

Bainbridge Township, Ohio  
Board of Zoning Appeals  
October 16, 2025

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 at the Bainbridge Township Service Department, 17800 Haskins Road. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Emeil Soryal. Mr. Steven Averill, Zoning Inspector, was present.

Mr. Lamanna welcomed everyone to the regular meeting of the Bainbridge Township Board of Zoning Appeals and explained the public hearing process and stated that individuals will be sworn in when the application is started. He noted that the applications will be taken out of order for tonight's meeting.

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

Application 2025-19 by Dave and Sara Baer for property at 7090 Country Lane

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

Mr. Dave Baer and Mrs. Sara Baer were present to represent this application.

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

Mrs. Sara Baer testified that they are interested in purchasing this property, the purchase is contingent upon the decision of this board. She said when they looked at the property it had been revamped into two independent residences and they would like to combine those residences to one but in order to do so the design that they have conceived through their architect would require a change in variance for the 20' setback on the east side of the property and that is their concern.

Mr. Gutoskey said we have a form, a consent letter signed and notarized.

Mrs. Baer said yes and asked do you have this document as well.

Mr. Gutoskey said he thinks that is the survey.

Mrs. Baer said yes.

Mr. Soryal asked if the current owner had two different families in different houses or was there just one.

Mrs. Baer said she is not sure what the exact situation was, she was living in one and there were other people living in the second home.

Mr. Soryal asked Mr. Averill if that was permitted.

Mr. Steve Averill testified by saying no. He said it is not his story to tell but he issued a permit for a pavilion and when he went and did his inspection he saw the two dwellings and basically the owner, Ms. Connie Strauss turned the other structure, the barn, into a dwelling for he thinks the mother-in-law, so fortunately for Ms. Strauss she was able to get a permit for a breezeway to connect the two structures to make it legal, he issued it about a month before our amendment was effective that took that possibility away, two or three months ago, so she has an existing permit to connect these two legally, it is just a simple breezeway. He said in the meantime the applicants came along and are interested in this property and their remedy is a lot more elaborate and will legitimize it as one structure.

Mr. Lamanna said so we have an existing structure and they are going to add further another extension onto that and then connect it with the other dwelling.

Mrs. Baer said exactly.

Mr. Gutoskey said it looks like right now to the existing structure you have 12.53' is what the current building is off the property line so then they are looking to go another 3' and what the existing building is really if you look at the 12.53' what is going to be over because of the way the angle is it is a triangle.

Mr. Lamanna said yes, the lot is not perpendicular to the street here.

Mr. Gutoskey said really only a small portion will be farther than what the existing structure is.

Mr. Lamanna asked what exactly is the addition going to be.

Mrs. Baer said the addition will be a garage and a recreational space and living space connected by hallways.

Mr. Soryal asked if the pool is existing.

Mrs. Baer said no, the pool is part of the plan, yes.

Mr. Soryal said the pool is actually inside of that addition.

Mr. Lamanna said obviously this is zoned single family so he mentioned an in-law suite and that is an interesting question about what the courts have found a family to be and what they consider different families. He said he would say generally speaking it is pretty clear that if you have a person who is either your parent or your child even if they have a spouse and other children that you are not going to be able to say that is a different family, it would be very hard for us to enforce zoning and say that is a different family but as far as tenants or other people like that go he doesn't know if you have future plans where you potentially have parents that could eventually move in with you, that is probably something that you could do, but that would be the limitation of using it for somebody else living there. He said if it was an unrelated person and you wanted to rent this out absolutely not and one of the things that we will put in our motion is that you understand that this is a single family and that unless you are meeting the definition of family that you can't have tenants using the property. He said because of what you are doing and the way you are doing this it is sort of less of a problem from the way you are doing it, it makes it harder to try to actually use it as a separate dwelling for unrelated people.

Mrs. Baer said it sounds great.

Mr. Baer testified that they don't like strangers.

Mr. Lamanna said you aren't running an Air BnB.

Mr. and Mrs. Baer replied no.

Mr. Lewis said a couple of things he wanted to bake into the application, the definition of "dwelling" Ohio Revised Code 4501.01(O) means "'Single-family dwelling" means a dwelling consisting of a single dwelling unit only, separated by other dwelling units by open space" so there is your single family. He said the other definition from our code is "family" means one or more persons related by blood, adoption, guardianship, marriage, living, cooking together as a single household unit exclusive of living hire employees which means if you had a maid or if you had a caretaker, professional caretaker, whatever so to our chair's point no occupants other than bloodline related, no rental property, it is pretty straightforward and it looks like you are meeting that criteria.

Mr. Gutoskey asked if there is anyone in the audience that wishes to speak on this application. He asked Mr. Averill what is on the right side of the property.

Mrs. Baer said to the east.

Mr. Lamanna said to the east, yes.

Mr. Averill said there is a flag lot here, as shown on the displayed aerial, it separates the neighboring property.

Mr. Gutoskey said he thinks they are under the same ownership, that flag lot and the one to the right of it.

Mr. Lamanna said either way nobody is building on the flag.

Mr. Gutoskey said when he looked at it he doesn't think it will have any effect.

Mr. Lamanna said they effectively have the width of about 60' probably.

Mr. Averill said in effect the only thing that would come about is if somebody put a driveway in there and that would be a problem for the applicant than it is for anybody else.

Mr. Lamanna said you have to understand if you are closer to the line it means that anybody who builds anything on the other side the driveway is likely to be close and at some point if that lot is platted at some point it is going to get sold and probably these days sooner rather than later just because there are not that many unbuild parcels anymore so just understand that someday there is going to be a driveway going up there.

Mr. Soryal asked if it could be made smaller or moved forward or anything to accommodate the setback.

Mrs. Baer said it could, but she thinks that you will see the existing structure is still not in compliance.

Mr. Lamanna said it is only 12.53' and of course it is driven by the fact that you are extending onto a structure that is cockeyed or skewed to the property line so as you advance it forward, they did kick it over already so they have already moved the house over and again we've got the flag coming up there, flagpole of the lot coming up so there is a big separation to the next lot anyway so that is very unlikely it is going to ever affect that property. He asked if anyone else has any questions on this application.

Mr. DeWater asked about the drainage flow to the lot, your addition is not going to add drainage to that other lot, that flag lot.

Mrs. Baer said not that she is aware of but the survey may be able to clear that up, she doesn't know and added she wasn't asked to provide that. She said technically the back of the property drains into a ravine so she assumes that it would be the north side is the lowest end.

Mr. Lamanna asked Mrs. Baer if she had any idea how the existing structures are drained.

Mrs. Baer said the pond is one feature and there are eaves and gutters on everything.

Mr. Gutoskey said there is a big swale so it is going there, that way.

Mr. Lamanna said the only thing we would say is where the existing drainage is going, if there are existing downspouts and gutters and they are piped off somewhere, pipe these off to the same place because if they aren't having a problem now then make sure you don't create a problem, if you send the water that way it is less likely than if you send it somewhere where it hasn't been sent before, then we will find out that doesn't work so well so he thinks you go with that caveat with the drainage.

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

BZA Motion 2025-19 – 7090 Country Lane

Mr. Lamanna moved to grant the applicant the following variance for the purpose of constructing a proposed addition and breezeway as shown on the plans submitted in this application and as part of this application.

1. A variance from the minimum side yard requirements on the east side of the property from the required 20' to 9.40' for a variance of 10.60'.
2. With respect to this new combined structure the board notes that the drainage on the new structure will conform to where the drainage on the existing structure is sent so that all of the run-off is going in the same direction.
3. In addition, the board notes that the new structure will actually combine two existing structures that were technically independent dwellings and this will create one single family dwelling on the property bringing it into conformance.
4. Again, the board notes and the applicant acknowledges and understands that this can only be used as a single family dwelling, it cannot be used as a rental property or part of it used as a rental property and again can only be used as a single family dwelling within the definition of what a permitted family is in the applicable zoning code.

