Bainbridge Township, OH
Board of Zoning Appeals Public Hearing
May 21, 2026

Pursuant to notice by publication, the public hearing was called to order at 7:08 P.M. by Mr. Mike Lamanna, Chair at the Bainbridge Township Service Department, 17800 Haskins Road. Additional members present were Mr. Brent Barr, Alternate, Mr. Ted DeWater, Mr. Todd Lewis, and Mr. Emeil Soryal. Mr. Joe Gutoskey was absent. Mr. Steven Averill, Zoning Inspector, was present.

Mr. Lamanna welcomed everyone to the public hearing 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.

BZA Case #2026-3 for Mr. John Mayher at 7320 Ober Lane

The applicant is requesting an area variance for the purposes of constructing an addition to his home. The property is located in a R-3A District.

Mr. John Mayher, homeowner, was present to represent this application.

He was sworn in by Mr. Lamanna and let the record reflect that Mr. Mayher was duly sworn.

Mr. Mayher began by stating he would like to build an attached garage. The garage that was existing was absorbed into the house for living space. You used to have to come into the driveway and turn right which is very problematic because of the topography and the house, front to back, is a shallow house. The second floor overhangs the front and the back so the first floor has limited usage. It has small rooms and is broken up. Our goal was to use the existing garage as a family room, then build a garage facing the street so when we come down the drive you go right into it. We looked at every spot on the map that we could. It doesn't show clearly where the creek is, it is all ravine. To the right there would be no place to build unless we came up all the way by the street which would probably cause us to have a U-shaped driveway. On the left, if we want to stay back as far away from the street as possible, that's really the only spot it can go. And that drops off very sharply as well. You can't see it, but where the arrow is right now there is a deck on the second floor that comes off a bedroom so that's why we are asking to come a little bit forward of the existing shed roofline.

Mr. Soryal asked if he was going back as far as the deck.

Mr. Mayher answered yes, so we can stay away from the footer of the posts.

Mr. Soryal continued, so that is what is keeping you from going further.

Mr. Mayher added, the elevation shows the front porch with a gable. The gable gives the house some character.

Mr. Soryal mentioned that if you move the garage back it will be harder to tie it to the existing roof in the front.

Mr. Mayher responded yes.

He continued by saying on the engineers drawing the curve of the street, we really stayed pretty far back, almost as far as the front porch within foot or two.

Mr. Barr said, I'm familiar. There are some unique lots in your neighborhood. He said there are some driveways I would not want to tackle in the winter.

Mr. Mayher said we love it. The view from the back and the side is the ravine and it is protected because from the back window we see the high school campus.

Mr. Lamanna asked if anyone had any questions or if anyone was present to speak on the application.

Mr. Averill mentioned the contours of the property and where to find them.

Mr. Lewis stated that he wants 9 feet into the front yard setback and he is 66 feet from the road

Mr. Lamanna asked if anyone was interested in this application.

Ms. Joanie Belair, 7300 Ober Lane, spoke up saying she was the neighbor and was not sure what was happening. She did not have any questions.

Mr. Soryal asked if the driveway was going to get wider by the garage.

Mr. Ober responded, no. No one will have to back out of the garage to go up. That's another reason it would be much more convenient to just drive in.

Mr. Soryal asked if there were lot coverage issues.

Mr. Averill responded with no lot coverage issue whatsoever.

Mr. Lamanna stated that he has how wide the driveway will be all the way down to the garage.

Mr. Barr asked if the garage door on the right is for that parking spot.

Mr. Mayher stated that another thing that plays into this is the septic system. We'll be placing it in a leach field that hasn't worked in a very long time so where that light-colored dead tree is [indicating on screen] right behind that is where the septic tank will go. That's the end of the house where the sanitary empties. It ran toward the street even though that is uphill. It pumped it into the field.

Motion 2026-3 – 7320 Ober Lane

Mr. Lamanna made a motion to grant the applicant the following variances for the purpose of constructing an attached garage according to the plans submitted.

1. With respect to the front yard, a setback from 75 feet to a setback of 66 feet for the garage addition.
2. A variance for the existing home which is at 74 feet because it was originally built that way. [from 75 feet]

Based on the following findings of fact:

1. There is a practical difficulty. The lot falls off steeply into a ravine. The existing house was built probably about as far back as you could build a house originally. The existing features of the house with respect to the existing roofline and existing deck on the back side of the house prevents the garage from moving any further to the rear as well. Once you pass about the midpoint of the house the property starts to drop off pretty significantly so it would be very difficult to add this garage without some variance to allow for the placement since there is no other practical place on the lot to do this.

2. With respect to the location of this house, it's a significant distance to the adjacent properties therefore this small 9-foot variance will not adversely affect the neighboring properties, nor will it adversely affect the character of the neighborhood.

Mr. Lewis seconded the motion.

Mr. Barr, aye; Mr. DeWater, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Soryal, aye.

Mr. Lamanna offered Mr. Mayher the opportunity to sign the waiver in order to begin the projects sooner. The waiver was signed and given to the secretary.

BZA Case #2026-4 for Scott Rosenthal at 9705 Nighthawk Drive

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

Mr. Scott Rosenthal, homeowner, was present to represent the application.

Mr. Lamanna swore in Mr. Rosenthal and let the record reflect that Mr. Rosenthal was duly sworn.

Mr. Rosenthal began by stating that he would like to build a barn behind where you see the garden in a valley, for personal use. The architecture of the house, we bought it last August, the architecture of the home is modern farmhouse they call it. The design of the barn will essentially complete the look. There is currently a white fence all around the back of the

property, a tri-rail fence, no horses, just a tri-rail fence. We have golden retrievers. So the barn will match the design of the house which is white vinyl siding with a black roof. It will have about a 40 percent basketball court in it. I can't put in an actual half court but it will be wide enough for shooting baskets and personal use. It is barely visible, the only people that will be able to see it are actually present here, my neighbors the Spicers. You won't be able to see it from the street, it won't interfere with anything, there is nothing behind us, it is all wetlands and forest so it will be barely visible from the street.

