

Bainbridge Township, Ohio
Board of Zoning Appeals
August 15, 2024

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:10 P.M. by Mr. Michael Lamanna, Chair. Members present were Ms. Devon Gamble, Alternate; Mr. Joseph Gutoskey; Mr. Todd Lewis 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 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.

Ms. Devon Gamble, Alternate joined the board for consideration of the following applications in Mr. DeWater's absence.

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.

Ms. Tricia Lanza was present to represent this application.

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

Mr. Lamanna noted that the board has the authorization from Mr. Chad Kane for Ms. Lanza to speak on his behalf.

Ms. Lanza testified by saying yes.

Mr. Lamanna asked Ms. Lanza to tell the board about what is going on.

Ms. Lanza said nothing, the business is the same as when her father Frank Lanza was granted the conditional use initially, we continue to do auto repair and body shop service and nothing has really changed substantively of the operation in the past since 1998 when it was put in.

Mr. Lamanna asked if there are any plans to change in the near future.

Ms. Lanza said not that she is aware of.

Mr. Lamanna said that he reminds people that any significant change in the conditional use may require coming in and getting a modification. He asked if there are any complaints or observations.

Mr. Steve Averill, Zoning Inspector testified that there have not been any complaints, he talked to Assistant Fire Chief Bill Lovell and he said they are due for some inspections, he will be going by to check hood suppressions and things like that. He said that Mr. Lovell said everything looked good the last time he was there, he acknowledged something that came up today in an email he received that there are concerns with the number of vehicles on the property, there are Amazon trucks, he doesn't know how many. He said he was there about four or five weeks ago but now they are parked on the grass and he can show the board some pictures that were sent to him. He said he does have some concerns with this information coming in over parking availability in general because as you can see by these pictures they are parking on the grass and there is no more room and with the parking requirements that we have for this use you are required to have for each bay door which is five bay doors which is ten plus one for each employee and he doesn't have the knowledge of the number of employees in the auto repair portion of the business or the rental car business that is attached to this so he is assuming it is an ancillary use to the conditional use for auto repair. He said so again the number of parking spaces is in question. He said looking at the history something popped up with a parking requirement that made him take a look a little deeper and you can see this isn't relative to this use. He said this is for the use up front, the car sales, so it doesn't really pertain but he just thought the number of cars are a concern. He said it is really not part of that use, it is a separate use.

Mr. Gutoskey said right because this is for just sales.

Mr. Averill said he hasn't seen issues out there up front, they have been good, they have got good cars up there, they haven't been crowded, it doesn't seem to be a problem.

Mr. Gutoskey said the question for the applicant is, do you have somewhere to park the vehicles and to explain why the Amazon vehicles are there.

Ms. Lanza said the vans constantly turn, they come in, we fix them and they are gone within a day or so but we do have a lot of vans out there and have at times had to go into the field which belongs to Mr. Kane, she believes, but they have recently cleaned out some stuff in the back impound lot to give us additional space back there to park, we are hoping maybe 13 or 14 vans back there if we need to. She said it was just junk that they needed to get rid of, pallets and stuff so it was all in that space so it is not like it is a new space we were using it was already fenced in so we moved some of that stuff in the hopes that we could use that space for additional parking back there and then we have also asked Fidelity which is the people upstairs, the used cars, we moved the back line, it is not next to the street, it is closer to the building to give us that space. She said they are churning through some Amazon vans, that is for sure.

Mr. Gutoskey said so they are not there for storage.

Ms. Lanza said no they are not there for storage, they are constantly moving, we are churning through them, she could guess how many they are doing on their service side, that is what is doing it, it is the service side, the body shop side maybe gets ten at a time but the service, they go out and get the van, they bring it back, we work on it and hopefully we get it out of there fast but we do have some that are different.

Mr. Frank Lanza said they have a problem finding people that fix them.

Ms. Lanza said we do them quick, that is why we have them. She said we recognize the problem and we are working on dealing with it.

Mr. Gutoskey asked if they can find space to park them on the asphalt and not on the grass.

Ms. Lanza said she could talk to him (Mr. Chad Kane) about it. She said that section that is going back there is half Chad's and sometimes even though we have it blocked off people decide to go back there and get stuck so we try not to use it as much but she will absolutely bring it up.

Mr. Lamanna said here is the issue we have, with the parking on the grass are we now parking on the area that is not supposed to be used.

Mr. Averill said correct.

