

Bainbridge Township, Ohio
Board of Zoning Appeals
October 17, 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 Mr. Brent Barr, Alternate; Mr. Ted DeWater; Ms. Devon Gamble, Alternate; Mr. Joseph Gutoskey and Mr. Emeil Soryal. Mr. Todd Lewis 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.

Mr. Brent Barr, Alternate joined the board for consideration of the following applications in Mr. Lewis' absence.

Application 2024-27 by Walter Zimmer for property at 16510 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. Emeil Soryal recused himself from this application.

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

Mr. Walter Zimmer was present to represent this application.

Mr. Lamanna swore in Mr. Walter Zimmer and he let the record reflect that Mr. Zimmer was duly sworn.

Mr. Zimmer testified that he calls it a barn but it is not a barn it is a garage that he would like to put up mainly to put a camper and a boat in there and then have like a little area in case he needs to work on something in the house, normal everyday repair so he is looking for a variance of 25' from 50' to the boundary line because he has a non-conforming piece of land, it is only 200' wide, the house is pretty much right in the middle of that with almost 50' on each side, it is 63' actually on one side and whatever that leaves on the other side. He said there is just no other practical place to put a barn or garage, whatever you want to call it where he can back down the driveway and not have to go through a crazy path on a driveway to get into the garage.

Mr. Lamanna said you are putting this behind the house and kind of offsetting it slightly.

Mr. Zimmer said correct and the offset was to get the garage door basically in line with the garage.

Mr. DeWater asked where the existing septic and well is.

Mr. Zimmer said the septic is in the front of the house and the well is directly, he showed the board on a site plan, and the well is right here. He said that is another thing that he forgot to mention was the positioning of that also allows the rainwater to run off onto the parking pad and down the driveway and then whatever came off on the side would go into the swale in the backyard which is probably 20' or so behind where the well is. He said the driveway and the parking pad is probably about 347' when they paved it.

Mr. Lamanna said your neighbor on that side is quite ways away.

Mr. Zimmer said correct, he thinks it is about 300'.

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

Mr. Emeil Soryal testified by saying that is his property. He said he owns the two properties and that is his neighbor here, Mr. Zimmer, so the house itself is far down but there are two five acre properties.

Mr. Lamanna said there is a lot in between.

Mr. Soryal said there are two lots and that is the problem is that the current house with its five acres is a separate parcel but the parcel between the two, they have a plan to build a nice big million dollar house on the property so this will be kind of close.

Mr. Lamanna asked how wide the property is.

Mr. Soryal said probably about 250' or 300' frontage, it is five acres and goes back.

Mr. Lamanna said so it is a conforming lot.

Mr. Soryal said correct.

Mr. Barr asked Mr. Soryal to show him on a map since the GIS is not working tonight.

Mr. Soryal said this property here, this whole big section, there is a line in the middle here, this is a five acre parcel and this is a five acre parcel so there is a five acre parcel between the two and he owns both of them, ten acres, but they are two separate parcels.

Mr. Barr asked if this is the house and horse property.

Mr. Soryal said this is the house that we are remodeling now and will be for sale and then the next thing will be to build a house on this five acre property so there will be a house here, right there, so he wanted to see how big that barn is and how far it is going to be, he doesn't want it to be a hinder, he wants to help him and give him what he wants but he also doesn't want to go sell this million dollar house and have this thing looking in the back so we just want to see what it looks like. He said there is definitely a few woods there, it is not heavy because there is a ravine there but he thinks there is a chicken coop there now or a shed or something, is that roughly where your plan is to have this.

Mr. Zimmer said yes, he thinks it is 10' away from the corner of the chicken coop.

Mr. Gutoskey said so his lot is north and it goes right behind the subdivision.

Mr. Zimmer said yes.

Mr. Gutoskey said he thinks Mr. Soryal's two lots are next to that one but his lot is narrower than your two lots.

Mr. Soryal said correct.

Mr. Gutoskey said his is deeper.

Mr. Soryal said Mr. Zimmer has 12 acres, he only has five.

Mr. Barr said you (Mr. Zimmer) have quite the bowling alley then.