Mr. Soryal asked if there was going to be a sidewalk or driveway or something?

Mr. Rosenthal responded no. There is this stone walkway [pointing to the screen] and then there is another set of stones that go, there's a greenhouse here, but there are stones that go to here and we are just going to put a couple of spacers, but it is just for us. There is no driveway, no nothing.

Mr. Soryal said I see a septic there.

Mr. Rosenthal said definitely behind that.

Mr. Soryal asked so the purpose of it being so enormous is just the basketball or is there going to be other things.

Mr. Rosenthal responded admittedly there might be pin ball machines because I've reached the limit in the home that if one more comes in, I have to go. It is literally having an entryway not going straight on to a court but make sure it's wide enough so players can shoot 3-pointers. That's why it had to be the dimensions that it is. It is not even a full true half court. It is basically 3 feet behind the 3-point line for high school but wide enough that you can shoot on the sides.

Mr. Soryal asked if that is why you need the extra height?

Mr. Rosenthal responded yes, for the basket.

Mr. Lamanna asked if this building caught on fire, how would the fire department get there?

Mr. Rosenthal answered we would use double gates and they would go through the garden. Mr. Rosenthal moved to the screen and showed a fence with 2 sets of double gates and go right through there. [They] don't go to the septic or anything, right through there. He added, good question, I hadn't expected that one.

Mr. Lamanna responded, depending on how many people are going to come and use this facility, they aren't going to be able to get a truck down through there. Everything is going to have to be done from the street. There's no driveway, no anything so it's a real consideration.

Mr. Rosenthal responded by saying I wouldn't call it a facility because it is for my kids who are basketball players. The homeowner's association gentleman came and looked at it and said well, that's where the kids are going to be, but it's not a facility.

Mr. Lamanna said if I had a storage building, most of the time there's nobody in the storage building. If the storage building catches on fire and burns to the ground, it's sad but it's not a tragedy. The building that's being used by people on a regular basis, something happens, maybe that is a tragedy, plus you have people playing basketball and other things, you have the risk of injury, risk of medical issues and my EMT guy is out on the street. He's gotta get somebody down here from there and back up to his vehicle to be taken care of so this is a consideration that we have to look at. We have to look at how this would impact potential providing of services by the Township. It is difficult, they have a driveway so there is a vehicle access so at least there is near it.

Mr. Rosenthal said I would say, we have a pool and if injuries, same thing, you can't get a, it's not that much farther. We've got a pool, that's one of the reasons we bought the house, so there's …

Mr. Lewis asked, is your pool enclosed or is it outdoor?

Mr. Rosenthal replied it's outdoor but has its own separate gate.

Mr. Lewis said it's seasonal use, as this building would have year around use.

Mr. Rosenthal said it's mostly designed for the winters and the bad weather.

Mr. Lewis asked if there is two feet of snow on the ground, can you get government services back there, medical or whatever, which you're not worried about the pool in the winter months.

Mr. Rosenthal continued, in the neighborhood there are full courts that don't have driveway access, don't have any particular access. They don't have to get zoned because they don't have a roof but they're probably farther back than where mine is.

Mr. Lamanna added there's also the issue of if you don't need a variance then it is immaterial.

Mr. Rosethal said I appreciate that it is not a variance but I could just put a full court in but that doesn't allow us to shoot baskets in the winter and we're very passionate. There's no plumbing just electric.

Mr. Soryal asked if it was going to be heated.

Mr. Rosenthal said yes. There's a design, a dual zone, and a window dual zone with cooling but it's small because fans do most of the work. Then there's a big barn door with a design on the front.

Mr. Soryal asked this side [referring to a picture], that's the face of the front.

Mr. Rosenthal said yes, that's the best I could do with AI.

Mr. Soryal said on the street you'll be looking at this side, the garage door. The gable end is not facing the street.

Mr. Rosenthal said yes, you won't be able to see it from the street, maybe the tip of it. My neighbors maybe they'll see it. The HOA likes the pine trees and they'll block most of the view so valley blockage and trees on the outside for the neighbors.

Mr. Averill asked to speak, and Mr. Lamanna swore him in.

Mr. Averill said I reached out to Bill Lovell [Assistant Fire Chief]. I asked him how long do your fire hoses reach for a barn in the back yard and he said 1000 feet is a safe reference, it depends on the truck.

Mr. Soryal asked so what do we have?

Mr. Averill responded it looks like it's around 300 [feet]. Somewhere around there, 250-300.

Mr. Rosenthal added there's also a huge reservoir right …retention basin, pond,

Mr. Rosenthal said in the end I appreciate the safety concerns. I know one of the variances is you can't go over twenty five percent of total land coverage and while I appreciate the size of the structure, it still keeps me at eighteen percent of my total land which is a real important thing to keep it under that. Steve [Averill] knows I have designs on a facility and this has nothing to do with that.

Mr. Rosenthal asked if they wanted to hear from his neighbors.

Mr. Lewis asked if he had an HOA.

Mr. Rosenthal replied yes.

Mr. Lewis stated that he was looking through his notes and asked if he had an HOA approval.

Mr. Rosenthal replied that it is attached to the application.

Mr. Lewis said alright. Did they say there were restrictions or just approve it as submitted?

Mr. Rosenthal replied they wanted it completed within 6 weeks after it is started because they are concerned with construction, making sure it is completed and they did put in their email to me that one of the things that satisfies them are the pine trees and the fact that something they are going to consider in the future that if you want to build these structures which I know, there's a huge structure going up in our neighborhood.