Mr. Lamanna said you have setback requirements or you have total lot coverage requirements so that means you can't decide you are going to park things in the grassy area that is part of the green space of the property because now you are using that space to conduct your business plus secondly the idea of having vehicles parked on the grassy area on a regular basis is not good especially because these vehicles are under repair, they can leak fluids, they can do other things and if they are on grass it can go right into the soil, right into the ground and right into the ground water.

Ms. Lanza said it doesn't work for us anyway.

Mr. Lamanna said and then they get stuck.

Ms. Lanza said no one has mentioned this to us to her knowledge but they have already started trying to figure out, we were trying to take over a property that is close that was kind of up for grabs so we were hoping that would be a solution for us but two weeks ago we found out that was not going to be viable but we are trying to figure that out because it is hard for us to even move anything around with that.

Mr. Lamanna said that's true.

Ms. Lanza said it was an issue that you brought to our attention that is a concern for someone other than us, it needs to be addressed.

Mr. Averill said the bigger concern here is that obviously parking in the grass may be a temporary fix for you but in the wintertime you are not going to be able to park there at all. He said these are parking spaces and where are all these vehicles going to go, it doesn't make any sense if you can't find at this point, with the vehicles right here, you are going to be taking up all of the spaces on the lot and he is kind of wondering where all of your help is going to park because you are required to have, and use this is an example, two parking spaces per each bay door and there are five bay doors, he doesn't know how that fits in with parking but it is a requirement plus one for every employee right now and he doesn't know how many employees you have so let's just say you have 20 employees in the whole building which is probably more you are looking at 30 more parking spaces that we want to take away from you to use for these vans so he doesn't know where that is going to fit in.

Ms. Lanza said she understands.

Mr. Averill said if you could turn that salvage area in the back of your parking lot, stripe it and have the proper aiseways and aisle widths, parking space size, because your parking spaces are required to be a specific size and there are setbacks too.

Mr. Lamanna said there are rules for what the parking has to be and those rules also tie into access so if the access road has trucks parked on it when the fire engine arrives because there is a problem we don't want to find out that they can't get to the building because they are stuck because they are parked where they shouldn't be and that is a big concern. He said given the kind of business you are in there is always clear access to the building.

Ms. Lanza said this stuff you are looking at though, this is the front of the building, that stuff is right here and that parking lot is right here just so you are aware, we are not blocking the access to the building in any way.

Mr. Lamanna said okay.

Ms. Lanza said she takes the board's concerns.

Mr. Frank Lanza said that driveway is blocked for access.

Ms. Lanza said it costs a lot to repave and it has to be repaired because the trucks from Heinens would come through and the other thing is, to be honest, the residents would zip through there like the Indy 500 so they closed it off and before they closed it off they put speed bumps to try to get people to slow down.

Mr. Lamanna asked if that is just another little parking area.

Mr. Lanza said it is a parking lot there.

Ms. Lanza said they are not encouraging any use here of it and like she said sometimes people, even though it is all blocked off they will go back there and drive through and come around and they really want to use that because the traffic backs up at Washington and Rt. 306 and they come and they just want to cut through there so we constantly tried to dissuade that but if you are concerned, she understands part of your concern, maybe about the safety of that, the access to it, but that is pretty far from the building and the building does have spaces that are clearly marked.

Mr. Lamanna said so people aren't chewing up the spaces.

Ms. Lanza said yes, this is us having too much space so we pull right in front there, the cars come across in the front.

Mr. Gutoskey said that is an older photo too because the detention pond was moved.

Ms. Lanza said not only that but Aldi is up there, the bank is up there now and a little house thing. She asked if there is a place where she could get the information that she would need.

Mr. Averill said that would be with him. He said when you look at the aerial from 2021 you can see the parking area was added and there are factors here that you got to look into because of your lot coverage requirements, you can't park on this lot.

Ms. Lanza said that is not ours.

Mr. Averill said that is his point, you can't park over here but even if this is like it was created and was it permitted when it was created, he doesn't know.

Mr. Lamanna said its just gravel.

Ms. Lanza said she thinks this was temporary parking for Heinen's when they were doing a build-out when they built the café and all of that.

Mr. Lanza said they rented that space from us.

Ms. Lanza said she believes that they allowed Wald and Fisher the ability to do that temporary parking and they don't let people park there now.

Mr. Gutoskey said they probably should have turned it back to greenspace.

Mr. Averill said yes, they should have turned it back to greenspace.

Ms. Lanza said they don't own it any more though.