Mr. Zimmer said or you could land a smaller plane there.

Mr. Barr said not with those trees.

Mr. Soryal showed the board a photo and said this is him standing on that property and this wire fence is the property line and he has a chicken coop that is currently existing and that is roughly where the garage is going to be. He said this is standing on his property looking over, the wire fence is the property line. He said the house is 63' from the property line.

Mr. Gutoskey asked if there is a chicken coop between this.

Mr. Zimmer said once the barn is built he plans on putting that to the north side of the barn.

Mr. Barr said over toward the middle, north side of your lot.

Mr. Zimmer said kind of behind the house or the right of the garage, it is a big chicken coop.

Mr. Soryal said he thought it was a shed but you said no it is a chicken coop.

Mr. Barr asked Mr. Zimmer if he was planning on putting the RV under the open overhang on your barn here.

Mr. Zimmer said no it would be just for picnic tables and stuff, there is a door that comes out there and all that is going to be for is us getting out of the sun.

Mr. Barr asked if it is this area here.

Mr. Zimmer said that is the camper area.

Mr. Barr said but it is only an 8' high door.

Mr. Zimmer said that may be raised to 12' but when he originally had this drawn he thinks it was 12 years ago when they had a different camper.

Mr. Barr said okay, that would make sense, he thought if you were going to back a camper in here because he didn't think you could put a camper under an 8' door.

Mr. Zimmer said it would almost fit, it is probably 10' or 11', he never measured it to be honest.

Mr. Soryal said there is a camper there now, he has a picture of it.

Mr. Steven Averill, Zoning Inspector testified that the original plans, those plans you are looking at, were submitted he thinks 10 to 12 years ago and he was going to go for a variance back then but he withdrew so he just resubmitted the same plans.

Mr. Barr said okay.

Mr. Soryal said back then his property would have been one lot and not split.

Mr. Gutoskey said the rear elevation has a 12 x 8 door. He said the question is the lot is 200' wide and the zoning requires 250' so 80% of the 50 would be 40.

Mr. Lamanna asked what the difference is in the overhang, the two sides, the wings, they are not the same size, one is definitely smaller than the other one.

Mr. Zimmer said they are both 12'.

Mr. Gutoskey said the one side is 16 and the overhang is 20.

Mr. Zimmer said that is the side on the left, the 16 was going to be like a work area where he could put a workbench in there, all of his tools and everything out there.

Mr. Gutoskey said so is this going to be 16 or 12.

Mr. Zimmer said 16.

Mr. Lamanna said if you reverse the elevation.

Mr. Barr said that is why he thought that if you park the RV here you can put it on this side.

Mr. Lamanna said just reverse the elevation and put it like that.

Mr. Gutoskey said you would pick up 4' there.

Mr. Lamanna said so you have maybe 24' from the center of your driveway.

Mr. Gutoskey said if you went with a 16' door with the 12 that would be 28, then you could have a 35' side yard that way, it is kind of being in the same spot plus you are 30' behind the house too.

Mr. Zimmer said correct.

Mr. Gutoskey said and the other thing to note too is that based on what he could build versus what he is building is, he could build a 2,500 sq. ft. building because of the lot size but he is really going for half of that.

Mr. Lamanna said the house is now 63' off.

Mr. Gutoskey asked Mr. Zimmer how long the trailer or camper is.

Mr. Zimmer said it is 23'. He said with that 38' he is already tucking a couple of feet of the garage door behind the existing garage so he is kind of jogging it in there already.

Mr. Gutoskey said but if you are 16 and your door is 16 with the 25, that is 57 and your house is at 63'.

Mr. Lamanna said you've got 36' to part of your garage door from the long side, you are looking at 38' so you've got 14' shadowed by the house. He said if you did a reverse elevation.

Mr. Gutoskey said or you could slide it over some but you could also push it back a little bit more too.

Mr. Lamanna said it makes 4' of difference if he just reversed the elevation. He said to the side of the garage door is 28' on the one side and 24' away from the other side.

Mr. Barr asked Mr. Zimmer what he is going to use the open side for, is that for sitting, patio.

Mr. Zimmer said just a patio, a picnic table, a nice place to sit.