Mr. Soryal said that's one of the concerns. You get what you want and the next door neighbors say I want the same thing, then the next neighbor and the next.

Mr. Rosenthal responded, saying there are big structures and bigger than what I'm asking for already in the neighborhood. But one of the things that the homeowner's association was concerned about was maintaining the integrity. It's easy for me because with a modern farm house, it's a barn and with the fence it will just look [good]. And their second concern, not to speak for them [HOA] but what they told me was, the visibility. The pine trees are used for screening.

Mr. Lewis stated he had a couple of questions about the use of the building. He continued, you are the director at KCE?

Mr. Rosenthal replied, I am the commissioner of Midwest Travel Basketball and I am the Bainbridge Trustee's representative on KCE.

Mr. Lewis asked if Mr. Rosenthal was involved with KCE and their rec programs and basketball in particular?

Mr. Rosenthal answered that he runs their travel program essentially.

Mr. Lewis continued, Invicta Athletics seems to be your other role. What is that? Bringing up young people, kind of as an agent, representative from training to college scholarship and identification and image and everything in between.

Mr. Rosenthal responded that he has legislation currently pending that I drafted that is currently pending in the House and should be pending in the Senate shortly that will codify the current NIL rules in the State of Ohio. I've been a lawyer for 26 years and I've always had a passion for sports. As Steve [Averill] will attest to, I have designs, myself and a partner, we have designs on building a fieldhouse in the Kenston school district. We've been in discussions with the Board of Education for sometime but where Invicta comes in is the designs of building a multipurpose fieldhouse with basketball courts, volleyball, which will be used by KCE and the school and citizens and pickleball and all sorts of good things. But that's where Invicta comes in.

Mr. Lewis resumed you're saying that this proposed building will not host KCE related activities or event whether free or being remitted and Invicta with private trainers will not hold class or have things out there.

Mr. Rosenthal responded absolutely not. I have a partnership with a training group called Run the Show which is based out of Hudson. That's where my kids do their training. The KCE One of the reasons for a fieldhouse for our area is the fact that there is no court time. But this is for my kids. This is for them because as Coach Barr will attest, my son gets frustrated with how he shoots, he wants to come home and shoot and in January that doesn't work. They love basketball and my daughter loves basketball; this is for us. This is for us.

Mr. Lewis said just to reinforce that it is a residential neighborhood and running a business out of a structure in a residential is not permitted. So, just trying to make sure there is an absolute clarification on that.

Mr. Rosenthal continued by saying yes, that was my original intent and then I spoke to Dave [Dietrich] and Steve [Averill] and they kinda laughed and very politely said that is not happening. I had this whole grand design. I was bringing a road through the backside and this whole thing. I was like this is going to be wonderful. They very politely told me how wrong I was and actually it was Dave that sent me down this path of a fieldhouse.

Mr. Lewis interjected you received guidance.

Mr. Rosenthal responded, I did. And they said start looking for places to lease which took me down the rabbit hole to we are going to build something. But this is strict private use. Absolutely. I fully understand that.

Mr. Lewis continued by stating that he has concerns about the size of your variance. It is quite substantial. It is a 100% variance; we are doubling in size. We are going from 1250 [square feet] to 2500 [square feet] rounding the numbers, which is really, really quite substantial, and substantial by definition. The Duncan Factors played a huge role in this, then there was a court case that was settled *Roberts v [Village of] Lordstown* [(1998)] in 1988 and the court indicated that a 25% deviation or higher must be deemed substantial in nature. So, this is very substantial. That presents some challenges. As it's not permitted, it's just something you desire. I don't gather there's a practical difficulty that's been presented. It's nothing to do with the terrain or the topography or I need to shift it this way or that way based on such. This is purely a size related application. As we've kinda covered the use and guidelines on that. Putting that into the record.

Mr. Rosenthal replied with it is as small as I can make it for its design purpose. It cannot be any smaller. To make it smaller means they couldn't shoot 3s from the side or the 3s from the front. It's literally as small as I could make it or else my kids don't get what they want to do.

Mr. Barr said you're need here would be for the size of the court. You can't make the 3-point line shorter in high school.

Mr. Rosenthal replied it would be like playing in Chardon.

Mr. Barr added orr hitting the ceiling at Gardner.

Mr. Rosenthal responded correct. Chardon has, you can't put your foot where the middle school plays.

Mr. Barr said you can if you have under a size 6. You can shoot a 3 pointer in the corner.

Mr. Lamanna …on your toes

Mr. Barr responded exactly, because the court's not wide enough for the 3 point line.

Mr. Rosenthal continued to make it wide enough and to have just a couple of feet where you don't run into a wall, I wanted to make sure, I didn't want to just have a box.

Mr. Lewis said I understand the basis for your size ok, it's just something you wish to do. But there is still no existing hardship other than your desire to build a structure for the use of basketball and that's kind of what I'm struggling through here.

Mr. Rosenthal responded with respect to hardship, we have tried to get court time and personal use and we have been told that we cannot do that. So there is essentially no place for us…

Mr. Lewis asked if we is your family or KCE?

Mr. Rosenthal replied no, my family

Mr. Lewis stated KCE has pretty much gobbled most of it up.

Mr. Rosenthal responded absolutely, hence the fieldhouse discussion but it was, the varsity basketball coach said get some keys. We donated shooting machines to the high school and middle school, to the teams and it was suggested or recommended that hey, those are your machines so why don't you get keys so your son can go shoot when he wants to. I asked the administration. It was declined so I am left, so yes it is something that I desire, we desire, my family desires.

Mr. Lamanna spoke let me clarify, the door faces which way? Is it this way here on this end?

Mr. Rosenthal responded yes, sir.

Mr. Lamanna asked if the door is just for general access?