Mr. Lamanna said what you have to do is go back and look at what the lot coverage is actually right now and what extra is available or any area that can be further developed but he thinks ultimately is what we want is we don't want things parked on the grass because number one there is a lot coverage requirement and when you park on the grass you are now violating that requirement so again because of the issues of vehicles parked on the grass and potentially leaking gas or oil or whatever else and contaminating the property so it is a matter of you have to work with the zoning inspector to find out how much if any available space you still have.

Mr. Gutoskey said it may need to be restriped too.

Mr. Lamanna said it is what happened in the past and how all that really doesn't matter going forward, what we need to do is we need to figure out and our requirement is no parking on the grass, we don't want parking on the grass, that is easy enough. He said after that it is up to you to go and talk to the zoning inspector to find out do we have any additional lot coverage available that we can expand our parking lot and unless you can find another way to more effectively use what you have already, like you say by cleaning out areas and areas being used for stuff piled up that you don't really need anyway to free that up otherwise you are just going to have to figure out a way to limit the number of vehicles there.

Mr. Gutoskey said even striping the back parking lot but some of the car dealerships, they park them against each other but they have got to keep them on the asphalt.

Mr. Lamanna said they park them head to toe.

Mr. Averill said so you know in the future so you don't get yourself in a predicament or maybe signing a lease or something, you can't use another property technically to park and bring them over to that property because we don't allow the use as a parking area.

Ms. Lanza said no, she was saying there was another business, another building they were talking about expanding into another facility and making that facility either dedicated to Amazon or dedicated to BMW or dedicated to one of those there so it was going to split the business off, that is what she meant by that it wasn't like a field or a parking lot, it was a full other thing they were hoping to move into to expand the business.

Mr. Lanza said you have to really check the greenspace. He said he knows what the greenspace is, you probably don't know what the greenspace is.

Mr. Averill said he doesn't.

Mr. Lanza said if you call him he will be happy to tell you just exactly how it is.

Mr. Lamanna said you can go back and look at the original.

Mr. Averill said he is sure he has a record of it.

Mr. Lanza said there are three acres that belongs to that property.

Ms. Lanza asked if it is acceptable to say get it off the grass and then we will figure out a longer term solution but right now get it off the grass.

Mr. Gutoskey said whatever was previously approved and whatever is required by the code.

Mr. Soryal asked how long they have been working with Amazon.

Ms. Lanza said maybe five to six years ago, she would say, it really started with just one and then all of a sudden.

Mr. Soryal asked if it just got to this many.

Ms. Lanza said it recently got to this many, she would say it got to this many within the last probably year or year and a half that they were having us do their service maintenance and those types of things, it is mostly maintenance, it is not that the cars broke down.

Mr. Soryal asked if you can't schedule them to come.

Ms. Lanza said they are going to have to, that is what she is going to say. She said she had no idea that they could not park them on the grass behind that section and neither did they so she would just make them aware you have got to get it off the lawn and we will figure out what we are going to do from there.

Mr. Soryal asked if the Enterprise Rental is part of you.

Ms. Lanza said they lease the space from the owner Mr. Chad Kane so they have a chunk of cars and then sometimes there will be a place for us. She said they think there shouldn't be so many but sometimes their customers park in our spaces so we can't really control that but if the directive at this point is to get it off the grass she can certainly take care of that.

Mr. Soryal said so none of the vehicles on the grass is Fidelity or anybody else, they are all yours.

Ms. Lanza said she wouldn't say so, they just rent out space.

Mr. Soryal said there are a couple of big trucks.

Ms. Lanza said she doesn't know what those are, we don't do big trucks like that so she needs to find out what those are.

Mr. Lanza said they may be in the used car department.

Ms. Lanza said that is what she thought maybe they would be used cars so they will definitely get those off of there, that would be easy.

Ms. Gamble asked on average, how long are the Amazon trucks there.

Ms. Lanza said if they are there more than a full day Amazon is not happy because everyday that car is on our lot they are losing money and there is a very thin margin, we get them in there, we perform the service they need and either that night or the next morning they are swapping them out.

Ms. Gamble asked if there is a contract, like a number of how many Amazon trucks you are servicing.

Ms. Lanza said no, they won't give us a contract, we have been talking with electric vehicles and even they are not giving us a contract, like giving us an X number, they won't guarantee.

Mr. Lewis said he doesn't have any more questions.

