

Bainbridge Township, Ohio
Board of Zoning Appeals
June 19, 2025

Pursuant to notice by publication and ordinary mail, the public hearing was called to order at 7:00 P.M. by Mr. Michael Lamanna, Chair. Members present were 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 absent.

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.

Application 2025-9 by Daniel Leeb for property at 8258 E. Washington Street

The applicant is requesting a new conditional use permit for the purpose of establishing a veterinary hospital. The property is located in a CB District.

Mr. Daniel Leeb and Ms. Jennifer Braverman were present to represent this application.

Mr. Lamanna swore in Mr. Daniel Leeb, applicant and Ms. Jennifer Braverman and he let the record reflect that Mr. Leeb and Ms. Braverman were duly sworn.

Mr. Daniel Leeb testified that they have been looking to move right up the street from the facility where they are now for quite some time, it was actually his father's practice for many years and he passed away back in 2020 and they have managed to keep the practice going and it has been doing really well over the past few years so they just need to expand their space so they have been looking for what is available and this new location that they found really seems like a perfect fit for them so they are looking to relocate the practice to this new building.

Mr. Gutoskey said you were just to the board in 2022 for a transfer of a conditional use.

Mr. Leeb and Ms. Braverman said yes.

Mr. Lamanna asked if there were any issues in 2022.

Mr. Gutoskey said no, there was nothing, it was just a transfer of the conditional use and he thinks there is something about renting the building from Mr. Soryal.

Mr. Soryal said there have been no complaints.

Mr. Gutoskey asked if the board wants to make it for five years.

Mr. Lamanna asked if there are any new issues with this particular location.

Mr. Gutoskey said there is a dentist office there now, correct.

Mr. Leeb said correct.

Mr. Gutoskey asked if it was all dental at one time.

Mr. Leeb said it was a regular dental practice and the owner of the practice has relocated to another building.

Mr. Gutoskey said Mr. Matt Creech bought the property in front of the old Timberfire but not in the old Timberfire space.

Mr. Leeb said they spoke to the owner of Colonial Auto as well.

Mr. Soryal asked if anything will change with their practice, are they going to board any animals or anything like that.

Mr. Leeb said they are not going to be boarding, they do want to extend, they don't do orthopedic surgery and stuff like that today but they do want to do those services as well but it will still be just for small animals.

Mr. Gutoskey asked if there will be any overnight stays from surgery or not.

Mr. Leeb said they do overnight stays from surgeries only when they need particular rest or monitoring of the animal but they don't do emergency services or take clients overnight and don't do boarding.

Mr. Gutoskey said that is one of the things for the conditional use is having overnight, correct. He said he thought part of it you said with conditional uses, part of it was the overnight stay.

Mr. Leeb said he spoke with Mr. Averill about it and he had mentioned since we do the overnights it would be a hospital as opposed to a clinic. He said they are not having lots of animals overnight all of the time but they do have patients that stay overnight.

Mr. Gutoskey asked if there is anybody in the audience that would like to speak.

Mr. Lamanna asked if they have been doing this at the current facility.

Mr. Leeb said yes.

Mr. Lamanna said we are in the middle of a CB district here and not close to any residents.

Mr. Gutoskey said he doesn't see any issues.

Mr. Lamanna said he doesn't see any special conditions.

Mr. Gutoskey said there weren't any before.

Mr. Lamanna said we always point out that there are general conditions that apply to conditional uses and those conditions, unless you seek an exception to it it always applies whether or not we put any special ones on, he doesn't see any issues here or special situations. He said if they were going to run an actual boarding facility where they were boarding lots of dogs on a regular basis then we might want to think a little bit differently but he thinks the overnight stuff, that goes part and parcel with what is happening here and it is just not the same issues that you have with a regular boarding situation and the dogs are going to be kind of out of it anyway, it is not going to be causing a lot of trouble, if you are keeping it overnight it will be sedated.

Ms. Braverman testified by saying if you hear it barking it will be the first hour before surgery or if they are stressed we try to get them home.

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

Motion BZA 2025-9 – 8258 E. Washington Street

Mr. Lamanna moved to grant the applicant a conditional use for the purposes of establishing a veterinary hospital.

Based on the following findings of fact.

1. The applicant has been operating a facility in the township without any issues.
2. The board finds that there is no need to establish any special conditions at this time.
3. Also due to the prior use, this initial permit will be for a full five year period.
4. The board does note that the general provisions with respect to the conditional uses set forth in the zoning ordinance will apply to this use.

