

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

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

Mr. Lewis 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.

Ms. Devon Gamble Alternate joined the board for consideration of the following application due to the absence of Mr. Lamanna and Mr. Soryal.

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.

Mr. Lewis swore in Mr. Stephen Ekker and Mrs. Mary Jane Ekker and he let the record reflect that Mr. and Mrs. Ekker were duly sworn.

Mr. Stephen Ekker testified that the house he is living in currently is his childhood home, his parents are gone and he moved back in and there was over 50 years of accumulation, his parents were a little bit kind of a hoarding type. He said he moved out for about 17 years and he is not as bad as them but he has a lot of stuff as well so once they passed he moved back into the house and he had a few estate sales to try to get rid of some stuff but there is still a lot of stuff he either just can't get to because he doesn't have the room to do it, he has a garage that is filled with stuff, junk or whatever you want to call it from the past few years, he can barely fit one car in there. He said he has a turn-around in his driveway where he would like to put the three-car garage so he can empty out the garage and his basement so he can sift through what he has, sell some stuff and make some organization plus he would like to keep the cars out of the weather which eventually destroys cars and that is it.

Mr. Gutoskey said he has a couple of questions, the application shows two existing structures and asked if they are sheds.

Mr. Ekker said yes, he was renting a POD for \$150.00 a month so he decided to build a shed to get rid of the POD so the end goal eventually would be to have goats so one of them will be used eventually for chickens and goats that his wife wants.

Mr. Gutoskey asked if both of these other buildings are agricultural.

Mr. Ekker said no, one has yard equipment in it, lawn mowers and a couple of garden hoses.

Mr. Lewis asked Mr. Ekker if he was planning to flip both of those buildings to agricultural use at such time his garage is done and he can put stuff in the garage or are you going to continue them as storage.

Mr. Ekker said he would like to use one for yard equipment and things like that, the 12 x 14.

Mr. Gutoskey said the only reason he asks is you are only allowed to have two outbuildings per the zoning code except agricultural.

Mr. Lewis said so your new garage would be another accessory structure which puts you at three and our zoning code limit is two so that is why we were trying to understand what the use was and if neither of them are currently agriculture use.

Mr. Ekker said it can be changed though.

Mr. Lewis said yes, that is something we will have to consider if your intent is to change the use of one of them to agriculture we will have to bake that into the motion and there will be a time criteria with it, that is our zoning code, but also we don't want to leave you in a position where you are not compliant, that is not doing you any service at all.

Mr. Ekker said sure.

Mr. Lewis said he wants to talk a little bit about how far this is and we don't have the computer tonight, so it looks like the real point of your application is not the size of the building, it is the location of the building because it exists in front of the front setback of your house and we can't have structures in front of your house, it has to follow that line all the way across the property but you are back quite aways. He said the question he has is and he was looking at the maps and he is trying to get an idea here, it looks like your house is 442.88' off the road and if he has this right it looks like this line across the front of the building you are suggesting it is 50' upwards from the house.

Mr. Ekker replied yes.

Mr. Lewis said if he takes the 442.88' and deducts 50' from it he ends up with 392.88' off the roadway so we need to in our motion confirm that number and what that does is it puts a front restriction on it so it doesn't end up 20' or more closer.

Mr. Gutoskey said in looking at the map here it looks like it runs to the center of the road so you will probably have to knock 30' off and make it 360' from the right-of-way. He asked Mr. Ekker where his septic system is.

Mr. Ekker said behind the house. He said the tank itself is right here, he referred to the site plan, and then the rest of the drainage is back over here.

Mr. Gutoskey said and you already have a turn-around pad where you are putting the building.

Mr. Ekker replied yes, where the turn-around ends, the pavement ends, after that is where he would like to put the garage, yes.

Mr. Gutoskey said it makes sense.

Mr. Ekker said plus where his septic is.