Mr. Rosenthal responded yes, it's just essentially a garage door. Nothing complicated.

Mr. Lamanna added what is the question of, keeping it closed when you're using it.

Mr. Rosenthal said we intend to because of the dust. We aren't going to have it open, I mean I have no intent to put a wood floor in there but it's still going to be a floor that you don't want to have dust in. It's not going to be open air set up.

Mr. Lewis asked what do you do, take a concrete floor and seal it? If you can't put wood down.

Mr. Rosenthal replied it's Maple Select Sport Court. It's just a polyurethane court that goes on a pad. And still can get a mess if it's all dust and sand and dirt.

Mr. Lamanna asked how much parking is there on your cul-de-sac? There's this person on the street that I live on who has a basketball court in his backyard, a big basketball. I don't know if you know who he is. Tefol,

Mr. Barr responded Mark Tefol? I know him. I know Mark. His court sits way back on the other lot.

Mr. Rosenthal offered that there are 2 full outdoor basketball courts in my neighborhood.

Mr. Lamanna continued by saying the only problem it causes sometimes is you get a lot of parking on the street.

Mr. Rosenthal responded that it is a big cul-de-sac and a long driveway. Since we opened the pool all the kids come over on their bikes.

Mr. Barr added I think by not putting a driveway back to it eliminates the thought of it being for, you're not going to have people walk. I think that makes it more personal use than if you were to put a driveway back to it and a big sidewalk and a neon sign that says open, that would be a different thing. I think with where he is putting it, I don't think that's going to be a concern.

Mr. Lewis asked what are you doing for outdoor lighting in the evening around the building. So that your family members and their youth friends as they're back there to shoot some balls.

Mr. Rosenthal responded by saying that's a great question. There are lights that go all around the pool house area. Probably a motion light above the door.

Mr. Lewis said you have a man door where you could put a timer on that.

Mr. Rosenthal added the lights that are around, sun goes down, lights go on. That type of thing.

Mr. Barr said they have light sensors?

Mr. Rosenthal continued saying I would say just one above the door, like one of those double ones.

Mr. Lewis asked if the light has to be full cut-off?

Mr. DeWater stated I think they have to be cut-off?

Mr. Lamanna asked if there was anything else? Anyone else have any questions?

Mr. DeWater said back to his landscaping. You're going to put substantial landscaping, trees around it to kind of break up the building, right?

Mr. Rosenthal replied that it's already there. The neighbor's house is right here [pointing at map] there's this albus line all these are on my property. So all of those are here and then there's a whole other line up here, of trees. That's what the homeowner's association appreciated and that's going to be part of their with future, people want to…

Mr. DeWater commented future suggestions.

Mr. Rosenthal continued that they want a type of insulation for viewing with all the trees.

Mr. Lewis then stated my question would be to Steve [Averill]. Steve, what's the existing accessory structure count on this, what's that look like?

Mr. Averill 2

Mr. Lewis 2?

Mr. Averill Yes

Mr. Lewis So this would make number 3?

Mr. Averill Ya, but they're allowed, the one is a pavilion which doesn't count because you can't measure it, it doesn't have, there's a maximum size of pavilions, but we, as you know from the zoning commission meetings, doesn't count toward building numbers and the pool house doesn't either. He's got the one open for this building.

Mr. Lewis asked you can't measure the pavilion?

Mr. Averill stated he has permits for both.

Mr. Lewis replied OK. Thank you.

Mr. DeWater said they don't count so this is really building 1.

Mr. Barr said unless the greenhouse counts but he's getting rid of that.

Mr. Lewis asked if the roof is metal? On the proposed building.

Mr. Rosenthal replied yes.

Mr. Lewis asked and the side walls are metal?

Mr. Rosenthal said yes. It's a pre-engineered metal barn.

Mr. Lewis said got it. I wonder if the HOA has standards on light reflective value of metal surfaces.

Mr. Rosenthal said that I don't know. They know what the design is. They know what the…

Mr. Lewis asked proposed colors and all that?

Mr. Rosenthal replied absolutely. Like I said, it's all, you can't see from here but it's everything's white and black or white and gray. So, they know…

Mr. Lamanna asked if the building will be insulated.

Mr. Rosenthal replied no.

Mr. DeWater stated it's going to be same, same.

Mr. Rosenthal said it will look like a farm, yes. A little too monotone for my taste, but

Mr. Lamanna asked Steve to zoom out to see the property behind us.

Mr. Averill replied this is Auburn.

Mr. Lamanna said yes

Mr. Barr said the property behind is not BeeBe's property?

Mr. Lewis said that's the BeeBe property.

Mr. Barr said he's got like 30 acres? 60 acres? Something?

Mr. Rosenthal replied 62.

Mr. Lamanna asked if this is the retention pond?

Mr. Rosenthal stated that's what I was talking about right there. Even in the winter with no leaves you can't see anybody, everything is so dense.

Mr. Lamanna stated it looks like they're a long ways away. Is that flatter through there? Goes down and flattens out?

Mr. Rosenthal confirmed that it goes down and flattens out, yes. It's very dense.

Mr. Lamanna asked if there were any other large outbuildings in this cluster here? Here I can't obviously see.

Mr. Rosenthal replied that one. That's the full-sized basketball court and then a garage with storage.

Mr. Barr stated that's a 2-story garage.

Mr. Rosenthal replied yes, a 2-story with living on top of it.

Mr. Barr said if you come farther south one more lot there's a big house with a big barn. So the house is there and then there's a barn there.

Mr. Rosenthal added and then the gentleman who I apparently ratted out.

Mr. Barr replied Stokes. Go to the back entrance, Steve, the back entrance off of …continued giving directions.

Mr. Rosenthal said right here and it's really…

Mr. Averill asked this guy right there?

Mr. Barr replied that's Stokes.

