

Bainbridge Township, Ohio
Board of Zoning Appeals
May 16, 2024

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:02 P.M. by Mr. Michael Lamanna, Chair. Members present were Mr. Ted DeWater; Ms. Devon Gamble, Alternate; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Emeil Soryal. Mr. Steven Averill, Zoning Inspector was present.

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

Application 2024-11 by Halle Properties, LLC for Discount Tire for property at 7025 Aurora Road

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

Mr. Steven McCleary was present to represent this application.

Mr. Lamanna swore in Mr. Steven McCleary and he let the record reflect that Mr. McCleary was duly sworn.

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

Mr. Lamanna asked Mr. Averill if there was anything to report on this particular conditional use, any issues, questions.

Mr. Steven Averill, Zoning Inspector testified by saying no, nothing out of the norm, nothing jumps out.

Mr. Lamanna asked if all of the conditions are being maintained.

Mr. Averill said yes.

Mr. Lamanna asked if there are any issues, questions, comments or changes.

Mr. Steven McCleary testified that the operations are going smoothly and it is making money for the company.

Mr. Lamanna asked if there is anybody else here interested in this application and are there any questions from the board.

The board replied none.

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

Motion BZA 2024-11 – 7025 Aurora Road (Discount Tire)

Mr. Lamanna moved to grant the renewal of the existing conditional use permit for this property (Discount Tire) for a period of five years from the date that the board's decision becomes final.

Based on the following findings of fact:

1. There are no outstanding problems or complaints regarding this conditional use.

With the following conditions.

1. The board does note that all of the existing conditions previously enacted will continue in effect as well as all generally applicable provisions of the conditional use.

Mr. Lewis seconded the motion.

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

Application 2024-12 by Joseph and Jessica DeCaro for property at 7565 Bainbridge Road

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

Mr. and Mrs. Joseph DeCaro, property owners, were present to represent this application.

Mr. Lamanna swore in Mr. Joseph DeCaro and Mrs. Jessica DeCaro and he let the record reflect that Mr. and Mrs. DeCaro were duly sworn.

Mr. Joseph DeCaro testified that what he wants to do is to put up an accessory building and the only area that he has that he can actually construct a building is past the front plane of his house.

Mr. Gutoskey asked where the bend in the road is.

Mrs. Jessica DeCaro testified that it is past Canyon Woods.

Mr. DeCaro said what the problem is, he referred to the displayed aerial, this whole area is the septic area and the septic engineer came out and did soil samples everywhere and this whole area was unacceptable for septic, the front yard is only 8" of topsoil and he said it was unacceptable for septic. He said this area over here was his best shot for septic so if you draw a straight line from the front plane of the garage here across the septic starts 6' past that front plane so the septic lines are back here and he has a ravine that goes to this area here so with the ravine there he obviously can't build anywhere. He said he is too close to the property line here to build over on the east side of the house so the only area he has which the septic engineer that designed his septic said put your lines here but keep this area clear so for future use for a septic line which he understands. He said the only option he has is to go out here where he has had an accessory building since they bought the house, it is on the surveyor's map that when we bought the house it was there so there has always been something there and he just needs to build a bigger one and he is going to eliminate the two little shed buildings that are there now so everything is going to get consolidated into one.

Mr. Gutoskey said so what you are saying is when you draw a line off the garage that is basically the area where you had to replace the septic area.

Mr. DeCaro replied yes.

Mr. Gutoskey said then the area below is the replacement area.

Mr. DeCaro said right. He said he took a laser and shot it straight across the front of the garage out into the woods about 75' or so and from that line 6' over is where the curtain drain is for the septic so the only area he has really is where his existing accessory building is, if you want to call it that, it is more of a shed and he wants to put a 30' x 40' up. He said he does all of his own maintenance work, landscaping and all of that, so he has every piece of conceivable equipment and it will be really tucked in the woods. He said he gave Mr. Averill some pictures so this is standing from his mailbox there and where he has got the pointer, that is where the accessory building is, you can't even see it from the street. He said the next picture is looking from the other corner of the front yard and you can barely see something back there and then he took a picture, a couple of pictures from the back half so there is the one shed he has and the other one is up there. He said the driveway is straight up and it will be tucked in the woods right there and really won't be able to see it at all and that is standing at the front corner of his drive looking to where he wants to put it.