Mr. Barr said he doesn't think we want that facing the neighbors, it is better to have that on this side, he thinks 4', he would still rather have it on this side, he would give up 4' to keep that on the side.

Mr. Zimmer said plus from their back door and the house.

Mr. Barr said right you are going to come out.

Mr. Zimmer said they would walk right into it.

Mr. Barr said he would rather have a closed end over here. He said he knows that you (Mr. Zimmer) and your wife are going to probably pick up banjo playing and that probably wouldn't go well.

Mr. Zimmer said that is also the side that is protected from the weather, plus the banjo playing.

Mr. Barr said nothing sells the house like a good banjo neighbor.

Mr. Gutoskey said the question is if we can move it back 10' and slide it over a little bit, does that give them a little more wiggle room to maneuver in.

Mr. Zimmer said the reason that he didn't go any farther back than he did is when it really rains Lake in the Woods rains through his yard and if he goes back in there any farther it is going to go through the new garage and he has pictures of it, he didn't think to bring them, but it literally comes from Lake in the Woods right through there and it is like a river.

Mr. Barr asked and never going north to south.

Mr. Zimmer said from south to north.

Mr. Gutoskey asked Mr. Averill if there is a riparian on this lot.

Mr. Averill said no.

Mr. Zimmer said he can show you where the water comes around here. He showed the board on a site plan where the water goes on his property and around his house. He said it is the only place he can put the building other than putting in a bridge for water to run through.

Mr. Soryal asked Mr. Zimmer if he is going with these plans or is he still redesigning.

Mr. Zimmer said no, he would like these plans, only the higher garage door.

Mr. Soryal said the higher garage door, he was just curious if you would move the garage door closer to the left and just do the orientation with your storage in your other work area if you can do that, this way you can line it up with the driveway better.

Mr. Lamanna said he has got 2'.

Mr. Zimmer said so move the garage door over this way.

Mr. Soryal said yes.

Mr. Zimmer said it will be the same color as the house, the same roof color, same color on the side as the house.

Mr. Gutoskey said let's get that on the record too. He asked Mr. Zimmer to describe what the construction is going to be.

Mr. Zimmer said they have a black metal roof on the house, it is going to be that same thing on the garage if we make it and he can't think of what the material is called, it is not T1-11, it is metal and it will be the same color as the house, the roof and walls will be the same color as the house all the way around, including the garage doors and colors there.

Mr. Gutoskey asked what is there for vegetation again.

Mr. Zimmer said grass.

Mr. Gutoskey asked is there any woods, trees or anything in the area.

Mr. Soryal said there are some trees, obviously we haven't placed our house yet on the lot.

Mr. Gutoskey asked do you think you will be back that far.

Mr. Soryal said it is a Catch-22 if this goes in, he doesn't want it to be immediately behind the house and if he pushes it all the way back there and he has a driveway that is 500' that is an issue that presents itself. He said he understands the building is big and its going to show no matter what, but he just wants to make sure it is the best possible way out and if he pushes it back to be conforming and make it 50' we are still going to see the building, right, but it is just going to be a little better.

Mr. Gutoskey asked how many trees are there.

Mr. Zimmer said he doesn't think he has to take any trees down there at all.

Mr. DeWater asked Mr. Zimmer if he would be willing to add trees on that side.

Mr. Zimmer said absolutely, yes, it would definitely make a difference.

Mr. Lamanna said it is quite aways back.

Mr. Zimmer said it is, it is far back.

Mr. Gutoskey said it is on the survey.

Mr. Zimmer said he keeps a clean yard, he doesn't leave a mess.

Mr. Soryal said it is different if he is going to live there but he is going to sell this.

Mr. Lamanna asked what the side elevation looks like.

Mr. Gutoskey said maybe if he plants some trees in front of the wing because the side isn't going to do you any good, it will help the Lake in the Woods people but if he can maybe plant some Pine trees ahead of the building to block that wing side because then the rest will kind of be hidden by the house.

Mr. Lamanna asked if there are any windows on that side.

Mr. Zimmer said he didn't plan on putting any on that side, only in the front.

Mr. Barr asked Mr. Zimmer what color his house is.