Mr. Lamanna said he thinks the board is okay for five years just reiterate the requirements that we are not going to park any vehicles on the grass and that the applicant is going to look into whether they have additional room to create parking spaces within the zoning requirements, lot coverage when they need additional parking, parking requirements or minimum requirements they have to have, he is not saying that those requirements are going to be enough for your business so you have to have enough for your business that you want to run and that can be a lot more than we require as a minimum.

Mr. Lanza said what you don't see is there are three acres of that property that is not used, that is the green space from the hill, the mound.

Mr. Lamanna said the whole property is seven acres.

Mr. Lanza said right, 7-1/2 acres.

Mr. Lamanna said there may be more space.

Mr. Averill said it looks like 43% lot coverage right now.

Ms. Lanza asked what the requirement is.

Mr. Averill said he thinks it is 40%.

Mr. Gutoskey said it should be 40% but if the board would have granted additional it would have been as part of the conditional use permit approval.

Mr. Lamanna said yes but remember he thinks the original conditional use predates this current scope of the property.

Mr. Averill said but for the sake of expansion they would have to meet current regs.

Ms. Lanza said she understands what the board is requiring and they can certainly accommodate.

Mr. Lanza said you don't even see the 3.8 acres, it is back behind there.

Mr. Lewis said we are aware.

Mr. Lanza said it goes all the way over to West Craig.

Mr. Gutoskey said if you take 3.09 which you just calculated roughly and divided it by 7.14 what do you get.

Mr. Averill said he gets 43%.

Mr. Gutoskey said plus the other thing is that acreage goes to the centerline of the road. He said we just assume the property is 7.14 but the area is going to be less than 7.14 because the deed goes to the centerline of the road.

Ms. Lanza said she will contact the zoning inspector and work through it, they of course want to comply.

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

Motion BZA 2024-23 – 8410 E. Washington Street (Highway Garage and Auto Body Center)

Mr. Lamanna moved to extend the conditional use zoning certificate on renewal for a period of five years from the date of the action becomes final.

With the following conditions.

1. The board will add an additional condition because after looking at the use of the property and the fact that vehicles to be serviced are being parked in the grass the board is going to add a requirement that none of the vehicles or any vehicle being used for service or employee's vehicles is to be parked on the grassy area, they must be parked on a proper permitted parking lot because it appears that some of the uses which could create use in excess of the permitted lot coverage has been occurring.

Motion BZA 2024-23 – 8410 E. Washington Street (Highway Garage and Auto Body Center) - Continued

2. The board wants to assure that the vehicles are not parked on grassy areas where if they leak gas or oil it wouldn't get into the soil so all vehicles must be parked on an approved paved parking area and the applicant will need to see if they need additional parking areas whether there is lot coverage available for expansion of the parking.

Mr. Lewis seconded the motion.

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

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.

Mr. Dave Fischley and Mrs. Jane Fischley, owners were present to represent this application.

Mr. Lamanna swore in Mr. Dave Fischley and Mrs. Jane Fischley and he let the record reflect that Mr. and Mrs. Fischley were duly sworn.

Mr. Joe Gutoskey recused himself from this application.

Mrs. Jane Fischley testified that they would like to put a first floor addition on the back of their house so that they can have a first floor laundry, master bedroom and master bath so that they can live their golden years in that house. She said they don't even have a bathroom on the first floor so it is a typical 1929, three-bedroom bungalow and then in addition to the master suite on the back of the house they would like to put a front porch on the house where there was originally a front porch on the house and was torn down years ago and they would like to replace that.

Mr. Lewis asked if it will have the same footprint as previous or are you changing the footprint.

Mrs. Fischley asked of the porch.

Mr. Lewis said yes.

Mrs. Fischley said it would be the same footprint, it is just in the front of the house and going out she thinks just about 7'.

Mr. Lewis said the board has your elevations and floor plans.

Mr. Soryal said so the issue is the side setback and the distance between the addition and the garage.

Mrs. Fischley said the west side and it is supposed to be 10'.

Mr. Soryal said correct and the other side to the property line it is also smaller, the east side. He said he is just curious, did the architect or whoever drew this could consider possibly making that deeper to meet these requirements or was there an issue with that, the addition, the width of it, there is a lot of room in the back.

Mrs. Fischley said they didn't even discuss that, that was another discussion.

Mr. Lewis asked Mr. Soryal if he meant making it skinnier and deeper.

Mr. Soryal said yes because now we are looking for a variance on the right and left but we have plenty in the back so he was just curious as to why.

Mrs. Fischley said making it skinnier and longer, if you look at the plan they have got the bathroom and the closet and the laundry room we are going to lose.