Mr. Soryal said there is a bend in the driveway leading to the shed.

Mr. DeCaro said there is a little parking area right there.

Mrs. DeCaro said it would be behind the two trees.

Mr. DeCaro said right, the two trees that are there, those will end up coming out, those are Walnuts, those two trees right and the way he has got it on the plan there he actually wants to shift the building like 30° or something but still keep it in the same area because he wants to miss some of the three big trees like this one that he doesn't want to mess with and he wants to stay away from those but he will still be 50' away from the line and he will still be more than 90', he thinks he measured 130' deep from the right-of-way so it is still going to be in the same general area but in actually mapping out the exact location like that, it would be too close to these huge trees which he doesn't want to disturb the roots and end up killing them.

Mr. Lamanna asked if the orientation of that building is parallel to his existing.

Mr. DeCaro said it is parallel to the existing little parking area right there but they were thinking about making it parallel to this line here rather than this one so just cock it that way a little bit.

Mr. Lamanna said he was trying to figure this out because it is not 100% apparent that the front of the house is parallel to the street.

Mr. DeCaro said there is a curve in the road right here, it is parallel to the street this way.

Mr. Lamanna said obviously but if he draws a perpendicular line from the street to the front part of your house that is parallel to that is what you are saying.

Mr. DeCaro said when they built the house in 1849 it was probably a crapshoot to make it parallel, the eastern end of the road or parallel with the western end of the road.

The board discussed the location of the house on the lot.

Mr. Gutoskey said when you look at the mortgage ID it looks like it is parallel to this side.

Mr. Lamanna asked should the new building be lined up so it is parallel to the front of the house.

Mr. Gutoskey said it is tucked in behind and there is also a riparian in the backyard too, it is a pretty big ravine. He asked where the water well is located.

Mrs. DeCaro said the well is tucked up here, she referred to the aerial map, right here.

Mr. Soryal asked if it is on the same side as the septic.

Mrs. DeCaro said yes.

Mr. Lewis said the septic is on the other side of the driveway in the woods, it is not directly behind the house.

Mr. DeCaro said it is way more than 50'.

Mr. Lamanna asked Mr. DeCaro if he can show the board where the little indentation is on the driveway.

Mrs. DeCaro said it is right here.

Mr. Averill displayed a 2018 aerial with the leaves off the trees.

Mr. DeCaro said that is when they were doing construction, putting the upstairs on the house.

Mr. Lamanna asked to see the adjacent property to the left.

Mr. Gutoskey said he thinks the garage will be at or behind that house.

Mrs. DeCaro said for context, the woods, except in the wintertime when there are no leaves, they can't see the neighboring property.

Mr. DeCaro said he is going to side it and everything just like the house, it is going to match the house, he doesn't want it to be industrial looking like a steel sided pole barn.

Mr. Gutoskey said it says here you would remove the two sheds that are there now.

Mr. DeCaro said oh yes, they are going to consolidate everything to one place because right now if you look in the back, the last shot that Mr. Averill just had up, if you look under the deck, there is his mower, his tractor, he has no other place to put it and you can see he has done a ton of work on the house, it used to be a single story ranch.

Mr. DeWater said and it is all for personal use, no business, no living in it.

Mr. Lewis said the chair was having a conversation with the other board members a little bit and he wanted to pursue some clarification on it and it was kind of like the orientation of it in relationship to the street and to the front of the house, you were talking about rotating it a bit, you have some trees and one of the conversations that was occurring up here was could the front of it that is facing the street, that side of it, be at the same orientation of your house as it faced the street, is that what you were chasing.

Mr. Lamanna said yes in looking at that question is that going to present the most or the least intrusive view as if it was all lined up with the existing house and not all of a sudden sitting there in a slightly 20° different angle, all of the other lines of the houses are boom, boom, boom, boom and then this thing is sitting at a funny angle and then people look at it and it is not pleasing to the eye.

Mrs. DeCaro said that is the barrier they would overcome.