Mr. Zimmer said tan and it will be the same color as the walls here, trimmed in white and then a black roof.

Mr. Gutoskey said he doesn't think you will see the sides, it is really the front.

Mr. Lamanna said it is so far back you will be looking at more of the front.

Mr. Gutoskey said he could put some trees in the front instead of the side because that could be used to block the wing because the other part will be behind the house.

Mr. Lamanna said he thinks that is probably given this is going to be so far back, if they build a house there they are going to be looking more at the front of it.

Mr. Soryal said correct, if the house is closer to the street you will see the 50' part of it, if the house is all the way back you are only seeing the side, right, all the way back. He said most likely we won't build the house too close to the street anyway because we have a big polo field in the back and we would want that to be accessible to the family too but obviously after this is built we will decide exactly the best location for it.

Mr. Lamanna said he thinks if some landscaping was done there around that corner.

Mr. DeWater said just like we did last month, we did ask somebody who did another building last month just to plant some trees and in this case they could be a littler taller, about 8 to 10 footers and then just wrap them right around that front corner there.

Mr. Zimmer said the new, he can't think of what they are called now.

Mr. Barr said the green giants, the Arborvitaes.

Mr. Zimmer said yes that everybody is getting, they have got the soft Pine look but they get about 15 – 20 feet tall, they are Christmas tree shape. He said if you go down Caves Road to Rt. 322 there is a big field and they are growing there, they are pretty small now but he thinks they get bigger.

Mr. Lamanna asked how many do we think here, do we need a double row.

Mr. DeWater said about three 16', so three to four across the front on that side and then wrap at least two to three down the side.

Mr. Zimmer asked so in front of the building and on the side.

Mr. DeWater said yes and on the side.

Mr. Gutoskey said because the side, nobody is going to see the side anyway.

Mr. Zimmer said okay, this is the driveway and this is the building, he has to have them just coming past the front.

Mr. Lamanna said maybe 12', each side.

Mr. Zimmer said he was going to have windows there though.

Mr. Gutoskey said you can pull the trees back, move them about 20' off the building.

Mr. Zimmer said okay.

Mr. DeWater said that way you soften the whole corner so if somebody does look at that building they are going to soften that.

Mr. Lamanna said and we are not talking about having to plant foundation plants here, you can put them 12 or 14 feet away.

Mr. Zimmer said he was going to have crushed asphalt there but if he puts the trees there he can't do that.

Mr. Gutoskey said you want to have the trees between the buildings and you can pull the trees out farther.

Mr. Barr said you are just trying to block it so when the neighbor pulls into their driveway they don't want to look into your garage just like you don't want them looking into your garage so if you have them at an angle and down the side with Arborvitaes.

Mr. DeWater said it softens it.

Mr. Barr said it softens everything and lessens the impact on the environment.

Mr. Zimmer said okay.

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

Motion BZA 2024-27 – 16510 Snyder Road

Mr. Lamanna moved to grant the following variance for the purposes of constructing an accessory building in accordance with the plans that have been submitted with the application.

1. A variance to the south minimum side yard from 50' to 25' for a variance of 25'.
2. As part of this variance the applicant has agreed to plant evergreens between 8' and 10' tall at least five of them in an arc around the front and side corner to the south.
3. The applicant will submit to the Zoning Inspector prior to getting his zoning certificate a plan/drawing showing the location of those plantings.

Based on the following findings of fact.

1. This is a practical difficulty because the applicant has a lot that is only 200' wide with an existing driveway and building and wants to have access to this accessory building from the driveway and that allows insufficient room to place this within the 50' setback.

Motion BZA 2024-27 – 16510 Snyder Road - Continued

2. The applicant is going to provide screening which will minimize and reduce the impact to the neighboring lot.
3. The neighboring lot is a conforming lot so it has at least a 250' lot width with 50' side yard setbacks so that will reduce the impact on that property.
4. The existing house is located very deep on the lot, likely much deeper than the building location on the adjacent lot which will also reduce it.
5. The board also finds that this would not change the character of the neighborhood and because of the additional landscaping it will not adversely affect the neighboring property.