Based on the following findings of fact.

1. A practical difficulty exists because there are two structures the applicant is trying to combine and because of the way the existing structures are placed upon the lot they are skewed to the side line so in order to create the proposed addition which is necessary to make the connection practical the existing 12.53' setback of the existing structure will be reduced to 9.40' at the closest point of approach of the proposed addition.
2. This is a small increase in the non-conformity on that property line.
3. In looking at that non-conformity the board finds that it is not inconsistent with the character of the neighborhood nor will it adversely affect the neighboring properties because this side line is the narrow part of a flag lot so that there is the distance of the width of that flag lot there where nothing ever than a driveway will be placed and the next home to the east is a significant distance from these proposed additions.

Mr. Lewis seconded the motion.

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

Application 2025-18 by Kimberly Gibson for property at 8200 E. Washington Street

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

Mr. Joseph Gutoskey recused himself from this application.

Mr. Jim Gibson and Mrs. Kimberly Gibson, Owners and Mr. Steve Ciciretto, Architect were present to represent this application.

Mr. Lamanna swore in Mr. Jim Gibson, Mrs. Kimberly Gibson and Mr. Steve Ciciretto and he let the record reflect that Mr. and Mrs. Gibson and Mr. Ciciretto were duly sworn.

Mr. Steve Ciciretto testified that as you know The Hungry Bee is moving to The Hive at Honey Hill at the cinema and The Hive is the restaurant/entertainment portion of it to the west and the Chagrin cinema annex is now going to be Honey Hill, the event center and as part of all of the previous conditional uses and reviews we have an outdoor garden area that was basically designed for cocktail hour or before a wedding or before an event and along the way we realized that in case of rain or something like that we don't have any covered portion of that so the property to the east, the area to the east of the event center was a paved parking lot and so what we would like to do is install this tent structure that is literally a tent, a canvass covered building that will serve as outdoor event space for weddings or ceremonies as well as cocktail hours in case of inclement weather. He said it is a little misleading because they fall under technically outdoor dining, there is no intent to have dining out there, it will be appetizer kinds of things but not sit down dining, that is not going to be a component as we anticipated, it is too far from the kitchen to be effective so it is obviously slightly farther. He referred to a picture displayed and said it is a tent structure that bolts down and has a canvas top and has some curtains on the sides that could be closed in inclement weather but it will sit between the building and the greenspace to the east. He said that is the area right there and of course they will be eliminating quite a few parking spaces in that area but fortunately because the cinema required so many spaces. He referred to the next displayed photo and said this area back here will become the valet zone and you can see the hatched area, that is what was dedicated originally for the parking lot and reviewed all of those numbers and we have given the numbers to Mr. Averill so the parking exceeded on the site and the lot coverage doesn't change because it was a paved surface to begin with. He said the odd thing about it is currently the drainage comes down this drive and tends to go towards the building and this became kind of a flood area, prone to flooding so the civil engineer has come up with a concept to approve this and channel the water to the proper drainage that is here and allow us to put our tent structure there. He said there is a pole light here that will be removed (he referred to the site plan), it is in the footprint, it is actually a reduction and lights go on that, those are very important for parking but not needed for us, the structure itself will be just lit with outdoor lights, eco lighting that has already been approved. He said the hours match everything that we have already gone through and the sound, we understand, there is no amplification of sound and all of those issues you already brought up for the previous conditional uses were applied and we understand and accept that.

Mr. Lamanna said yes, the requirements of 143.02 (b) are pretty comprehensive and detailed. He asked if this structure is going to be taken down in the winter or is it made to stay up all winter, is it made to carry the snow load and everything.

Mr. Ciciretto said yes.

Mr. Lamanna said you are probably not going to be using it in the winter.

Mr. Ciciretto said not likely, there is no plumbing but it is designed for snow load and people can walk on the canvass, it is that strong. He said you can see we buffered the front, the north and the south side with landscaping, there is a service garage for tables and chairs in the back. He said they complied with all of the fence regulations which are not only zoning but for the State Board of Health for alcohol consumption and that lot to the east you see that it is a heavily wooded lot so we are some 300' he thinks to the east away from the nearest homes and over 1,000' he thinks from the nearest homes to the north.

Mr. Lewis asked if the side panels open but they maybe have dropped down rollup curtains or whatever.

Mr. Ciciretto said they are actually curtains with no fixed panels on it.

Mr. Lewis said so they all tie in as a fire exit should you need it as well because it is a soft wall.

Mr. Ciciretto said yes, exactly, basically there will be exits on each end and directly to the outside and technically when you head to the west it will go back into the building. He said people will be greeted during Happy Hour or having the ceremony start there and then back into the building for their catered event.

Mr. Soryal asked if there is a covered breezeway between it and the building.

Mr. Ciciretto said there is not, no. He said we think that if it is a rain situation we may put out umbrellas or something but it is part of the design, it is not connected so they don't believe that a fire would become an issue with that, there is really nothing to burn.

Mr. Lewis said section 143.02 (b) says outdoor dining areas should be contiguous with the principal permitted restaurant or tavern use. He said he is interpreting that as connected or are we saying continuous that it is a flow and whether it is under cover is not relative because it is not a connected structure.

Mr. Ciciretto said he interpreted it that way because he thinks that it is on the same property and strictly being used only by this entity, they could connect it but they thought that was not necessary.

Mr. Lamanna asked how far away it is.

Mr. Ciciretto said 32' and it is kind of an issue because some of it has to do with separation from the building whether the building department would have interpreted it as a building structure or just an outdoor tent structure, non-permanent type structure.

Mr. Lamanna said it looks pretty permanent to him, like when you take steel things and bolt them into foundations he thinks we can move to the level of permanent.

Mr. Ciciretto said but this doesn't demonstrate that there is a big contour drop here so you see it come out and there will be steps and it will have to be handled through a sidewalk or around the back of the building to a level space so it is not the most easy thing to connect because of just the grade.

Mr. Lewis said so your ADA solution is kind of the other route.

Mr. Gutoskey said there is actually 4' of fall along there and from the east edge of the parking lot to the west end there is like 4' of fall and then there is fall towards the building because we raised the floors so the grade is to the north and south end of that.

Mr. Ciciretto said remember in the old days when you would go to the theater there was a wall here, it sloped down so these areas were lower than the sides.

Mr. Lamanna asked how is the service going to be provided there in terms of bringing consumables when people are out there, how are you going to bring whatever Hors d'oeuvres and drinks, how will that be handled, is it coming through the event center or is it coming from around the outside.

Mr. Jim Gibson testified that it is through the event center so there is a large kitchen that is right in the middle of the two. He referred to the site plan and said this is the kitchen right here, it feeds this way and there is only access to the event center and then out this way from the kitchen. He said he doesn't want to be serving food with someone sitting down and having a plate or an entrée or something out here. He said physically getting it from in here to out here, he doesn't want to do it. He said if they are going to pass the appetizers if you want a station with some cheese and some meat or some charcuterie or veggies or something like that where someone is going around passing a plate, he is not setting up a table for 8, or 9 or 10 people to sit down and have salad, have their entrees and their dinner or anything else out here. He said presumably so if there is an event in here for 300 or 350 they can have their wedding or whatever it is outside, come back inside to a fully dressed room without having to change anything over and have everything on the same site. He said logistically having 350 people do something off-site and then come over here or try and do it here and then do a turn-around is possible but.

Mr. Lamanna said his question is it is basically you have steps going down, if that is the only way that your service people can get back and forth.

Mr. Lewis asked isn't there a walkway.

Mr. Gibson said on the north there is a board-on-board fence that runs west to east but it runs into that tree line all the way on the south-north.

