

Bainbridge Township, Ohio
Board of Zoning Appeals
July 18, 2024

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:01 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 and stated that individuals will be sworn in when the application is started.

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

Application 2024-19 by Bainbridge Associates, Ltd. II LLC for property at 8564 E. Washington Street

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

Mr. Larry Moore who is one of the owners, was present to represent this application.

Mr. Lamanna swore in Mr. Larry Moore and he let the record reflect that Mr. Moore was duly sworn.

Mr. Gutoskey asked Mr. Moore if he is one of the property owners.

Mr. Larry Moore testified by saying he is one of the owners.

Mr. Lamanna asked if there is anything interesting going on, are they planning on making changes or modifications.

Mr. Moore said they would love to have a new tenant, they have a nice opening back there but other than that no, they are just trying to get a review for the renewal of the conditional use.

Mr. Lamanna said so there are no complaints, no issues, everything is in compliance.

Mr. Steven Averill, Zoning Inspector testified by saying no. He asked which place is open right now.

Mr. Moore said it is the flooring company that moved and they bought the property across the road there. He said when they moved out it has been vacant since then.

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

BZA Motion 2024-19 – 8564 E. Washington Street (Bainbridge Associates Ltd. II LLC)

Mr. Lamanna moved to renew the conditional use for this property for a five year period commencing on the date that the decision on this case becomes final by the publication of the board's minutes.

1. The board notes that all of the existing conditions that have been previously applied in the various hearings on this property will continue in full force and effect as well as any of the general provisions with respect to conditional uses set forth in the zoning ordinance except as they have been modified by actions of this board.

Based on the following findings of fact.

1. The basis for renewing this is the applicant has been operating this business in compliance with the terms of the conditional use.
2. There have been no complaints.
3. It is appropriate to extend it for a period of five years.

Mr. Lewis seconded the motion.

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

Application 2024-20 by Lee Ann Jones for The Lube Station for property at 8381 Washington Street

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

Ms. Lee Ann Jones was present to represent this application.

Mr. Lamanna swore in Ms. Lee Ann Jones and he let the record reflect that Ms. Jones was duly sworn.

Mr. Lamanna said he can see there are no issues here.

Mr. Steven Averill, Zoning Inspector testified by saying no and he reached out to Assistant Fire Chief Bill Lovell of the Fire Department and he spoke highly of them with their operation.

Mr. Lamanna asked if there is anything else and if anybody else has any questions. He asked the applicant if she has any questions for the board or any upcoming plans or changes.

Ms. Jones testified by saying the only question she had was when it starts and when it ends but the board already answered that question.

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

Motion BZA 2024-20 – 8381 Washington Street (Lube Station)

Mr. Lamanna moved to renew the conditional use for a period of five years commencing at the date this decision becomes final.

Based on the following findings of fact.

1. The board notes that all of the existing conditions that have been established with respect to this conditional use by prior decisions of the board remain in full force and effect as does the application of all of the general provisions with respect to conditional uses set forth in the Bainbridge Township zoning ordinance except to the extent to the specific variance granted by a previous action of the board.

Mr. Gutoskey seconded the motion.

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

Application 2024-21 by Dale Krause for property at 8435 Eaton Drive

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

Mr. Joe Gutoskey recused himself from this application.

Ms. Devon Gamble, Alternate joined the board for consideration of this application in Mr. Gutoskey's absence.

Mr. Dale Krause was present to represent this application.

Mr. Lamanna swore in Mr. Dale Krause and he let the record reflect that Mr. Krause was duly sworn.

Mr. Dale Krause testified that he is lacking space and he needs another garage, he has extra cars and some other equipment and he has a son who just moved into the neighborhood and the need for equipment has grown a little bit. He said with the non-typical shape of his property he can't go behind it, he can't go next to it so he is thinking this is his only option.

The board viewed the displayed aerial of the property.

Mr. Lamanna asked where the septic system is located.