Mr. Soryal said the room is 16'-8" in the width so there is plenty of room to make it deeper, there may be a reason but he is not seeing it, he was just curious.

Mr. Lewis said you are just talking about the bedroom compartment not where the compartment where the bathroom and all of that is.

Mr. Soryal said obviously the whole wall will have to be pushed over.

Mr. Lewis said of the bedroom portion only.

Mr. Soryal said correct.

Mrs. Fischley said but do you see on the original the main part of the house, do you see where we have a projection.

Mr. Soryal said for the fireplace.

Mrs. Fischley said yes.

Mr. Soryal said yes.

Mr. Fischley testified that it is about the same as a doghouse.

Mr. Soryal said so that is existing and that is where it is going to be.

Mr. Fischley said right.

Mr. Lewis said it is consistent with that.

Mrs. Fischley said that fireplace is actually closer to the home next to us, that is going to go behind us, there is just backyard there.

Mr. Soryal said okay.

Mr. Lewis said if you can even consider making just the bedroom portion itself narrower so it is not interfering with the width of the shower in the bathroom and the laundry and all of that, it also then presents some really interesting roof challenges because you would be spanning two different widths but coming up the same way on one side.

Mr. Fischley said yes, he agrees with that.

Mr. Lewis said so the qualifier is as you called it, the fireplace doghouse, we have a pre-existing setback on that part of the structure and all we are doing is staying consistent with the addition.

Mr. Fischley said it was there before he bought the house.

Mr. Lewis said that lines up pretty good.

The board reviewed the site plan.

Mr. Soryal said the whole house is not meeting the side setback, the existing house which they are continuing is already not meeting the side setback.

Mr. Lewis said we are treating this like an additional structure so we have set its definition.

Mr. Soryal said correct.

Mr. Lamanna said the porch is going across the whole front of the house. He asked if their garage is drywalled inside.

Mrs. Fischley replied no, it is a very old garage and it does not have a car in it, they use it for mostly gardening tools, two motorcycles and accumulated things.

Mr. Lamanna said he just wanted to clarify that, he doesn't think the small distance will be a problem.

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

Motion BZA 2024-24 – 7078 Oak Street

Mr. Lamanna moved to grant the following variances with respect to the removal of a deck area and an addition of a master bedroom, master bath and laundry area and an expansion to an existing front porch to the width of the existing front of the house.

1. A variance on the east side for the rear master bedroom addition to 5.6' from the required 10' for a variance of 4.4'. This will subsume any issues with the side setback of the porch addition since it will be subject to and will be within that space of that variance.
2. A variance to the minimum space between the dwelling and the accessory building from the required 10' to 8.4' for a 1.6' variance.

Based on the following findings of fact.

1. The reason for granting this variance is because this is located on a very narrow lot in a very tightly built area.
2. The typical houses have setbacks very often in the range of the 5'-6" including the adjacent property house.
3. It is also very tight with driveways and garages being behind the houses so this is a reasonable variance with respect to the neighborhood.
4. Given the narrow width it would be impossible to otherwise be able to place an addition on this.
5. The porch addition is an existing porch, it has been a porch and this is just bringing it across the whole front of the house again within the front setback and it will not extend beyond the shoulders of the existing house and will be well within the variances granted with respect to the rear addition.
6. With respect to the distance between the dwelling and accessory building it is only a 1.6' variance which should not adversely affect access for fire vehicles who come up alongside the house on the driveway before they reach the garage so it is not going to prevent access to either the garage or the house and 1.6' is a very small variance, it is not adversely affecting anything associated with this requirement.
7. These variances are consistent with the character of the neighborhood and they will not adversely affect the neighboring property owner.

Mr. Lewis seconded the motion.

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

Mr. Gutoskey returned to the meeting.

Since there was no further testimony, the public hearing was closed at 7:52 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: September 19, 2024

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
August 15, 2024

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 7:52 P.M. by Mr. Michael Lamanna, Chair. Members present were Ms. Devon Gamble, Alternate; Mr. Joseph Gutoskey; Mr. Todd Lewis 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 18, 2024 meeting as written with one correction.

Ms. Gamble seconded the motion.

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

APPLICATIONS FOR NEXT MONTH

Application 2024-25 by Troy and Tela Sutton for property at 19140 Elizabeth Lane

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 2024-26 by Janet and Thomas Vokas for property at 17477 Trillium Drive

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

Since there was no further business, the meeting was adjourned at 8:10 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: September 19, 2024