Mr. Gutoskey said if it is 50' and that is 30' here make it 360' and then he has a little wiggle room. He said he doesn't have a problem with this because the lot is a flag lot, you are not going to see it from Country Lane.

Mr. Ekker said he did have pictures.

Mr. Gutoskey said if you had the map to look at which he did this afternoon there is really no other buildings through here back even this far and it is in the woods.

Mr. DeWater said just make sure that you include that one of the sheds has to be turned into agriculture, goats, chickens, whatever or if it is not going to happen one of them has to come down.

Mr. Gutoskey said another thing, there is no using it as a business, unless it is permitted in our code.

Mr. Ekker said no, he has no intentions of any business there.

Mr. Lewis said no business and no living.

Mr. Gutoskey said it is back in the woods, it is behind this other house so he was wondering about security lighting on the front.

Mr. Ekker said for now, no lighting whatsoever.

Mr. Lewis asked Mr. Ekker if he is going to run power to the building.

Mr. Ekker said not yet, he will have to eventually, his budget is getting blown through the roof.

Ms. Gamble said she gets that the turn-around is there, it makes it more of your preference to have it there but why not next to the house, right here.

Mr. Ekker said technically that is his front yard, his garage faces Country Lane and his picture window faces his neighbor.

Ms. Gamble said okay.

Mr. Ekker said he thought of maybe possibly putting it behind the house but to put a driveway in front of his picture window and not to mention he has his leach fields.

Mr. Gutoskey said so you are saying this side of your house is your front.

Mr. Ekker said yes.

Mr. Gutoskey said and your drive is on the side.

Mr. Ekker said yes, it is kind of weird. He said to his knowledge the house in front of his, that used to be our property growing up but they sold it off in 1968 or 1969, it was all theirs and the driveway was like an easement.

Mr. Lewis said he was going to ask about gutters and downspouts but where this is located there is no conceivable way it can have an impact on anybody around.

Mr. Gutoskey asked if the construction will be similar to the house.

Mr. Ekker said it is going to be a steel building but color wise yes, redwood or brick colors.

Ms. Gamble asked if there are any windows on that side.

Mr. Ekker said no windows at all just two big doors, one smaller and one bigger door and a man door on the side. He showed the board on the plans the location of the doors.

Mr. Gutoskey said he doesn't see how this impacts anybody.

Mr. Ekker said this is more of a stock photo.

Mr. Lewis said he was looking at the schematics and said no windows and no skylights.

Mr. Ekker said no skylights.

Mr. Lewis said and you have received the Geauga Soil and Water documentation.

Mr. Ekker said yes.

Mr. Gutoskey asked if there is anybody in the audience that has any comments on this.

Mrs. Mary Jane Ekker testified by saying she thinks it is a wonderful idea.

Mr. Lewis said on the two existing accessory structures, the board realizes that they will be temporarily exceeding the limit and one of them will either have to be removed or converted to a true agriculture building.

Mr. Ekker asked what kind of timeline would he have.

Mr. Lewis said that is what we want to talk about. He asked Mr. Ekker when he is planning on breaking ground on the new building.

Mr. Ekker said within the next six months.

Mr. Lewis said it might be a spring project depending on how winter goes.

Mr. DeWater asked Mr. Ekker if he is building it himself or having a contractor.

Mr. Ekker said he is going to have a contractor and it is a matter of what time they have.

Mr. Gutoskey said once he is done with the garage he has a month to convert it to agricultural.

Mr. DeWater said if it is done in May.

Mr. Lewis asked do we give him 60 days following the completion of the new building.

Mr. DeWater said 60 days sounds good.

Mr. Lewis said because he will have to go through inspections by the Building Department and all of that anyway so if we go 60 days following final inspection.

Mr. DeWater said and it will give Mr. Averill time to schedule a zoning inspection too.

Mr. Lewis said that gives you plenty of wiggle room so that you can get it built in a timely manner.