Mr. Krause said in the back and on the opposite end is the well. He said in that particular area it is heavily wooded so there is very little that will be seen from the street other than the garage door and maybe the front corner.

Mr. Soryal asked Mr. Krause if he considered attaching it to the house.

Mr. Krause referred to the displayed aerial and said this is the entrance to the garage and if he attaches it to the house he would be taking down a lot of the trees and that would put him a lot closer to the neighbor's property line. He said his neighbor does not have a problem with what he is doing but he just figured over here he would be able to fit it in and he has all of this coverage and it would still make it easy access if he goes that way. He said the power comes in so he would have to move the power and extend the driveway and it puts him too close to the neighbor's property.

Mr. Soryal asked if he would attach it but not line it up with the front of it, maybe attach it and bring it back some.

Mr. Krause said so jog it up this way.

Mr. Soryal said yes, you would still have the garage door on the side, so you could still get in from the driveway.

Mr. Krause said he has a man-door and a 5' gap right now between where the garage would start and that wouldn't have given him enough for more than a couple of feet just by moving it down here so it impedes the garage door that he has on it.

Mr. Soryal said he thinks that if it is attached to the house it would look different, it becomes not in front of the house anymore, it becomes a part of the house.

Mr. Krause said with the design of the garage that he has planned that is on the table right now with the overhang of the garage and it is going to have a timber frame arch to it so he doesn't know how much further he could come this way and this way without changing his electric service coming this way.

Mr. Lamanna said all you have to do is get up to it and attach to it.

Mr. Soryal said you can overlap them by about 5' or something like that.

Mr. Krause said to figure that out design wise with the overhang on the gable end with the timber frame arch on the front of it and with the elevations also everything in our development is on a pitch so all of that water drains this way so he wants to include a box drain or trench drain and divert all of the water and bring it out to the ditch out front and that will help the neighbor because she usually gets water run-off.

Mr. Soryal asked if the electric service for the whole house is coming to the garage.

Mr. Krause replied yes.

Mr. Lamanna asked Mr. Averill if the setback is 75' or 100' here.

Mr. Steven Averill, Zoning Inspector testified that it is 75' and 20' from the side.

Mr. Lamanna said he can bring his corner up to touch it and then instead of building off that corner, ever so slightly rotate it, but rather than doing that it might make more sense just to keep the lines straight so there would only be a variance on one side, the other side would be 75'. He said he thinks you get totally compliant but then you can have a garage that is going to be at a 10 degree angle difference in the front of the house which might look odd.

Ms. Gamble asked if that is just one tree right there.

Mr. Krause said it is all wooded.

Ms. Gamble asked how much more or how much less would you be taking down with where you are trying to put it versus like you said on the side.

Mr. Lamanna said you just go back and basically touch the corners together and come right out of the corner.

Mr. Krause asked are you talking going this way with it and overlapping the front of it.

Mr. Lamanna said yes, 4" or whatever.

Mr. Krause said he would immediately have to change the service drop from this side. He said where the weather-head for the service and the height of the garage is only easily 17' and this is a two-story.

Mr. Lamanna asked what the offset is, what is your proposed offset from the house.

Mr. Krause said this is obviously the overhang, this blue line just touches the corner post of the house so he has a 5' gap in here.

Mr. Lamanna said he means the offset this way because the front of your proposed garage versus the side of your existing garage.

Mr. Krause said if he had two parallel lines it would be a 5' offset.

Mr. Lamanna said right but he is talking when you put the garage in front or your new garage, is that on the same line as the side of the existing garage or is it offset from that line.

Mr. Krause said he is going to try to put it exactly in line with that, the perpendicular line.

Mr. Lamanna said that is what he is saying, if you just back that new garage up.

Mr. Lewis said close the 5' gap.