Mr. Rosenthal said they have this huge thing right there.

Mr. Averill asked the guy who parks all his cars on the side of the road?

Mr. Barr replied yes, he's building the garage so he can put the cars in.

Mr. Rosenthal said it's almost on the road.

Mr. Lewis asked if your HOA have accessory building size limitations?

Mr. Rosenthal replied no, sir.

Mr. Lewis continued in your deed restrictions or by-laws?

Mr. Rosenthal replied no, sir.

Mr. Lewis replied that he was just working down the checklist.

Mr. Rosenthal added I should say none that I've seen in our by-laws and none that, they understood the size.

Mr. Barr asked there's 2 separate HOAs?

Mr. Rosenthal replied yes.

Mr. Barr asked if one was Amber Trails and one Nighthawk?

Mr. Rosenthal stated whatever the other one is, it is a separate HOA.

Mr. Barr asked where does that split?

Mr. Rosenthal replied Edgewater. I believe that is the [pointing on map].

Mr. Spicer said up a little bit, Scott.

Mr. Barr asked that plat line?

Mr. Rosenthal asked this one?

Mr. Spicer replied up one more.

Mr. Rosenthal replied that one?

Mr. Barr replied Amber Trails vs the other one.

Mr. Rosenthal I don't know why there's two separate ones.

Mr. Barr I think Amber Trails was put in later.

Mr. DeWater added yes, Phase I and Phase II.

Mr. Barr said there is another basketball court if you go south. There's that one and then there's another basketball court that's connected to a barn. Keep going south.

Mr. Rosenthal replied I didn't even know that.

Mr. Barr continued and they have this separate garage but it's connected through a carport. So that's all one big…and then they… If you want name and address, I can get you that guy too. I think he's good. That barn was there when he moved in.

Mr. Rosenthal stated I'm sorry, you mentioned about everybody else would want to do one or somebody posed the question, Mr. Lewis maybe but that was what the discussion with the

HOA was, a discussion about making sure there's enough trees and everything, good screening. If we do this, then that, then this. That was absolutely part of the discussion.

Mr. Lewis answered, that's what I was asking about. Your HOA deed restrictions and by-laws sitting restrictions and limits, other than if you want to do something you have to go to the HOA because they typically might have architectural aesthetic approval, but they still fall under the authority of township zoning.

Mr. Rosenthal replied absolutely.

Mr. Lamanna stated anybody else here want to say anything?

Mr. Rosenthal said my neighbors came all this way.

Mr. Lewis said we have to swear you in and get your name and address.

Mr. Lamanna swore in Cristy Spicer, 9695 Nighthawk Drive. Let the record reflect that Mrs. Spicer was duly sworn.

Mrs. Spicer said we are right past the…

Mr. Lamanna asked if you're where the retention pond is.

Mrs. Spicer said yes.

Mr. Lewis questioned if Mr. Rosenthal if he was planning, through Invicta, to bring any of your trainer coaches in to this location to teach your kids?

Mr. Rosenthal responded no, they go to Run the Show. Run the Show doesn't come to me.

Mr. Lewis asked that's in Hudson, right?

Mr. Rosenthal responded yes.

Mr. Lewis said got it.

Mr. Soryal asked Mrs. Spicer if she had something to add?

Mrs. Spicer replied yes. We've been talking about it and we just say that we don't have any issues with it. We may put some more trees up in the back, just kind of in front of it but no issues.

Mr. Spicer asked if he could just ask one question, what exactly is the variance. Scott is asking just for one variance and that is the size?

Mr. Lamanna One is the actual square footage and the second is the maximum height allowance.

Mr. Spicer asked setbacks and whatnot?

Mr. Lamanna answered no, the setbacks are all satisfied.

Mr. Lewis added that Mr. Rosenthal is taking the height from 28 feet to 32-32 1/2. 28 is the zoning code max. So they're asking for the 4-4 ½ foot variance there. And then the maximum size can be 1250 feet, square feet and they're asking for 2520 [square feet].

Mr. Lamanna asked is there anything else we need to know about this that we don't know?

Mr. DeWater said my big thing with out building and that has always been screening. And if he has to add 20 trees, you have to be a good neighbor.

Mr. Rosenthal responded absolutely. If you want more trees, we'll do it.

Mr. Lewis added have we set any, I know it's private property and not a facility, is there an hours of operation that we want to talk about because of the neighbors? Or is this at 2 o'clock in the morning the teenagers can converge and play.

Mr. Rosenthal replied he would be more worried about them in the pool at 2 o'clock in the morning. But that's in the summer.

Mr. Lamanna added this is a closed building. It's going to be less like for them to say let's open the garage door because the floor may get ruined. And there's a lockout and a key on the garage door.

Mr. Rosenthal responded any noise would be. Number 1 no, I'm not going to have anybody at 2:30 in the morning, definitely not my kids. I wouldn't anticipate that. We try very hard to be good neighbors.

Mr. Lamanna added itt's always better off if it's inside rather than outside. The pool is probably a bigger problem when you get kids around it. The noise, then people… At least when you're inside a building the sound is attenuated to a certain degree.

He continued any comments? Any thoughts?

Mr. Barr stated I'm good with the rest of the neighborhood. I think it fits. They're bigger lots. I don't think you can put it in a better spot that's farther away than where he's doing it. And with them not having a road to it, I think that limits it. That puts me at ease thinking it's not going to be used for public games. Plus, with Mr. Rosenthal being an attorney, I'm pretty sure he doesn't want to take on the liability of having other kids get hurt on his property and doesn't want the referee to get run over by a car for a bad call. I have no reservations.

Mr. DeWater added there definitely seems to be oversized buildings in that neighborhood.