Mr. Gutoskey said he thinks he would word it a little differently though because he would not say “final approval by the county” because who knows, that could take a year, you don’t know so he would say 60 days after the contractor has completed it, when the structure is finished.

Mr. Ekker said you mentioned that he has to wait for the county to approve it.

Mr. Gutoskey said no, he is just saying who knows because it could be that there is something real minor that his contractor has to fix and then waiting for the county to come out, he would rather not hinge it on the county’s approval.

Mr. Lewis said so we are removing final inspection, we are changing that to contractor completion.

Mr. Gutoskey said substantial completion.

Mr. Lewis said okay.

Ms. Gamble said her question with that is how would we know that.

Mr. Lewis said our zoning inspector will be making routine visits which is our checks and balances from not the building permits, not the construction, not inspections but our part is zoning compliance, particularly in this case because we are hinging something else to it with the temporary excess of one and then you want to have a goat.

Mrs. Ekker said yes, two of them.

Mr. Lewis asked if there is anything else.

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

Motion BZA 2024-31 – 7561 Country Lane

Mr. Lewis moved to grant the applicant the following variance for the purpose of constructing an accessory building.

1. Acknowledging the reason that this needs a variance is that the accessory structure is in front of the house and that requires a variance with some exact criteria to go with it.
2. The building conforms with its size and the rear and side yard setbacks.
3. The board will grant a front yard setback to 360' from the road right-of-way.
4. The applicant currently has two existing accessory structures on the property and their intent is to convert one of them to agriculture so the board will give the applicant a sixty day timeline following substantial completion by the contractor, the construction of the building and at that point one of the two existing structures will have to either be removed or converted to agriculture and confirmed by our Zoning Inspector.
5. Because this is a flag lot and very, very far off the street there is really nobody adjacent to it for hundreds of feet so with regards to any kind of an adverse effect on the adjacent property owners there is none.
6. Also, because this is a no living and no business conducted structure there is no impact of the use on the adjacent property owners.
7. There are some minor practical difficulties by placing it in the rear yard and that is where the septic and well exists and that would be the secondary replacement leach field set aside as well.
8. The location on this also satisfies an existing condition of the property in that the applicant currently does have a turn-around pad that this would abut that is already existing in the front yard.
9. Just as a point of interest on this, the applicant has provided the board with a site plan that displays the front of this garage structure would be no more than 50' in front of the existing house, drawing a line across the property.

Based on the following findings of fact.

1. The reason for granting this variance is there is a practical difficulty.
2. There is no adjacent property owner adversely affected.
3. It is a very long narrow flag lot.
4. There is no other residence within several hundred feet of it and it is just not conducive to move this to the rear yard because of the existing septic and well.
5. Additionally, with the orientation of this house, the front does not face Country Lane, it faces the side yard and to put this garage in front of that would be putting it basically in their front yard.
6. There is an existing drive pad so it would be a practical difficulty to move the garage to a different part of the lot because additional driveway would need to be constructed.

Motion BZA 2024-31 – 7561 Country Lane - Continued

8. The building is being placed on an existing turn-around on the lot.

Mr. DeWater seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 7:26 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: December 19, 2024

AUDIO RECORDING ON FILE

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

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 7:26 P.M. by Mr. Todd Lewis, Vice Chair. Members present were Mr. Ted DeWater; Ms. Devon Gamble, Alternate and Mr. Joseph Gutoskey. Mr. Michael Lamanna and Mr. Emeil Soryal were absent. Mr. Steven Averill, Zoning Inspector was absent.

MINUTES

Mr. Gutoskey moved to adopt the minutes of the October 17, 2024 meeting as written.

Mr. DeWater seconded the motion.

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

APPLICATION(S) FOR NEXT MONTH

Application 2024-32 by Daniel Hoch for property at 18066 Haskins Road

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

Since there was no further business, the meeting was adjourned at 7:28 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: December 19, 2024