Mr. Lamanna said close the 5' gap, that is not going to change your power coming in because you are still coming over the same way, you are not offset this way so you are still going to be there and then it becomes all one house and then there is no problem, it is all one building, it is not trying to put an accessory building in front of the house. He said it solves the problem of putting a building in front of the main dwelling which we really don't like to do if there is an alternate way around it.

Mr. Krause asked if it has to have an overlap to it.

Mr. Lamanna said yes.

Mr. Krause said he would have to alter the roofline.

Mr. Lamanna said but you are talking about the one corner, a 2 by 2 area.

Mr. Lewis said then it goes down as an addition, not an accessory structure which relieves the issue of accessory structures that cannot be closer than the front of your house so that now dissipates.

Mr. Soryal said that goes away so the only thing we have to deal with is the 5'.

Mr. Krause asked how that affects the foundation when you go to pour the footers.

Mr. Lamanna said it wouldn't affect it at all, bottom up, bottom up.

Mr. DeWater said you might have to pin that corner but other than that you just bought it.

Mr. Soryal said he thinks sometimes the concern is how far the foundation is and asked Mr. Krause if he has a basement.

Mr. Krause said no, obviously it is a garage.

Mr. Soryal said it is only dangerous if you are going down and digging right next to an existing foundation but in this case.

Mr. Lamanna said if you are trying to go into a basement and it is an existing non-basement.

Mr. Krause said this is a garage and if that is what it takes he will put it wherever you want.

Mr. Lamanna said that would be great.

Mr. Soryal said it might help you out if you switch the garage doors with the man-door, it makes it easier to get in and out.

Mr. Krause said that is kind of why he had that 5' offset.

Mr. Lamanna said the other thing would be to give yourself another door on that side wall over there then you can go right out there and you will be happy you did that if you put one in there.

Mr. Krause said that is kind of a blind side that he can't watch or monitor, somebody at my door would be there.

Mr. Lamanna said he thinks if you do that, that solves one problem and the only thing that is left will be the other corner of the front.

Mr. Soryal said he should be able to go back far enough because we only need 5'.

Mr. Lamanna said allowed is 75', this will be 70' so it would be a 5' variance.

Mr. Soryal asked Mr. Krause if there would be any benefit for him to have the door between the two garages because in that case you could push it back three more feet then you can go from one garage to the other.

The board discussed the setbacks.

Mr. Lewis said so we confirm that the front yard setback has to be 75' so it is at 65', the closest to the road now, you give him 5' at 70' with a 5' variance.

Mr. Lamanna said on that northeast corner.

Mr. Lewis said it is a very small variance and the board will deal with it as an addition.

Mr. Soryal said as long as nobody lives in it.

Mr. Lamanna asked if there is anyone else in the audience that has anything to say on this application.

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

Motion BZA 2024-21 – 8435 Eaton Drive

Mr. Lamanna moved to grant the applicant the following variance to the front yard setback requirements.

1. A variance from 75' to 70' for the northeast corner of a proposed garage in accordance with the plans that the applicant has submitted with respect to the size and nature of the garage.

Based on the following findings of fact.

1. The board notes that during the course of this application the applicant has agreed to retreat the garage corner to abut and become part of the existing house so it will be connected to the existing house at its corner and in that case the proposed garage will be considered part of the existing house and therefore the board did not have to address the question of whether or not this application would violate Section 135.03(b)(9)(i)(2)(a) with respect to the location of a building in front of the existing dwelling.
2. With those changes the only variance remaining was the front yard setback.
3. The side yard setbacks are more than adequate.
4. This small change will not be noticeable.
5. The houses are spread a fair distance apart.
6. It is on a curve anyway so it is not going to be noticeable that this addition to the house is closer so it is not going to change the nature of the neighborhood.
7. There is heavy woods in this area so it is not going to adversely affect the neighboring property either.
8. This 5' variance is a very small variance so for those reasons the board finds that the variance should be granted in this case.

Mr. Lewis seconded the motion.