Mr. Ciciretto said there is a fence, this is a paved area, the garden and this is where the landscape garden is that is coming back here so from here to the bar from the bar to here and through the back service entrance too it is all level so there are several routes but even the restaurant itself had different levels so it is a bit of a challenge.

Mr. Lewis said to Mr. Ciciretto he was looking at this print and it shows a new 4" thick, 5' wide walk.

Mr. Ciciretto said yes.

Mr. Lewis said and it looks like it connects around and it also looks like, if you don't want to take the stairs, it is sloping down.

Mr. Ciciretto said yes, that is exactly right, but it doesn't show up on the architectural drawings.

Mr. Lewis said but it shows up here, there is a provision from the top of the stairs and down, you circle around to your walkway.

Mr. Ciciretto explained the handicap access.

Mr. Lewis said so they don't necessarily have to swing in through the back door.

Mr. Ciciretto said yes.

Mr. Gibson said we made it a point that they need ADA access, we are not painting the parking lot to make it look like it is ADA accessible, it is actually ADA accessible.

Mr. Lewis said you guys made the provision so it is there.

Mr. Ciciretto said exactly.

Mr. Lewis said so it is right there so they can come right out of the banquet area where they are being served food or whatever, take the handicap loop, get down into the newer area so you are covered, you give them two routes, stairs or ramp.

Mr. Ciciretto said right.

Mr. Lamanna asked if there is anybody else here interested in this application. He said he is thinking about treating this as just an amendment or addition to the existing conditional use permit.

Mr. Averill said it is ancillary to the party center.

Mr. Lamanna said right but when you have multiple conditional uses he would like to tie it in so we've got one use when you look at the use we look at all of the aspects of that use which will include whatever conditional use we originally granted plus this is an additional conditional use on that, the time will run the same so we will be reviewing it only once, one review and that review includes conditional use A and B but it is all tied together on one property and in this case it is all tied together in one use, it is not even like it is multiple different businesses, it is all one essentially business.

Mr. Averill said regarding the other conditional use, the party center hasn't even started yet. He said you have a condition on there for a start date beginning when they actually get occupancy.

Mr. Lamanna said so this will go right with it so when it comes up for review we will do everything at once, it will be easier to manage it as one.

Mr. Averill said he doesn't know if it would matter, it is going to be separate numbers, they are separate conditional uses.

Mr. Lamanna said he thinks we need to address this question of what contiguous means. He said he thinks that probably, technically this is not contiguous and what they anticipated was that if you had a patio or deck or something like that it would run off of, again the patio is next to the building, it is not really attached to the building but it is in close proximity. He said here we have an issue because we have a down slope and there is no way to put a patio on a down slope so he thinks that given the size of the property and the actual distance away that it is it is probably alright, he is not sure that other people also probably consider the fact that if this is viewed as a separate building you've got the issue of the separation of the building requirements that they have to be so far apart.

Mr. Ciciretto said the issue is that it doesn't have sidewalls. He said he doesn't think it is the end of the world.

Mr. Lamanna said he wants to address it so there is not a question of it and also in this case there is a reason we've got a practical difficulty because there is a slope off, not conducive to put this building on a slope, it would be a little bit of a problem so that gives us justification to do that.

Mr. Gibson said there will be sandstone underneath it.

Mr. Lamanna said part of it is if we are going to do something we have got to address what is in here and we don't want to leave it needing a definition, we really need to address it and the other thing is we have a basis for granting this and saying for the purposes here because of the slope that we are allowing it even though it may not meet the technical definition of contiguous. He said if somebody else comes in and wants to do the same thing but they don't have the same issues then we can consider that one on its own merit that way it makes our decision particular to your property and we generally want to make all of our decisions particular to the property that we are talking about because generally if it is a practical difficulty that is sort of the base line of the definition and also we don't want people coming in and saying you let them do it but you won't let me do it and this way we have something we can point to that this is why we made this decision, you have a different set of conditions and that is why you may have gotten a different decision. He said it is a little bit of public perception to make sure that people understand we are doing this in a fair and even-handed way so that is why he would like to address it or if someone is going to come in and say it says contiguous, why did you ignore that, we can say we didn't ignore that, we addressed it and this is how we resolved it so in the end it doesn't matter to you but from our procedural standpoint it is important that we cover these things.

Mrs. Kimberly Gibson testified that they want to do it the right way.

Mr. Lamanna said it is much easier for us now because the requirements of Section 143.02 are fairly spelled out of what you have to do and if you want to do something different you have to come and see if you can get a variance, that would be the only way to do it just so we understand that like he said it makes the board's life a lot easier because we used to have to address these issues specifically as part of the process and this way we don't have to do that.

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

BZA Motion 2025-18 – 8200 E. Washington Street

Mr. Lamanna moved to grant a conditional use permit for the purpose of constructing an outdoor tent for an outdoor dining area.

1. There is an existing conditional use for the party center which was a use granted at 2022-50, so this use will be a permitted conditional use under the conditional use provisions, however, the board will consider the two conditional uses to be joined together and will leave it to the discretion of the zoning inspector as to whether it will be done under a single number or have two numbers but for the purposes of the renewal and duration of these two uses they will be contemporaneous so that their timing for renewal will be the same.
2. The board reviewed the application for an outdoor dining area and notes that it would appear to meet all of the requirements for that in terms of the plans and that the area will be constructed in accordance with those plans and in compliance with the architectural requirements of the plan.

BZA Motion 2025-18 – 8200 E. Washington Street - Continued

3. The board also notes that the applicant is aware of and will abide by the provisions of Section 143.02 (b) which deals with the actual operations of the outdoor dining area and the board also notes that all of the general standards and the specific criteria for conditional uses in 117.13 will also apply except that a specific variance may be granted with respect to those provisions.
4. In looking at this conditional use the board notes that there is a requirement that the outdoor dining area be contiguous with the principal permitted restaurant but in this case the outdoor dining area is located adjacent to and given the scale of this property and the size of these buildings is also quite close to the existing permitted restaurant or tavern use.
5. In this case there is also, on this side of the building, a sloped grade which would make it impractical and impossible to build a patio area without moving the distance that they moved away to reach an area of level ground where this could be built and therefore the board finds that with respect to this specific property and its particular characteristics and the nature and location of which this can be actually constructed that it will satisfy the requirements of being contiguous with the permitted dining area.

Mr. DeWater seconded the motion.

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

Mr. Gutoskey returned to the meeting.

Application 2025-17 by South Franklin Circle for property at 16575 Franklin Street

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

Mr. Bill Fehrenbach, Vice President of Project Management of S. Franklin Circle; Ms. Kendra Urdzik, President/CEO of S. Franklin Circle; Mr. Michael Schweickart, TMS Engineers; Mr. Tom Sherman, SES Design and Design Engineer for the Generators; Mr. James Vail, Attorney for S. Franklin Circle were present to represent this application.

Mr. Lamanna swore in Mr. Bill Fehrenbach, Ms. Kendra Urdzik; Mr. Michael Schweickart, Mr. Tom Sherman and Mr. James Vail and he let the record reflect that Mr. Fehrenbach, Ms. Urdzik, Mr. Schweickart, Mr. Sherman and Mr. Vail were duly sworn.

Mr. Bill Fehrenbach testified by saying they have a Power Point presentation. He said that S. Franklin Circle is requesting to get a variance for a generator in this area and referred to the site plan displayed. He said for reference this is Rocker, this is the Metro Parks Trail that goes through our property, these are the utility lines, the power lines that feed our property and we are experiencing many power outages and we want to speak to the urgency from our residents so the generators are important.

