. A variance for a 1' setback off the property line for this parcel beyond the 2' required.
2. There will be no shared driveway with the adjacent property.

Based on the following findings of fact.

1. This is an individual lot of record.
2. The lot was split prior to this application by the applicant so in lieu of that the property will be dealt as a standalone parcel and needs to comply to general building standards, driveway width and that there would be no legal or easement encumbrances with any adjacent property.
3. The applicant will also work with the proper agencies on any wetlands permits, remediation or care or standards.
4. The applicant will also work with the Army Corps as needed for structural matters and permissions and work with the Geauga Soil and Water Conservation District as well.

Mr. Gutoskey seconded the motion.

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

Application 2024-4 by Perrino Custom Builders, LLC for Nicholas and Chelsea Austin for property at PPN 02-421516 (Lot B) Snyder Road

The applicant is requesting area variance(s) for the purpose of installing a driveway. The property is located in a R-5A District.

Mr. Robert Austin, property owner; Mr. Stan Loch of Aztec Engineering and Surveying and Mr. Pat Perrino of Cleveland Builders were present to represent this application.

Mr. Lewis stated that this application is for the adjacent property and it is a mirror of the same situation and before he starts a motion on this one which would be identical to the motion on the preceding application.

Mr. Soryal said he has a question, now that you know there is going to be a space between the two driveways do you want them any closer, do you still want to continue to get them closer or do you want to just leave that probably the way it is with a 2' minimum.

Mr. Lewis said there is no practical difficulty and there is 2' required.

Ms. O'Neill said on either side.

Mr. Soryal said he is asking them if they want to have that variance or does it just not matter to them anymore.

Ms. O'Neill said now not applicable.

Mr. Lewis said he can just dismiss this without prejudice if they don't need it.

Mr. Gutoskey said we should have a hearing on this and just say pretty much what we said the last time.

Mr. Lewis said yes.

Mr. Steven Averill, Zoning Inspector said so it is going to be 1' setback for each property.

Mr. Lewis said yes.

Mr. Gutoskey asked if we need to have another hearing.

Mr. Lewis said he opened up the application.

Mr. Gutoskey asked if they were opened up at the same time.

Mr. Lewis said no they are separate, they are two applications.

Ms. O'Neill said it is stated as the same owner on both applications.

Mr. Gutoskey said they are different owners.

Ms. O'Neill said it says Robert and Carmen Austin on both as owner of record but Mr. Austin had indicated that his son owns one of the properties.

After some discussion it was determined that the applications were separate with two different owners.

Mr. Austin said they are both the same acreage.

Mr. Averill stated that the applications were labeled Lot A and Lot B.

Mr. Lewis said just to review this a little bit before a motion, let's just go back and reiterate some of the same elements that were discussed on the preceding application, the adjacent property. He said without being too redundant, bear with him please. He said what we have here is we have a large parcel that the property owner bought and prior to submitting these applications the property owner split them into three separate parcels, each parcel and its attributes must be 100% on its own and that means no reciprocal easements, no shared driveways, every element on its own as a separate parcel and of course that is also the county's position. He said the other part about it is that it relieves any potential challenges at such point in time that either of these parcels are resold, each one is not encumbered with anything tied to the adjacent property. He said again, just to kind of review that the consensus that a 1' side yard setback of the driveway is acceptable with the applicant, it would be consistent with what we approved and agreed upon on the other parcel so if everybody is okay with that he will go ahead.

Mr. Gutoskey said he thinks we should add one other thing as part of their document that they filled out, the Duncan Factors, it is a very deep driveway, almost 600'.

Mr. Loch said yes, 594.75'.

Mr. Gutoskey said so there is some financial, there is a mitigating circumstance because the house is so far back from the road so granting the 1' variance to the side yard setback helps to mitigate the fact that house sits so far back off the road because it is obviously when we look at variances it is based on some limitations with the parcels and the limitation is they have to put a really long driveway in because of the wetlands and the riparian areas in the front.

Mr. Averill asked Mr. Gutoskey if he is referring to the length of the variance setback to the amount of variance.

Mr. Gutoskey said no he is just saying it is an extenuating circumstance due the configuration of the parcel.

Mr. Averill said this 1' setback is for the whole lot line.

Mr. Gutoskey said right, yes, correct, it is a practical difficulty.

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

Motion BZA 2024-4 – PPN 02-421516 (Lot B) Snyder Road

Mr. Lewis moved to grant the following variance with regards to the driveway.

1. A variance for a 1' setback off the property line for this parcel beyond the 2' required.
2. There will be no shared driveway with the adjacent property.

Based on the following findings of fact.

1. This is an individual lot of record.
2. The lot was split prior to this application by the applicant so in lieu of that the property will be dealt as a standalone parcel and needs to comply to general building standards, driveway width and that there would be no legal or easement encumbrances with any adjacent property.
3. The applicant will also work with the proper agencies on any wetlands permits, remediation or care or standards.
4. The applicant will also work with the Army Corps as needed for structural matters and permissions and work with the Geauga Soil and Water Conservation District as well.

Mr. Gutoskey seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 8:05 P.M.

Respectfully submitted,

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

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

Date: April 18, 2024

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
March 21, 2024

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:05 P.M. by Mr. Todd Lewis, Vice Chair. Members present were Mr. Brent Barr, Alternate; Mr. Joseph Gutoskey; Mr. Todd Lewis; Ms. Lori O'Neil, Alternate and Mr. Emeil Soryal. Mr. Ted DeWater and Mr. Michael Lamanna were absent. Mr. Steven Averill, Zoning Inspector was present.

MINUTES

Mr. Gutoskey moved to adopt the minutes of the February 15, 2024 meeting as written.

Mr. Barr seconded the motion.

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

APPLICATIONS FOR NEXT MONTH

Application 2024-6 by Pacific Bells, LLC c/o EA Architects for Taco Bell for property at 7125 Aurora Road

The applicant is requesting area variance(s) for the purpose of installing an additional wall sign. The property is located in the MUP District.

Application 2024-7 by Pacific Bells, LLC c/o EA Architects for Taco Bell for property at 7125 Aurora Road

The applicant is requesting area variance(s) for the purpose of installing a menu board. The property is located in the MUP District.

Application 2024-8 by 7-Eleven, Inc. for property at 17644 Chillicothe Road

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

Application 2024-9 by Daniel and Cheryl Akers for property at 8057 Chagrin Road

The applicants are requesting area variance(s) for the purpose of constructing a detached garage. The property is located in a R-5A District.

Application 2024-10 by Michele Baskette for St. Luke the Evangelist Antiochian Orthodox Church for property at 18060 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.

Since there was no further business, the meeting was adjourned at 8:25 P.M.

Respectfully submitted,

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

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

Date: April 18, 2024