Mr. Gutoskey seconded the motion.

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

Application 2025-10 by Gary Gardiner for property at 17414 Long Meadow Trail

The applicant is requesting area variances for the purpose of constructing an addition and deck. The property is located in a R-3A District.

Mr. Gary Gardiner, Mrs. Charlotte Gardiner, Property Owners; Ms. Rebecca Pantuso, Architect and Mr. Jeff Taylor, Builder were present to represent this application.

Mr. Lamanna swore in Mr. Gary Gardiner, Mrs. Charlotte Gardiner, Ms. Rebecca Pantuso and Mr. Jeff Taylor and he let the record reflect that Mr. and Mrs. Gardiner, Ms. Pantuso and Mr. Taylor were duly sworn.

Ms. Rebecca Pantuso testified that she does everything she can to avoid coming to these meetings, she doesn't particularly enjoy variances but thank you for hearing us tonight. She said they are ultimately trying to get the cars in storage in the garage rather than the driveway and have a little bit of a tricky site to navigate and find a solution that brings us here that she thinks is sensitive to all of the neighbors around and is least impactful. She said it does require three variances, the first one she will address is lot coverage which incidentally they are over, they are 35% now so they are reducing the lot coverage to 34% but are still exceeding the allowable 30% so they have made every effort to try to pull that number back and in doing that they are also asking for another variance to go from the 12' minimum driveway to 11' to try to help alleviate that lot coverage issue. She said the third variance is the rear yard setback, they are not going any further than the existing house but because of the kind of pie-shape nature of the lot it wouldn't get any closer to that rear yard setback. She asked if the board has any questions.

Mr. Soryal asked if the drawing shows what you are doing to the driveway, are you just narrowing it.

Mr. Gutoskey said so basically the red-hatch is what you plan on getting rid of, correct.

Ms. Pantuso said yes.

Mr. Gutoskey said and it looks like you are adding a drive with a retaining wall to a lower level garage.

Ms. Pantuso said yes.

Mr. Gutoskey said in looking at the original survey it looks like it is 46.2 to the existing house, right but trying to look at what the setbacks are now versus what the new setbacks are going to be.

Ms. Pantuso said yes, so that setback now is 50' and you can see that right there but because this is angled.

Mr. Gutoskey said he was looking at the survey and it looks like that 46.2 is the closest point now to the existing house.

Ms. Pantuso said correct.

Mr. Gutoskey said but the deck is closer and asked what that dimension is.

Ms. Pantuso said 31.6 to the existing.

Mr. Gutoskey said right now the deck is 31.6 and the house is 46.2 so with the new addition and the deck.

Ms. Pantuso said it is 46.1 to the new deck and then 34.6 to the house.

Mr. Gutoskey said so the house and the deck are getting closer but the house isn't getting closer to what the deck is right now, do you follow me on that.

Ms. Pantuso said correct.

Mr. Gutoskey said so right now the house is 46.2 and the deck is 31.6 so the new house is going to be 34.6 and the deck 26.1 but the house is no closer than what the deck is now plus there is a golf course behind the deck.

Ms. Pantuso said yes, they have got good screening on this corner of the lot.

Mr. Gutoskey said we usually have an overhead projector.

Mr. Soryal asked how much would it add to keep that driveway at 12', the 11' is not going to be very fun.

Mr. Gutoskey said especially in the winter with those curves. He said it is only 254 sq. ft. because his thought is, our code now is 12' so if they make it 12' they only need two variances and the lot coverage only goes up a hair so maybe it will be close to what it was.

Ms. Pantuso said yes please.

Mr. Lamanna said if an EMS truck has to come in you don't want it scraping along the edge of the driveway or getting stuck in the yard or something like that.

Mrs. Gardiner testified by saying or the Amazon truck.

Mr. Lamanna said they don't go in driveways, they just park in the street.

Mr. Gutoskey said the only problem you have is our code is the driveways need to be 2' off so he would suggest they be allowed to have a 12' drive but make it so it is 2' off even if they have to add a little pavement on the one side to make it work, that is his thought.

Mr. Lamanna said we are not making enough difference.

Mr. Gutoskey said he doesn't have a problem with the setbacks only because there is nothing on the side and nothing in the back more or less where the variances are farther away from the house next door anyway.

Mr. Lamanna said it looks like 14.9 and we would rather give you a variance so in the future somebody doesn't come in and say you are encroaching at 14.9 and now you've got to get a variance when you are trying to sell your house before it closes.