Mr. Lamanna said if there is some good reason that that is a problem but otherwise all other things being equal he would say it is better to have it lined up, he thinks it is just going to optically look better when people look at it.

Mr. Gutoskey referred to the other drive and said it is parallel to the one section of the road but if you go back to the mortgage ID above, it is actually parallel to the other section of the road.

Mr. DeCaro said right and what he thought about doing was because this is parallel to this road, like the house is parallel to that road, what he thought about doing is putting it this way so it is parallel to this one here, so just take that and rotate it 15° or whatever.

Mr. Lamanna said the other thing it does is when you have it rotated to where your house is it reduces the effective width of the building when you look from your neighbor's property who is the closest so when the building is turned parallel to your house, the building is narrower looking than if you turn it, if you make it parallel to the street then it is right exactly perpendicular to it so you get 100%, they are looking right at the side of it so it makes it appear larger or it makes it appear smaller if it is turned.

Mr. DeCaro said actually if you look at the lot lines between his and Larry's house what he is talking about doing is putting it parallel with that line.

Mr. Lamanna said right, he is just saying that parallel to that line as opposed to parallel to the front of your house it makes it appear bigger to the neighbor.

Mr. DeCaro asked if you can see more than one side.

Mr. Lewis said the whole fact of the walls facing your neighbor as opposed if you rotate it the overall look that is facing is different.

Mr. DeCaro said so you are seeing both sides.

Mr. Lamanna said yes but he thinks it is a little bit more than when it is turned that way because you don't really notice that side, you notice the big long side.

Mr. Soryal said preferably it is going to be better with the driveway anyway, more easier to get in and out from the driveway.

Mr. Lamanna said one other question is, on the back of the structure, if you would consider putting any windows in it.

Mr. DeCaro said he certainly can, he hadn't thought about putting windows in, he is sure it is going to get filled up with stuff.

Mr. Lamanna said right, the issues we have sometimes, you have 40' of siding and when somebody looks at it from the neighboring property they see 40 plain feet of siding so if you have a couple of windows in it, instead of looking at like an out-building it looks like you are looking at a structure.

Mr. DeCaro replied yes.

Mr. Lamanna said since we are in the front yard if we just had something on the back of that that made it look a little more house-like at this stage of the game.

Mr. DeCaro said yes, it is not a big deal with windows in the back.

Mr. Lamanna said even non-opening windows, we don't care if they open or not but just so that it is a little bit more friendly looking, it is a big long expanse. He asked if there are any other questions or comments.

Mr. Gutoskey said the only question is, do we know or does it matter what these dimensions are on here, do we need to have solid dimensions in our motion or not only because it means zoning as far as the setbacks and it is 100' behind the right-of-way.

Mr. Lamanna said he doesn't have a problem with it, he is assuming that 55 is driven by that and 130 is driven by where the septic is, it is really plus or minus.

Mr. Gutoskey said but he still needs a variance for having an accessory building in front of the house, we are not concerned about the dimensions.

Mr. Lamanna said we are concerned about 132.

Mr. Gutoskey said it is better to have dimensions within so many feet of the house.

Mr. Lamanna said we are quibbling over three or four feet where he doesn't think it really matters.

Mr. Gutoskey said he agrees.

Mr. Lamanna said if he keeps it back 132' then he has a few feet of wiggle room.

Mr. Gutoskey said right, between there and the house.

Mr. Lamanna said between there and the house, that is fine. He said it looks like the 132 keeps it off the septic, that is certainly enough to keep it off the septic whether it is the absolute minimum, he doesn't know and it doesn't matter if it is within four or five feet.

Mr. Gutoskey said you try to get 10 to 20, it won't be that close between the septic and the house.

Mr. DeCaro said he is trying to stay as far away from the septic as he can but still be far enough from the road and sort of tucked in there in the woods essentially and he is trying to avoid those monster trees. He said he looked it up on-line and there are two Poplars that are 85 years old in that area and there is a Cherry that is 135 years old. He said the Poplars are big, they are 150' tall, they are huge.