Ms. Kendra Urdzik testified that obviously we need service for our population. She said some of residents live on the third floor of our community building and so when the elevators are down it is part of not having a generator, they are not able to accessibly get up and down throughout the building and come back to the community center for services or what is happening in the community or even just getting out for any reason so we have stair chair lifts that help but they are for one person so it is very challenging so what we are looking to do, and we have seen an increasing amount of power outages especially for an elongated one just about a year ago that we had at S. Franklin for multiple days so we are looking to bring generators to be able to have more accessibility when there is a power outage to our residents within our community.

Mr. Fehrenbach referred to the next slide and said here is that Metro Parks Trail, this is kind of a detail of our property, here is Rocker so these are the utility poles in through here, their power is fed from this transformer and our switching but we're proposing is to locate a generator here right next to where our power enters the property and we have located the pad and there is a fence that goes around it to absorb sound, we've got the details of that but it is to be set back 21' from the right-of-way, we are in front of the 100' building set back but we have just indicated where the closest residences are across the street from us but the generators would go here and there would be a sound wall on this side, an L-shape and then one more sound wall on the west side. He said they are outside of the conservation easement, where the heavy gas line is and as you saw on the previous photos it is heavily vegetated and we have indicated here that we would put back whatever vegetation has to come out for installing the facility and with the same vegetation that is there now so we are hiding it and encasing the area with a sound wall. He referred to the power point slide and said this is where the utility poles are, in the photograph, here at the generator, the switch gear and the sound walls around it. He said each one of the generators will have a sound attenuated enclosure similar to this and Mr. Sherman can speak to the sound attenuation properties and he will let him describe how much sound absorption will be with the enclosures. He said this is the product, the sound wall that we are proposing one will have an L-shape like this and then another one behind it, it is 15' tall and this shows it higher above grade but he thinks theirs is going to be about 1' above the concrete pad that the level that the generator sits on, there has to be air infiltration so it can't be flush to the ground.

Mr. Lamanna said he is looking at the drawing here and it shows an L-shape on one side and straight one with an open end, is that correct or you said two L-shapes.

Mr. Fehrenbach said one L-shape this and then a straight wall and that is done on our building #5 side of the generator, there has to be some opening for air flow

Mr. Gutoskey asked how many buildings on-site will this take care of.

Mr. Fehrenbach said everything.

Mr. Gutoskey asked what about the single units that are there.

Mr. Fehrenbach said everything.

Mr. Lewis asked the entire campus.

Mr. Fehrenbach said yes and the switch gear and transformer is our only point of entry for power.

Mr. Gutoskey said so all of the power for everything, is there any reason you couldn't push it a little bit farther north, is there a maximum distance that generators can be away from where your tie-in switch is, your transfer switch. He said he was just wondering if it could be pushed a little bit more north.

Mr. Lewis said to get it further off Rocker.

Mr. Gutoskey said yes.

Mr. Lamanna asked about the existing transformer.

Mr. Fehrenbach referred to the power point slide and said this is Rocker, this is the Metro Trail and this is building #5, this is building #4 so any further in there, the residence garden is back here and landscape and there is residence space right adjacent to that building so they would run out of room.

Mr. Gutoskey wanted to see what is on the other side of Rocker.

Mr. Lamanna said there is a section there where there is nothing.

Mr. Gutoskey said there is only one house.

Mr. Lamanna said the title situation of that land in there is unknown basically at this point in time and he is not even sure there is a way to untangle it because of who owned it and how it has been passed on and there are corporations that disappeared and there is probably no way to trace who might have a claim on the assets, you would probably have to condemn it or someone could take it over for a down payment of taxes or something.

Mr. Gutoskey said what we are seeing right now is the transformer and the switch panel.

Mr. Fehrenbach said this is the transformer and this is the switch gear.

Mr. Gutoskey asked if there are other transformers through there.

Mr. Fehrenbach said only one, it is a big one.

Mr. Lewis asked how the cut-over will be managed.

Mr. Tom Sherman testified that it is a pretty straightforward process, everything is in place and then the electrical contractor that is hired for the job does the switchover, everything would be in place, the switchover would be very quick.

Mr. Lamanna said but if the power goes down, it is an automatic switchover to the generator power.

Mr. Sherman said yes.

Mr. Lewis asked what the regular startup test schedule is, is it weekly, bi-weekly, monthly with the generator.

Mr. Sherman said for maintenance, once a month.

Mr. Soryal asked for how long.

Mr. Sherman said 30 minutes.

Mr. Soryal asked if that is scheduled for a specific time of day, not in the middle of the night.

Mr. Gutoskey said it doesn't matter, if the power goes off it is going to be running in the middle of the night.

Mr. Lewis said when you are doing this because of the amount of residents there and you are running your twice a month test do you have to notify Bainbridge Fire Department or anybody on stand-by.

Mr. Gutoskey said no because it just runs.

Mr. Fehrenbach said exactly.

Mr. Lewis said because it is natural gas you don't have concerns with replenishing the fuel.

Mr. Fehrenbach said that is right. He said they would also state at this point they are still working with Enbridge getting the gas and they have 6" mains, that is their goal to get it to a natural gas generator but if Enbridge says we can't get the amount of gas to the property then we have got a fallback position that they would use.

Mr. DeWater said natural gas is usually for backup power, diesel is usually for emergency power so what is it, emergency power or is it just backup.

Mr. Sherman said either fuel can be used.

Mr. DeWater said he didn't think so because he runs nine generators for emergency sewer pump stations, they are all diesel because natural gas in a long term power outage, natural gas could fall off because the natural gas companies use booster pumps to boost their own power to supply that gas.

Mr. Sherman said this is what we are negotiating right now with Enbridge for the gas line.

Mr. Bill Lovell, Bainbridge Township Fire Department Assistant Fire Chief testified that he swears to tell the truth, the whole truth and nothing but the truth and stated that University Hospitals on E. Washington Street has a generator that is fed by gas, it is not diesel, the Golf Dome that is an air-supported structure has a generator supported by gas, not diesel and it has been determined to be more reliable and you don't have to worry about refueling on longer periods of time when we have outages.

Mr. DeWater said unless you have an extended power outage.

Mr. Lovell asked how that affects the gas pressure.

Mr. DeWater said it does affect the gas pressure because they are run by booster pumps through their lines and if power is out and they don't have their own source to keep that booster to keep the natural gas flowing.

Mr. Sherman asked if the boosters are electric because in a lot of places the compressors are natural gas powered compressors.

Mr. DeWater said with their sewage pump stations they have to be run off of diesel just because if they lose the pressure you are not pumping sewage back into people's houses and he does know that the Moreland Hills Police Department is run off of diesel because they have two emergency back-ups but the Service Department is run off of natural gas so it depends on your specific application.

Mr. Lovell said okay.

Mr. Soryal said there also has to be a huge difference between gas and diesel.

Mr. Sherman said in this chart this is broken out by octaves and this is the decibel level from the engine but this does not affect human hearing, this is the number that applies to human hearing because it is an A-weighted scale. He said on an A-weighted scale 1 kilohertz is unweighted, that is the key to human hearing and as you move to a lower frequency or higher frequency the human hearing falls off and an A-weighted scale follows that weighted scale for human hearing so we are at 75 dBA specified for the generator.

Mr. Lamanna asked if there are any odd levels that are higher than you would normally expect because he has done a lot of work in this area and the A-weighted average is weighted upon how your ear hears the sound and how loud it is. He said what it doesn't account for is that sound at different frequencies is not equally annoying and the A scale doesn't really take that aspect into effect so the worry is if it is kind of all even it is one thing but if you've got a peak at some point the A scale may say you are okay.