Mr. Lewis stated well, my thoughts, I am still struggling with this. I'm struggling with the government services under Duncan item D. I'm struggling with item G under Duncan, with the spirit and intent of the zoning resolution and complying. I'm struggling with it substantially over 25%. I'm trying to separate those issues with the desire of the applicant that wants to do something. I don't see a practical difficulty other than I need a building big enough that I can put half a basketball court in it. I'm struggling with those areas.

Mr. Lamanna said that's an interesting question. You have a use that you want that is by its very nature demands a certain size.

Mr. Lewis replied it's a self-imposed hardship based on a desire somebody wants. It is not essential.

Mr. Lamanna added no outbuilding is really essential.

Mr. Averill added if I could ask, aside from the little pool house, do you have storage in the house?

Mr. Rosenthal replied no. *De minimus*

Mr. Lamanna said if somebody wants to build something for storage, there's some point and time when you say how much storage does one person need.

Mr. Averill added I only ask because he mentioned pinball machines.

Mr. Lamanna said there is at least a reason why the building is this big.

Mr. Rosenthal responded yes.

Mr. Lamanna continued I think there are some concerns with getting services potentially back there but it's a metal building. It's not storing cars with all kinds of flammable liquids. It's probably from a fire stand point very low risk.

Mr. Barr added as a practicality of it when he mentioned with the facilities being hard to come by and this is coming from a guy who coaches and I still have to struggle to get in.

Mr. Lamanna went on I think one thing we might want you to have is some access where people can walk on so that there is a path to walk on to get there.

Mr. Rosenthal responded we were going to do pavers because that's kind of what's there.

Mr. Lamanna answered that's fine.

Mr. Rosenthal said you're not just going through the grass and the snow and the mud.

Mr. Lamanna added pavers are certainly fine.

Mr. Lewis asked can you accompany that with an evacuation plan? You have kids. If there's a fire, go out this door.

Mr. Lamanna said we're in a big open room. It's not like there's 10 different rooms and you've go pinball in one thing and this thing in there and it's a maze. This is a big open space.

Mr. Soryal commented I agree with Todd. It could be a hard pill to swallow, but you do have the property, you have the means, and you have the neighbors that support you. Makes it a little easier.

Mr. Lamanna added I think the height situation is an easy one. It's sitting down away from the street and away from where the houses are. It already has a lower profile. So I think that is less of a concern. And there's no concern, this is an open building so the height is not a concern that something would be up there that you have to get to like storage up there.

Mr. Barr said and if you go 100 feet from where it's showing there is a big barn with a guy that does have an actual barn with his animals and that's on a different level. Mr. Fine's farm.

Mr. Lamanna said the lots are big enough in the way they're spread out plus you're in a cul-de-sac. Everybody is up towards the cul-de-sac so there's a lot of space behind so when you stick something down in there it's a little different than when it's a different style arrangement.

Mr. Rosenthal added when people come to the house for the first time and they go out the back they're surprised.

Mr. Lamanna said it is really expansive.

Mr. Rosenthal added it really opens up.

Mr. Soryal joked until you build this thing.

Mr. Lamanna continued the one thing about where it is is that it is out of the main line of sight of both houses because the angle cuts away from the neighbor's house there. It's really pushed way out of their line of sight. When they're looking out the back it will barely be in their eye line.

Mr. Lewis added and the smaller lots on the street below on the right, do they have any visibility?

Mr. Rosenthal replied I cannot see them.

Mr. Averill stated I was trying to find the section where it says "accessory uses for swimming pools subject to regulations 135.02 (c)3 shall not be included in determining the maximum number of buildings per lot. They do have to be permitted, they do affect lot coverage, but they don't use them to calculate the numbers.

Mr. Lewis replied thank you, Steve.

Mr. Averill answered you're welcome.

Mr. Lamanna questioned if there were any other guidelines on screening beyond what we have.

Mr. Lewis responded what does the HOA require of him?

Mr. Lewis asked are you talking about adding more screening?

Mr. Rosenthal responded yes. This is all pines here. So,I don't have any problem putting some here [indicating on the map] and here.

Mr. Lewis stated a continuation of the same?

Mr. Rosenthal responded yes. We replaced 3 dead ones last week that were here. That would be the line.

Mr. DeWater asked how many do you think you'll put in?

Mr. Rosenthal responded I don't know.

Mr. Soryal added it's gonna take a few years before it goes to 32 feet though.

Mr. Rosenthal answered you can put in a regular pine now and it will almost block it because of how down it is.

Mr. DeWater asked thinking maybe 6? 7?

Mr. Rosenthal answered yes.

Mr. Lamanna added along the property line by the corner building there?

Mr. Rosenthal stated I would just continue the line to keep it uniform with what's on the top there and just add to it. My wife and I had talked about that anyway.

Mr. DeWater said 6 or 7? When it comes to landscaping odd numbers are better.

Motion 2026-4 9705 Nighthawk

Mr. Lamanna moved to grant the following variances with respect to the requested structure proposed in accordance with the plans.

It is an open area structure, that fact is part of the reason for granting these variances.

Two additional requirements we are requesting. Both are necessary to ameliorate matters that would otherwise prevent the Duncan Factors from being established in a way that would allow the granting of this variance.

1. A variance for maximum building height from 28 feet to 32 feet. Approximately 4 feet 11/16-inch variance. This variance is not a substantial variance. Also, because this building sits down significantly from the street level the additional height will not make the building substantially more visible and since there is only a ground floor in this building there is no additional risk created with respect to fire fighting in this building.
2. A variance for maximum building size, grant a variance from 1280 square feet to 2520 a variance of 1240 square feet.