Mr. Lamanna said the day they come down, he only says that because he has got some 120' Poplars in his backyard that are starting to go, they are probably about 50 years old.

Mr. DeCaro said his driveway was put in about 5' away from a Poplar and it is dropping branches all of the time.

Mr. Lamanna said he thinks what the board really wants as long as it is 55' from the sideline and 132' from the front.

Mr. Gutoskey said right, he doesn't have a problem with that, he was just trying to give Mr. Averill something to go on. He said there is really no other place, the driveway is there.

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

Motion BZA 2024-12 – 7565 Bainbridge Road

Mr. Lamanna moved to grant the applicants the following variance for the purposes of constructing a 1,320 sq. ft. accessory building in accordance with the plans and style submitted by the applicant.

1. A variance from Section 135.03(b)(9)(i)(4)(a) with respect to the location of a storage building or shed in front of a dwelling or principal building on a lot.

Based on the following findings of fact.

1. The accessory building will be finished similar to the existing dwelling.
2. The applicant has also agreed to add some windows to the backside of the property that faces the neighboring property.
3. As part of this variance the front of the structure will be located a minimum of 132' from the front property line and at least 55' from the side property line. These two dimensions are critical and are a fundamental basis of the board's finding with respect to the granting of this variance which is being granted because of a practical difficulty.

Motion BZA 2024-12 – 7565 Bainbridge Road- Continued

4. The nature of this lot is that the house is set substantially back from the street commencing at the projected line of the front of the house on that side of the property where the driveway is located and where the structure is proposed and going back from there is the applicants' septic field and the reserve septic field.
5. The property drops off into a steep ravine and there is no other place in that ravine and it is impractical at the other side of the ravine to place it.
6. The other side of the house is very close to the neighboring property.
7. Because of the existing location of the driveway, it is not accessible and is therefore not a feasible location to place this type of storage shed.
8. In addition, the applicants will remove two existing sheds/accessory buildings located on the property.
9. With this large accessory building the applicants understand that this accessory structure cannot be used for the conduct of a business or as a dwelling in any manor whatsoever unless appropriate approvals are obtained for such use if they are available.

Mr. Gutoskey seconded the motion.

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

Mr. Gutoskey and Mr. Soryal recused themselves for the following application by Mr. Soryal.

Ms. Devon Gamble, Alternate joined the board for consideration of the following application in Mr. Gutoskey's and Mr. Soryal's absence due to their recusal.

Application 2024-13 by Emeil Soryal for property at 16544 Snyder Road

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

Mr. Emeil Soryal was present to represent this property.

Mr. Lamanna noted that being a member of the board Mr. Soryal will not be participating in this application and Mr. Gutoskey has recused himself in addition for the consideration of this application and joining us on the board this time is our alternate Ms. Devon Gamble who we welcome to the board. He said that we have just four members sitting, a quorum is three members but the way this works is three members have to approve it, there has to be three votes for approval so if somebody abstained and it is two to one, it would not be approved, so it is not by majority it is three votes must approve it no matter if it is three, four or five members sitting here, it has to be three yes votes or three votes one way or another to make a determination.

Mr. Lamanna swore in Mr. Emeil Soryal and he let the record reflect that Mr. Soryal was duly sworn.

Mr. Emeil Soryal testified that the house is about 100 years old, actually 120 years old, it is very small. He said the current front porch is 8' and it is built on a foundation and it is currently wood decking and it is causing some leaks into the basement and again being that the house is so small he wanted to enclose the existing current porch and add a 6' porch to the front. He said the front setback from the right-of-way should be 75' but with the 6' porch it would be at 72.3' so he is requesting a less than 3' variance to the front.

Mr. Lamanna asked what the setbacks are on the other properties just out of curiosity.

Mr. Soryal said the adjacent property is his also up north.

Mr. Lamanna asked if that is an empty lot.

Mr. Soryal said yes.

Mr. Lamanna said and the house across the street so there is really not much around here.

Mr. DeWater said it is very rural.

Mr. Dan Spencer of 9236 Wilderness Passage was in attendance.

Mr. Lamanna swore in Mr. Dan Spencer and he let the record reflect that Mr. Spencer was duly sworn.