Mr. Sherman said a peak on generators, that is a the least sensitive to human hearing, it shakes the ground call a frequency so this is a minimum of 40 dB wall so by going from 75 to 35 with a 40 dB wall you've got a 10,000 times reduction in sound so right now the designer of this wall when you are 20' on the other side of the wall it is a quiet library, that is the effect of an acoustic enclosure around the generator with this wall and it was designed around the generator. He said the space that you see between the floor, we want to make sure there is airflow, this would be 6" off the ground, it would be a concrete bed that this sits on and in 4' there is another post next to the wall, a very thick wall and it is perforated on the inside for additional sound reflection but when it rains there is a 47 dB reduction of sound in the 75 dBA scale so it essentially, it is a quiet library in the nights it goes off.

Mr. Lamanna said he would ask with the opening underneath, how much sound is escaping through that opening.

Mr. Sherman said the unit is 9' high.

Mr. Lamanna said so the sound isn't going out the bottom, it is going this way.

Mr. Sherman said what you have to keep in mind, it is a 4" concrete base and then there is 6" off the ground for water and for air but it is a very small opening and we are going 15' high on a 9' high generator so the idea is that we are trying to span the area of the generator.

Mr. Lamanna asked where most of the sound is being generated, is it being generated from exhaust or is it being generated from the mechanical engine.

Mr. Sherman said most of the sound is from the engine, the exhaust is muffled, mostly just engine action.

Mr. Gutoskey said the drawing we have shows the wall 1' up but he knows you said 6".

Mr. Sherman said it is going to be 6". He said the drawing shows two 1,000 kw generators, there could be four or five hundred, we don't know the fuel source yet so it could be and probably will be some modifications to the current drawing and until we know exactly what the fuel source is and then which generator and then we will know the wall patterns and everything will be final.

Mr. Soryal asked if this wall is effective only on three sides of the generator because you have one side that has nothing.

Mr. Lamanna said the sound on that side will travel.

Mr. Sherman said it will but it is directed toward the property.

Mr. Lamanna said it is going towards their property. He said he is also assuming that probably for the generator you've got the access of the crankshaft or whatever but the noise is coming this way, it is not going that way, what is being generated. He said if it is raised up only 6" or so it is probably okay because where that noise is going to be generated is above that because the one nasty thing about sound is if he puts up a sound wall, if he puts a hole this big in it, in the middle of it, guess what you hardly notice that that wall is there because so at the end the sound is going to come out but he thinks his guess is if you looked at how the intensity the sound varies around a particular generator you find on the sides it is higher when you get around to the one that is going to be much smaller just because of the way the sound is being generated by the actions of the generator, it is not uniform, it is not like somebody setting off a bang in the middle and it goes out equally from a point, it is being generated along the lines as being generated from the line differently, probably this way it is the same but then looking this way it is going to be much different.

Mr. Sherman said on the plans also once everything is designed, installed and during the conditioning process we are going to use a calibrated sound level meter and we are going to measure the perimeters and we will evaluate the design.

Mr. Averill asked if they have any expectations around the whole perimeter because that is his fear is that once this is constructed and operating he is going to have complaints from the people on Oak Street.

Mr. Lamanna said there is no way you are ever going to account for it because he has very sensitive hearing and he can sit in his house and he can hear things that he knows are a long, long way away, it is probably quiet enough that it doesn't bother him but the various things about sound is that everybody has got their own tolerance and thresholds of what they think is annoying or loud and especially if it's night and it's quiet out and there is not a lot of ambient sound especially somewhat continuous sound, but people are going to say they hear that sound and it is annoying to them. He said this is a fact of life so he thinks probably the best you can do is say you've got to meet this level under these test conditions.

Mr. Gutoskey said that is what he was going to ask, do you do performance standards.

Mr. Lamanna said yes, performance standards because then we can say there is a performance standard, this is what the performance standard is, this is what it corresponds to.

Mr. Gutoskey said he doesn't know what it would be and asked if they have any idea what the performance standard should be.

Mr. Sherman said they couldn't find any but for Bainbridge Township the only thing we could find was a 16 dB for a rock band performance.

Mr. Lamanna said you can select and say we think this would be an appropriate level, it is a residential area that when this thing is operating, it could be operating during the wee time of the night.

Mr. Gutoskey said it could be a couple of days at a time too.

Mr. Lamanna said it could be for a long time so this is what we think would be an appropriate level of sound and this is why.

Mr. Sherman said right now their conversation is 16 dBA.

Mr. Lewis asked if the target outside of the wall is 16 dBA.

Mr. Sherman said no, outside you want it below 40, their target is 35 dBA, quiet as a library.

Mr. Lamanna said this dBA level, this is what you would normally expect if you are at a quiet library.

Mr. Gutoskey said they have to be cognitive of their residents too.

Mr. Lamanna said that is the one good thing here is they have a whole cliental that is going to be subjected to pretty much the same noise so in this case you have one of the best controls of all about things being done right is that, there is a very big disincentive not to because they will get a lot more complaints from their own residents than they are going to get from the people around but he thinks in terms of dealing with it that is the way to do so.

Mr. Lovell asked if these sound barrier walls are similar to what they erect on the freeways.

Mr. Sherman said they are not, they are high performing walls.

Mr. Soryal asked what is it made out of, it is not concrete walls obviously.

Mr. Sherman said no it is a sound absorbing material, a polymer designed for outdoor use and then it is galvanized metal and stainless steel on the outside.

Mr. Soryal asked if there is anything applied to the concrete and pad underneath.

Mr. Sherman said the concrete pad supports the walls.

Mr. Soryal said and it shows here that the closest house/residence is 189' from the corner. He said if you are investing this much money in this generator are you ever running it to get gridded back from the electric company and feed in the grid.

Mr. Sherman said it is going to be part of the current PJM Demand Response Program.

Mr. Soryal said okay so there will be times when you run it even though the power is still on.

Mr. Sherman said in the last seven years there were two events, it is not a big deal.

Mr. Soryal asked how does that work, do they request you to run it or do you just run it to get credit.

Mr. Sherman said when the grid is stressed then they give a two hour notice because they have life safety services, the normal 30 minute notice is now a two hour notice at their facility, they have two hours to respond to a reduction, it is voluntary, they don't have to respond but with a generator they can respond and they earn a substantial amount of money when they do.

Mr. Fehrenbach said and responding means turning off all of our live power.

Mr. Lamanna said so the way they are doing this, you are not actually feeding the grid.

Mr. Sherman said no.

Mr. Lamanna said you are putting the generator on to take your power feed off the grid.

Mr. Sherman said correct.

Mr. Lamanna said and then they know what that is and then they credit you for it and the only reason they would ever do it, they are only going to do it when they are reaching a peak demand and it is going to be in the summer when it is really hot is because the utilities cost of incremental power is they start approaching a demand when it goes like this so that is the only point at which it gets viable for them to say they are willing to pay you to run your generator because that is now cheaper than our next incremental peaks of power that they would have to buy or produce.

Mr. Sherman said two years ago they had an emergency event on Christmas Eve.

Mr. Lamanna said sometimes you get weird winter peaks.

Mr. Sherman said we are getting more and more winter peaks because of AI and data centers.

Mr. Lamanna said there is too much load that doesn't change seasonally.

Mr. Sherman said every year we are adding electric onto the grid because of the peak.

Mr. Gutoskey said and then just for the record this will be outside the conservation easement.

Mr. Sherman replied yes.

Mr. Lovell said prolonged outages creates a lot of concerns as well. He said he is part of the notification when the power goes out for the facility so that he can make phone calls to people that we interact with to make that a higher priority than some of the other places because we have to rely on power being there to keep the compressors working so that the air stays, the pressure in the air and the dry system that they sleep with so that we have the fire alarms that have only a certain amount of power on battery backup to maintain and we have a lot of buildings there that have fire alarms and once the dry system activates it causes a lot more problems to get it back to be a dry system and when the power outages are happening, it is typically in the cold weather when we don't want the dry system so 20 years of saying, hey, can we get a generator here, he is glad to see this happening now.