Mr. Gutoskey seconded the motion.

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

Mr. Soryal returned to the meeting.

Application 2024-28 by Joseph C. Oberle for property at 8197 Tulip Lane

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

Mr. Gutoskey recused himself from this application.

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

Mr. Joseph Oberle was present to represent this application.

Mr. Lamanna swore in Mr. Joseph Oberle and he let the record reflect that Mr. Oberle was duly sworn.

Mr. Joseph Oberle testified that he has an existing barn that was constructed in 2009 and he wants to add an addition to it that is 11.6' x 24' and the allowable coverage for the lot is 936 sq. ft., the addition will be 896 sq. ft. so he is outside the limits by about just over a sheet of plywood. He said it is well within the setbacks of the building.

Mr. Lamanna said we are just going from 896 sq. ft. to 936 sq. ft.

Mr. Oberle said exactly and it is just to balance out with the other side of the barn, it is two bays now.

Mr. Lamanna asked if there are any side yard issues.

Mr. Oberle said no.

Mr. Lamanna asked if anybody has any issues.

The board replied no.

Mr. Lamanna asked if there is anybody here that is interested in this application.

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

Motion BZA 2024-28 – 8197 Tulip Lane

Mr. Lamanna moved to grant the following variance for the purposes of constructing an addition to an existing accessory building.

1. Variance of 40 sq. ft. for his proposed accessory building.

Based on the following findings of fact.

1. This is a de minimis variance on the allowable building size given the actual size of the lot in this location.
2. It certainly is within the intent of the zoning and will not adversely affect the neighboring property owners nor change the character of the neighborhood.

Mr. Barr seconded the motion.

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

Mr. Gutoskey returned to the meeting.

Application 2024-29 by Riser Foods Company for property at 17675 Chillicothe Road - (GetGo Gas Station)

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

Ms. Tanya Knight was present to represent this application.

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

Mr. Gutoskey said he took a look at it and read through the previous conditions.

Mr. Lamanna asked Mr. Averill if there are any issues on this property or complaints.

Mr. Steven Averill, Zoning Inspector testified by saying no but there were some issues on and off with some temporary signage over the poles etc. but every time he goes in there they take them down, it is just a matter of maybe a new manager or someone that doesn't know any better and they usually straighten up pretty quick.

Ms. Tanya Knight testified that they do have a new leader.

Mr. Lamanna asked the board members if they have any issues with the existing conditions or anything like that.

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

Motion BZA 2024-29 – 17675 Chillicothe Road – Riser Foods Company (GetGo Gas Station)

Mr. Lamanna moved to grant a renewal of an existing conditional use permit for a period of five years.

Based on the following findings of fact.

1. There is a generalized provision, Chapter 117.13 of the zoning code that sets forth the generally applicable requirements for conditional uses.
2. The previous granting or renewal also may have specific requirements and conditions with respect to this so all of that continues in effect.
3. There being no issues the board will extend the conditional use for another five years.

Mr. Barr seconded the motion.

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

Application 2024-30 by Partnerless Productions Ltd. for property at 8200 Washington Street

The applicant is requesting a new conditional use permit for the purpose of an Outdoor Dining area. The property is located in a CB District.

Mr. Gutoskey recused himself from this application.

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

Mr. Steve Ciciretto, Architect and Mr. James Gibson, Property Owner were present to represent this application.

Mr. Lamanna swore in Mr. Steve Ciciretto and Mr. James Gibson and he let the record reflect that Mr. Ciciretto and Mr. Gibson were duly sworn.

Mr. Steve Ciciretto testified that this is the exact same plans that were originally presented but the technicalities of the conditional use being adopted for outdoor dining were since we first presented it to now we have to seek the conditional use based on the zoning inspector's interpretation, we felt that we already presented this but in any case these drawings kind of showed the area on the west side of the building where the outdoor dining will be so this is looking from the Dome back toward from the north to the south and this is looking at the northwest corner and then this is the west elevation. He said what the intent is of course is to demo this first theater, this red line represents the floor line so it is approximately 4' or 4-1/2' above grade there. He said you can see there is quite a bit of distance from the drive, we drive parallel to this, we park parallel to this and there is about 40' of landscaping.