Mr. Gutoskey said it says it is 14.9.

The board discussed the setbacks.

Mr. Lamanna said this is a little housekeeping. He said there are lot of properties around that the as-built wasn't quite what it was supposed to be and we have found plenty of people that their house was not where it was supposed to be and it is encroaching into the setbacks. He said the banks are looking at these things a lot more closely and the title companies more than they used to and now if they find you are out of compliance with the setback requirements they are going to want you to get a variance so we try to look at all of these things and you are here, we are here and we can take care of all of these things and it is one problem we won't have to deal with in the future so that is why we try to look at these things carefully.

Ms. Pantuso said it is great.

Mr. Gutoskey said he would say on the driveway one to leave it at 12' with 2' off the property line and then whatever they need to do on the inside to make it work.

Ms. Pantuso asked if the driveway to the retaining wall would be within that 2' or beyond the wall.

Mr. Gutoskey said he doesn't think the wall is a problem he knows in the code that driveways have to be 2' off the property line.

Mr. Taylor asked if the wall would be part of that 2'.

Mr. Gutoskey said he thinks the wall can be in that 2' so that should give you room to get the wall in.

Mr. Taylor testified by saying that definitely helps.

Mr. Gutoskey said we can put the 2' setback in the motion because right now the driveway encroaches over here so they are going to have to come over to 2' and then to get the 12' add a little on the other side.

Mr. Lamanna said so we don't need a variance for that.

Mr. Gutoskey said correct.

Ms. Pantuso said they currently have 35, do we say 39.

Mr. Soryal said we will have to do the math.

Mr. Gutoskey said it went from 34.56 to 34.09.

Mr. Lamanna said he thought he read that they had changed the driveway width and that reduced the lot coverage.

The board reviewed the lot coverage calculations.

Mr. Lamanna said this is surrounded by the golf course.

Ms. Pantuso said she can just make it 12'.

Mr. Gutoskey said we should just make it 35.5%.

Mr. Lamanna said there are all kinds of other things you are doing here that has the possibility of when it gets built it may be a little bit different.

Mr. Gutoskey said we have done that with other applications.

Mr. Lamanna said given where this lot is but he would worry more if the applicant was in a situation where you were all surrounded on both sides then it becomes a little bit more critical how big things get but you are not really hemmed in on the other two sides so no one is going to notice the amount of things on the lot.

Mr. Gardiner testified that the house is in the line of sight, if not for all of the vegetation and trees, they are never going to see her house.

Mrs. Gardiner said she is on the HOA board.

Mr. Gardiner said she is on the HOA board and approved this application.

Mr. Lamanna said he walks down there all of the time.

Ms. Pantuso said just to recap we are going to do the 14.9' on the left side, south side of the house, it is non-conforming, existing whatever. She said they are going to say the retaining wall can be 2' within the 2' side yard setback or that is not even a variance per say.

Mr. Lamanna said we will just clarify that point as an interpretive point, not that it is a variance but the retaining wall is not part of the driveway.

Mr. Gutoskey said but is it a structure because a sidewalk around a pool is a structure. He asked how far the retaining wall is off the line now.

Ms. Pantuso said the inside face is 3'.

Mr. Soryal said so it is not a problem to have 2' from the retaining wall then, it is not an issue for you.

Ms. Pantuso said she would move the driveway to that 2' line and the retaining wall would be within that 2'.

Mr. Soryal asked if the retaining wall exists now.

Mr. Gutoskey said no because they are going to grade the driveway down.

Ms. Pantuso said if she wants her driveway to be 2' from the property line that puts the retaining wall within that 2'.

Mr. Soryal said what he is asking is if the 2' starts from the retaining wall does that pose a problem for you. He said if the driveway and the retaining wall were within the 2', if it doesn't cause a problem then why bother just count the 2' from the retaining wall to the property line.

Mr. Gutoskey said yes because he thinks it will give you another foot of room on the side entry.

Mr. Soryal said if the retaining wall is 2' and 1' wide, the driveway edge is 3' from the property line.

Ms. Pantuso said yes that is what she has drawn but she thought we were just talking about moving the driveway.

Mr. Taylor said to make a wider driveway.

Mr. Soryal said you can make it wider on the other side.

Mr. Taylor asked the retaining wall.

Mr. Soryal said no the driveway, the other side.

Mr. Gutoskey said he is sure that there are retaining walls all through the township that are right on the property line and he doesn't think it is addressed anywhere in the code.