Mr. Gutoskey asked if there is anybody else in the audience that would like to comment on this hearing.

Residents of South Franklin Circle noted for the record that they were in attendance.

Ms. Kendra Urdzik said that as you can see, obviously, residents need walkers, wheel chairs, any assisted devices, oxygen etc.

Mr. Lamanna said obviously it is an absolute medical necessity. He said in terms of the existing transformer and switch gear, is that technically allowed there, is that a permitted obstruction there or is that not clear.

Mr. Averill said good question, as far as he knows it has always been there.

Mr. Gutoskey said it is probably in a utilities easement with CEI because those power lines he thinks go down into Chagrin Falls and they ran along that old railroad right-of-way.

Mr. Lamanna asked if that transformer, switch gear is theirs or is it CEI's, and if it belongs to S. Franklin Circle.

Mr. Fehrenbach said yes, it is not CEI's.

Mr. Lamanna said he doesn't know if this has ever come up somewhere.

Mr. Gutoskey said it is probably where CEI designed for it to be though to make the tie-in to their infrastructure.

Mr. Lamanna said you have to tie in where they have it.

Mr. Gutoskey said it looks like the transformer is behind the wall anyway.

Mr. Lamanna said he was just wondering, we already have electrical infrastructure built here so he was thinking if we've got the 100' setback line, is that because it is exempt.

Mr. Gutoskey said if it is private it probably isn't but drive around every neighborhood, you've got transformers every few houses.

Mr. Lamanna said they've got an exemption is what he is saying.

Mr. DeWater said he has a question for Mr. Lovell. He said so this generator will power all of their units, what do you guys need as a fire department when you come to a unit, let's say one of the units is on fire, what do you need when your truck pulls up and you identify this unit is live on a generator, is there anything you guys need.

Mr. Lovell said typically they have to shut the power off, they go to the main breaker box and they kill it from there.

Mr. DeWater said so you are talking multiple buildings here, that is what he is asking.

Mr. Lovell said they are only going to be shutting down the power to the building affected.

Mr. DeWater said okay.

Mr. Lovell said they are going to have to verify after the fact because people do their own electrical wiring after the fact so even though we throw the big switch we have to verify, if it is running off of the generator it is going to be bypassing the current switch but not the entire switch which means that when we throw that switch it is still going to make it energized to that structure.

Mr. Lamanna said all of this happens before this switch gear for the facility, right, this is all happening right at the front end of it.

Mr. Fehrenbach said there is no difference when he rolls up if they are on generator to a house or whether we are on the Illuminating Company power.

Mr. Lamanna said it is invisible.

Mr. Fehrenbach said it is expensive, but it is more affordable than having generators all over the place.

Mr. Lamanna said that is even worse, generally as things get bigger, a thing this big and then a thing ten times that is not going to make ten times the noise, it may make three times the noise so as you scale up you are actually reducing the overall problem, it is better to have a single spot and since you already have a single feed anyway, it makes it really easy for you. He said it also means too from our standpoint there is not really other good options on where to place this because you don't want to make the distance from the generator to the interconnect point any longer than you really have to because it is just a bigger point of potential failure so he thinks the fact that we've got the existing interconnection already established you are really not going to be able to move that, he thinks you are stuck with that.

Mr. Soryal asked if the enclosure for everything is 21' by 65', is that just the generator or does that include the wall.

Mr. Lamanna said the generator is much smaller, that is the overall structure.

The board discussed the size of the generator.

Mr. Lamanna said so you are going to restore any vegetation that is removed for construction purposes so we are going to be back to pretty much the same sightline that we have today.

Mr. Fehrenbach said correct and that is generally the case throughout the whole campus so what is in there now, we will duplicate it.

Mr. Gutoskey asked for service, do you have a drive internally to get to this to service it.

Mr. Fehrenbach said no, off of Rucker there is gravel pathway to the transformer now. He said it is hard to see, it is overgrown with grass, but it is there and that is the path that we have used to service the area.

Mr. Lamanna asked where is your switch-over equipment going to be, is it by the transformer or is it up at one end of the generator.

Mr. Sherman said we need to go back to one of the details of the Power Point. He explained said there will be two generators at 1,000 kw each and then this is the transfer switch here and here is where the switchgear and the transformer is, it is all together.

Mr. Lamanna said so basically it feeds from the transformer to the transfer switch to the switchgear in between.

Mr. Sherman referred to the Power Point slide and said this switch gear feeds this transfer switch unit, the generators feed this and then the two points meet here and then onto the transfer.

Mr. Lamanna said and then from there it feeds the rest of the campus.

Mr. Sherman said right now the rest of the campus is fed off of this point and we are just going to tie into that point, it is all underground.

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

Motion BZA 2025-17 – 16575 Franklin Street (S. Franklin Circle)

Mr. Lamanna moved to grant the applicant the following variances for the purposes of constructing a stand-by generator facility consisting of two generators, switching facilities and a 15' tall ground wall sound barrier around three sides of the generators and switchgear all in accordance with the plans that have been submitted by the applicant in connection with this case to the following requirements.

1. With respect to 161.11 (a)(8) a variance to allow the generators to be in front of the principal buildings.
2. A variance to allow it to be within four feet of the building(s) they serve.
3. A variance to allow it in the technical front yard of the overall facility.
4. A variance with respect to structures in the 100' front yard that does require a 100' setback to 21' for a variance of 79'.

Based on the following findings of fact.

1. A practical difficulty exists because the existing property is fed from a single connection with the public utility and a set of switchgear that distributes that power to the entire Judson South Franklin Circle campus and that generator needs to be located near that point of entry so that it is practical to switch power from the utility feed to the generator feed and these facilities already exist and it would be very expensive to replace or move and it is unclear, the question of where it is located is subject to the determination of the public utility in the final analysis and there is no assurance that it would be possible to move these to another location.
2. The board also notes that this is a large campus and consists of multiple large buildings housing individual residences, assisted living facilities and independent living facilities as well all fed from the same electric source therefore the requirements in 161.11 cannot be applied in the normal sense to a situation developed like this and probably not designed in the first place to deal with this type of thing and can only practically be met by a massive number of individual generators which would create incredible difficulty in terms of infrastructure and the like and would be more intrusive and have a worse effect on the neighborhood than a single facility as is proposed. The primary concern with this facility is potential adverse impact on the neighborhood from the noise that would be produced by the facility.

3. The board notes that the applicant has agreed to restore all of the existing vegetation in the area to add sound attenuation and also as part of the plan there is a specifically engineered and designed sound attenuation structure around the facility that is designed to reduce the sound intensity from the generators when they are operating.
4. The level outside of the structure at the property line will be 35 dBA measured on the A scale and when they are ready to go into operation or complete the construction and doing testing at some point they will give the Zoning Inspector notice that they are going to run tests and provide certified test results that show that it meets that requirement. Final testing will be done when it is ready to go into actual service and then two years from the date that they do the initial test they will do an additional test and the future testing requirements will be addressed at the renewal time and then it will then default to the overall site CUP date so the next time the CUP comes up for renewal you will have another test in connection with that renewal.
5. With respect that these plans were submitted for two 1,000 kw generators running on gas, there is a possibility of whether the availability of gas will be successful and if instead they can go to four 500 diesel powered generators, there will be no underground storage and the fuel will be self-contained in those units and it will be the same footprint, just a different configuration in the type of equipment doing the same function, just a different fuel supply.

Mr. Gutoskey seconded the motion.

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

Application 2025-16 by South Franklin Circle for property at 16575 Franklin Street

The applicant is requesting a review, renewal and expansion of an existing conditional use permit. The property is located in a R-3A District.