Mr. James Gibson testified there is about 40' of a grassy area that was initially going to be and approved as a conditional use for an outdoor patio. He said the size of it and then being that close to the asphalt and also not wanting an enormous restaurant on the inside of that space. He said they would like to take that northwest corner that is opening off more or less leave it level ground with the inside elevations and so you are more or less 6 – 7 feet off the ground plus another 44 – 46 inches. He said the railing is about 9' off the ground and then you also have another 30' where you can plant landscaping bushes and trees to have a buffer in between the asphalt and that area out there.

Mr. Lamanna said that is going to be raised.

Mr. Gibson said correct.

Mr. Barr said so really the fence that is there right now, that is about the height because it kind of goes, that is where the dumpsters are at.

Mr. Gibson said it is not necessarily shown in the picture, it might be but the transformer or all of the electrical coming to the building comes in right behind where that little dumpster area or that notch out is. He said that is a lot of space around that so then it limits his ability to fully use the outdoor space that he has and doing this allows him to get everything on ground level with everything on the inside of the building, have a buffer between the parking lot and the outside patio area and they do not intend on operating a patio year round, we are in northeast Ohio, he doesn't want a roof on it, he doesn't want any tents, he doesn't want any igloos, it is northeast Ohio in Cleveland, the weather is four months out of the year but he can use it and then be done, he doesn't want to use it in the winter, he doesn't want to have bands out there, he has got three kids of his own and he likes being home by 8:30 or 9:00 himself.

Mr. Soryal said yes but you can have people that can work later though.

Mr. Gibson said he has people that can work later but he also doesn't want to have that, our goal is to have a family place, he doesn't want a place where you are getting dragged out of a bar at the end of the night and we don't want to ruffle any feathers and we would rather ask for permission than at some point ask for forgiveness down the road.

Mr. Ciciretto said there is no outside glaring lights or anything and you can see where it is fairly shielded by the Dome and the batting cages from the neighbors to the north. He said 270' is the closest to that western property line and some 550' to the property line so it is pretty much shielded in, they do have that conditional use for that outdoor garden area for the event center. He said he thinks the same conditions that we applied there would apply here, no loud music outside and none of that. He said when they tear that first theater down of course they will be carving some big glass doors indoors on that side and fireplaces on the wall so in addition to the patio it is 30' off that western wall so it seems like the distances to the neighbors we talked about, the limited lighting.

Mr. Barr asked did you tell them about the banjo lessons. He asked how deep is the theater that you are taking down.

Mr. Gibson said he wants to say it is between 90 and 96 feet and it is almost 40 – 45 feet wide.

Mr. Barr said so you are going to be coming in this way 45'.

Mr. Gibson said yes.

Mr. Ciciretto said and it stops someplace short of this so that would be open so if you drive, you can drive right on that.

Mr. Barr said so this is what is going to be going on and then you are going to rebuild back here.

Mr. Gibson said this is all electrical coming in, this is my utility room, all that stays there and then this is where your pitches start so right when you walk into each of those theaters you go in about 20' and the first six, they go like 54'.

Mr. Ciciretto said yes, they do.

Mr. Gibson said so what we are doing is throwing rock in all of those but what that will end up doing is being level with everything else when you walk in.

Mr. Ciciretto said just in terms of square footages and the size of the dining room itself is 3,280 sq. ft. and the bar is almost 2,800 sq. ft. so about 6,000 sq. ft. for the restaurant and then the outdoor one that we are going to tear down, the patio floor of that is 2,050 sq. ft. so about a third but in terms of the numbers and it plays into the conditional use numbers the dining room is set up for about 100 people and the bar is about 70 - 80 let's just say so it is about 180 inside and then the outside set up is about 60 so about a third what could be seated out there in good weather.

Mr. Soryal asked how different is this from the original plan.

Mr. Ciciretto said it is the same.

Mr. Soryal said it is the same plan we looked at before because he remembers seeing it.

Mr. Gibson said the only thing that is different is they decided to take that west wall and north wall down and the roof off of just four.