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

Application 2024-22 by Valerie Lococo for property at 8497 Tulip Lane

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

Mr. Gutoskey returned to the meeting.

Mr. Emeil Soryal recused himself from this application.

Ms. Devon Gamble, Alternate joined the board for consideration of this application in Mr. Soryal's absence.

Ms. Valerie Lococo was present to represent this application.

Mr. Lamanna swore in Ms. Valerie Lococo and he let the record reflect that Ms. Lococo was duly sworn.

Ms. Valerie Lococo testified that she has lived here for four years with her two kids and you can see she is on a corner lot and on a very busy street, a state route, and her backyard is completely open to the street so when her kids go outside and play everybody sees us, everybody. She said she is only permitted a 4' fence because it is considered a front as well as her front so she is requesting a 6' fence because a 4' would be nothing.

Mr. Lamanna said so this is all back behind your house.

Ms. Lococo said yes.

Mr. Lamanna said starting from beyond your house. He asked Ms. Lococo if she would prefer to have an 8' fence, it would be more effective because this is a difficult spot and the board understands.

Ms. Lococo said she feels like 6' is sufficient.

Mr. Lamanna said he just wants to be sure because it could kind of go either way because this is obviously a very difficult spot to be in and it is certainly not going to impact anybody if you put up an 8' fence along Route 306 in your backyard.

Ms. Lococo said okay she will ask for 8'.

Mr. Lamanna said get a pole that is high enough and stick it in the ground so that you can see from 6' what it is and then from 8' because you may get out there and look and say it would be nice if we had that extra 2' given the line of sight and until you actually get out there and look at it and try it with something so you can see where that fence is going to be and then stand in your yard and look and see what you will be seeing from the street.

Ms. Lococo said she would absolutely go for 8'.

Mr. Lamanna said the board will give you 8', go check it out, get a couple of posts and stick them up there and see what you need here because the last thing you need is putting up a 6' fence and wishing it was a little bit taller because you will get a lot more privacy. He said you are right at the line here where that 2' could make a very big difference.

Mr. Lewis said the labor is going to be the same, the only thing that is going to be different is the 2' of materials.

Mr. Gutoskey said another thing too as far as character of the neighborhood we have the same thing here north on West Craig where they actually moved the fence over when they widened the roadway.

Ms. Lococo asked if that is an 8' fence or is that a 6' fence.

Mr. Gutoskey said he is not sure.

Mr. Steven Averill, Zoning Inspector testified that that is a little different set of circumstances over there, number one is it is not a corner lot, believe it or not, there is a parcel between that lot and the right-of-way, it is owned by the state he believes but it is a parcel so it is not a corner lot and that has not been inspected yet, officially.

Mr. Gutoskey said there has always been a fence there that he remembers, when they widened Rt. 306 they moved it over.

Mr. Averill said that Karen Endres was adamant about putting that fence over because they were forced to move it by ODOT but technically speaking from the front of the house to the Craig Drive it should not be more than 8'.

Mr. Lewis said he is comfortable with a not to exceed 8', whatever the applicant's preference is.

Mr. Gutoskey said he would agree.

Mr. Lewis said he doesn't know what the style of fence is.

Ms. Lococo said there should be a picture of it.

The board reviewed a picture of the proposed fence.

Ms. Lococo asked how far from the right-of-way is she able to put the fence.

Mr. Averill said it can go right up to the right-of-way.

Mr. Gutoskey said if you are going to do that to make sure that it is surveyed so you know where the right-of-way is.

Mr. Averill said she would have to take those trees down which was the issue.

Ms. Lococo said yes.

Mr. Lewis said when the snowplows go down Rt. 306 pushing the snow at your fence.

Mr. Gutoskey said another thing is based on where the septic system is, the septic system is only 20' off the right-of-way so probably you want to stay as a maximum 15' so you are not getting into the septic.

Mr. Lewis said that makes a lot of sense.

Mr. Gutoskey said it looks like you will have to start 70' from the north line and 15' plus or minus off the right-of-way.