Mr. Bill Fehrenbach, Vice President of Project Management of S. Franklin Circle; Ms. Kendra Urdzik, President/CEO of S. Franklin Circle; Mr. Michael Schweickart, TMS Engineers; Mr. James Vail, Attorney for S. Franklin Circle were present to represent this application.

Mr. Lamanna noted that all of the representatives for this application were previously duly sworn with application 2025-17 by South Franklin Circle.

Mr. Bill Fehrenbach referred to a Power Point Presentation and testified that there is a little historical perspective here. He said twenty years ago this campus was granted a Conditional Use Permit and this is a recorded plat of what was granted for S. Franklin Circle to build on this property under the Conditional Use. He said everything in red here are buildings that were approved but never built, these six townhouses were never built, the apartment buildings were never built and none of these were built, he referred to the site plan and so what we are talking about today is why this campus and the approved layout does not meet the needs of our current community and he would like Ms. Kendra Urdzik, the CEO of our organization to describe what that means and what the conditions are that led us to that.

Ms. Kendra Urdzik testified that she is sure you have heard of the Silver Tsunami, right, we are all aging, twenty years ago she was working on this project and by 2030 all of the Baby Boomers will be 65 or over which is incredible to think about and we are already seeing the boom at Judson, we are at 95% to 96% at any given day at South Franklin Circle so we are really to capacity at this point but on the next slide is just the amount of individuals who have memory care needs and has been exponentially growing, we see it every day, we see it on our campuses but 7 million today but it is almost going to double by 2050 so you think about 1 in 9 right now, it is going to be almost 2 in 9 individuals with memory care needs so we just want to try to preface that with where we are today and what we are seeing. She said it is not only nationally what is happening across the country and people are living longer, they are having high propensity memory care so on our campuses people are moving in somewhere between the age of 85 and 86 is about our average age now are having high propensity who have memory care needs so when we look at the original design from 20 years ago and putting in more independent living, that is not what we need today. She said they have 40 assisted living currently at the South Franklin Circle campus but we need to expand and truly care for those who have memory needs in a different environment as well and there will be four small homes, twelve person homes that will be able to support people living with memory care in a smaller environment, much more home like environment and Mr. Averill went out to see this at another community with us to see it in action, Notre Dame campus another Jennings Center for older adults, they have a very similar model so that is what we are looking to do, to really serve both the residents of Bainbridge, we have about 40 Bainbridge residents who use and enjoy the campus and it is really thinking to the future because this isn't going away anytime soon so we need to be able to position ourselves and to be able to serve the community so we want to share where we are.

Mr. Fehrenbach said to Ms. Urdzik's point the Phase II of the originally approved campus planned for South Franklin Circle will not meet the needs, our needs require more memory care so South Franklin Circle is here to request to modify that Phase II to respond to the needs and that means the immediate Phase II is proposed of four homes, a total of 48 units each, they are single story homes, they are residential in nature, we will get into some of the details of that and in the future, not for tonight's discussion, but in the future they would still like to be in the green pattern, this isn't the first drawing, there were those seven independent living cottages that they would still like and may need to build those in the future but six of those instead of the seven that are there so we are just holding that in advance to see what the market tells us what we need to do, we do not have any current plans to build them but we just put it out there as it was part of the original approval and they would still like to preserve the option to have them.

Mr. Lamanna said so you are going to get rid of those other buildings, they will move into the spaces where those other buildings were.

Mr. Fehrenbach said correct.

Ms. Urdzik said exactly.

Mr. Lamanna said it is a very good idea of what you are doing.

Mr. Fehrenbach said this table summarizes that originally they had an original agreement of 209 independent living apartments, 71 cottages, 40 assisted living, we weren't talking memory care at that time for a total of 320 units which was the cap on their development agreement. He said right now on the ground today they have 143 independent living apartments, 56 cottages and 20 assisted living and 20 memory care units. He said of the 40 assisted living, 20 of that because the need is so great was dedicated, one floor, to memory care so for a total of 239 units. He said what we propose tonight is 145 independent living apartments, 56 cottages, that doesn't change, 18 assisted living and 48 memory care for 267 units and that gives them just under the 25% cap. He said they are by their agreement they can only have 25% of the assisted living as a percentage of the total units on the property so we are in compliance there. He said these are for future consideration just so that if we extend out what we thought we could possibly do on this building those six cottages and maybe converting or adding nine more assisted living if we need to at Crane House, we would still be under the need for every type of unit we would continue to need 282 units total which is still under the 320 total cap and this would be it, they wouldn't be doing anything more on the property forever that is why we call it the future buildout.

Mr. Gutoskey asked the units or the buildings you are eliminating here to build a memory care, those were all originally going to be apartments, they were part of the 209.

Mr. Fehrenbach said that is correct. He said this is the campus plan that we were talking about earlier, with the generator over here at Rocker, this is the neighborhood of the four single story houses for memory care that we are requesting, right now it is just an open field, that pond exists there, that pond was there for storm water detention for those larger buildings if they were ever built so that pond is still small because there is not much water going into it. He said four units, they talked to Mr. Bill Lovell about their driveway access to all of these units and behind it is a very important outside protected courtyard that residents will have full access to 24/7, 365 so that is the extent there. He said parking on the street, on Harris Farm, the connections that we are making for sewer and water and gas are utilizing the main that is already there and the transformer is ready for electrical for those two buildings so we are using a lot of the infrastructure that is already in place anticipating those two large buildings and the homes to take care of the needs of these four houses. He referred to the next slide and said this is kind of a 3-D rendering, elevated, that the architect drew up to give us a feel for what the neighborhood is going to look like, here is Rocker, this is Jordan Gardner Oval, this is the pond back there and then a courtyard will be here, it is a very rolling topography so that the houses built, again, will have a very typical look to the rest of the campus with a veneer clapboard Hardie plank siding and so on and so forth so it blends in and matches the vernacular of the architecture of the rest of the campus. He referred to the next slide and said these are elevations that are typical, again, Hardie plank siding, stone veneer, demonstration is the same as all of the other buildings on the property so again, roof pitch, any architectural elements.

Mr. Fehrenbach continued by saying the architects were charged with making it look like it fits so the height of the buildings is, we worked with Mr. Averill on that so that is in compliance but again they are all single story, fully sprinklered buildings, 12 residents per house. He referred to the next slide and said this is the floor plan, each house is a self-contained unit, it has a kitchen, living and dining area, a four season porch and then 12 apartments on the perimeter so that everyone has lots of light, we have a receiving area in back of the house up here and all four are similar but they have slight differences, it is their intention that each resident in each house has a uniqueness to it and its exterior look so that the residents can identify and clearly identify this is my house so there is enough differentiation for them to be comfortable with, which house is theirs. He said this is the grading and part of the application for stormwater management that has been submitted to Carmella Shale, they won't do any approval until we get the construction drawings and the design development drawings but she is aware and the civil engineer is working with her. He referred to the next slide and said this is a ground level of an architectural rendering to give you a sense of what the structures will look like and how they will fit into the general environment. He referred to the next slide and said the interior, this is to demonstrate again, each house has its own color palette, again for differentiation for our residents to call their home theirs. He referred to the next slide and said this is some of the application requirements, they have a number of employees, they have 12 employees at the maximum staffing, parking spaces are met for the 25 spaces including 6 ADA required and this is based on the formula that was in the ordinance. He said lot coverage is calculated by the original buildings that we saw on the first drawing when we calculated out what the coverage was for that and all of the walkways and everything around it with 1.89 acres, tonight what we are proposing for all of the four houses and surrounding hard surfaces is 1.81 so we are .08 under the 20% cap for site coverage. He said you also asked for a current traffic study before we started Phase II, Mr. Michael Schweickart is here who did the original study for this.