Mr. Dan Spencer testified that he and his wife received notice about this meeting item and he assumes because they are the property that is adjacent in the back.

Mr. Lamanna said anybody who is an adjacent property owner or abutting gets notified by law.

Mr. Spencer said the backfield is a polo field.

Mr. Lamanna said obviously it is not going to have much effect on your property.

Mr. Soryal said he received a number of phone calls from people on the street wondering if we are going to develop the back area. He said his property does not have access from the cul-de-sac, Heidi O'Neill's does but his does not, there is no development for his property.

Mr. Lamanna asked about the house across the street, is that one set back 75'.

Mr. Soryal said there is really nothing directly across there.

Mr. Lamanna said that house right there is not directly but the closest one, it is not a whole lot farther away.

Mr. Soryal said there are a lot of houses up and down Snyder that are way up closer to the street.

Mr. Lamanna said he doesn't think it will be an issue with the character of the neighborhood here, certainly nobody is going to be adversely affected by it, it is only 2.7'. He said it is about as de minimis as it gets here.

Mr. Lewis said it looks like it is itsy bitsy.

Mr. Lamanna said it is small, it is an existing house and it also brings the existing house into conformity so you get a benefit there and it is not really going to adversely affect anybody and it certainly is not going to affect the character of the neighborhood, it is so small.

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

Motion BZA 2024-13 – 16544 Snyder Road

Mr. Lamanna moved to grant the applicant the following variance for the purposes of constructing a new front porch addition and a conversion of the existing front porch into a dwelling space as set forth in the applicant's drawings.

1. A variance to the front yard setback from 75' to 72.3' feet for a variance of 2.7'.

Based on the following findings of fact.

1. The reason for granting this variance is there is a practical difficulty because it is an existing house and to create a proper front entry you need to build onto what is there.
2. By adding additional square footage to the house it actually brings it into compliance with the requirements of zoning with respect to the minimum square footage.
3. The board also notes that this is not going to adversely affect any neighboring property owners because there is nobody very close and looking at other houses in the neighborhood, this is very de minimis.
4. The variance is not going to adversely change the character of the neighborhood or be a contrast to the character of the neighborhood.

Mr. Lewis seconded the motion.

Vote: Mr. DeWater, aye; Ms. Gamble, aye; Mr. Lamanna, aye; Mr. Lewis, aye.

Mr. Gutoskey and Mr. Soryal returned to the meeting.

Since there was no further testimony, the public hearing was closed at 7:44 P.M.

Respectfully submitted,

Brent Barr, Alternate
Ted DeWater
Devon Gamble, Alternate
Joseph Gutoskey
Michael Lamanna, Chair
Todd Lewis, Vice Chair
Emeil Soryal

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

Date: June 20, 2024

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
May 16, 2024

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 7:44 P.M. by Mr. Michael Lamanna, Chair. Members present were Mr. Ted DeWater; Ms. Devon Gamble, Alternate; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Emeil Soryal. Mr. Steven Averill, Zoning Inspector was present.

MINUTES

Mr. Lewis moved to adopt the minutes of the April 18, 2024 meeting as written.

Mr. DeWater seconded the motion.

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

APPLICATIONS FOR NEXT MONTH

Application 2024-14 by Rick Turner for True North Energy LLC for property at 8501 E. Washington Street

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

Application 2024-15 by Jeff Cyncynatus for property at 18009 Millstone 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.

Application 2024-16 by Michelle Perez for property at 17464 Lakesedge Trail

The applicant is requesting area variance(s) for the purpose of installing an in-ground swimming pool with deck and patio. The property is located in a R-3A District.

Application 2024-17 by Jeffrey Stanczyk for property at 8839 N. Spring Valley Park Drive

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

Application 2024-18 by James Ponyik for property at 8346 Eaton Drive

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

Since there was no further business, the meeting was adjourned at 8:05 P.M.

Respectfully submitted,

Brent Barr, Alternate
Ted DeWater
Devon Gamble, Alternate
Joseph Gutoskey
Michael Lamanna, Chair
Todd Lewis, Vice Chair
Emeil Soryal

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

Date: June 20, 2024