Based on the following findings of fact

1. This obviously is a very substantial variance, but in this case the proposed accessory use is for a partial basketball court which necessitates a larger building to be able to satisfy that use.
2. Also, considering that there are other large accessory buildings in the area, this would not adversely affect the neighboring properties or would the change be inconsistent with the character of the neighborhood.
3. Where this building is located, sitting down, it is less intrusive and poses less impact because it is not subdivided or used for storage, things moving in and out all the time, or vehicles or other situations that would create additional hazards or additional difficulties in terms of fires or other calamities at the location.

The applicant has agreed to the following items.

1. Planting 6 10-foot pine trees along the property lines in the area of the proposed barn.
2. Put in at least a path of pavers or other similar hard surfaces so that there is anidentifiable access back to the building. If emergency personnel would have to go back there, they would have at least a developed area to be able to reach the building so that would ameliorate the impact upon the provision of services by the township.
3. Note that this is an accessory structure which means that it can not be used for any loan purposes nor can it be used for conducting any kind of a business activity in any form or be used for organized sports league like KCE or anything like that. Private

use or private friends, but not organized use would be permitted. Uses for anything that could be considered a business or related to a business or commercial operation of any kind would not be allowed.

4. Finally, the applicant has also agreed to remove a greenhouse which obviates any issue as to the total number of accessory structures. By removing the greenhouse, it will make this barn the second accessory structure which would be permitted.

Mr. DeWater Second.

Mr. Barr, aye; Mr. DeWater, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Soryal, aye.

Mr. Rosenthal thanked the board and stated he appreciated the panel's time and dialogue.

Mr. Lamanna offered Mr. Rosenthal the opportunity to sign the waiver in order to begin the projects sooner. The waiver was signed and given to the secretary.

BZA Case 2026-5 for Nathaneal Dunn and Lauren Paszt at 17380 Lookout Drive

The applicant is requesting an area variance for the purpose of building an in-ground pool, fence, shed, patio (existing) and firepit (existing). The property is located in an R-3A zone.

Mr. Nathaneal Dunn, architect for the project, 7948 Mayfield Road, Chesterland was present to represent the application. Mr. Lamanna sworn in Mr. Dunn and let the record reflect that he was duly sworn.

Mr. Alan Paszt, homeowner, was present to represent the application. Mr. Lamanna swore in Mr. Paszt and let the record reflect that he was duly sworn.

Mr. Lamanna said tell us what you would like to do.

Mr. Paszt answered we would like to put in a pool.

Mr. Dunn stated we are proposing a new pool and surrounding patio and pre-built shed to house the pool equipment. We had a survey done at the beginning of this project and in that process we also discovered that there is an existing pergola, patio, and fireplace that were there when Alan and Laura bought the property that encroach a little bit on the set-backs as well. So those two items, we were told that we needed to bring those to the board in addition to the new construction that we are proposing. We have a fence that connects to the house on both sides and runs the perimeter of the property. We are proposing an evergreen screen along the east side of the property to screen anything from the neighbors. There is already an existing one on the west side of the property. What we tried to do here was locate the pool in such a way that it allows it to be useful to the owners with the patio spaces and distance away from the house and still allow a little bit of landscaping around the house as much as possible. That's where we ended up with the current location. We do have HOA approval. They gave us that approval without any comment.

Mr. Lewis asked were the fireplace and pergola, those are structures, did the property owner pull permits on those.

Mr. Dunn answered no.

Mr. Lewis asked if the current homeowners put those in or were they preexisting?

Mr. Dunn responded that they were preexisting, the previous owner did.

Mr. Lewis replied alright.

Mr. Averill added they will not count as structures towards the total numbers as noted in the previous case.

Mr. Lewis asked if Mr. Dunn or Mr. Paszt were familiar with the history of Canyon Lakes coming to be with the Township and the Geauga County courts?

Mr. Dunn replied I'm not personally.

Mr. Lewis continued that there is a[n] agreed judgement entry. There's a 50 foot set back of buffer space around the entire tract. You have some of that in your back yard. That is by court order an absolute no build zone. You have a couple of structures, preexisting, that are in there, but that's not a green light to accept more of what would be a violation of a court order.

Mr. Averill was recognized to speak. He said the 50 foot setback is strictly from the rear property line. There is nothing else to consider. I checked with Laura Cramer [Canyon Lakes HOA] today just to confirm.

Mr. Lewis responded she confirmed that?

Mr. Averill answered yes. This is single family. This isn't cluster. Cluster you need from perimeter of the development, the boundary lines, you don't need that here. In this case, especially. Townhouses have some 50-foot buffers but they exist with the open space. In this case, it doesn't affect this. This is a totally different portion of the CJE. So, the only thing that you have to consider is the setback from the rear line.

Mr. Lewis said got it. My curiosity was did the HOA approve something that was in conflict with the judgement entry which is why the topic was brought up.

Mr. Averill replied I apologize. I should have called you beforehand.

Mr. Lewis continued we wanted it in the record anyway.

Mr. Barr asked this is not like the issue we ran into over on Brighton?

Mr. Averill answered correct, that is a cluster.

This is open space for Canyon [indicating on map], internal.

Mr. Lewis asked if that area is common?

Mr. Averill replied yes.

Mr. Lamanna said that is common area. They had to create a set amount of common area?

Mr. Averill said it was part of their agreement that they had to have so much green space, so they created common areas.

Mr. Lamanna said that's part of what they did to satisfy the judgement.

Mr. Averill responded correct.

Mr. Lamanna said so they definitely cannot encroach on that area.

Mr. Averill stated that is no man's land.

Mr. Lamanna confirmed that is no man's land.

Mr. Lewis questioned, so we are dealing with the request of relief on a 50-foot setback up to that line not within that line.

Mr. Averill confirmed from this point here, up.

Mr. Barr asked if the pool is going to the right of where the pergola is?

Mr. Dunn stated correct.

Mr. Barr asked if it will only be a slight portion of the pool that will be, part of the pool will be ok, conform.