Mr. Michael Schweickart testified that these types of facilities just don't generate a lot of traffic, they are in bed so they don't drive so what you have is staff, you have deliveries and you have visitors and when you talk about only 48 beds in your peak hours you are talking about in the AM nine trips and in the PM twelve trips and that is the highest that you are going to get and those are so low that it changes from hour to hour you will never even notice that there is a difference because you change from hour to hour more than what this generates so it will never be noticed. He said most DOTs throughout the United States use a maximum trips of 60 or 100 depending on which DOT you are talking about as at that point in which they want to have greater studies to determine what those impacts might be but when you are under 60 you don't change the capacity of the roadways and you won't see that the traffic is an issue with a facility of this size.

Mr. Lamanna said he can't say that there has been much evidence that there is a traffic problem anywhere around this facility just from personal observation and talking to people, he drives around that area all of the time and you don't even notice and also these types of facilities there is just not a lot of extra traffic. He said the residents are obviously not making any traffic in and out themselves and his guess is that the visitor rate is probably significantly lower for these facilities than a hospital or something like that.

Mr. Fehrenbach referred to the next slide and said it also asked for a landscape plan and if anyone has ever been to the campus we are very proud of the landscaping, they intend to do nothing less on this one, they do have a fully layout landscape plan so this is here for your inspection but they will get far more details into it when we get there but suffice to say it will be more than sufficiently vegetated. He referred to the next slide and said it also asked for a photometric site plan so this is one of seven sheets on the lighting plan, they are adding the design development now. He said highlights here, no pun intended, are the street lamps that are out there now will remain, some of them will have to be relocated to fit into parking islands just so the parking layout works, all of the rest of the lights around here and the sconces at the front of the building are glare inhibiting fixtures and all of these in the back are meant solely for downlighting, for navigational purposes for the residents to walk on that path if they choose to do so at night so there is no great lighting plan, everything is pretty functional and antiglare but the photometrics are there for you to look at should you want to. He asked if there are any questions.

Mr. Soryal said that area you call the garden, is that fenced in.

Mr. Fehrenbach said yes, it is fenced in, that property slopes down so the fence will be down-sloped so it won't be visible as much and it will be covered with vegetation but it starts at one home and goes to the other so anyone who is out there who wants to garden is at low risk and they are fully protected.

Mr. Lamanna asked if they have an existing license for memory care.

Ms. Urdzik said it is all under assisted living.

Mr. Lamanna said it would just be a physical expansion of that so it is modified so you have more places to put people.

Ms. Urdzik said it will be a true memory care neighborhood which allows residents to have space and move within the homes and have much more of a home life.

Mr. Lamanna said it is a very interesting concept.

Mr. Gutoskey said all of the setbacks are good and the lot coverage looks like it is good.

Mr. Lamanna said the board is looking to adjourn this until its next meeting. He said there are some things the township wants to look at more closely and just go over in the interim period that they haven't had time to do yet so this will give them a chance for the trustees to dive into this a little more in depth so they can see what information they need to present to us from their standpoint, the questions they may have. He said he thinks the presentation was good and we are not looking at some large scale expansion, we are looking at if anything it is probably going to be a little less intensely developed when this is done but he thinks they need to look at it and make sure all of the issues are covered, that is really what it is. He said from most of the issues we deal with you have provided us the information we need to evaluate it from your side so he thinks we just need to get this additional information to see whether there are things that may need to be addressed.

Ms. Urdzik asked if the next meeting will be the third Thursday of November.

Mr. Lamanna replied yes.

Mr. Lewis said we will go ahead and put you on the agenda now.

Mr. Lamanna said yes, specifically to our next meeting.

Mr. Fehrenbach asked if they have all of the information the trustees will need or will they need some additional information that he will need to provide.

Mr. Lamanna said he can't say for sure and we will tell them if they have anything that they need to reach out to you as soon as possible.

Mr. Fehrenbach said he has been trying to do that with Mr. Markley for probably a month and a half.

Mr. Lamanna said he is our liaison so we will make sure we get that message back to him and he thinks that most of it is internal stuff that they need to do from the date the township has on its operations and things like that more so than any questions on what is going to happen but he will make sure that we convey to them for them to think ahead a little bit and if they think there is something that they may need to know from you to get it to you as early as possible so we can get all of this in at our next meeting.

Mr. Lewis suggested that the Board of Trustees receive a copy of the presentation from tonight.

Mr. Soryal asked when the actual construction will be taking place, do you have a goal.

Mr. Fehrenbach said their goal is to start the middle of next summer.

Ms. Urdzik said they have a great need.

Mr. Fehrenbach said they need some indication because they need to move some dirt and they need to cut some trees.

Mr. Lamanna said the board will hopefully try to get this wrapped up at our next meeting.

Ms. Urdzik said to the board, there are no concerns from your standpoint.

Mr. Lamanna said no, not from what we have seen so far. He said from a structural standpoint certainly not, if there are questions they are probably going to be more on the operational end of it perhaps.

Mr. John O'Brien said he wanted to say thank you, he has been here before and he worked very hard on getting the last fire levy passed and we are here because we live here.

Mr. Lamanna said it is great from the standpoint to see communities like this really get involved and it is nice because it shows an interest and the rest of the community appreciates that.

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

Motion BZA 2025-16 - 16575 Franklin Street (South Franklin Circle)

Mr. Lamanna moved to continue this application to the next regularly scheduled meeting to be held November 20, 2025.

Mr. Lewis seconded the motion.

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

Since there was no further testimony, the public hearing was closed at 9:39 P.M.

Respectfully submitted,

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Brent Barr, Alternate Member, Board of Zoning Appeals

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Ted DeWater, Member, Board of Zoning Appeals

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Devon Gamble, Alternate Member, Board of Zoning Appeals

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Joseph Gutoskey, Member, Board of Zoning Appeals

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Michael Lamanna, Chair, Board of Zoning Appeals

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Todd Lewis, Vice Chair, Board of Zoning Appeals

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Emeil Soryal, Member, Board of Zoning Appeals

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

Date: November 20, 2025

AUDIO RECORDING ON FILE

Bainbridge Township, Ohio  
Board of Zoning Appeals  
October 16, 2025

The regular meeting of the Bainbridge Township Board of Zoning Appeals was called to order at 9:39 P.M. by Mr. Michael Lamanna, Chair at the Bainbridge Township Service Department, 17800 Haskins Road. Members present were Mr. Ted DeWater; Mr. Joseph Gutoskey; Mr. Todd Lewis and Mr. Emeil Soryal. Mr. Steven Averill, Zoning Inspector, was present.

MINUTES

Mr. Gutoskey moved to adopt the minutes of the September 18, 2025 meeting as written.

Mr. DeWater seconded the motion.

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

APPLICATIONS FOR NEXT MONTH

Application 2025-16 by South Franklin Circle for property at 16575 Franklin Street - Continuance

The applicant is requesting a review, renewal and expansion of an existing conditional use permit. The property is located in a R-3A District.

Application 2025-20 by Fellowship Bible Church for property at 16391 Chillicothe Road

The applicant is requesting a review and renewal of an existing conditional use permit. The property is located in a R-5A District.

Application 2025-21 by Brian and Lisa Benoit for property at 16361 S. Franklin Street

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

Application 2025-22 by Randall Greene for property at 17570 Snyder Road

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

Since there was no further business, the meeting was adjourned at 9:42 P.M.

Respectfully submitted,

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Brent Barr, Alternate Member, Board of Zoning Appeals

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Ted DeWater, Member, Board of Zoning Appeals

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Devon Gamble, Alternate Member, Board of Zoning Appeals

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Joseph Gutoskey, Member, Board of Zoning Appeals

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Michael Lamanna, Chair, Board of Zoning Appeals

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Todd Lewis, Vice Chair, Board of Zoning Appeals

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Emeil Soryal, Member, Board of Zoning Appeals

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

Date: November 20, 2025