Mr. Lamanna said he would say between 10' and 15' off the right-of-way.

Mr. Gutoskey said yes, that is good.

Ms. Gamble asked if this creates a complete border or is it kind of open to it.

Ms. Lococo said it is like a complete border, so yes.

Ms. Gamble said and the fence and the tree line will bump like that.

Ms. Lococo said so she is actually going to be 70' from that, the property line is slightly half the tree line but there will be 70'. She said it will cover a good portion of it.

Mr. Lamanna said he really only cares where the front of the fence is, from Tulip Lane to the start of it.

Mr. Gutoskey said he would let her go as long as she wants because she might be going to the back property line.

Mr. Lamanna asked do we know how far back that is from the road.

Mr. Averill referred to the aerial photo and said on the northeast side of the property, if you look at this photo, her fence doesn't even go all the way to the green, it is just past these trees right here.

Mr. Gutoskey said what he was saying is if we were to give her the variance for the height of the fence he thinks we should just let her go as far as she wants, not in front of the house, but along the side.

Mr. Averill said the variance is for the fence in front of the house.

Mr. Gutoskey said we are going to limit it to maybe the back of the house or whatever.

Mr. Lamanna said this fence is roughly 165' from Tulip Lane.

Mr. Lewis said so that is your index of your starting point for the setback from the road, from Tulip Lane.

Mr. Lamanna said and then you've got a 325' property line, we've got 160' between 70 and 90 so we are saying starting at not closer than 160', that gives a little bit of play in there.

Ms. Gamble said she is just wondering is it a gap between the fence and that tree line, it is like a wall, and then when you are driving you still get to see her backyard or the kids are able to get out of the backyard because the fence is not all the way.

Ms. Lococo said she did leave some room but she could do a fence on the backside of her house and even if she just goes with 20' but on that side she doesn't need a variance because it is the back.

Mr. Averill said it is about the location.

Mr. Lamanna said you may get this in and feel it may have been better to have gone a little farther back, this way you have the flexibility to move it back. He said you can start 160' from Tulip Lane and then go to the back property line.

Mr. Lewis said go as far back as you want.

Mr. Lamanna said anywhere in that area you can have an 8' fence.

Ms. Lococo said okay.

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

Motion BZA 2024-22 – 8497 Tulip Lane

Mr. Lamanna moved to grant the applicant a variance with respect to the height of a fence located along the east side of her property abutting Chillicothe Road.

1. This variance is with respect to a fence that can start no closer than 160' from the property line on Tulip Lane and from there it can extend up to but not necessarily to the rear property line which is approximately 165'.
2. The variance is for a fence 8' high to be located between 10' and 15' from the property line.

Motion BZA 2024-22 – 8497 Tulip Lane - Continued

Based on the following findings of fact.

1. The reason for granting this variance is there is a practical difficulty.
2. This lot is on a major state highway where there is lots of noise.
3. Also, the limitation on the height in this case comes because this is a corner lot.
4. The proposed fence does not create any of the issues that the higher front yard fencing creates because it is not going anywhere near the front yard of the property.
5. It is not going to obstruct any line of sight of any cars trying to go from either Tulip Lane onto Chillicothe Road or from Chillicothe onto Tulip Lane.
6. This is also at the far end of the development and is not going to adversely affect any of the neighboring properties nor will it adversely affect the character of the neighborhood.

Mr. Lewis seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 7:45 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: August 15, 2024

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
July 18, 2024

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 7:45 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. Gutoskey moved to adopt the minutes of the June 20, 2024 meeting as written.

Mr. DeWater seconded the motion.

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

APPLICATIONS FOR NEXT MONTH

Application 2024-23 by Chad Kane (Highway Garage and Auto Body Center) for property at 8410 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 2024-24 by Dave and Jane Fischley for property at 7078 Oak Street

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 8:01 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: August 15, 2024