Mr. Lamanna said in this particular case we certainly don't have a problem, it is not like it is 5' of retaining wall.

Mr. Gutoskey asked how tall the retaining wall is.

Mr. Lamanna said it is only 1' wide.

Mr. Gutoskey asked if it is one of those stacked retaining walls.

Mr. Taylor said it will be an engineered poured wall he believes.

Mr. Gutoskey said the driveway has a big curb on it.

Mr. Lamanna said just for clarification that the curb is not part of the driveway or a separate structure in this case. He said it is case specific to this, we are not doing this going forward.

Mr. Gutoskey said the drive will be at 2', the wall will be within that 2' strip between the driveway and the property line.

Mr. Lamanna said it will be 26.1 where it was formally 31.6. He asked if there are any issues with the deck changes or any of that.

Mr. Gutoskey said the deck is the closest thing here.

Mr. Lamanna said this is a difficult property because of the lot width.

Mr. Gutoskey said and you have a 120' setback line.

Mr. Lamanna said the rear variance is certainly justified by the lot shape and the fact that it is not going to affect any neighboring houses or property owners except for any incoming golf balls that may land closer to your house.

Mr. Gardiner said they get more balls in the front yard from bouncing off the road.

Mrs. Gardiner said they have a beautiful property.

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

Motion BZA 2025-10 – 17414 Long Meadow Trail

Mr. Lamanna moved to grant the applicant the following variances with respect to the construction of an addition and a deck to a dwelling located on this property in accordance with the plans that have been submitted with any changes required by the discussions herein as follows.

The board notes that this house is in the Tanglewood Subdivision which was originally built under a special zoning provision for Planned Unit Developments which has since been repealed so the applicable requirements reflect what the original requirements were.

1. With respect to the variance on the side yard, on the south side, a variance is granted from the required 15' to 14.9' which is solely to reflect the actual as-built setback of the existing dwelling.
2. With respect to the rear yard setback the setback will be at 26.1' representing a variance of 23.9'. The board notes at this point that the existing rear yard setback as built on the property originally was 31.6'.
3. With respect to the driveway width there is a reduction of the driveway width from 12' to 11' as proposed but the board has since decided that it would be better overall to maintain the 12' width even though it sacrifices a small amount of lot coverage because maintaining the driveway width is not worth the impact on the overall lot coverage.
4. The board also notes that there is a retaining wall shown along the one side of the driveway and for interpretation on this case only based upon the board's look at the particular circumstances applicable to this lot and the particular retaining wall that this retaining wall will not be considered a structure or part of the driveway for the purposes of the 2' setback from the property line.
5. With respect to lot coverage, the board will allow a lot coverage now with the changes to the driveway of 35.5% which is a small increase from the existing lot coverage but the board thinks that the impact will be minimal because of that and feels that under the circumstances applicable to this application it would be reasonable.

Based on the following findings of fact.

1. A practical difficulty exists because the particular lot in question here is a somewhat triangular shape lot that narrows toward the front which necessitates the fact that the house is pushed farther to the rear which already gave it very little rear yard clearance and makes it virtually impossible to make any changes to the house or modernization of the house and also because of pushing the house back and making the driveway longer it also increases the amount of lot coverage relative to what it might have been if the lot had been a more conventional shape.

Motion BZA 2025-10 – 17414 Long Meadow Trail - Continued

2. Furthermore, with respect to the setbacks and the lot coverage, this property in the back is actually bordered on two sides by the golf course which is not developable property, it is actually owned by the homeowner's association therefore there is no structure there and the additional lot coverage will not adversely impact any neighboring properties nor will it perceptively change the nature and character of the neighborhood.

Mr. Gutoskey seconded the motion.

Vote: Mr. DeWater, aye; Ms. Gamble, aye; Mr. Gutoskey, aye; Mr. Lamanna, aye; Mr. Soryal, 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: July 17, 2025

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio
Board of Zoning Appeals
June 19, 2025

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 and Mr. Emeil Soryal. Mr. Todd Lewis was absent. Mr. Steven Averill, Zoning Inspector was absent.

MINUTES

Mr. Soryal moved to adopt the minutes of the February 20, 2025 meeting as written.

Mr. DeWater seconded the motion.

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

APPLICATIONS FOR NEXT MONTH

Secretary's note. There were no applications submitted for the July 17, 2025 meeting.

Since there was no further business, the meeting was adjourned at 7:50 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
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