Mr. Dunn said the majority of it is. 4 feet of the pool overlaps that 50-foot setback.

Mr. Barr replied got ya.

Mr. Averill said I broke it down per structure.

Mr. Barr replied it makes sense to me now, too. I was worried about that 50 no build zone. I didn't want to get into that Brighton situation again.

Mr. Averill said not an issue in Canyon. Canyon's lot coverage is 20% for the dwelling. Just the dwelling. There's nothing else.

Mr. Lewis asked no other restrictions on anything else? Not even the driveway?

Mr. Averill replied no.

Mr. Lewis replied ok.

Mr. Averill added they just don't want you to make your house too big.

Mr. Lamanna asked what is the new shed for?

Mr. Dunn responded that is for the pool equipment.

Mr. Lamanna asked if the pool is setting at ground level?

Mr. Dunn responded correct. It is not raised at all. This is pretty flat. We are going to do some slight modifications of the grade to keep it all level. It will be fully inground. There won't be any kind of retaining wall around it.

Mr. Lamanna stated you could rotate the shed and move it and then there would be nothing sticking up above ground in the backyard area. Is that doable?

Mr. Dunn asked if he was talking about

Mr. Lamanna stated moving this structure so it's over here and then it's very easy. Then there is nothing in this back yard area that is a structure. Then it's just a pool.

Mr. Averill said the shed is existing

Mr. Lamanna said it says new shed.

Mr. Dunn said the shed is not. The pergola and fireplace are existing.

Mr. Lewis asked if it can be relocated so it is parallel to the side yard and squeeze it up into that corner.

Mr. Dunn said we have a lot of screening over there. Is that enough to alleviate the effect of the shed encroaching on that back setback?

Mr. Paszt said the way it is situated is out of sight for us.

Mr. Dunn stated as much as possible. Originally, we had it pushed further back and then we were talking to the HOA, and they really didn't want it any further.

Mr. Soryal asked does it have to be that big, for the equipment?

Mr. Dunn stated it takes up a decent amount of room.

Mr. Lamanna said you're asking for an area variance, technically there has to be a practical difficulty. That means there is something about the property that says this thing needs to be located here. Like you've got a slope like this, and the flat spot is here, you have a septic system here, I can't put it on the septic system. So, you want a pool here, well the pool is big, the size of it makes it difficult to fit given where the house is, but with this shed there is nothing that says, other than aesthetics, which really isn't a consideration for that, this shed could be within that boundary. We have

Unfortunately, with respect to this shed, there is really not a practical difficulty.

Mr. Soryal added I think what Mike [Lamanna] is saying to you as a professional architect and you can feature and make it look attractive. You can turn it the other way and make it part of the design. Right now, it looks like a shed coming out of the ground, but you may have to make it a little more attractive if you're going to turn it the other way.

Mr. Lamanna stated if there was a reasonable way to comply, then you should comply. We aren't here to say you might like it better if it were a certain way but ours is there is something that really prevents you from doing this. We'll give you a break

Motion 2026-5 – 17380 Lookout Drive

Mr. Lamanna made a motion to grant the variance for 17380 Lookout Drive for a new patio and pool in accordance with the drawings submitted by the applicant.

1. With respect to the pool, a 4-foot variance on the minimum rear yard south side from 50 feet to 46 feet.

2. For the patio on the south side from 50 feet to 33 feet a variance of 17 feet as shown on the drawing. The patio curves around.

3. The applicant was originally proposing a shed, but they are going to readjust where the pool equipment shed is going to be so that actually will fall withing the zoning requirements for the setbacks on the side and rear so we will not have to address that. The applicant will provide revised drawings showing the final location of that shed.

Based on the following facts of findings,

1. The reason for granting this variance is practical difficulty. There is an existing house with limited space behind it so there would not be sufficient room to put in a pool and patio within the rear setback lines.
2. In addition, the pool and patio are both at grade level so since they are not elevated above ground level they provide minimal impact to the openness of the rear yard area.

3. The amount of variance granted will not adversely affect the green space that exists behind this property and will still be sufficiently distant from that and will not compromise its purpose as a green space.
4. It is also consistent with the neighborhood and will not alter the fundamental character of the neighborhood and the encroachments will be ground level it should not adversely affect the neighboring property owner's sight lines in any significant manner.

In addition to clean up some previous construction that was done at the sight, a variance on the existing fireplace of 50 feet to 48 feet 5 inches, a variance of 1 foot, 7 inches.

In regard to the existing pergola, a 7-inch variance to the rear yard setback to the south.

Both of these are *de minimis* encroachments into the setback area that were done in previous construction probably from sloppy measuring work, but they also are so small that in no way do they adversely affect neighboring properties or the character of the neighborhood.

Mr. DeWater, Second.

Mr. Barr, aye; Mr. DeWater, aye; Mr. Lamanna, aye; Mr. Lewis, aye; Mr. Soryal, aye.

Mr. Lamanna offered Mr. Dunn and Mr. Paszt the opportunity to sign the waiver in order to begin their projects sooner. The waiver was signed and given to the secretary.

Since there was no further testimony, the public hearing was closed at 9:00 P.M.

Respectfully submitted,

Brent Barr, Alternate, Member, Board of Zoning Appeals

Ted DeWater
Ted DeWater, Member, Board of Zoning Appeals

Joe Gutoskey
Joe Gutoskey, Member, Board of Zoning Appeals

Todd Lewis
Todd Lewis, Vice-Chair, Board of Zoning Appeals

Michael Lamanna, Chairman, Board of Zoning Appeals

Emeil Soryal
Emeil Soryal, Board of Zoning Appeals

Attested to by: Allana Hennette
Allana Hennette, Secretary
Board of Zoning Appeals

Date: June 18, 2026

AUDIO RECORDING ON FILE