Mr. Ciciretto said that was submitted before, it is the same. He said the difference was when we came in for the conditional use for the outdoor garden that the conditional use for all outdoor dining wasn't adopted yet so that was in December 2022 when they came in, got the planning all ready, it is taking a little longer to get through all of the issues but we are finally there and so at that point when we showed that there wasn't even a conditional use, it was just a permitted use so the neighbors were questioning what would be going on there and it wasn't something that was regulated, in terms of a conditional use of the standards so it is the same plan it is just because this process ended up adopting the conditional use requirement for outdoor dining so they had to come back. He said he thinks all of the requirements, there were no issues in any of this stuff, it is a little bit weird because he thinks that the buffers and things were set up to protect people dining outside and cars hitting them and in this case it is 40' of landscaping and a 4' masonry wall.

Mr. Barr said he thinks the 4' masonry wall is a pretty good protector.

Mr. Ciciretto said yes, you have got to be trying to get up there and of course we are elevated.

Mr. Lamanna asked if there are any questions or if anybody else has anything.

Mr. Glenn Knific asked to speak.

Mr. Lamanna swore in Mr. Glenn Knific and he let the record reflect that Mr. Knific was duly sworn.

Mr. Glenn Knific of the Woods of Wembley testified that the Zoning Commission and the influence of this committee and amending Chapter 143 by adding a section and to the extent that the outdoor dining complies with all of those provisions, the Woods of Wembley residents and he doesn't speak for them anymore because he retired from the board but he is certainly pleased by that.

Mr. Lamanna said thank you.

Mr. Gibson said they are happy to comply with the conditional uses that we have on the northeast side of the building that we were doing with the wedding venue portion because with that is just the ambient music, no bands or anything, we want to be good outstanding neighbors.

Mr. Knific said for what it's worth, within the Woods of Wembley, we believe that the Gibsons have earned the credibility but it is a concern if it changes hands or plans change down the road right, it is not the situation as it exists today but what the situation could be in different hands.

Mr. Gibson said sure.

Mr. Knific said recognizing that any subsequent owner would have to come through and receive the same.

Mr. Lamanna said they would have to transfer the conditional use but all of the restrictions continue on. He said they can come in and seek to make changes but that is a whole separate Denovo hearing on those issues.

Mr. Knific said thank you all and the Zoning Commission particularly in their efforts.

Mr. Lamanna said we have detailed provisions that covers the issues we often have to deal with. He asked if there are any questions, issues or things we need to address.

The board replied no.

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

Motion BZA 2024-30 – 8200 Washington Street

Mr. Lamanna moved to grant the requested conditional use permit for the Outdoor Dining in the area as described in the location plan that has been submitted by the applicant.

Based on the following findings of fact.

1. The board notes that the area is subject to the generally applicable conditions with respect to Section 143.02(b) as well as those in Section 117.13 which set forth specific and general criteria for this type of application and all of these will apply with no requests or any changes for those.
2. With those requirements and given the detailed nature of the currently applicable requirements for this type of use the board will grant this conditional use for a period of five years from the date our decision becomes final.
2. Having the patio area raised more than 4' above the surrounding ground area does satisfy that requirement of Section 143.02(b) (1)(e).

Mr. Barr seconded the motion.

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

Mr. Gutoskey returned to the meeting.

Since there was no further testimony, the public hearing was closed at 8:12 P.M.

Respectfully submitted,

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

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

Date: November 21, 2024

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
October 17, 2024

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 8:12 P.M. by Mr. Michael Lamanna, Chair. Members present were Mr. Brent Barr, Alternate; Mr. Ted DeWater; Ms. Devon Gamble, Alternate; Mr. Joseph Gutoskey and Mr. Emeil Soryal. Mr. Todd Lewis was absent. Mr. Steven Averill, Zoning Inspector was present.

MINUTES

Mr. Gutoskey moved to adopt the minutes of the September 19, 2024 meeting as written.

Ms. Gamble seconded the motion.

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

APPLICATIONS FOR NEXT MONTH

Application 2024-31 by Stephen Ekker for property at 7561 Country Lane

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

Since there was no further business, the meeting was adjourned at 8:15 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: November 21, 2024